



ROOKER

—AUGUST-2011—

REPORT

A MONTHLY PUBLICATION OF THE DAVIDSON COUNTY, TENNESSEE CIRCUIT COURT CLERK'S OFFICE

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LEGAL COMMUNITY MOURNS PASSING OF FORMER SUPREME COURT CHIEF JUSTICE ADOLPHO A. BIRCH, JR.

To many people, Justice Adolpho A. Birch, Jr., was bigger than life. There is a building downtown that bears his name. A bust of Justice Birch greets you when you enter the Tennessee Supreme Court building. So, it was with sadness that the legal community and countless others learned of the passing of Justice Birch on August 25th after a long and courageous battle with pancreatic cancer. Birch, who retired from the Supreme Court in 2006, became the state's first African American chief justice in 1996. Birch began his judicial career in 1969 as a General Sessions Court judge in Davidson County. He previously had served as an assistant public defender and assistant district attorney in Nashville. In 1978, he became a Criminal Court judge and in 1987, he was appointed to the Court of

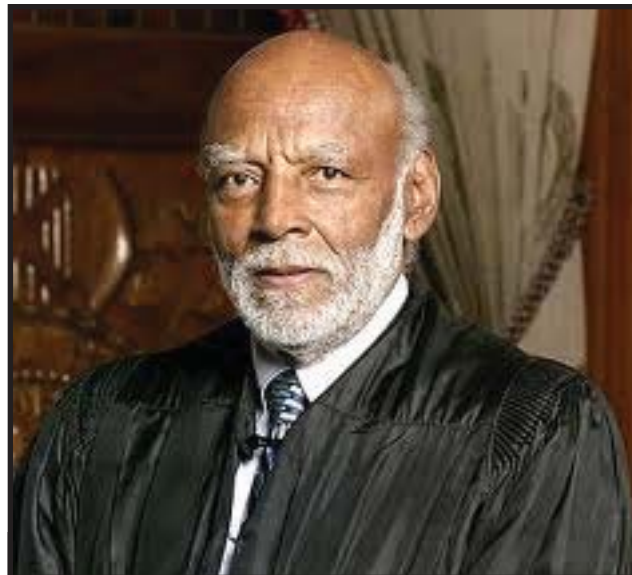
and honors, including a decision by Davidson County officials to name the new Criminal and General Sessions Court building the Justice A.A. Birch Building.

Birch, who earned his B.A. and law degrees from Howard University in Washington, D.C., was a former associate professor of Legal Medicine at Meharry Medical College and a former lecturer in law at Fisk University and Tennessee State University. He was a member of the

teaching faculty at the Nashville School of Law and served as University of Memphis Distinguished Jurist in Residence.

His life and career reflects a man of many firsts. He was the first African-American in Tennessee in 1987 to serve on the Court of Criminal Appeals. First African-American chief justice in Tennessee in 1996. First person in the state's history to serve at every level of the judiciary.

"As the only judge who ever served at



JUSTICE ADOLPHO A. BIRCH, JR.
1932 - 2011

every level of our legal system, Justice Birch had a keen understanding of the law, the judiciary and the people he served," Chief Justice Cornelia A. Clark remarked in learning of his death. "That perspective served him well on the Supreme Court, especially in his role as chief justice. For his entire judicial career he continued to blaze trails to insure justice and access to the courts for all persons."

During his tenure on the bench, Birch was recognized with professional awards

QUOTE OF THE MONTH

Adolpho A. Birch, Jr. from a 1993 interview on why he chose a legal profession

"Racism and segregation were motivators. It motivated me because I knew it was wrong. I knew there was no legal or moral basis for it. I felt it was a mistreatment. I felt it was an abuse of power. And I wanted to do all I could to end it, to help end it, to get rid of it and make things equal, or at least nonsegregated."

PRESIDING JUDGES CHOSEN FOR GENERAL SESSIONS COURT AND STATE TRIAL COURTS IN DAVIDSON COUNTY

ONE-YEAR TERMS BEGIN IN SEPTEMBER

Nashville has 11 General Sessions judges and 18 State Trial Court judges, all elected by the citizens of Davidson County. They collectively are charged with the responsibility of dispensing justice in the thousands of various legal matters, both civil and criminal, which come before and through the local court system each year. In order to carry out this mission, each group of judges elects one of their own each August to serve a one-year term as Presiding Judge. The Presiding Judge supervises the business of the court, oversees the court's fiscal budget, works with each of the court's individual specialty committees, resolves issues and disputes and promotes court-related legislation during general assembly sessions.

JUDGE TURNER TAKES THE HELM IN GENERAL SESSIONS COURT FOR THE FIRST TIME

The judges of the General Sessions Court have elected Judge Dianne Turner to serve as Presiding Judge effective September 1st. This is Judge Turner's first tenure as Presiding Judge. Turner was elected to General Sessions Court Division V in 2006. Before becoming a Judge she was in private law practice for 18 years. Judge Turner was also a former public school teacher and basketball coach. She received her B.S. from Lipscomb University and her Law Degree from Nashville School of Law. She was an employee of General Sessions Court in Division VIII for the Honorable Leon Ruben while attending law school.



JUDGE DIANNE TURNER

She is a member of the Nashville Bar Association, Tennessee Bar Association, Tennessee Lawyers Association for Women and Tennessee Association for Criminal Defense Lawyers. Judge Turner is a past board member of the Donelson Hermitage Chamber of Commerce and is a member of the 2005 class of the Leadership Donelson Hermitage program. She is also a founding member of the Donelson Hermitage Evening Exchange Club.

JUDGE BINKLEY ELECTED TO PRESIDE OVER STATE TRIAL COURTS FOR SECOND CONSECUTIVE TERM

The State Trial Court judges have elected Judge Joe Binkley, Jr., to serve a second consecutive term as Presiding Judge. Binkley is the judge for the Fifth Circuit Court. He was born in Nashville and attended Christ The King and St. Henry's Elementary Schools and Montgomery Bell Academy. He received a Bachelor of Science Degree from Vanderbilt University and further received his Doctorate of Jurisprudence from Vanderbilt University School of Law. He was admitted to the Tennessee Bar in 1969. Judge Binkley practiced law in Nashville as a solo practitioner for 39 years (1969-2008). While practicing law, Judge Binkley shared office space with his father (Joe Binkley, Sr.) and his brother (Michael W. Binkley). He was appointed to the Fifth Circuit Court in April 2008 by Governor Phil Bredesen and was elected by popular vote in August 2008. He is a member of the Nashville and Tennessee Bar Associations and the Tennessee Trial Lawyers Association. He is a Fellow of the Tennessee Bar Foundation as well as a Fellow of the Nashville Bar Association. He is also a Master of the Bench of the Harry Phillips American Inn of Court.



JUDGE JOE BINKLEY, JR.

CIRCUIT COURT TRIAL VERDICTS

August 2011

JURY TRIALS

IF CASE WAS
APPEALED FROM
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of August 1					
10C-1892	AUTOMOBILE	1	HUNG JURY ON 8-3-11	DISMISSED	PLAINTIFF
09C-2520	AUTOMOBILE	5	PLAINTIFF \$18,091	N/A	
Week of August 8					
10C-170	SLIP & FALL	6	DEFENDANT VERDICT	N/A	
Week of August 22 & 29					
05C-921	WRONGFUL DEATH	6	DEFENDANT VERDICT	N/A	
09C-2873	AUTOMOBILE	2	PLAINTIFF \$1,054,000	N/A	
08C-2548	AUTOMOBILE	1	PLAINTIFF \$398,098	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of August 15					
10C-4184	AUTOMOBILE	1	PLAINTIFF \$65,000 + Costs	N/A	
11C-1721	PERSONAL PROPERTY	2	DEFENDANT / CASE DISMISSED	P - \$3,000	DEFENDANT
11C-2119	CONTRACT	6	PLAINTIFF \$3,775 + Costs	P - \$2,375	DEFENDANT
11C-193	CONTRACT	2	PLAINTIFF \$45,095	P - \$48,071	DEFENDANT
11C-1911	BARKING DOG APPEAL	1	UNDER ADVISEMENT FOR 90 DAYS	FOR METRO	DEFENDANT
09C-1409	WORKERS' COMP	5	PLAINTIFF \$28,520	N/A	
11C-867	CONTRACT/DEBT	1	DEFENDANT / COMPLAINT DISMISSED	P - \$873	DEFENDANT
10C-4664	WORKERS' COMP	6	COMPENSABLE INJURY / 40% PPD	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
11C-2939	DETAINER (GS TRANSFER)	2	POSSESSION GRANTED	8-19-11	Non-Jury

USE CASELINK TO ACCESS MORE DETAILED INFORMATION
ABOUT THESE CASES AND OTHERS

DEPARTMENTS BY THE NUMBER

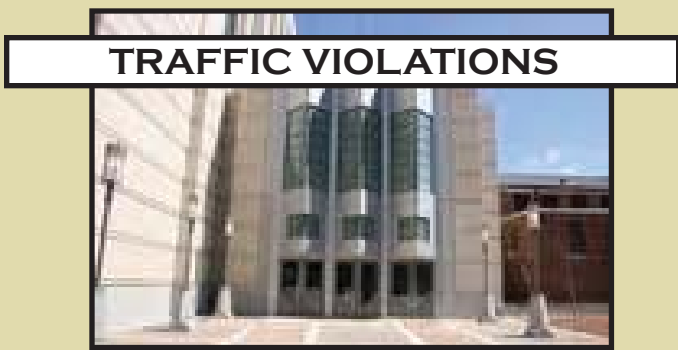
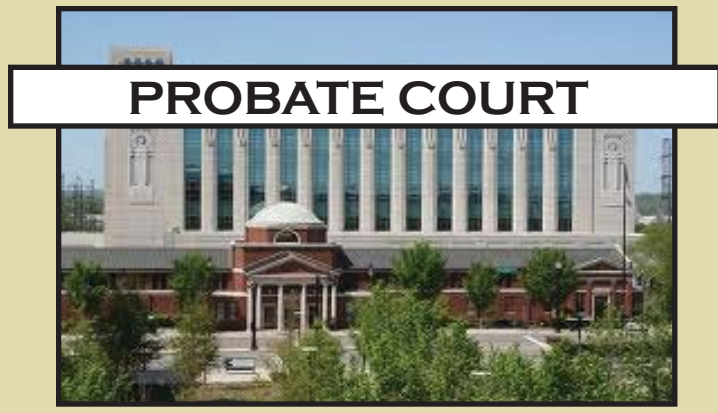
August 2011

	AUG	YTD
New Civil Cases Filed.....	212	1,629
Jury Demand.....	102	758
Non-Jury.....	110	871
New Divorce Cases Filed	190	1,583
Domestic Petitions Filed	256	2,005
New Adoption Petitions	15	90
<hr/>		
Civil Cases Concluded.....	226	1,788
Jury Demand.....	136	1,054
Non-Jury	90	734
Divorce Cases Concluded	232	1,749
Domestic Petitions Concluded	208	1,972



	AUG	YTD
Total New Cases Filed	4,520	32,621
Civil Warrants	2,219	17,026
Detainer Warrants	1,137	7,753
Recovery Warrants.....	39	251
Pet for Order of Protection.....	269	1,864
Emergency Committals	737	4,871
Other.....	119	856
<hr/>		
Executions Issued.....	4,225	31,224
Garnishment Payments	4,748	34,638
Judgments Collected.....	\$932,469	\$7,446,476

	AUG	YTD
Total New Cases Filed	156	1,307
Total Cases Closed	153	1,206
<hr/>		
Probate Will	66	581
Probate Will for Muniment of Title.....	9	47
Letters of Administration.....	23	193
Small Estate Affidavits.....	19	186
Conservatorship.....	19	144
Guardianship of Minor	0	22
Name Change	9	78
Trust Matters.....	0	11
Other Miscellaneous	11	45



	AUG	YTD
Total Traffic Violations.....	12,604	96,634
Moving Citations	8,069	65,054
Parking Citations.....	4,535	31,580
Environmental Citations.....	235	2,263
<hr/>		
Total Fines Collected	\$434,798	\$3,824,781
Nullifications.....	1,040	8,151
Nullification Fees Collected ...	\$12,479	\$97,804
*Credit Card Payments	2,979	24,128

AUGUST 2011



AUTO ACCIDENT

	AUG	YTD
Total Cases Tried	5	21
Plaintiff Verdicts	4	15
Defendant Verdicts	0	5
Other/Under Adv	1	1
Jury Trials	4	13
Non-Jury Trials	1	8
Appeal from G.S.	1	5
Plaintiff Verd.	0	4
Def. Verdict	1	1
Other/None	0	0

CONTRACT

	AUG	YTD
Total Cases Tried	3	40
Plaintiff Verdicts	2	35
Defendant Verdicts	1	5
Other/Under Adv	0	0

MEDICAL MALPRACTICE

	AUG	YTD
Total Cases Tried	0	4
Plaintiff Verdicts	0	1
Defendant Verdicts	0	2
Other/Under Adv/Hung	0	1

MISCELLANEOUS

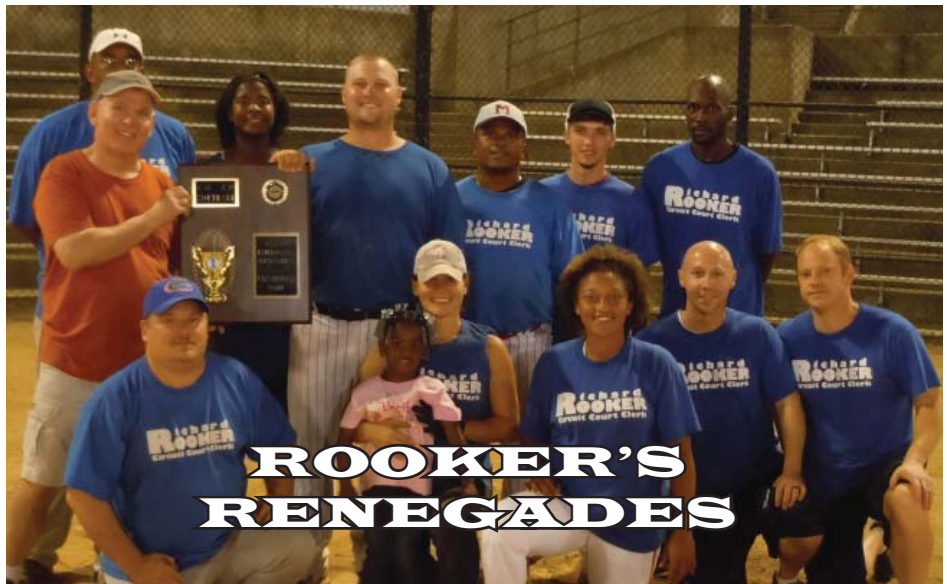
	AUG	YTD
Total Cases Tried	7	39
Plaintiff Verdicts	3	23
Defendant Verdicts	3	14
Other/Under Adv	1	2

CHAMPIONS AGAIN!

CIRCUIT COURT CLERK'S OFFICE WINS METRO EMPLOYEES SOFTBALL TOURNAMENT FOR SECOND YEAR IN A ROW



The Rooker Renegades have claimed their second consecutive title, going undefeated and winning the Metro employees annual softball tournament which took place August 29th and 30th. On their march to the championship, the Renegades pounded the team from the police department 20 to 0 and beat the Health Department team 12 to 8. The Renegades faced the team from the Health Department once again in the championship game but made short shrift of them as the game was called after the 3rd inning pursuant to the 20-run rule with the final score being Renegades 22, Health Department 2. Way to go team!



ROOKER'S RENEGADES

STANDING (left to right): William Belliford, Tim Ray, Jannay Williams, Trey Clary, Al Young, Nathan Patterson, Gary Jones
KNEELING (left to right): Scotty Ray, Brandi Ray, Cossandra Sharp, David Farmer, Brian Kahrs
PLAYED BUT NOT IN PICTURE: Kerry Sales and Jacilynne Randles

ROOKER REPORT

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RICHARD R. ROOKER Circuit Court Clerk
KYLE SOWELL Editor



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