



# ROOKER

## DECEMBER 2011

# REPORT

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

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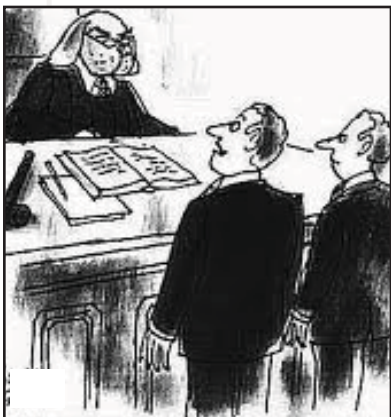
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Overview of December 2011  
Trials By Type of Case

Photo of Metro Historic Courthouse  
and Crowd Gathered in Downtown  
Nashville on New Year's Eve

### COURTHOUSE HUMOR



"Your Honor, my client feels  
you should recuse yourself as  
he is a cat person."

## SUPREME COURT ADOPTS NEW ETHICS RULES FOR JUDGES

### NEW PROCEDURE FOR JUDICIAL RECUSALS INCLUDED

The Tennessee Supreme Court has adopted a comprehensive revision to the Code of Judicial Conduct, which sets forth the ethics rules for Tennessee judges. The new Code of Judicial Conduct, which is Tennessee Supreme Court Rule 10, will take effect on July 1, 2012.

Among the principal changes to the Code of Judicial Conduct is the addition of a new procedure for pursuing the recusal of a judge, along with a new process for seeking an expedited appeal if a motion for recusal is denied.

Under the new recusal procedure, judges will be required to provide, in writing, grounds for denying any motion for recusal. And, in cases where the recusal is granted, the rule outlines the process for designating a new judge in the case.

In the new rule, the Court also establishes the process for seeking an expedited appeal should a motion for recusal be denied. Should a judge deny a motion for recusal, an accelerated appeal may be filed with the appropriate appellate court within 15 days of the judge's ruling. The appellate court will then make a decision on an expedited basis.

The Supreme Court also eliminated the ability for judges to make contributions to political campaigns or political organizations. However, the rule allows judges to purchase tickets to attend campaign events.

In following the American Bar Association's model rules of judicial conduct, the Court ad-

opted a new provision regarding the disability and impairment of a judge or attorney. The new rule instructs judges to take "appropriate action", such as referral to a lawyer or judicial assistance program, should a judge have reasonable belief that another judge or attorney is impaired by drugs, alcohol or other physical, mental or emotional condition.

"Maintaining a high standard of judicial ethics is paramount to the public's trust and confidence in the courts and the judges who preside over them," said Chief Justice Cornelia A. Clark. "We believe these changes to the Code of Judicial Conduct will provide Tennessee judges with greater guidance for conducting the business of the courts in a fair, impartial and ethical manner."

The new Code of Judicial Conduct was

adopted as a result of a petition filed by the Tennessee Bar Association (TBA) to make changes to the current ethics rules. The TBA's proposed rule changes were developed by a 13-member task force of attorneys and judges.

The Supreme Court filed the TBA's proposed rules for public comment in March. Following the public comment period, the Supreme Court held oral arguments in December to discuss some of the issues in the TBA's proposed rule. Visit [www.TNCOURTS.gov](http://www.TNCOURTS.gov) to view the Supreme Court's Order, the new version of Rule 10, and all related documents.



# NBA GATHERS AT WILDHORSE SALOON FOR ANNUAL MEETING & BANQUET

On December 8th members of the Nashville Bar Association gathered for their Annual Banquet at the Wildhorse Saloon in downtown Nashville. As part of the evening's festivities, members thanked retiring officers and board members for their service, honored those who upheld the honor of the legal profession by their commitment to the community and the Bar, and welcomed new leaders of the bar. Following a lively reception, NBA President Bob Mendes of MGLAW took to the podium to call the meeting to order, and soon thereafter recognized those retiring their membership on the NBA Board and thanked them for their service to the Bar, including John Griffin, Barbara Perutelli, Alisa Peters, Bob Pope, Tracy Shaw, Emily Shouse and Mike Sontag.



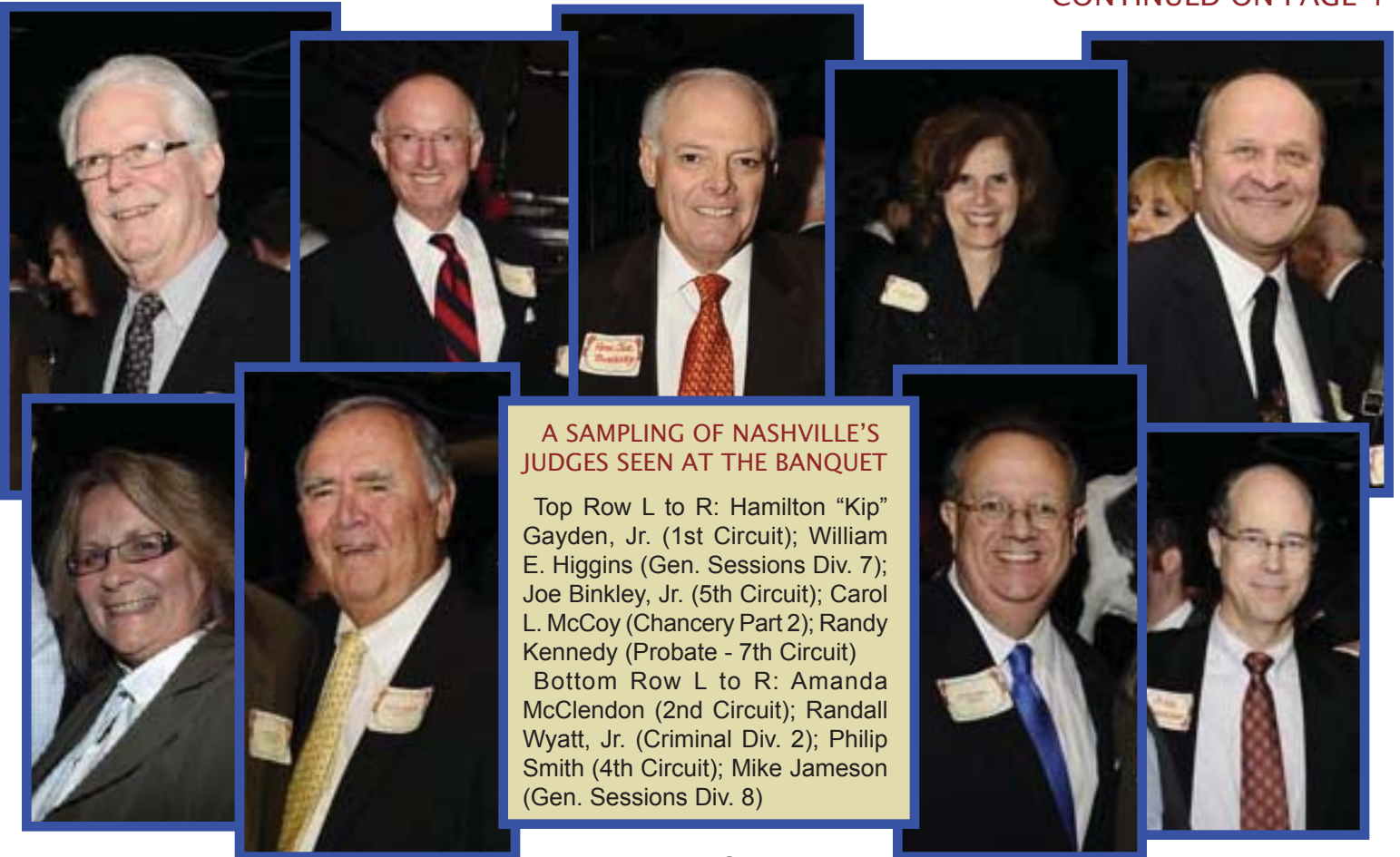
Mendes then handed the podium to Nashville Bar Journal editor, Bill Ramsey, who presented the Article of the Year award to Charles Grant for the September 2011 cover story, "The Freedom Rides: Making the Law Apply to All." The article was co-authored by Natasha Campbell who also received this award but was unable to attend. Ed Lanquist presented the Honorable Joe Brown with the CLE Excellence Award, noting his participation in more than 15 CLE programs last year for the local Bar members. Lewis G. "Buddy" Burnett was recognized by Thor Urness as The Joseph G. Cummings, Sr. Pro Bono Volunteer of the Year for his work in specifically taking on the representation of domestic relations cases involving potential physical abuse, while the Pro Bono Leadership Award was presented to Waller Lansden Dortch & Davis for providing support for over 300 cases in the last two years.

Aubrey Harwell and Trey Harwell then took the podium to recognize Bill Ramsey, this year's recipient of the John C. Tune Public Service Award, the NBA's highest honor. Ramsey was honored not only for his numerous Bar activities, but also for his extensive involvement in community enrichment. In accepting the award, Ramsey mentioned a number of attorneys that had supported him throughout his career, but his main points addressed the growing needs in our community and the unique advantages each member of the Bar has to contribute. He noted the need for continued participation in pro bono activities by all members of the Bar, as well as general assistance to others in our community for whom life has been less forgiving.

President Mendes then concluded the awards portion of the evening by presenting his President's Awards, which went to Ed Yarbrough, for his hard work and dedication to the NBA Capital Campaign this past year, and to the law firm of Sherrard & Roe, particularly for its assistance in negotiating the lease on the new Association office space. He then passed the gavel to President-Elect John Kitch.

Prior to introducing the new officers, President-Elect Kitch remarked about those attorneys who, early in his career, had provided

CONTINUED ON PAGE 4



### A SAMPLING OF NASHVILLE'S JUDGES SEEN AT THE BANQUET

Top Row L to R: Hamilton "Kip" Gayden, Jr. (1st Circuit); William E. Higgins (Gen. Sessions Div. 7); Joe Binkley, Jr. (5th Circuit); Carol L. McCoy (Chancery Part 2); Randy Kennedy (Probate - 7th Circuit)  
Bottom Row L to R: Amanda McClendon (2nd Circuit); Randall Wyatt, Jr. (Criminal Div. 2); Philip Smith (4th Circuit); Mike Jameson (Gen. Sessions Div. 8)



# CIRCUIT COURT TRIAL VERDICTS

## DECEMBER 2011

### JURY TRIALS

**IF CASE WAS  
APPEALED FROM  
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of December 5</b>					
08C-3215	HEALTH CARE LIABILITY	5	DEFENDANT VERDICT	N/A	
08C-1650	AUTOMOBILE	2	DIRECTED VERDICT FOR DEFENDANT ON 12/6 AFTER 2 DAYS OF TRIAL	N/A	

### NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of December 12</b>					
11C-2896	DETAINER	2	PLAINTIFF \$840 + COSTS	P - POSSESSION	PLAINTIFF
11C-744	CONTRACT (GS TRANSFER)	1	PLAINTIFF \$8,404 + COSTS	N/A	
11C-3001	CONTRACT/DEBT	5	PLAINTIFF \$1,792	P - \$2,598	DEFENDANT
09C-4083	WORKERS' COMP	1	UNDER ADVISEMENT	N/A	
11C-927	BREACH OF CONTRACT	2	PLAINTIFF (INJUNCTION MADE PERMANENT)	N/A	
11C-1931	CONTRACT/DEBT	1	DEFENDANT \$11,922 + COSTS	DISMISSED	PLAINTIFF
09C-3655	FRAUD	6	DEFENDANT VERDICT	N/A	

### SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
11C-3955	GEN SESS APPEAL / MISC	1	PLAINTIFF (INJUNCTION GRANTED)	12-2-11	NON-JURY
11C-3044	BREACH OF CONTRACT	2	PLAINTIFF \$56,043 DAMAGES	12-8-11	NON-JURY
11C-3846	GEN SESS APPEAL / RENT	5	PLAINTIFF \$300	12-15-11	NON-JURY
10C-3949	BREACH OF CONTRACT	5	PLAINTIFF \$50,000	12-19-11	NON-JURY



USE  
**CASELINK**

TO ACCESS MORE DETAILED INFORMATION ABOUT THESE  
CASES AND THOUSANDS MORE

FOR MORE INFORMATION  
VISIT OUR WEBSITE OR CALL 862-5204

# DEPARTMENTS BY THE NUMBER

# December 2011

## CIRCUIT COURT

	DEC	YTD
New Civil Cases Filed.....	189	2,480
Jury Demand.....	71	1,114
Non-Jury.....	118	1,366
New Divorce Cases Filed .....	148	2,286
Domestic Petitions Filed .....	164	2,702
New Adoption Petitions .....	7	139
Civil Cases Concluded.....	175	2,600
Jury Demand.....	108	1,556
Non-Jury .....	67	1,044
Divorce Cases Concluded .....	163	2,435
Domestic Petitions Concluded .....	159	2,734

## GENERAL SESSIONS CIVIL

	DEC	YTD
Total New Cases Filed .....	3,629	48,368
Civil Warrants .....	2,005	25,085
Detainer Warrants .....	708	11,485
Recovery Warrants.....	21	339
Pet for Order of Protection.....	243	2,867
Emergency Committals .....	559	7,344
Other.....	93	1,248
Executions Issued.....	3,515	45,032
Garnishment Payments .....	4,731	53,123
Judgments Collected.....	\$975,453	\$11,311,946

## PROBATE COURT

	DEC	YTD
Total New Cases Filed .....	144	1,902
Total Cases Closed .....	135	1,802
Probate Will .....	54	825
Probate Will for Muniment of Title .....	5	67
Letters of Administration.....	20	285
Small Estate Affidavits.....	26	288
Conservatorship.....	14	204
Guardianship of Minor.....	6	37
Name Change .....	13	114
Trust Matters.....	1	17
Other Miscellaneous .....	5	65

## TRAFFIC VIOLATIONS BUREAU

	DEC	YTD
Total Traffic Violations .....	8,207	135,817
Moving Citations .....	5,367	89,222
Parking Citations.....	2,840	46,595
Environmental Citations.....	250	3,002
Total Fines Collected .....	\$307,290	\$5,302,228
Nullifications.....	674	11,449
Nullification Fees Collected .....	\$8,087	\$137,378
*Credit Card Payments .....	2,460	35,166

### Continued From Page 2 **NBA Annual Meeting & Banquet**

inspiration and training. He noted the issues being faced by the current class of law graduates being released into the job market and acknowledged that some may lack the necessary practical skills for the practice of law. Referring back to the practical training he had graciously received from his own mentors, he introduced a new initiative for the association to act as a clearinghouse to match attorneys with more than 15 years of experience (mentors) with new attorneys with 7 years or less in practice (mentees). The purpose of the program is to encourage the type of mentoring necessary to maintain the high standards set by society and the local Bar while providing adequate resources from mentors to assist young attorneys making the transition into the real practice of law. Those interested in participating in the mentoring program can contact the NBA to register.

The evening concluded with recognition of newly-elected Board members C. Dewey Branstetter, Jr., Edward D. Lanquist, Jr., John C. McLemore, Jeffrey Mobley, Maria M. Salas, and Overton Thompson, III, followed by the introduction of the 2012 Board's officers: President-Elect, Tom Sherrard; First Vice President, Hon. Randy Kennedy; Second Vice President, Hon. Marietta Shipley; Treasurer, Bernadette Welch; Secretary, Rebekah Shulman; and General Counsel, Gareth Aden.



Outgoing NBA President Bob Mendes (right) passes the gavel to incoming NBA President John Kitch (left).

# DECEMBER 2011



## AUTO ACCIDENT

	DEC	YTD
Total Cases Tried	1	36
Plaintiff Verdicts	0	25
Defendant Verdicts	1	9
Other/Under Adv	0	2
Jury Trials	1	22
Non-Jury Trials	0	14
Appeal from G.S.	0	6
Plaintiff Verd.	0	4
Def. Verdict	0	2
Other/None	0	0

## CONTRACT

	DEC	YTD
Total Cases Tried	6	60
Plaintiff Verdicts	5	53
Defendant Verdicts	1	7
Other/Under Adv	0	0

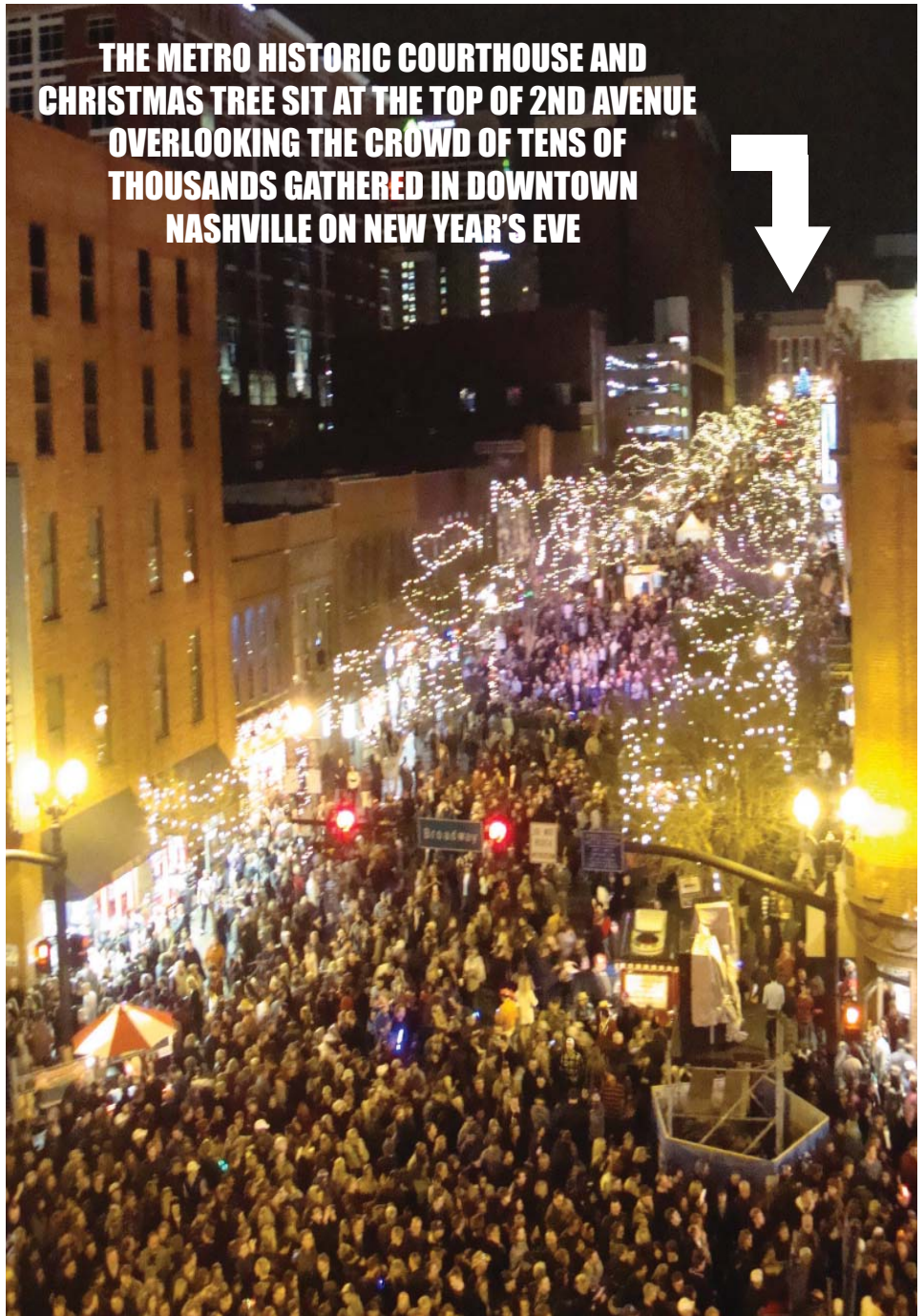
## HEALTH CARE LIABILITY

	DEC	YTD
Total Cases Tried	1	10
Plaintiff Verdicts	0	2
Defendant Verdicts	1	6
Other/Under Adv/Hung	0	2

## MISCELLANEOUS

	DEC	YTD
Total Cases Tried	5	66
Plaintiff Verdicts	3	40
Defendant Verdicts	1	21
Other/Under Adv	1	5

**THE METRO HISTORIC COURTHOUSE AND  
CHRISTMAS TREE SIT AT THE TOP OF 2ND AVENUE  
OVERLOOKING THE CROWD OF TENS OF  
THOUSANDS GATHERED IN DOWNTOWN  
NASHVILLE ON NEW YEAR'S EVE**



## ROOKER REPORT

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