



ROOKER

JANUARY 2011

REPORT

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

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Quote of the Month

AMENDMENT TO LOCAL RULE 9 FOR 20th JUDICIAL DISTRICT EFFECTIVE FEBRUARY 1, 2011

TEXT OF 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.

2010 IN REVIEW

CIRCUIT COURT

Total Number of New Civil Cases Filed (Non-Domestic)
2,503 (1,114 Jury Demand & 1,389 Non-Jury)
Total Number of Civil Cases Concluded (Non-Domestic): **2,596**
Total Number of New Divorce Cases Filed: **2,362**
Total Number of Divorce Cases Concluded: **2,147**
Total Number of Domestic Petitions Filed: **2,539**
Total Number of Domestic Petitions Concluded: **4,480**

PROBATE

Total Number of New Cases Filed: **1,907**
Total Number of Cases Concluded: **1,829**
Number of Petitions to Probate a Will Filed : **927**
Number of Petitions for Letters of Administration Filed: **261**
Number of Small Estate Cases Filed: **272**
Number of Conservatorship Cases Filed: **202**
Number of Guardianship of a Minor Cases Filed: **38**
Number of Name Change Cases Filed: **94**
Number of Trust and Other Matters Filed: **113**

GENERAL SESSIONS CIVIL

Total Number of New Cases Filed: **47,287**
Number of Civil Warrants Filed: **25,542**
Number of Detainer Warrants Filed : **11,632**
Number of Recovery Warrants Filed: **341**
Number of Petitions for an Order of Protection Filed: **2,593**
Number of Emergency Committals: **6,038**
Number of Other Miscellaneous Matters Filed: **1,141**
Number of Executions Issued: **50,058**
Number of Garnishment Payments Received: **52,652**
Total Dollar Amount of Judgments Collected: **\$10,879,213**

CONTINUED ON PAGE 2



TRAFFIC VIOLATIONS BUREAU

Total Number of Traffic Citations Processed (Moving & Parking):

166,865

Number of Moving Citations Processed: **115,272**

Number of Parking Citations Processed : **51,593**

Number of Environmental Citations Processed : **4,827**

Total Amount of Fines Collected: **\$6,401,389**

Total Number of Nullifications: **14,392**

Total Amount of Nullification Fees Collected: **\$172,684**

Total Number of Credit Card Payments Processed: **36,303**

NEW UNIFORM ADULT GUARDIANSHIP LAW EFFECTIVE JANUARY 1, 2011

The "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act," which was enacted by the General Assembly during the last legislative session, took effect on January 1st. It establishes uniform laws regarding Tennessee's jurisdiction to appoint a guardian or conservator, to transfer a guardianship or conservatorship, and to enforce guardianships or protective orders in another state. The act supplements provisions of the Adult Protection Act and provides a basis for determining jurisdiction between Tennessee and other states or foreign countries in cases involving protection of an adult by courts of different states or countries. The act also establishes a procedure for the transfer of a fiduciary relationship for minors or disabled adults to another county, state or country.

CHANGES TO RULES OF PROFESSIONAL CONDUCT EFFECTIVE JANUARY 1, 2011

The Tennessee Supreme Court has adopted revisions to the Rules of Professional Conduct which govern the ethical behavior of attorneys. The changes to the Rules of Professional Conduct (RPCs), which fall under Tennessee Supreme Court Rule 8, became effective January 1, 2011, and provide additional clarity for attorneys regarding their ethical obligations and enhance the safeguards for clients of attorneys practicing in Tennessee.

The amended RPCs also offer more specific guidelines regarding a lawyer's duty to communicate and consult with the client. In addition, there are new provisions about the obligations of an attorney who inadvertently receives confidential or privileged information from the opposing counsel in a case. The amended RPCs retain the current rule protecting clients when attorneys move from one law firm to another in the midst of litigation proceedings.

The changes were prompted by a petition filed by the Tennessee Bar Association with the Supreme Court in May 2009.

A redlined version of the revisions comparing the new Rules to the prior Rules and showing clearly what has changed, word for word, in every Rule and Comment can be viewed by visiting the website of the Tennessee Bar Association at www.tba.org.

OVERVIEW OF CIRCUIT COURT TRIALS BY TYPE OF CASE DECEMBER 2010

AUTO ACCIDENT	DEC	YTD
Total Cases Tried	2	30
Plaintiff Verdicts	1	22
Defendant Verdicts	1	7
Other/Under Adv	0	1
Jury Trials	2	23
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	DEC	YTD
Total Cases Tried	0	7
Plaintiff Verdicts	0	2
Defendant Verdicts	0	3
Other/Under Adv	0	2

CONTRACTS	DEC	YTD
Total Cases Tried	2	59
Plaintiff Verdicts	2	46
Defendant Verdicts	0	10
Other/Under Adv	0	3

MISCELLANEOUS	DEC	YTD
Total Cases Tried	3	69
Plaintiff Verdicts	2	42
Defendant Verdicts	1	22
Other/Under Adv	0	5

CIRCUIT COURT TRIAL VERDICTS

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



CASES TRIED IN DECEMBER 2010

JURY TRIALS

IF CASE WAS
APPEALED FROM
GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of December 6					
09C-2804	AUTOMOBILE	5	DEFENDANT VERDICT	N/A	
09C-2016	AUTOMOBILE	6	PLAINTIFF \$55,189	N/A	
08C-4023	PERSONAL INJURY (FALL)	2	PLAINTIFF \$419,157	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of December 13					
10C-3847	CONTRACT/DEBT	1	PLAINTIFF \$1,893 + Ct COSTS	P-\$1,631	DEFENDANT
10C-2712	WORKERS' COMP	5	PLAINTIFF \$16,964	N/A	
10C-2582	TRAFFIC APPEAL	1	DISMISSED/FAILURE TO PROSECUTE	N/A	

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
10C-3574	CONTRACT/DEBT	5	PLAINTIFF \$34,576	12-20-10	Non-Jury

DEPARTMENTS BY THE NUMBER

CIRCUIT COURT

December 2010

NEW CASES

		YTD
New Civil Cases Filed.....	187	2,503
Jury Demand.....	84	1,114
Non-Jury.....	103	1,389
New Divorce Cases Filed	146	2,362
Domestic Petitions Filed	165	2,539
New Adoption Petitions	7	134

CONCLUDED CASES

Civil Cases Concluded.....	143	2,596
Jury Demand.....	86	1,577
Non-Jury	57	1,019
Divorce Cases Concluded.....	159	2,147
Domestic Petitions Concluded	223	4,480

PROBATE

December 2010

CASE OVERVIEW

		YTD
Total New Cases Filed	129	1,907
Total Cases Closed	150	1,829

NEW CASE FILINGS BY TYPE

Probate Will	57	872
Probate Will for Muniment of Title.....	0	55
Letters of Administration.....	13	261
Small Estate Affidavits.....	28	272
Conservatorship.....	12	202
Guardianship of Minor.....	8	38
Name Change	4	94
Trust Matters.....	1	28
Other Miscellaneous	6	85

GENERAL SESSIONS

CIVIL

December 2010

NEW CASES

		YTD
Total New Cases Filed	3,390	47,287
Civil Warrants	1,731	25,542
Detainer Warrants	950	11,632
Recovery Warrants.....	30	341
Pet for Order of Protection.....	181	2,593
Emergency Committals	470	6,038
Other.....	28	1,141

MISCELLANEOUS

Executions Issued.....	2,995	50,058
Garnishment Payments	4,569	52,652
Judgments Collected.....	\$908,198	\$10,879,213

TRAFFIC VIOLATIONS

December 2010

NEW MATTERS

		YTD
Total Traffic Violations.....	9,675	166,865
Moving Citations	6,314	115,272
Parking Citations.....	3,361	51,593
Environmental Citations.....	254	4,827

MISCELLANEOUS

Total Fines Collected	\$414,174	\$6,401,389
Nullifications.....	1,037	14,392
Nullification Fees Collected ...	\$12,445	\$172,684
*Credit Card Payments	3,117	36,303

Quote of the Month



“For having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right but found to be otherwise.”

Benjamin Franklin

ROOKER REPORT



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