



ROOKER

JULY 2010

REPORT

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

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IMPORTANT NOTICE

LEGISLATURE OPTS NOT TO RATIFY AMENDMENT TO T.R.C.P. 26

An amendment to Rule 26 of the Tennessee Rules of Civil Procedure that would have permitted a party to obtain discovery of a liability insurance policy was not ratified by the legislature despite the Supreme Court pressing for the amendment. Thus, the holding in *Thomas v. Oldfield*, 279 S.W.2d 259 (Tenn. 2009), that information concerning a defendant's liability insurance coverage is not discoverable under current T.R.C.P. 26.02, remains the rule in this state.

Last month's issue of the Rooker Report erroneously reported that the amendment had been approved. The last minute choice by the legislature not to ratify the amendment caught others off guard too as evidenced by the fact that even the recent publication of the Tennessee Rules of Court Annotated, published by Lexis Nexis, incorrectly reported that the amendment had been ratified.

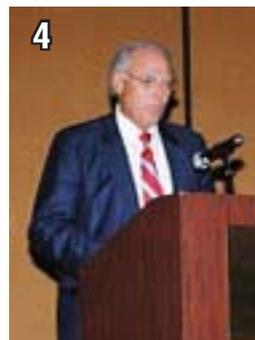
CHANCELLOR McCOY COMPLETES HER TERM AS PRESIDENT OF TENNESSEE JUDICIAL CONFERENCE

More than 180 trial and appellate judges from across the state gathered in Murfreesboro in late June for the annual Tennessee Judicial Conference. The three day conference included continuing legal education on a wide range of topics such as judicial ethics, civil procedure, online investigations and social networking. In addition, Chancellor Carol McCoy of Nashville was recognized for her service as the outgoing president. McCoy was elected to a one year term as president of the TJC in June 2009 becoming the first female jurist to



ever hold this position. At McCoy's request, the TJC raised over \$3,400 during the year to purchase gift cards for the entire staff of the Administrative Office of the Courts in recognition of their hard work. At the opening meeting, Circuit Court Judge Randy Kennedy, who spearheaded the fundraising effort in middle Tennessee, helped present the gift check

to Libby Sykes, Executive Director of the AOC. As for other business, the first day of the conference featured the TJC Luncheon with Governor Phil Bredesen delivering the keynote address. Following his remarks, Chancellor McCoy presented Bredesen with a framed certificate signed by all 43 state trial and appellate judges he appointed to the bench during his two terms as governor. The Bench-Bar Luncheon, held on the second day of the conference in partnership with the Tennessee Association for Justice, featured speeches by Chief Justice Janice Holder and Tennessee Titans Head Coach Jeff Fisher. Circuit Court Judge Joe Binkley introduced Fisher who shared stories about his time as head coach of the Titans and also took time to answer questions from the audience. The evening before, McCoy had organized a behind the scenes tour of LP Field for the judges, making Fisher's appearance at the luncheon all the more captivating. At the close of



the conference, McCoy passed the gavel to the incoming president, Chancellor Skip Frierson of Morristown. Former Supreme Court Justice Frank Drowota is reported to have told Chancellor McCoy that this was his 40th Judicial Conference and by far the best he has ever attended.

(1) Chancellor Skip Frierson presenting Chancellor Carol McCoy with a plaque in recognition of her service as TJC president (2) Chancellor McCoy greeting Governor Bredesen at the TJC Luncheon (3) Circuit Court Judge Randy Kennedy (left) helping present the gift check to Libby Sykes for the employees of the AOC (4) Circuit Court Judge Joe Binkley introducing Coach Jeff Fisher at the Bench-Bar Luncheon

SCENES AROUND THE COURTHOUSE COMPLEX



JULY 4TH CELEBRATION

July 4 -- the Metro Historic Courthouse overlooks 2nd Avenue as a crowd of thousands gathered in downtown Nashville to view fireworks and celebrate at Riverfront Park



MUSIC CITY TRIATHLON

July 25 -- the Metro Historic Courthouse served as a backdrop & refreshment station for over 400 participants who swam 1500 meters, biked 24.9 miles & then ran 6.2 miles



OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE JUNE 2010

| AUTO ACCIDENT | JUNE | YTD |
|--------------------|------|-----|
| Total Cases Tried | 4 | 15 |
| Plaintiff Verdicts | 2 | 11 |
| Defendant Verdicts | 1 | 3 |
| Other/Under Adv | 1 | 1 |
| Jury Trials | 3 | 12 |
| Non-Jury Trials | 1 | 3 |
| Appeal from G.S. | 0 | 0 |
| Plaintiff Verd. | 0 | 0 |
| Def. Verdict | 0 | 0 |
| Other/None | 0 | 0 |



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

| CONTRACTS | JUNE | YTD |
|--------------------|------|-----|
| Total Cases Tried | 8 | 35 |
| Plaintiff Verdicts | 7 | 28 |
| Defendant Verdicts | 1 | 5 |
| Other/Under Adv | 0 | 2 |

| MISCELLANEOUS | JUNE | YTD |
|--------------------|------|-----|
| Total Cases Tried | 5 | 34 |
| Plaintiff Verdicts | 3 | 23 |
| Defendant Verdicts | 2 | 9 |
| Other/Under Adv | 0 | 2 |

CIRCUIT COURT TRIAL VERDICTS

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



CASES TRIED IN JUNE 2010

JURY TRIALS

IF CASE WAS
APPEALED FROM
GENERAL SESSIONS

| CASE | TYPE | COURT | CIRCUIT JUDGMENT | GEN. SESSIONS JUDGMENT | APPELLANT |
|------------------------|------------|-------|--|---------------------------|-----------|
| Week of June 14 | | | | | |
| 08C-2747 | AUTOMOBILE | 2 | PLAINTIFF \$27,785 | N/A | |
| 07C-2821 | AUTOMOBILE | 5 | DEFENDANT VERDICT | N/A | |
| 06C-2612 | AUTOMOBILE | 6 | SETTLED ON 6/18 AT PUNITIVE DAMAGE PHASE OF TRIAL | N/A | |

NON-JURY TRIALS

| CASE | TYPE | COURT | CIRCUIT JUDGMENT | GEN. SESSIONS JUDGMENT | APPELLANT |
|------------------------|------------------|-------|----------------------------------|---------------------------|-----------|
| Week of June 28 | | | | | |
| 10C-813 | SWORN ACCOUNT | 1 | PLAINTIFF \$13,303 BY DEFAULT | P-\$11,731 | DEFENDANT |
| 09C-4055 | TRAFFIC APPEAL | 1 | TICKET REDUCED, \$50 FINE, COSTS | N/A | |
| 10C-989 | CONTRACT/DEBT | 6 | PLAINTIFF \$1,108 + COSTS | P-\$1,675 | DEFENDANT |
| 09C-2955 | CONTRACT/DEBT | 1 | PLAINTIFF - DEFAULT GRANTED | N/A | |
| 10C-810 | RECOVER PROPERTY | 1 | DEFENDANT VERDICT | P-\$1,000 | DEFENDANT |
| 09C-1890 | AUTOMOBILE | 1 | PLAINTIFF \$5,140 + COSTS | N/A | |
| 08C-3527 | NEGLIGENCE | 2 | PLAINTIFF \$6,015 + COSTS | N/A | |
| 09C-3703 | SWORN ACCOUNT | 1 | PLAINTIFF \$5,000 | P-\$12,431 | DEFENDANT |
| 10C-526 | CONTRACT/DEBT | 6 | DISMISSED - COSTS TO PLAINTIFF | P-\$1,000 | DEFENDANT |
| 09C-2643 | CONTRACT/DEBT | 2 | PLAINTIFF \$10,763 | P-\$8,620 | DEFENDANT |
| 08C-2579 | WORKERS' COMP | 6 | PLAINTIFF 20% VOC. IMPAIRMENT | N/A | |
| 09C-700 | WORKERS' COMP | 5 | DEFENDANT (P IND. CONTRACTOR) | N/A | |

SPECIALLY SET TRIALS (JURY & NON-JURY)

| CASE | TYPE | COURT | CIRCUIT JUDGMENT | DATE OF TRIAL | JURY OR NON-JURY |
|----------|--------------------|-------|------------------------|------------------|---------------------|
| 08C-2898 | BREACH OF CONTRACT | 2 | PLAINTIFF \$32,000 NET | 6-9-10 | NON-JURY |
| 09C-1821 | CONTRACT/DEBT | 5 | PLAINTIFF \$89,889 | 6-30-10 | NON-JURY |

DEPARTMENTS BY THE NUMBER

CIRCUIT COURT

June 2010

NEW CASES

| | | YTD |
|--------------------------------|-----|-------|
| New Civil Cases Filed..... | 225 | 1,237 |
| Jury Demand..... | 100 | 558 |
| Non-Jury..... | 125 | 679 |
| New Divorce Cases Filed | 195 | 1,258 |
| Domestic Petitions Filed | 243 | 1,261 |
| New Adoption Petitions | 13 | 57 |

CONCLUDED CASES

| | | |
|------------------------------------|-----|-------|
| Civil Cases Concluded..... | 271 | 1,392 |
| Jury Demand..... | 150 | 842 |
| Non-Jury | 121 | 550 |
| Divorce Cases Concluded..... | 214 | 1,112 |
| Domestic Petitions Concluded | 761 | 2,621 |

PROBATE

June 2010

CASE OVERVIEW

| | | YTD |
|-----------------------------|-----|-------|
| Total New Cases Filed | 205 | 1,042 |
| Total Cases Closed | 140 | 923 |

NEW CASE FILINGS BY TYPE

| | | |
|---|-----|-----|
| Probate Will | 103 | 481 |
| Probate Will for Muniment of Title..... | 5 | 36 |
| Letters of Administration..... | 27 | 138 |
| Small Estate Affidavits..... | 22 | 147 |
| Conservatorship..... | 29 | 112 |
| Guardianship of Minor..... | 2 | 14 |
| Name Change | 11 | 50 |
| Trust Matters..... | 3 | 13 |
| Other Miscellaneous | 3 | 51 |

GENERAL SESSIONS

CIVIL

June 2010

NEW CASES

| | | YTD |
|----------------------------------|-------|--------|
| Total New Cases Filed | 4,852 | 24,064 |
| Civil Warrants | 2,717 | 13,517 |
| Detainer Warrants | 1,154 | 5,658 |
| Recovery Warrants..... | 36 | 166 |
| Pet for Order of Protection..... | 259 | 1,261 |
| Emergency Committals | 539 | 2,927 |
| Other..... | 147 | 535 |

MISCELLANEOUS

| | | |
|----------------------------|-----------|-------------|
| Executions Issued..... | 4,393 | 26,035 |
| Garnishment Payments | 4,181 | 26,572 |
| Judgments Collected..... | \$831,881 | \$5,579,323 |

TRAFFIC VIOLATIONS

June 2010

NEW MATTERS

| | | YTD |
|-------------------------------|--------|--------|
| Total Traffic Violations..... | 14,250 | 84,817 |
| Moving Citations | 10,430 | 61,612 |
| Parking Citations..... | 3,820 | 23,205 |
| Environmental Citations..... | 398 | 2,508 |

MISCELLANEOUS

| | | |
|----------------------------------|-----------|-------------|
| Total Fines Collected | \$525,699 | \$3,537,596 |
| Nullifications..... | 1,124 | 7,326 |
| Nullification Fees Collected ... | \$13,486 | \$87,904 |
| *Credit Card Payments | 2,470 | 18,823 |

Quote of the Month



Two lesser known but insightful quotes from the author of our Declaration of Independence

“I never considered a difference of opinion in politics, in religion, in philosophy, as cause for withdrawing from a friend.”

“Nothing gives one person so much advantage over another as to remain always cool and unruffled under all circumstances.”

Thomas Jefferson

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