



# ROOKER

APRIL 2010

# REPORT

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

## PERSONAL PROPERTY EXEMPTION LIMIT FOR JUDGMENT DEBTORS RAISED TO \$10,000

LAW WILL TAKE EFFECT JULY 1, 2010



On April 16, 2010, Governor Phil Bredesen signed and approved Public Chapter 787 which amends T.C.A. Section 26-2-103 by increasing the aggregate value of personal property from \$4,000 to \$10,000 which a judgment debtor may claim as exempt from execution, seizure or attachment to satisfy a judgment. The new exemption amount will take effect July 1, 2010.

The procedure to claim this exemption remains the same.

If a judgment is entered against a person and if that person wishes to claim certain personal property as exempt from execution, the judgment debtor must file a written list with the clerk of the court, under oath, of the items he or she wishes to claim as exempt. The list may be filed at any time and may be changed thereafter as necessary; however, unless the list is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list.

Statutory law imposes a duty on the clerk of the court from which process is issued to cause to be stapled to, printed upon or otherwise affixed to the warrant, summons or other leading process in the action the Notice found at T.C.A. Section 26-2-114(c), advising the defendant(s) of the personal property exemption and the amount of such exemption should a judgment be rendered against the defendant(s). Attorneys and litigants who utilize their own inventory of warrants, summonses or other forms of leading process, which contain this required Notice language in a pre-printed format, should take note to modify their forms effective July 1, 2010, to properly reflect in the Notice the increase of the personal property exemption amount from \$4,000 to \$10,000.

## COMING EVENT

## LAW DAY 2010

May 10th

Metro Historic Courthouse



Law Day 2010 presented by the Nashville Bar Association, the Napier-Looby Bar Association and the Nashville Bar Foundation will feature a program this year to honor and celebrate those brave attorneys who defended the Nashville sit-in demonstrators on the 50th Anniversary of this momentous civil rights trial.

In recognition of the Metro Historic Courthouse being the site of that landmark trial in the spring of 1960, a commemorative program and lunch will take place on May 10th from 11:15 a.m. to 1:00 p.m. outside on the Public Square lawn in front of the Historic Courthouse.

After lunch, events will move indoors to the sixth floor of the courthouse where a dramatic re-enactment of the trials of the demonstrators will take place in Judge Randy Kennedy's courtroom. Judge Kennedy will preside over the re-enactment with attorney Charles Grant playing the part of Z. Alexander Looby and District Attorney Torry Johnson playing the role of his predecessor.

## PRO SE PLAINTIFFS HAVE ACCESS TO FREE MEDIATION SERVICES IN GENERAL SESSIONS COURT



Nashville Conflict Resolution Center

The General Sessions Judges of Metro Davidson County recently issued a message encouraging self-represented (pro se) plaintiffs to contact the Nashville Conflict Resolution Center (NCRC) for assistance in mediating their dispute prior to their court date. NCRC is a 501(c)(3) non-profit organization that began in 2000 as an outreach effort of the Nashville Bar Association. The mediation services offered by NCRC are free for General Sessions cases and are mediated by fully trained and certified volunteers, many of whom are Rule 31 approved mediators. The message issued by the judges points out that mediation is fast, confidential and a legally binding alternative to a court proceeding. More information can be obtained from our General Sessions Civil department or by contacting NCRC at (615) 291-6272 or online at [www.nashvilleconflict.org](http://www.nashvilleconflict.org).

## DID YOU KNOW?



## URNS 40 THIS YEAR

FIRST EARTH DAY OBERVANCE  
APRIL 22, 1970

# CIRCUIT COURT TRIAL VERDICTS

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



## CASES TRIED IN MARCH 2010

### JURY TRIALS

**IF CASE WAS APPEALED FROM GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of March 1</b>					
07C-3054	AUTOMOBILE	6	P-\$9,997 (FAULT P 25% / D 75%)	N/A	
06C-1557	MEDICAL MALPRACTICE	3	HUNG JURY - MISTRIAL	N/A	
<b>Week of March 8</b>					
08C-3018	AUTOMOBILE	1	PLAINTIFF \$10,000	N/A	
05C-3457	MEDICAL MALPRACTICE	6	DEFENDANT	N/A	

### NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of March 22</b>					
09C-844	CONTRACT/DEBT	2	MIXED/CONSOLIDATED GS CASES	TRANSFERRED	
09C-2550	MISCELLANEOUS	2	GS JUDGMENT VACATED	P-\$4,650	DEFENDANT
09C-948	CONTRACT/DEBT	5	PLAINTIFF \$14,501	P-\$5,000	DEFENDANT
09C-3523	CONTRACT/DEBT	6	PLAINTIFF \$19,250	DEFENDANT	PLAINTIFF
08C-3995	CONTRACT/DEBT	5	PLAINTIFF \$17,779	P-\$23,000	DEFENDANT
09C-2545	CONTRACT/DEBT	5	PLAINTIFF \$7,760	P-\$23,500	DEFENDANT
09C-3923	CONTRACT/DEBT	6	DEFENDANT	P-\$2,100	DEFENDANT
09C-1121	WRONGFUL TERMINATION	2	DEFENDANT	N/A	
07C-3702	ASSAULT/DAMAGES	3	UNDER ADVISEMENT	N/A	

## OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE

AUTO ACCIDENT	MARCH	YTD
Total Cases Tried	2	5
Plaintiff Verdicts	2	4
Defendant Verdicts	0	1
Other/Under Adv	0	0
Jury Trials	2	5
Non-Jury Trials	0	0
Appeal from G.S.	0	0
Plaintiff Verd.	0	0
Def. Verdict	0	0
Other/None	0	0



MEDICAL MALPRACTICE	MAR	YTD
Total Cases Tried	2	3
Plaintiff Verdicts	0	0
Defendant Verdicts	1	2
Other/Under Adv	1	1

CONTRACTS	MAR	YTD
Total Cases Tried	6	19
Plaintiff Verdicts	4	13
Defendant Verdicts	1	4
Other/Under Adv	1	2

MISCELLANEOUS	MAR	YTD
Total Cases Tried	3	15
Plaintiff Verdicts	0	11
Defendant Verdicts	2	3
Other/Under Adv	1	1

# DEPARTMENTS BY THE NUMBER

## CIRCUIT COURT

March 2010

### NEW CASES

		YTD
New Civil Cases Filed.....	260	615
Jury Demand.....	129	290
Non-Jury.....	131	325
New Divorce Cases Filed .....	262	667
Domestic Petitions Filed .....	177	629
New Adoption Petitions .....	11	23

### CONCLUDED CASES

Civil Cases Concluded.....	206	664
Jury Demand.....	120	416
Non-Jury.....	86	248
Divorce Cases Concluded.....	221	565
Domestic Petitions Concluded .....	455	1,198

## PROBATE

March 2010

### CASE OVERVIEW

		YTD
Total New Cases Filed .....	198	526
Total Cases Closed .....	161	476

### NEW CASE FILINGS BY TYPE

Probate Will .....	85	235
Probate Will for Muniment of Title.....	6	18
Letters of Administration.....	27	72
Small Estate Affidavits.....	35	76
Conservatorship.....	22	59
Guardianship of Minor.....	4	5
Name Change .....	4	26
Trust Matters.....	2	4
Other Miscellaneous .....	13	31

## GENERAL SESSIONS CIVIL

March 2010

### NEW CASES

		YTD
Total New Cases Filed .....	4,157	11,537
Civil Warrants .....	2,356	6,401
Detainer Warrants .....	869	2,685
Recovery Warrants.....	37	85
Pet for Order of Protection.....	237	616
Emergency Committals .....	561	1,490
Other.....	97	260

### MISCELLANEOUS

Executions Issued.....	4,951	13,032
Garnishment Payments .....	4,984	13,778
Judgments Collected.....	\$1,033,530	\$2,892,272

## TRAFFIC VIOLATIONS

March 2010

### NEW MATTERS

		YTD
Total Traffic Violations .....	18,673	46,262
Moving Citations .....	12,571	32,490
Parking Citations.....	6,102	13,772
Environmental Citations.....	388	1,299

### MISCELLANEOUS

Total Fines Collected .....	\$678,036	\$2,010,746
Nullifications.....	1,439	3,953
Nullification Fees Collected ...	\$17,271	\$47,435
*Credit Card Payments .....	4,152	11,948

\*--Online and phone payments combined

## Quote of the Month



Now, gentlemen, in this country, our courts are the great levelers. In our courts, all men are created equal. I'm no idealist to believe firmly in the integrity of our courts and of our jury system - that's no ideal to me. That is a living, working reality!

Atticus Finch  
from To Kill A Mockingbird

## ROOKER REPORT



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



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