

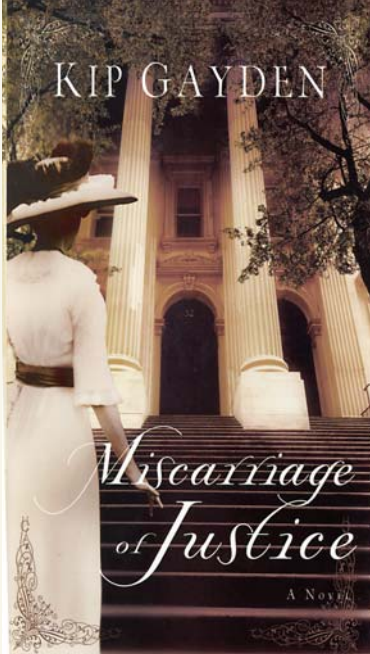
Rooker Report

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INSIDE



Hot Seller

**Judge Gayden Finding
Success With Novel**



**New Chancellor
Perkins Gets Nod
To Fill Vacant Seat**



Photo by Margaret Larobardiere

Binkley Assumes Bench

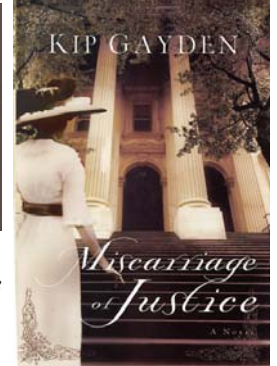
THIRD GENERATION ATTORNEY

SETTLES INTO CIRCUIT JUDGESHIP

Story on Page 2



Kip Gayden
First Circuit Judge
mixes fact, fiction
in riveting fashion



Gayden's First Novel Getting Attention

If there is one thing Hamilton (Kip) Gayden enjoys as much as being a judge, it is writing. He has been involved in a number of writing projects in the past and now has put his best foot forward in delivering a novel that has the book-buying community buzzing.

"Miscarriage of Justice" is swelling in sales at area bookstores and on a well-designed web site that graphically complements the era from which the author gleaned his inspiration.

Set in early 1900s Sumner County, the saga runs the gamut of power, money, romance, adultery and murder involving prominent people during a tumultuous period when women were becoming an organized, powerful force demanding equal civil rights.

Gayden, judge of the First Circuit Court since 1978, was moved to write the novel after researching archived newspaper accounts of the women's suffrage movement and its relativity to the murder of a prominent Gallatin physician in 1913. He combined the two historical plots into the fabric of his book, incorporating the high profile murder trial that concluded with the presiding judge declaring it "a miscarriage of justice." Hence, the book's title.

"Many of the scenes are fictional, but are based on reasonable extensions of events as reported in the newspapers, remaining faithful to the characters and to the events as they actually happened," Gayden said.

The novel is available for purchase online at a number of book retailers, including: amazon.com, barnesandnoble.com, booksense.com and booksamillion.com. Prices vary. For other information about the book and the author, go to www.kipgayden.com.

How is the book's popularity setting with the veteran jurist? "I'm having a lot of fun."

Binkley Adjusting to New Judge Role

Between winding down a successful private law practice and handling his new responsibilities as a judge, Joe P. Binkley Jr. hasn't had much time to catch his breath over the past several weeks.

The personable lawyer got Gov. Phil Bredesen's nod in late March to assume the judgeship of the Fifth Circuit Court after longtime Judge Walter Kurtz was granted senior judge status.

For Binkley, a third generation attorney with an established private practice embracing more than 38 years, the appointment marked the beginning of what he calls the "fifth quarter" of his career. The first four, he said, were divided among the various specialty areas of law.

Following graduation from the Vanderbilt Law School in 1969, he spent most of the '70s and '80s building a civil practice, then changing directions to criminal defense--the same legal genre that brought success to his father, Joe P. Binkley Sr., who passed away in 2001 follow-

ing a fall at his home. The accident was blamed on macular degeneration, a blindness disease which had earlier ended the career of one of the county's most effective criminal defense attorneys.

By that time, the younger Binkley had changed his specialty to divorce law, a "third quarter" era that would eventually give way to worker's compensation and auto accident cases.

Throughout his career, Binkley has maintained a solo practice, but has always shared office space with his lawyer brother, Mike Binkley. "We have an association," he said, "but not a partnership."

The Binkley brothers are maternal grandsons of the late Homer B. Weimar, who died of cancer in the late 1950s after serving four years on the bench as judge of Criminal Court Division II.

(See BINKLEY, Page 4)

Perkins Takes Seat on Chancery Court

Russell Perkins, a former Deputy Attorney General with the Tobacco Enforcement Division, has assumed a seat on the Davidson County Chancery Court.

Perkins, a resident of Whites Creek, was appointed by Gov. Phil Bredesen to fill the Division IV vacancy created by the recent elevation of Richard Dinkins to the State Court of Appeals.

The appointment is effective until the general election in August when voters fill out the remaining six years of the existing term.

Perkins, a graduate of the Ohio State University College of Law, first joined the Tennessee

Attorney General's Office in 1994 following a stint with the Ohio Attorney General's Office. He went on to serve in a number of positions with the Tennessee office, as well as becoming an associate and partner in the Nashville law firm of Williams & Dinkins. In 2000, he received the William M. Leech Jr., Distinguished Service Award from the Tennessee Attorney General's Office.

Perkins said he was honored at the appointment. "I believe that I have something valuable and unique to contribute to the work of this Court," he said. "I look forward to the opportunity to continue to serve my community in this new capacity."

March Trial Verdicts

Jury

Week of March 3

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-841	GSA/AUTO ACCIDENT	2		\$5,200		P-\$8,000	DEFENDANT
05C-2041	CONTRACT	6		\$44,064			
06C-2147	AUTO ACCIDENT	5		D-\$9,166			

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-909	AUTO ACCIDENT/ST	2	\$50,000	\$24,913			

Non-Jury

Week of March 24

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-2752	WORKERS COMPENSATION	2		PLAINTIFF			
07C-2711	GSA/CONTRACT	5		PLAINTIFF		DEFENDANT	PLAINTIFF
06C-3382	GSA/AUTO ACCIDENT	6		\$8,323		P-\$8,323	DEFENDANT
07C-2800	GSA/DEBT	6		\$2,000		P-\$2,000	DEFENDANT
07C-1986	GSA/CONTRACT	2		\$1,000		P-\$419	DEFENDANT
05C-137	NEGLIGENCE	6		\$140,000			
07C-3203	GSA/CONTRACT	6		\$25,270		P-\$20,000	DEFENDANT
07C-2560	GSA/AUTO ACCIDENT	5		\$25,000		P-\$25,000	DEFENDANT
04C-3694	DAMAGES	2		\$1,569,765			
07C-2282	GSA/DEBT	2		\$150		P-\$1,200	DEFENDANT

Appeals

GENERAL SESSIONS

Kurtz Sworn In As Senior Judge

After vacating a 25-year-plus career as judge of the Fifth Circuit Court, Walter C. Kurtz officially accepted his new role as a state senior judge during ceremonies on March 27.

The formal swearing-in event took place on the second floor of the Historic Metro Courthouse where state and local government leaders joined judicial associates and other well-wishers in witnessing the transition during a reception honoring the popular jurist's service to the state trial courts.

State Supreme Court Justice William C. Koch Jr., administered the oath, officially making Kurtz the state's fifth senior judge. As such, he will work on assignment from the Administrative Office of the Courts, presiding over cases throughout the state.

Kurtz now maintains a home-base office on the seventh floor of the courthouse, just a few floors away from his wife Ellen Hobbs Lyle, a Davidson County Chancellor.



Photo by Margaret Larobardiere

Longtime Circuit Court Judge Walter C. Kurtz, right, is administered the judicial oath by State Supreme Court Justice William C. Koch Jr., during ceremonies marking the beginning of Kurtz's new assignment as a state senior judge. State and local dignitaries who earlier honored Kurtz for his service to the Fifth Circuit Court joined other well-wishers in witnessing the formal transition.

New Postage Rates, Other GS Changes

The forthcoming increase in postal rates will have an impact on mailing legal documents from the General Sessions Court Clerk's Office.

Beginning May 1, postage for mailing detainers and certified mail will be subject to the following rates:

DETAINERS, \$1.52 per defendant
CERTIFIED MAIL, \$9.63

The actual date for the universal postage increase is not until May 12, but the new rates will be applied by the clerk's office early to allow attorneys sufficient time for the new prices to be reflected when filing these documents.

The State Legislature has made a defining amendment to a law governing legal procedures.

Binkley From Page 2

Judge Binkley grew up in the West Meade area and graduated from Montgomery Bell Academy in 1962. It was that year when he met and courted Suzanne Griffith, a cheerleader at Hillsboro High School. The couple were married five years later. That was 41 years, three children and two grandsons ago. Son Joe P. (Jay) Binkley III of Nashville and daughters Holly Higgins and Ellie Fromherz, who reside in other states, all were beneficiaries of college educations.

Binkley's loyalty to family extends to his professional life as well. For 22 years, Marla Guinn has been his personal assistant. "She has been my assistant, my paralegal and, in short, my go-to person for everything," Binkley said. It was only natural that he would retain her services in his new judicial role. He has made no other staff changes.

By law, Binkley has six months to close out his private law practice. He hopes to bring closure to the majority of his case log and will pass along the rest to another representative.

His allegiance to each of his clients played a key role in his decision to seek the judgeship. "In private practice," he said, "we become a slave to our desire to do a good job for our clients. After almost four decades, I have become a perfectionist to the point that my practice has taken up all of my time. I feel very lucky for the opportunity to take perhaps a less hectic path."



DATA BANK

March 2008

Case Information

Circuit Court

New Civil Cases Filed	178
Jury	76
Non-Jury.....	102
Civil Cases Concluded	187
Jury	126
Non-Jury	61
New Divorce Cases Filed	239
Divorce Cases Concluded	184
Domestic Petitions Filed	168
Domestic Petitions Concluded	417

General Sessions Civil

New Cases Filed	4,046
Executions Issued	3,692
Garnishment Payments	4,245
Judgments Collected	\$902,944
Orders of Protection Petitions	144

Probate Court

New Cases Filed	144
Cases Closed	158

Traffic Violations

Moving Citations	11,263
Total Violations	16,980
Parking Violations	8,180
Total Fines Collected	\$582,799
Nullifications	2,518
Nullification Fees Collected	\$30,210
Environmental Citations	551
*Credit Card Payments	3,766

*--Online and phone payments combined

...Tears

HARRY STAN ALLEN JR., a longtime Nashville attorney and father of Deputy Circuit Court Clerk Christy Allen, passed away in late March after a long fight with cancer.

HERBERT (HERB) RICH, 79, a former standout football player for Vanderbilt who went on to play on two world championship teams in the NFL before making his niche as an attorney, passed away on March 28.

LOIS YORK BLAKE, 75, sister of former Deputy Probate Court Clerk Phil York, passed away on March 20.

JULIAN WILLIAMS, 88, father of Dinah Williams, administrative assistant to General Sessions Judge Sue Evans, passed away on April 22. He was a Madison business owner for 30 years.

MELISSA GRISHAM, 86, grandmother of Candace Watkins, a deputy clerk in the Traffic Violations Bureau, passed away on April 15.

Case Analyses

GENRE	MARCH	YTD
AUTO ACCIDENTS	5	9
PLAINTIFF VERDICTS	4	8
DEFENDANT VERDICTS	1	1
NONE	0	0
CONTRACTS	4	8
PLAINTIFF VERDICTS	4	5
DEFENDANT VERDICTS	0	3
NONE	0	0
TOTAL AWARDS	\$70,334	\$94,384
MEDICAL MALPRACTICE	0	0
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	0	0
MISTRIALS	0	0
MISCELLANEOUS	5	21
PLAINTIFF VERDICTS	5	15
DEFENDANT VERDICTS	0	5
NONE	0	1

Auto Accident Cases

	MARCH	YTD
JURY TRIALS	3	7
NON-JURY TRIALS	2	2
PLAINTIFF VERDICTS	4	8
DEFENDANT VERDICTS	1	1
NONE	0	0
HIGHEST JUDGMENT	\$24,913	\$24,913
AVERAGE JUDGMENT	\$8,744	N/A

Soft Tissue Auto Cases

	MARCH	YTD
JURY TRIALS	1	4
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	1	4
DEFENDANT VERDICTS	0	0

General Sessions Auto Appeals

	MARCH	YTD
PLAINTIFF VERDICTS	3	4
DEFENDANT VERDICTS	0	0
NONE	0	0

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Richard R. Rooker.....Circuit Court Clerk
Gene Baker Editor



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