

# Rooker Report

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## Nashville Attorneys Escobar, Sims and Lawless Appointed to New Commission NEW JUDICIAL NOMINATING COMMISSION APPOINTEES ANNOUNCED

Lt. Governor Ron Ramsey and Speaker of the House of Representatives Kent Williams have announced their appointees to the new Judicial Nominating Commission, and 3 Nashville lawyers have been chosen from the approximate 237 applications submitted by individuals from across the state. The commission, which replaces the Judicial Selection Commission, will review and recommend applicants for vacancies on appellate and state trial courts across Tennessee.

The newly formed commission is composed of 17 members. The speakers of the house and senate each appoint eight members – two people from each of the state's three grand divisions and two at-large members. One non-lawyer member is appointed jointly. At least 10 members of the commission must be attorneys.

Members of this newly formed commission must be at least 30-years-old and a citizen of the state for at least five years. Additionally, members of the Judicial Nominating Commission cannot be office holders with political parties or political organizations, lobbyists or employees of lobbyists, or salaried office holders of the state of Tennessee or the United States, which includes judges, legislators or any individual who has been appointed or elected in a manner prescribed by law.

Among the 8 appointed by Speaker Williams are Ana L. Escobar and William Scott Sims. Escobar, a former prosecutor and current criminal defense lawyer, has appeared in court practically daily since becoming licensed in 1995. With regard to evaluating judicial applicants, she remarks that, "a judge who has true devotion to public service and is a constant student of the law could make a true impact in a community." She further notes that a lawyer does not necessarily expect to win, "but should expect courtesy from a judge and an opportunity to represent a client zealously."

Sims, a partner with the firm of Walker, Tipps & Malone and immediate past president of the Nashville Bar Association, has been a general civil litigator for almost 15 years. Sims explains that he applied for a position on the commission because, "as an officer of the courts of this state, a life-long Tennessean, and a father of young children, I want to ensure that Tennesseans are provided with access to a system of justice that works as fairly and efficiently as humanly possible." He further states that whenever a vacancy arises he wants to ensure that the governor is provided with a slate of candidates "who will advance the cause of justice and not obstruct it, delay it, or make it more expensive than it should be."

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## July Trial Verdicts

### Jury

### CIRCUIT COURT

### Appeals

### GENERAL SESSIONS

Week of July 13

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-3686	AUTOMOBILE	2	\$95,000	P-\$12,519	P-20%, D-80%		
06C-3324	NEGLIGENCE	6	\$70,000	D-VERDICT			

### Non-Jury

### CIRCUIT COURT

Week of July 20

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
09C-733	DAMAGES	1		P-\$33,000			
08C-2054	GSA/PERSONAL PROPERTY	5		D-VERDICT		P-\$2,048	DEFENDANT
09C-747	GSA/LEGAL MALPRACTICE	5		P-AFFIRMED		P-\$11,250	PLAINTIFF
09C-853	GSA/DEBT	2		D-VERDICT		DISMISSED	PLAINTIFF
09C-1893	DETAINER	1		P-\$1,100		DISMISSED	PLAINTIFF
09C-1202	GSA/CONTRACT	6		P-\$10,500		P-\$10,100	PLAINTIFF
09C-134	GSA/CONTRACT	6		P-\$7,547		TRANSFER	
09C-1203	GSA/DEBT	1		P-AFFIRMED		P-\$3,083	DEFENDANT

### COMMISSION

(From Page 1)

Among the 8 appointed by Lt. Governor Ramsey is Thomas W. Lawless of Lawless & Associates. An attorney with a practice focus in bankruptcy law, creditor's rights and real estate, Lawless has almost 30 years experience in both state and federal courts. He states that his desire to serve on the commission comes from his belief that "the nominating process is the best method of selecting competent and knowledgeable candidates." Lawless remarks that his insight developed as both a mediator and a practicing attorney combined with his political and civic activities provide him with a "firm foundation and temperament to view the qualities of potential judicial appointments."

The first meeting of the newly created Judicial Nominating Commission will be held on Wednesday, September 23 at 9:00 a.m. at the Administrative Office of the Courts, which is located at 511 Union Street in Nashville. This meeting is open to the public.

#### COMPLETE LIST OF APPOINTMENTS TO NEW JUDICIAL NOMINATING COMMISSION

Appointments by Lt. Governor

Miles Burdine, Sullivan County  
 Christopher Campbell, Shelby County  
 Christopher Clem, Hamilton County  
 William Jenkins, Jr. Dyer County  
 Thomas Lawless, Davidson County  
 Theresa Lee, Washington County  
 Jack Lowery, Wilson County  
 William Young, Hamilton County

Appointments by Speaker

David Bautista, Carter County  
 Mary Helen Beard, Shelby County  
 Ana L. Escobar, Davidson County  
 Russell Johnson, Loudon County  
 Edward L. Martindale, Jr., Madison County  
 William Scott Sims, Davidson County  
 Denise Terry Stapleton, Hamblen County  
 C. Barry Ward, Tipton County

Joint Appointment

Verna Wyatt, Davidson County

### LOCAL RULE CHANGE RE: CONTINUANCES IN GENERAL SESSIONS

Effective September 1, 2009, please take note of new General Sessions Civil Local Rule 6.01 which provides that continuances will only be granted to a date certain. There will be no "indefinite" continuances. All cases MUST be disposed of within one (1) year of the first setting of a case unless good cause is shown to the Court.

### Civil Trial Recap By Class



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



## DATA BANK

July 2009

### Case Information

#### Circuit Court

<b>New Civil Cases Filed.....</b>	<b>207</b>
Jury .....	106
Non-Jury .....	101
<b>Civil Cases Concluded.....</b>	<b>240</b>
Jury .....	150
Non-Jury .....	90
<b>New Divorce Cases Filed .....</b>	<b>200</b>
<b>Divorce Cases Concluded.....</b>	<b>201</b>
<b>Domestic Petitions Filed .....</b>	<b>348</b>
<b>Domestic Petitions Concluded .....</b>	<b>264</b>

#### General Sessions Civil

<b>New Cases Filed.....</b>	<b>4,522</b>
<b>Executions Issued .....</b>	<b>5,110</b>
<b>Garnishment Payments.....</b>	<b>4,506</b>
<b>Judgments Collected.....</b>	<b>\$897,937</b>
<b>Orders of Protection Petitions .....</b>	<b>256</b>

#### Probate Court

<b>New Cases Filed.....</b>	<b>162</b>
<b>Cases Closed .....</b>	<b>171</b>

#### Traffic Violations

<b>Moving Citations .....</b>	<b>10,184</b>
<b>Total Violations.....</b>	<b>15,260</b>
<b>Parking Violations.....</b>	<b>5,076</b>
<b>Total Fines Collected .....</b>	<b>\$602,421</b>
<b>Nullifications .....</b>	<b>1,637</b>
<b>Nullification Fees Collected .....</b>	<b>\$19,642</b>
<b>Environmental Citations.....</b>	<b>429</b>
<b>*Credit Card Payments .....</b>	<b>4,373</b>

\*--Online and phone payments combined

### Case Analyses

GENRE	JULY	YTD
<b>AUTO ACCIDENTS</b>	<b>1</b>	<b>48</b>
PLAINTIFF VERDICTS	1	31
DEFENDANT VERDICTS	0	12
NONE	0	5
<b>CONTRACTS</b>	<b>2</b>	<b>48</b>
PLAINTIFF VERDICTS	2	35
DEFENDANT VERDICTS	0	12
NONE	0	1
<b>TOTAL AWARDS</b>	<b>\$18,047</b>	<b>*\$557,304</b>
<i>*REPRESENTS AMOUNTS DISCLOSED BY COURT</i>		
<b>MEDICAL MALPRACTICE</b>	<b>0</b>	<b>5</b>
PLAINTIFF VERDICTS	0	3
DEFENDANT VERDICTS	0	2
PENDING	0	0
<b>MISCELLANEOUS</b>	<b>7</b>	<b>123</b>
PLAINTIFF VERDICTS	4	89
DEFENDANT VERDICTS	3	28
NONE	0	6

### Auto Accident Cases

	JULY	YTD
<b>JURY TRIALS</b>	<b>1</b>	<b>30</b>
<b>NON-JURY TRIALS</b>	<b>0</b>	<b>18</b>
<b>PLAINTIFF VERDICTS</b>	<b>1</b>	<b>31</b>
<b>DEFENDANT VERDICTS</b>	<b>0</b>	<b>12</b>
<b>NONE</b>	<b>0</b>	<b>5</b>
<b>HIGHEST JUDGMENT</b>	<b>\$10,519</b>	<b>\$2,500,000</b>
<b>AVERAGE JUDGMENT</b>	<b>N/A</b>	<b>N/A</b>

### Soft Tissue Auto Cases

	JULY	YTD
<b>JURY TRIALS</b>	<b>1</b>	<b>13</b>
<b>NON-JURY TRIALS</b>	<b>0</b>	<b>0</b>
<b>PLAINTIFF VERDICTS</b>	<b>1</b>	<b>10</b>
<b>DEFENDANT VERDICTS</b>	<b>0</b>	<b>3</b>


### General Sessions Auto Appeals

	JULY	YTD
<b>PLAINTIFF VERDICTS</b>	<b>0</b>	<b>7</b>
<b>DEFENDANT VERDICTS</b>	<b>0</b>	<b>5</b>
<b>NONE</b>	<b>0</b>	<b>0</b>

## Rooker Report

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