



ROOKER

FEBRUARY 2011

REPORT

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

IN THIS ISSUE

PAGE 2

Rule 26 Amendment Expands Discovery Related to Expert Witnesses

High School Mock Trial Competition

PAGE 3

CaseLink Corner
Overview of January 2011 Trials
By Type of Case

PAGE 4

Jan. 2011 Circuit Court Trial Verdicts
(Jury, Non-Jury, Specially Set)

PAGE 5

Statistical Numbers by Each Department
Monthly and Year-to-Date
(Circuit, Probate, Gen Sessions, Traffic)
Quote of the Month

TENNESSEE SUPREME COURT REPEALS MANDATORY APPELLATE MEDIATION IN WORKERS' COMPENSATION CASES

SUP. CT. RULE 37 REPEALED

In June 2001, Tennessee Supreme Court Rule 37 was adopted by the Court, establishing a mandatory mediation program for appeals in workers' compensation cases. Thereafter, in 2004, the General Assembly passed a law requiring all parties in a workers' compensation case to participate in mediation via a Benefit Review Conference prior to filing a civil action. Rule 37, however, continued to require a second mediation as part of the appeal process which the Court ultimately concluded was burdensome on litigants. Thus, by Order filed on March 2, 2011, Rule 37 was repealed immediately in its entirety. A copy of the Order can be viewed and obtained at www.tncourts.gov.

ANNIVERSARY ISSUE

Celebrating 18 *Years*

With the issuance of this, our 217th consecutive edition of the Rooker Report, we celebrate the conclusion of 18 years as a monthly publication. Since our first edition in February of 1993, we have strived to be a relevant and reliable source of information for our readership which includes those inside and outside the courthouse and legal community. The success and popularity of the Report over the years is due in no small part to the efforts of Gene Baker who served as Editor for sixteen years from the very first edition in 1993 until his retirement from the Circuit Court Clerk's Office in June 2009. Baker's experience and skill as a former print journalist for several major newspapers enabled him to bring a professional touch to the Report as a publisher and writer. Archived back issues of the Rooker Report (available on our website at <http://circuitclerk.nashville.gov>) remain popular to this day as a unique history of this office in particular and the Nashville legal and courthouse scene in general. Although we have evolved over the years from typewritten sheets of paper to a digital online format utilizing state of the art graphic design, as we embark on our 19th year of publication, we will strive to continue our tradition of being relevant, informative and entertaining as we bring our readers legal and judicial news, feature stories and, of course, statistical data related to cases filed in our office.



GENE BAKER

Editor of the Rooker Report
February 1993 to June 2009

Expert Witness



"How come when I appeared for you as an expert witness I was an 'eminent physician' but now that you're representing a lawsuit against me I'm an 'incompetent quack'?"



"I know nothing about the subject, but I'm happy to give you my expert opinion."

AMENDMENT TO RULE 26 WILL ALLOW EXPANDED DISCOVERY RELATED TO EXPERT WITNESSES

EFFECTIVE JULY 1 IF APPROVED BY GENERAL ASSEMBLY RESOLUTION

The Tennessee Supreme Court has adopted an amendment to Rule 26 of the Tennessee Rules of Civil Procedure which will expand the scope of discovery related to expert witnesses. According to the Advisory Commission on the Rules of Practice & Procedure, the amendment will minimize at trial the cost of learning additional information about an opposing party's experts. Specifically, the amendment to T.R.C.P. 26(4) (A)(i) states that upon request in an interrogatory, for each person whom the party identifies as expecting to call as an expert witness at trial, the party must disclose:

The expert witness' qualifications including a list of all publications authored in the previous 10 years

A list of all other cases in which, during the previous 4 years, the witness testified as an expert

A statement of the compensation to be paid for the study and testimony in the case

The change permitting the discovery of a list of cases where the expert gave testimony during the previous 4 years includes expert testimony given in a hearing, deposition, trial, or administrative or arbitration proceeding. The amendment must be ratified by the state legislature in order to become effective July 1, 2011.

METRO HISTORIC COURTHOUSE HOSTS STATE HIGH SCHOOL MOCK TRIAL COMPETITION

Chancellor McCoy Among Judges Who Presided

Fifteen Tennessee judges from across the state, including Chancellor Carol McCoy of Nashville, gathered in the Metro Historic Courthouse in early March to preside over the 31st annual Tennessee State High School Mock Trial Competition. More than 200 attorneys and volunteers lent their expertise to the state competition which involved sixteen teams who qualified by winning their local mock trial competitions. The winner of the state championship was White Station High School from Memphis. They will represent Tennessee at the National High School Mock Trial Competition in Phoenix this coming May.

The Young Lawyers Division of the Tennessee Bar Association is responsible for the competition which annually sees more than 100 teams participate in local competitions across the state.



Chief Justice Cornelia A. Clark (left), who presided over the championship round, poses with the winning team from White Station High School in Memphis

**CIRCUIT COURT TRIALS
BY TYPE OF CASE**

JANUARY 2011



AUTO ACCIDENT

JAN YTD

Total Cases Tried	2	2
Plaintiff Verdicts	2	2
Defendant Verdicts	0	0
Other/Under Adv	0	0
Jury Trials	0	0
Non-Jury Trials	2	2
Appeal from G.S.	0	0
Plaintiff Verd.	0	0
Def. Verdict	0	0
Other/None	0	0

CONTRACT

JAN YTD

Total Cases Tried	4	4
Plaintiff Verdicts	4	4
Defendant Verdicts	0	0
Other/Under Adv	0	0

MEDICAL MALPRACTICE

JAN YTD

Total Cases Tried	1	1
Plaintiff Verdicts	0	0
Defendant Verdicts	0	0
Other/Under Adv/Hung	1	1

MISCELLANEOUS

JAN YTD

Total Cases Tried	4	4
Plaintiff Verdicts	2	2
Defendant Verdicts	2	2
Other/Under Adv	0	0

CASELINK CORNER

QUESTION

I CANNOT GET LOGGED INTO MY CASELINK ACCOUNT AND I AM GETTING A MESSAGE THAT SAYS I HAVE REACHED MY LOGON LIMIT, BUT I KNOW FOR A FACT THAT NOBODY ELSE IS CURRENTLY LOGGED INTO MY ACCOUNT. WHAT IS THIS ABOUT AND WHY IS IT HAPPENING?

ANSWER

As subscribers to our online electronic court record system called CaseLink are aware, the number of persons who can be simultaneously logged into any specific account is determined by the number of connections for which the customer has subscribed. For example, most of our CaseLink customers only subscribe to one (1) connection which means that only one person at a time can be logged in. If a second person needs to access the account, it is necessary for the first person to log out before the second person can log in. If the first person has not yet logged out, the second person, upon trying to log in, will see the window text message illustrated in Figure 1.

However, this same window text message will appear, even if nobody is currently logged into the account, if the account is in "re-set" mode meaning that the account is in the process of resetting itself on our server. Although the re-set period will normally not last longer than 15 to 20 minutes, anyone attempting to log in during the re-set period will encounter the message in Figure 1 and will not be able to log into the account until the re-set period expires.

The most common action which causes a CaseLink account to go into re-set mode is exiting the CaseLink webpage without first clicking on the Logout button located on the Main Menu page. See Figure 2. In other words, if a user clicks the red X in the upper right hand corner of the CaseLink webpage and exits our website without first clicking the Logout button, the account is pushed into re-set mode. Therefore, always remember to click the Logout button before ending your session. The re-set mode may also be triggered by a user trying to load our program with a browser other than Internet Explorer or by your computer crashing while in the midst of a session.

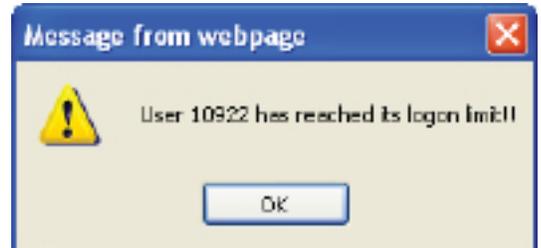


Figure 1

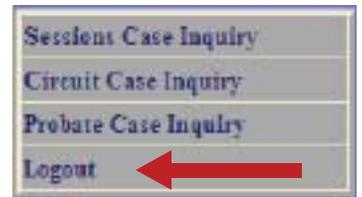


Figure 2

VISIT OUR WEBSITE OR CALL 862-5204
FOR INFORMATION ABOUT SUBSCRIBING TO CASELINK

CIRCUIT COURT TRIAL VERDICTS

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



CASES TRIED IN JANUARY 2011

JURY TRIALS

IF CASE WAS APPEALED FROM GENERAL SESSIONS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of January 10					
09C-2281	MEDICAL MALPRACTICE	5	HUNG JURY ON 1/21/11	N/A	
Week of January 31					
09C-3900	MOTORCYCLE ACCIDENT	5	DEFENDANT VERDICT	N/A	
10C-1522 & 10C-1523	CONTRACT/DEBT (CONSOLIDATED)	1	PLAINTIFF/COUNTER DEF \$2,356 (DEBT COLLECTOR)	\$16,000 DEFENDANT/ COUNTER PLAINTIFF	PLAINTIFF/ COUNTER DEFENDANT

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of January 24					
05C-3294	AUTOMOBILE	5	PLAINTIFF \$3 MILLION	N/A	
09C-3058	AUTOMOBILE	1	PLAINTIFF \$34,000 (DEFT'S COUNTERCLAIM DISMISSED)	N/A	
10C-2475	WORKERS' COMP	5	PLAINTIFF \$15,884 (COMMUTED TO LUMP SUM AWARD)	N/A	
10C-1530	CONTRACT/DEBT	2	PLAINTIFF \$11,819 (DEFAULT)	P-\$10,425 + POSSESSION	DEFENDANT
10C-3840	CONTRACT/DEBT	6	PLAINTIFF \$11,209	P-\$7,000	DEFENDANT
10C-3218	TORT/DAMAGES TO AUTO	2	PLAINTIFF \$500	DISMISSED	PLAINTIFF
10C-4116	CONTRACT/DEBT	1	PLAINTIFF \$1,600 + COSTS	P-\$1,000	DEFENDANT

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
07D-1698	PETITION FOR CRIMINAL CONTEMPT	5	DISMISSED & RESTRAINING ORDER DISSOLVED	1-27-11	Non-Jury

DEPARTMENTS BY THE NUMBER

CIRCUIT COURT

January 2011

NEW CASES

		YTD
New Civil Cases Filed.....	181	181
Jury Demand.....	92	92
Non-Jury.....	89	89
New Divorce Cases Filed	168	168
Domestic Petitions Filed	233	233
New Adoption Petitions	8	8

CONCLUDED CASES

Civil Cases Concluded.....	200	200
Jury Demand.....	129	129
Non-Jury	71	71
Divorce Cases Concluded.....	222	222
Domestic Petitions Concluded	324	324

PROBATE

January 2011

CASE OVERVIEW

		YTD
Total New Cases Filed	150	150
Total Cases Closed	155	155

NEW CASE FILINGS BY TYPE

Probate Will	61	61
Probate Will for Muniment of Title	9	9
Letters of Administration.....	24	24
Small Estate Affidavits.....	21	21
Conservatorship.....	14	14
Guardianship of Minor.....	3	3
Name Change	10	10
Trust Matters.....	2	2
Other Miscellaneous	6	6

GENERAL SESSIONS

CIVIL

January 2011

NEW CASES

		YTD
Total New Cases Filed	3,948	3,948
Civil Warrants	1,966	1,966
Detainer Warrants	1,176	1,176
Recovery Warrants.....	10	10
Pet for Order of Protection.....	186	186
Emergency Committals	532	532
Other.....	78	78

MISCELLANEOUS

Executions Issued.....	3,462	3,462
Garnishment Payments	4,156	4,156
Judgments Collected.....	\$854,948	\$854,948

TRAFFIC

VIOLATIONS

January 2011

NEW MATTERS

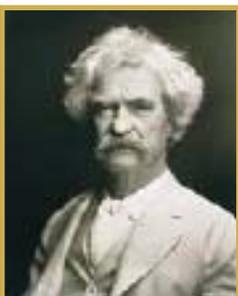
		YTD
Total Traffic Violations.....	11,086	11,086
Moving Citations	7,239	7,239
Parking Citations.....	3,847	3,847
Environmental Citations.....	220	220

MISCELLANEOUS

Total Fines Collected	\$459,387	\$459,387
Nullifications.....	976	976
Nullification Fees Collected	\$11,707	\$11,707
*Credit Card Payments	2,856	2,856

Quotes of the Month

MARK TWAIN



“Better to remain silent and be thought a fool than to speak out and remove all doubt.”

“If you hold a cat by the tail, you learn things you cannot learn any other way.”

“It ain’t what you don’t know that gets you into trouble. It’s what you know for sure that just ain’t so.”

“Loyalty to petrified opinion never yet broke a chain or freed a human soul.”

ROOKER REPORT



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