

Rooster Report

September 2009

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TENNESSEE SUPREME COURT HONORS DON PAINE FOR YEARS OF SERVICE

One would be hardpressed to identify another individual more widely recognized in Tennessee legal circles than Knoxville attorney Don Paine. Judges know him as a frequent presenter at Judicial Conferences. Countless attorneys across the state know him from his legal seminars or from having been a student of his in law school. The entire membership of the bar knows him as author of "Tennessee Law of Evidence" first published in 1974.

This month the Tennessee Supreme Court honored Paine for 35 years of service on the court's Advisory Commission on the Rules of Practice and Procedure. Members of the advisory commission are appointed by the Supreme Court. The commission meets four times a year to vote on proposed rule amendments for appellate procedure, civil procedure, criminal procedure, juvenile procedure and the rules of evidence. Paine retired from his post as reporter of the commission on September 3rd.

In a special ceremony prior to oral arguments on that day, Chief Justice Janice Holder read the official Orders of Commendation recognizing Paine for his service. In the Order, Paine was also named "Reporter Emeritus" in acknowledgment of his many years as reporter of the advisory commission.

"No other person has contributed more than Mr. Paine to the ongoing development of the rules of procedure and the rules of evidence in Tennessee," Holder read on behalf of the court. "Over his many years of service on the Commission, Mr. Paine has left an indelible mark on the practice of law in Tennessee and today we recognize his unparalleled contributions to the bench and the bar of this state."

For many years, Paine taught evidence and civil procedure at the University of Tennessee and at Vanderbilt University law schools. A licensed attorney for more than 46 years, Paine continues to be

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August Trial Verdicts

Jury

Week of August 3

Circuit Court

Appeals

GENERAL SESSIONS

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-2003	MEDICAL MALPRACTICE	1		D-VERDICT			
05C-959	MALICIOUS PROSECUTION	6		D-VERDICT			
08C-901	AUTOMOBILE	2		P-\$8,840			
08C-1543	CONVERSION/FRAUD	3		P-\$36,955			

Week of August 10

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-624	CONTRACT	5		D-VERDICT			
08C-3996	GSA/CONTRACT	5		P-AFFIRMED		P-\$19,893	DEFENDANT

Non-Jury

Week of August 17

Circuit Court

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-1671	AUTOMOBILE	3		P-\$180,310			
07C-2429	AUTOMOBILE	1		P-\$21,000			
08C-1989	WORKERS COMPENSATION	2		P-\$24,306			
02C-1837	WRIT OF CERTIORARI	2		P-\$17,888			
09C-1003	DEBT/CONTRACT	3		P-\$36,357			
09C-1644	GSA/DEBT	6		D-\$1,500		P-\$6,500	DEFENDANT
08C-3936	GSA/DEBT	2		P-\$5,000		P-\$15,000	DEFENDANT
09C-878	TRAFFIC	1		P-VERDICT		P-VERDICT	DEFENDANT
09C-1896	GSA/DEBT	1		P-\$6,036		P-\$6,839	DEFENDANT

PAINE

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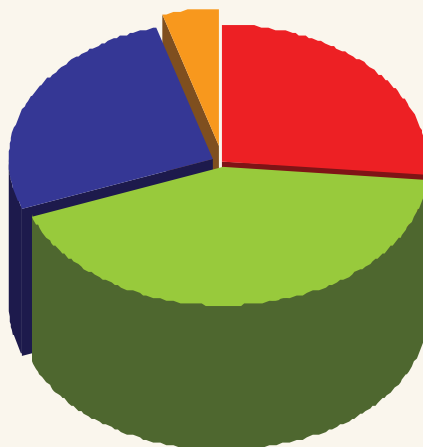
"of counsel" at Paine, Tarwater, Bickers, and Tillman, the law firm he helped create in the late 1980s. He also lectures for the Tennessee Law Institute, which sponsors continuing legal education for attorneys.

Paine served as president of Knoxville Bar Association in 1983 and president of the Tennessee Bar Association from 1986-1987. He is also a member of the Knoxville Bar Foundation, Tennessee Bar Foundation, Tennessee Supreme Court Historical Society and American College of Trial Lawyers.

A native of Knoxville, Tenn., Paine has two children, Franklin Simpson Paine and Emily Alexander (Paine) Settlemeyer, who both reside in Knoxville.



Civil Trial Recap By Class



Miscellaneous	55%
Auto	21%
Contracts	21%
Medical Malpractice	3%



DATA BANK

August 2009

Case Information

Circuit Court

New Civil Cases Filed	196
Jury	88
Non-Jury	108
Civil Cases Concluded	244
Jury	158
Non-Jury	86
New Divorce Cases Filed	177
Divorce Cases Concluded	197
Domestic Petitions Filed	251
Domestic Petitions Concluded	225

General Sessions Civil

New Cases Filed	3,702
Executions Issued	4,776
Garnishment Payments	4,394
Judgments Collected	\$922,372
Orders of Protection Petitions	267

Probate Court

New Cases Filed	166
Cases Closed	123

Traffic Violations

Moving Citations	11,710
Total Violations	16,491
Parking Violations	4,781
Total Fines Collected	\$566,710
Nullifications	1,525
Nullification Fees Collected	\$18,297
Environmental Citations	265
*Credit Card Payments	4,221

*--Online and phone payments combined

Case Analyses

GENRE	AUGUST	YTD
AUTO ACCIDENTS	3	51
PLAINTIFF VERDICTS	3	34
DEFENDANT VERDICTS	0	12
NONE	0	5
CONTRACTS	3	51
PLAINTIFF VERDICTS	2	37
DEFENDANT VERDICTS	1	13
NONE	0	1
TOTAL AWARDS	\$56,250	*\$613,554
*REPRESENTS AMOUNTS DISCLOSED BY COURT		
MEDICAL MALPRACTICE	1	6
PLAINTIFF VERDICTS	0	3
DEFENDANT VERDICTS	1	3
PENDING	0	0
MISCELLANEOUS	8	131
PLAINTIFF VERDICTS	7	96
DEFENDANT VERDICTS	1	29
NONE	0	6

Auto Accident Cases

	AUGUST	YTD
JURY TRIALS	1	31
NON-JURY TRIALS	2	20
PLAINTIFF VERDICTS	3	34
DEFENDANT VERDICTS	0	12
NONE	0	5
HIGHEST JUDGMENT	\$180,310	\$2,500,000
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	AUGUST	YTD
JURY TRIALS	1	14
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	1	11
DEFENDANT VERDICTS	0	3

General Sessions Auto Appeals

	AUGUST	YTD
PLAINTIFF VERDICTS	0	7
DEFENDANT VERDICTS	0	5
NONE	0	0

Rooker Report

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1 Public Square, Suite 302, Nashville, TN 37201
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Established by George L. Rooker (1929-1993)
(Circuit Court Clerk, 1968-1993)

Richard R. Rooker.....Circuit Court Clerk
Kyle Sowell..... Editor



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