

Rooker Report

March 2009

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Philip Smith Gets Nod for Domestic Court Judgeship

Veteran family law attorney Philip E. Smith is the new Fourth Circuit Court judge, replacing Muriel Robinson, who has retired from the domestic court bench.

Smith was selected by Gov. Phil Bredesen, who administered the oath of office in ceremonies March 30 in the Old Tennessee Supreme Court Chambers at the State Capitol.

Robinson presided over the court for 27 years, but chose retirement when she reached her 65th birthday. She hopes to continue her judicial career as a senior judge when the state's quota system allows. Meantime, she is making her services available as a special judge on assignment from the Administrative Office of the Courts.

Smith has practiced law for 20 years, specializing in family matters that have drawn him primarily to the court over which he now presides. Before entering private practice, he was an assistant district attorney for Davidson County from 1988-1990. He earned a bachelor's degree in criminal justice from Tennessee State Uni-



Photo by Nick Lane

Deputy Clerk Delores Oglesby accepts credit card payment at window of Traffic Violations Bureau window on February 25, the first day credit cards were implemented for paying traffic fines at the customer counter. Online credit card payments have been accepted for several months.

versity in 1984, and received his law degree from the University of Tennessee College of Law in 1988. He and wife Pam have been married for 25 years.

"Phil Smith has developed extensive civil trial experience in his career, and I am confident he will carry out his duties on the Circuit

CONTINUED ON BACK PAGE

February Trial Verdicts

Jury

Week of February 2

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-2967	MEDICAL MALPRACTICE	1		\$5,183,559			
07C-2715	GSA/AUTO ACCIDENT	2		DEFENDANT		P-\$9,000	DEFENDANT

Week of February 23

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-1461	CONDEMNATION	2		D-\$250,000			

Non-Jury

Week of February 9

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-3723	FRAUD	6		DEFENDANT			
08C-2855	GSA/CONTRACT	1		\$200		P-\$2,000	DEFENDANT
06C-2835	NEGLIGENCE	6		DEFENDANT			
08C-3338	GSA/CONTRACT	5		\$3,475		P-\$4,255	DEFENDANT
08C-3754	GSA/CONTRACT	2		\$4,206		DISMISSED	PLAINTIFF
08C-3686	GSA/CONTRACT	5		\$8,375		P-\$8,373	DEFENDANT
08C-3687	GSA/CONTRACT	2		\$499		P-\$2,748	DEFENDANT
08C-730	DECLATORY JUDGMENT	5		PENDING			
08C-3511	GSA/CONTRACT	6		\$1,464		P-\$3,882	DEFENDANT
08C-3505	GSA/CONTRACT	5		DEFENDANT		P-\$22,083	DEFENDANT
08C-3509	GSA/AUTO ACCIDENT	2		\$3,745		DISMISSED	PLAINTIFF
08C-4292	GSA/CONTRACT	1		\$22,907		P-\$444,907	PLAINTIFF
08C-2313	GSA/AUTO ACCIDENT	5		DEFENDANT		P-\$681	PLAINTIFF

Appeals

GENERAL SESSIONS

CIRCUIT COURT

CIRCUIT COURT

Phil Smith Appointed Domestic Court Judge

(From Front Page)

Court in the same thoughtful and professional manner in which he has practiced law in Tennessee for more than 20 years," Bredeesen said in a prepared statement.

"I am honored by the confidence that Governor Bredeesen has shown in me in appointing me to this position," Smith said. "I have reached a point in my life where I would like to return something to the judicial system that has been so rewarding to me."



PHILIP SMITH

Smith's appointment is

effective until next year when he will face voters in the general election. Robinson's full eight-year term expires in 2014.

Cheers...

They have known each other since childhood and now they are one. Wedding bells tolled on March 2 for Deputy Circuit Court Clerk **Karen Mallory** and rediscovered beau **Billy O'Byrne**. The nuptials, performed in a simple ceremony in Rutherford County, came after 2.5 years of dating and was termed by the bride as "fabulous and special." A summer honeymoon is planned.

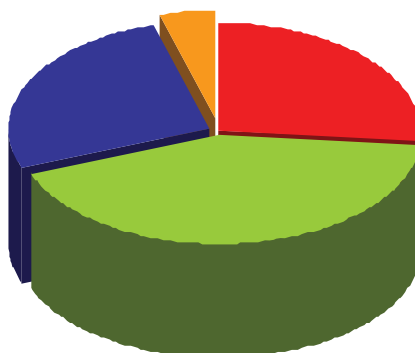
...Tears

MARJORIE "MARJIE" CLARY, 72, grandmother of Trey Clary of our archives department, passed away on March 4. Her daughter-in-law, Kim Clary, is a deputy clerk in the General Sessions Civil Division office.

MANSFIELD DOUGLAS III, former Metro Councilman, passed away on March 16. He was 78.

FLORENE WILSON WILLIAMS, 62, passed away on February 23 from extended complications of a stroke. She was the aunt of Ronnell Griffin, administrative assistant to Eighth Circuit Court Judge Carol Soloman.

Civil Trial Recap By Class



Miscellaneous 55%
 Auto 22%
 Contracts 21%
 Medical Malpractice 2%

DATA BANK

February 2009

Case Information

Circuit Court

New Civil Cases Filed.....	189
Jury.....	107
Non-Jury.....	82
Civil Cases Concluded.....	208
Jury.....	120
Non-Jury.....	88
New Divorce Cases Filed.....	212
Divorce Cases Concluded.....	371
Domestic Petitions Filed.....	167
Domestic Petitions Concluded.....	305

General Sessions Civil

New Cases Filed.....	3,965
Executions Issued.....	4,296
Garnishment Payments.....	3,926
Judgments Collected.....	\$842,576
Orders of Protection Petitions.....	182

Probate Court

New Cases Filed.....	156
Cases Closed.....	137

Traffic Violations

Moving Citations.....	11,698
Total Violations.....	17,314
Parking Violations.....	4,492
Total Fines Collected.....	\$712,510
Nullifications.....	2,284
Nullification Fees Collected.....	\$27,405
Environmental Citations.....	533
*Credit Card Payments.....	3,974

*--Online and phone payments combined

Case Analyses

GENRE	FEBRUARY	YTD
AUTO ACCIDENTS	3	38
PLAINTIFF VERDICTS	1	25
DEFENDANT VERDICTS	2	10
NONE	0	3
CONTRACTS	8	36
PLAINTIFF VERDICTS	7	26
DEFENDANT VERDICTS	1	10
NONE	0	0
TOTAL AWARDS	\$41,626	*\$474,084
<i>*REPRESENTS ONLY AMOUNTS DISCLOSED BY COURT.</i>		
MEDICAL MALPRACTICE	1	4
PLAINTIFF VERDICTS	1	2
DEFENDANT VERDICTS	0	2
PENDING	0	0
MISCELLANEOUS	4	93
PLAINTIFF VERDICTS	0	66
DEFENDANT VERDICTS	3	21
NONE	1	6

Auto Accident Cases

	FEBRUARY	YTD
JURY TRIALS	1	23
NON-JURY TRIALS	2	15
PLAINTIFF VERDICTS	1	25
DEFENDANT VERDICTS	2	10
NONE	0	3
HIGHEST JUDGMENT	\$3,745	\$499,960
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	FEBRUARY	YTD
JURY TRIALS	0	8
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	0	6
DEFENDANT VERDICTS	0	2

General Sessions Auto Appeals

	FEBRUARY	YTD
PLAINTIFF VERDICTS	1	7
DEFENDANT VERDICTS	2	4
NONE	0	0

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If you have a disability and require assistance, please contact 862-5204