

Rooker Report

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Judge Smith: putting kids first

**New Era
Begins for
Domestic
Court**



New Era Begins In Domestic Court After 27 Years

On Monday afternoon March 30, amidst the historical surroundings of the old Tennessee Supreme Court Chambers in the State Capitol, veteran family law attorney Philip E. Smith stood before Governor Phil Bredesen and a packed gathering of family, friends, colleagues and well-wishers and took the oath of office to succeed the Honorable Muriel Robinson as the next judge to preside over Davidson County's Fourth Circuit Court.

It is a court which deals exclusively with family and domestic law matters and one that has held a steady course of leadership for the better part of 27 years.

In keeping with that traditional flow, the very next morning, without interruption, the newly-sworn judge dutifully donned his robe, took the bench and presided over four contested divorce cases as part of his first-day-on-the-job activities.

His ability to be "ready-on-day-one" to preside over a family law courtroom speaks volumes of his legal experience. His eagerness to tackle and address the challenges before him without delay also speaks volumes of his legal vision.

In appointing Smith to fill the vacancy created by Judge Robinson's retirement, the governor remarked, "Phil Smith has developed extensive civil trial experience in his career, and I am confident he will carry out his duties on the circuit court in the same thoughtful and professional manner in which he has practiced law in Tennessee for more than 20 years."

FOCUSED



In acknowledging his honor at being selected the successor to Robinson, whom he readily labels a true legal pioneer, Smith states, "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."

Philosophically, Judge Smith considers his approach to family law matters to be very similar to that of his predecessor. Putting the interests of children first in divorce and custody cases is and will continue to be his primary goal.

He further emphasizes that he will not tolerate children being "used" or "placed in the middle" for either party to realize an advantage. Focusing on efforts to reduce the emotional distress families endure during divorce cases--especially when children are involved--is also a primary concern for Smith. He believes that mediation should be encouraged and promoted in appropriate cases, not only to facilitate conflict resolution but also to help reduce legal costs incurred by litigants.

As Judge Smith takes note of the increasing number of modification petitions being filed during troublesome economic times, the adverse impact of legal costs on non-wealthy parties is a concern he hopes can be addressed through mediation.

Abuse in discovery practices is also a matter which Smith intends to address by demanding that members of the bar exercise due diligence and not engage in unnecessary discovery practices.

On a brighter note, the personable judge points to uncontested adoption hearings as a joyous highlight of his job as a jurist. Although the adoption process can be stressful at times, he relishes the meaningful role he plays in helping build and strengthen families through adoption.

Judge Smith, himself, was born in Nashville to Dale and Lurene Smith in 1960, and has one younger brother. He was raised in Donelson in the house still occupied by his parents. A 1978 graduate of McGavock High School, he met his wife, the former Pam Sylar, when she was working as a church daycare worker and

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PERSONABLE

All Photos by Nick Lane



CHARISMATIC

JUDGE SMITH

From Page 2

brought a group of children to the pool where he was on duty as a summer lifeguard. They have now been married for 25 years and have two daughters: Katelynn, 21, and Kelsey, 18, both students at MTSU.



Smith went on to earn a bachelor's degree in criminal justice from Tennessee State University in 1984 before obtaining his law degree from the University of Tennessee in 1988. After finishing law school, he joined the Davidson County District Attorney General's Office where he worked as an assistant in the Child Support Enforcement Divi-

sion for two years before leaving to enter private law practice. Smith expressed his gratitude to District Attorney General Torry Johnson for giving him his first job after law school.

As he entered private legal practice in 1990, Smith carried with him an ever-growing interest in family law. As he puts it, "family law is where the rubber meets the road and, for many people, involvement in a family law matter may be their only contact with the court system."

From the beginning, the charismatic Smith said he felt comfortable with family law issues.

His professional development over the years as a family law attorney in private practice was greatly fostered and influenced by two persons he generally acknowledges as his legal mentors. The first he commended was venerable trial lawyer Jack Norman, Jr., who was his employer when he first left the District Attorney's Office to enter private practice. Of special interest in this regard is the fact that Norman has served as Special Master for the Fourth Circuit Court for several years and continues to serve in that capacity, which means that Judge Smith's appointment to the bench has brought him full circle to working with one of his mentors.

His second mentor is his long time law partner and friend Phillip Robinson with whom he practiced law for 20 years before being appointed to the bench.

Smith's appointment to the bench is effective until the general election next year, at which time he will face the voters in an effort to retain his judicial seat for the full term of the judgeship, which expires in 2014.

March Trial Verdicts

Appeals

GENERAL SESSIONS

Jury

CIRCUIT COURT

Week of March 2

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT |
|----------|-------------------|-------|--------|-------------|-------------|
| 03C-2578 | AUTO ACCIDENT | 5 | | \$2,500,000 | P-3%, D-97% |
| 05C-2389 | SEXUAL HARASSMENT | 6 | | DEFENDANT | |

Week of March 9

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|-------------------|-------|--------|-----------|------------|-----------|-----------|
| 06C-2189 | AUTO ACCIDENT | 5 | | \$1,050 | | | |
| 08C-1021 | GSA/AUTO ACCIDENT | 1 | | DEFENDANT | | P-\$8,000 | DEFENDANT |

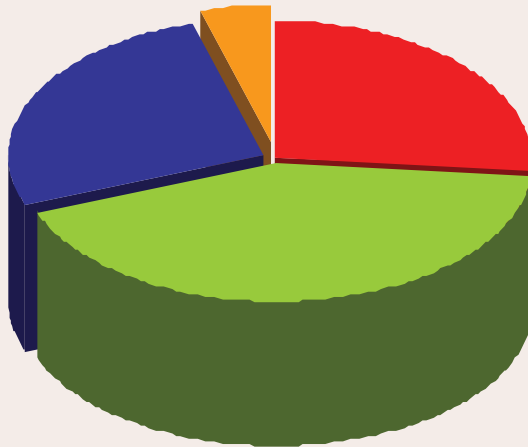
Non-Jury

CIRCUIT COURT

Week of March 23

| CASE | TYPE | COURT | PRAYER | VERDICT | PCT. FAULT | JUDGMENT | APPELLANT |
|----------|----------------------|-------|--------|--------------------|------------|----------------------|-----------|
| 07C-2047 | DEBT | 1 | | \$7,933 | | | |
| 08C-3339 | DETAINER | 2 | | \$3,249/POSSESSION | | P-\$3,900/POSSESSION | DEFENDANT |
| 08C-4299 | TRAFFIC | 2 | | PLAINTIFF | | | |
| 07C-2041 | DEBT | 1 | | \$14,572 | | | |
| 08C-3361 | AUTO ACCIDENT | 5 | | PENDING | | | |
| 08C-4086 | GSA/CONTRACT | 2 | | \$8,900 | | P-\$7,500 | DEFENDANT |
| 08C-4193 | GSA/ASSAULT | 1 | | \$25,000 | | DISMISSED | PLAINTIFF |
| 09C-547 | DETAINER | 5 | | DEFENDANT | | P-\$6,515/POSSESSION | DEFENDANT |
| 08C-2497 | GSA/CONTRACT | 2 | | \$8,914 | | P-\$17,777 | DEFENDANT |
| 08C-3142 | GSA/CONTRACT | 1 | | \$24,000 | | DISMISSED | PLAINTIFF |
| 07C-383 | WORKERS COMPENSATION | 5 | | D-\$30,000 | | | |
| 08C-2860 | GSA/CONTRACT | 2 | | \$7,223 | | P-\$18,000 | DEFENDANT |

Civil Trial Recap By Class



Miscellaneous55%
 Auto22%
 Contracts.....21%
 Medical Malpractice.....2%



DATA BANK

March 2009

Case Information

Circuit Court

| | |
|------------------------------------|-----|
| New Civil Cases Filed..... | 215 |
| Jury | 99 |
| Non-Jury..... | 116 |
| Civil Cases Concluded..... | 218 |
| Jury | 138 |
| Non-Jury | 80 |
| New Divorce Cases Filed | 253 |
| Divorce Cases Concluded..... | 242 |
| Domestic Petitions Filed | 308 |
| Domestic Petitions Concluded | 236 |

General Sessions Civil

| | |
|--------------------------------------|-------------|
| New Cases Filed..... | 4,085 |
| Executions Issued | 3,963 |
| Garnishment Payments | 4,718 |
| Judgments Collected..... | \$1,122,294 |
| Orders of Protection Petitions | 236 |

Probate Court

| | |
|----------------------|-----|
| New Cases Filed..... | 173 |
| Cases Closed | 177 |

Traffic Violations

| | |
|------------------------------------|-----------|
| Moving Citations | 12,831 |
| Total Violations..... | 18,990 |
| Parking Violations..... | 6,095 |
| Total Fines Collected | \$628,220 |
| Nullifications | 2,279 |
| Nullification Fees Collected | \$27,348 |
| Environmental Citations..... | 724 |
| *Credit Card Payments | 4,754 |

*--Online and phone payments combined

Case Analyses

| GENRE | MARCH | YTD |
|--|----------|------------|
| AUTO ACCIDENTS | 4 | 42 |
| PLAINTIFF VERDICTS | 2 | 27 |
| DEFENDANT VERDICTS | 1 | 11 |
| NONE | 1 | 4 |
| CONTRACTS | 4 | 40 |
| PLAINTIFF VERDICTS | 3 | 29 |
| DEFENDANT VERDICTS | 1 | 11 |
| NONE | 0 | 0 |
| TOTAL AWARDS | \$49,037 | *\$523,121 |
| *REPRESENTS ONLY AMOUNTS DISCLOSED BY COURT. | | |
| MEDICAL MALPRACTICE | 0 | 4 |
| PLAINTIFF VERDICTS | 0 | 2 |
| DEFENDANT VERDICTS | 0 | 2 |
| PENDING | 0 | 0 |
| MISCELLANEOUS | 8 | 101 |
| PLAINTIFF VERDICTS | 6 | 72 |
| DEFENDANT VERDICTS | 2 | 23 |
| NONE | 0 | 6 |

Auto Accident Cases

| | MARCH | YTD |
|--------------------|--------|-------------|
| JURY TRIALS | 1 | 24 |
| NON-JURY TRIALS | 3 | 18 |
| PLAINTIFF VERDICTS | 2 | 27 |
| DEFENDANT VERDICTS | 1 | 11 |
| NONE | 1 | 4 |
| HIGHEST JUDGMENT | \$2.5M | \$2,500,000 |
| AVERAGE JUDGMENT | N/A | N/A |

Soft Tissue Auto Cases

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

General Sessions Auto Appeals

| | MARCH | YTD |
|--------------------|-------|-----|
| PLAINTIFF VERDICTS | 0 | 7 |
| DEFENDANT VERDICTS | 1 | 5 |
| NONE | 0 | 0 |

Rooker Report

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 Gene Baker Editor



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