



# ROOKER

## NOVEMBER-2010

# REPORT

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

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## DOMESTIC JUDGES SET NEW DEADLINE FOR THE FILING OF MOTIONS

### 7 DAY RULE GONE

NEW RULE TAKES EFFECT JANUARY 1, 2011

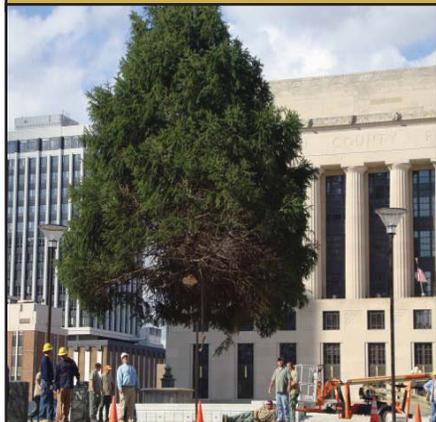
In an Order signed on November 17, 2010, by Fourth Circuit Court Judge Philip Smith and Eighth Circuit Court Judge Carol Soloman, the deadline for filing motions in divorce and domestic relations cases was modified. Pursuant to the Order, all motions filed in the Fourth and Eighth Circuit Courts of Davidson County must be filed no later than the close of business on the Friday nine (9) business days before the day of the motion hearing. The new deadline takes effect January 1, 2011, and has been enacted to bring the domestic courts of Davidson County into compliance with Rules 6.01 and 6.05 of the Tennessee Rules of Civil Procedure.



Prior to this modification, Local Rule of Practice 37.05 provided that a motion or a notice of hearing on a divorce or domestic relations motion merely needed to be filed at least seven (7) days prior to the scheduled hearing date. In light of the fact that all domestic motion dockets are held on Fridays, the practical effect of this new rule change means that domestic motions or notices of hearing related to a domestic motion must be filed no later than the close of business on the Friday at least fourteen (14) days prior to the hearing date. For example, with regard to a hypothetical domestic motion scheduled to be heard on Friday, January 28, 2011, the motion or notice of hearing regarding that motion must be filed no later than the close of business on Friday, January 14, 2011. Furthermore, if motion hearings are moved to a Monday hearing date due to Friday being a holiday, the motion or notice of hearing will still need to be filed no later than the close of business on the Friday at least fourteen (14) days prior to the hearing. A copy of the full text of this new Order can be obtained by visiting the Circuit Domestic Motions page of our website at <http://circuitclerk.nashville.gov>.



November 22 - the Metro Christmas Tree is hoisted by crane into place in the Public Square Park



**HOLIDAY SCHEDULE FOR CIRCUIT COURT CLERK  
CLOSED DECEMBER 23RD, 24TH & 31ST**

## PROPOSED AMENDMENT TO RULE 9 OF THE LOCAL RULES OF THE TWENTIETH JUDICIAL DISTRICT

COMMENT PERIOD SET TO EXPIRE  
DECEMBER 31, 2010

A proposal regarding ex parte communications by certain judges has been put forth which would amend Rule 9 of the Local Rules of the Twentieth Judicial District by adding a new section to be designated as Rule 9.01. Anyone wishing to comment on the proposed new rule should submit their comments in writing by December 31, 2010, to Criminal Court Judge Seth Norman, Twentieth Judicial District, Division IV, 408 Second Avenue, North, Suite 6100, Nashville, Tennessee 37201.

### LANGUAGE OF PROPOSED AMENDMENT

#### RULE 9.01. EX PARTE COMMUNICATIONS

Pursuant to Tennessee Supreme Court Rule 10, Canon 3(B)(7)(e) as amended by order dated December 7, 2009, Judges of therapeutic courts, mental health courts and drug courts may engage in ex parte communications concerning the welfare and treatment of any individuals in those courts. However, should the Judge of any of the courts enumerated above believe that such ex parte communication shall, in any way, influence any ruling by that Judge, the Judge shall immediately enter an order of recusal. Further, if any defendant should feel that their right to due process has been affected by said communications, they may petition the Judge for recusal. Upon good cause shown by the defendant, the Judge shall enter an order of recusal.

## IN MEMORIAM

IMOGENE LUCAS  
1937 - 2010



Visitors to the courtroom of the Second Circuit Court in the Metro Historic Courthouse in late November were greeted by a floral wreath hung in memory of Imogene Lucas who passed away on November 18th at the age of 73. Mrs. Lucas is fondly remembered for her long time service to the Second Circuit Court having worked as a judicial secretary to three consecutive Judges in the 1970s who presided over the Second Circuit. Mrs. Lucas began her service as secretary for Judge John L. Uhlian, Jr., who presided until 1975. Judge Uhlian was succeeded by Hal Hardin who retained Mrs. Lucas as his secretary. When Judge Hardin left the bench upon being appointed U.S. Attorney for the Middle District of Tennessee by President Carter, Mrs. Lucas went to work for his successor, Judge John T. Nixon in 1977. Her service in the Second Circuit Court finally came to an end a year later when Judge Nixon was appointed to the federal bench by President Carter. Her service, however, for Judge Nixon did not come to an end at that time. She moved with him to the federal courts and continued to work as his secretary until her death a few weeks ago.

## OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE OCTOBER 2010

### AUTO ACCIDENT

	OCT	YTD
Total Cases Tried	1	26
Plaintiff Verdicts	0	20
Defendant Verdicts	1	5
Other/Under Adv	0	1
Jury Trials	1	19
Non-Jury Trials	0	7
Appeal from G.S.	0	2
Plaintiff Verd.	0	2
Def. Verdict	0	0
Other/None	0	0



### MEDICAL MALPRACTICE

	OCT	YTD
Total Cases Tried	1	6
Plaintiff Verdicts	1	2
Defendant Verdicts	0	3
Other/Under Adv	0	1

### CONTRACTS

	OCT	YTD
Total Cases Tried	4	53
Plaintiff Verdicts	1	40
Defendant Verdicts	2	10
Other/Under Adv	1	3

### MISCELLANEOUS

	OCT	YTD
Total Cases Tried	3	60
Plaintiff Verdicts	2	36
Defendant Verdicts	0	19
Other/Under Adv	1	5

# CIRCUIT COURT TRIAL VERDICTS

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



## JURY TRIALS

IF CASE WAS  
APPEALED FROM  
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of October 11</b>					
09C-4151	MEDICAL MALPRACTICE	6	PLAINTIFF \$1,855,000	N/A	
<b>Week of October 25</b>					
09C-689	AUTOMOBILE	2	DEFENDANT VERDICT	N/A	
06C-1951 & 08C-617 (CONSOLIDATED)	BREACH OF CONTRACT	1	DEFENDANT VERDICT (JURY WAIVED DAY OF TRIAL)	N/A	
09C-1584	OUTRAGEOUS CONDUCT, INFLICTION OF EMOTIONAL DISTRESS, ABUSE OF CORPSE	6	PLAINTIFF \$300, 000 COMPENSATORY AND \$1,250,000 PUNITIVE	N/A	

## NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
<b>Week of October 4</b>					
10C-2677	RECOVER AUTOMOBILE	6	IMPROPER VENUE	P-\$1,650	DEFENDANT
06C-895	CONTRACT/DEBT	6	PLAINTIFF \$1,321,000	N/A	
10C-1524	CONTRACT/DEBT	6	DISMISSED	P-\$2,500	DEFENDANT
08C-662	DEFAMATION	2	PLAINTIFF \$5,853	N/A	
08C-674	CONTRACT/DEBT	6	DEFENDANT \$90,410 + ATTY FEES AND COSTS	N/A	

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

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
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NO SPECIALLY SET TRIALS DURING  
OCTOBER 2010

# DEPARTMENTS BY THE NUMBER

## CIRCUIT COURT

October 2010

### NEW CASES

		YTD
New Civil Cases Filed.....	203	2,107
Jury Demand.....	100	942
Non-Jury.....	103	1,165
New Divorce Cases Filed .....	188	2,026
Domestic Petitions Filed .....	238	2,171
New Adoption Petitions .....	14	115

### CONCLUDED CASES

Civil Cases Concluded.....	207	2,258
Jury Demand.....	137	1,368
Non-Jury .....	70	890
Divorce Cases Concluded.....	172	1,844
Domestic Petitions Concluded .....	215	3,963

## PROBATE

October 2010

### CASE OVERVIEW

		YTD
Total New Cases Filed .....	133	1,638
Total Cases Closed .....	151	1,546

### NEW CASE FILINGS BY TYPE

Probate Will .....	52	741
Probate Will for Muniment of Title .....	5	51
Letters of Administration.....	16	225
Small Estate Affidavits.....	20	226
Conservatorship.....	19	177
Guardianship of Minor.....	5	29
Name Change .....	10	87
Trust Matters.....	4	26
Other Miscellaneous .....	2	76

## GENERAL SESSIONS

### CIVIL

October 2010

### NEW CASES

		YTD
Total New Cases Filed .....	3,620	40,226
Civil Warrants .....	1,853	21,963
Detainer Warrants .....	911	9,725
Recovery Warrants.....	17	279
Pet for Order of Protection.....	196	2,150
Emergency Committals .....	513	5,048
Other.....	130	1,061

### MISCELLANEOUS

Executions Issued.....	4,071	43,111
Garnishment Payments .....	4,187	43,517
Judgments Collected.....	\$918,281	\$9,081,800

## TRAFFIC VIOLATIONS

October 2010

### NEW MATTERS

		YTD
Total Traffic Violations.....	14,657	142,980
Moving Citations .....	9,302	100,097
Parking Citations.....	5,355	42,883
Environmental Citations.....	375	4,369

### MISCELLANEOUS

Total Fines Collected .....	\$490,863	\$5,509,141
Nullifications.....	1,248	12,083
Nullification Fees Collected ...	\$14,972	\$144,975
*Credit Card Payments .....	3,019	29,973

## Quotes of the Month

### Season of Thanksgiving

As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

John F. Kennedy

A thankful heart is not only the greatest virtue, but the parent of all the other virtues.

Cicero

There is one day that is ours. Thanksgiving Day is the one day that is purely American.

O. Henry

Thanksgiving dinners take eighteen hours to prepare. They are consumed in twelve minutes. Half-times take twelve minutes. This is not coincidence.

Erma Bombeck

## ROOKER REPORT



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