



# ROOKER

## MAY 2012

# REPORT

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

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## NEW STATE LAW INCREASES ALL GENERAL COURT FILING FEES BY \$2 EFFECTIVE JULY 1

### NEW FUNDS EARMARKED FOR COMPUTERIZATION

Public Chapter 1039, which was passed by the General Assembly and signed into law by Governor Haslam on May 21, 2012, will increase all general filing fees charged by court clerks across the state by two dollars (\$2.00) effective July 1, 2012. According to the new law, the additional funds raised by this increase must be earmarked for computer hardware purchases or replacement and other usual and necessary computer related expenses within the discretion of the various clerks' offices. Any funds generated by this fee increase which remain unexpended at the end of a budget year will remain in the control of the individual clerk's office and will not revert to the general fund.

The new fee does not apply to the state and, thus, will not be assessed against the state in criminal cases, child support actions, mental health proceedings, actions under the Tennessee Adult Protection Act, actions with regard to child care licensing, and collection efforts brought by the Department of Human Services.

Prior law already required two dollars (\$2.00) out of all general filing fees charged by court clerks to be earmarked for computerization. Therefore, with the enactment of this new law, the total amount of filing fees in each new case or action earmarked for computerization efforts will become four dollars (\$4.00). To obtain or review new filing fee schedules for our separate divisions (i.e., Circuit, Probate, General Sessions Civil and Traffic Violations Bureau), one can visit our website at <http://circuitclerk.nashville.gov>.



## METRO NASHVILLE INCREASES LOCAL LITIGATION TAX BY \$1 EFFECTIVE JULY 1

### NEW FUNDS EARMARKED FOR MEDIATION MATTERS

Back in 2004, the Metro Nashville city council adopted an ordinance levying a one dollar (\$1.00) litigation tax on all cases in the general sessions and juvenile courts to provide funds for victim-offender mediation services. In 2011, the Metropolitan Code was amended to allow this litigation tax to be used for the purpose of handling other community mediation matters in addition to victim-

Continued MEDIATION TAX  
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### HOLIDAY SCHEDULE

The offices of the Circuit Court Clerk will be closed on Wednesday, July 4th in observance of Independence Day. We will resume normal business hours at 8:00 a.m. on July 5th.

# MEDIATION TAX

From Page 1

offender mediation. A recent amendment to state law authorized any county levying the victim-offender mediation tax to increase the amount of the tax by one dollar (\$1.00) for a total of two dollars (\$2.00) per case if approved by the county legislative body. In response to this change in state law, the Metro Nashville city council has adopted an ordinance (i.e., Ordinance No. BL2012-



NEW \$1 LIT TAX TO FURTHER SUPPORT  
MEDIATION MATTERS

160) increasing the local litigation tax by one dollar (\$1.00) effective July 1, 2012. Thus, out of the total amount of local litigation taxes collected on all new cases filed on or after July 1st in the general sessions court (but not circuit

or probate court), two dollars (\$2.00) of that amount will now be earmarked for qualifying mediation programs in Davidson County rather than one dollar (\$1.00). With regard to our Traffic Violations Bureau, the increased litigation tax applies to any moving violation or misdemeanor citation that goes to court or goes into default after July 1st.

## SHERIFF'S FEES FOR SERVICE OF PROCESS INCREASE ON JULY 1

A new state law, Public Chapter 1032, takes effect on July 1, 2012, and it increases the fees to which a sheriff's department is entitled for serving process issued by a clerk for a general sessions, criminal, circuit, chancery or any other court. Specifically, the fee for service of process in person will increase from \$20 to \$26 per person served. The fee for returning any service of process where the attempt to accomplish service is unsuccessful will increase from \$7 to \$9. The fee increase applies to any type of service of process including, but not limited to, summonses, civil warrants, detainer warrants, recovery warrants, subpoenas, show cause orders, garnishments, aliases, immediate possession actions, and sue and attach actions.



## Butzler and Day Complete Public Administrator Certification Program

Debi Butzler, Team Leader in our General Sessions Civil Division, and Joseph Day, Supervisor of our Traffic Warrant Division, have each earned certification as a public administrator. Both received their certificate in graduation ceremonies at Montgomery Bell State Park on May 25th following completion of an 80 hour course administered by the University of Tennessee's County Official Training Program. Butzler, a graduate of the University of Wyoming, joined the Circuit Court Clerk's Office in 2003 as a Deputy Clerk in the Circuit Division. In 2007, she moved to the General Sessions Civil Division, and afterwards was named a Team Leader. She and her husband David have been married for 18 years and have two sons, Dylan (14) and Dustin (12). Day, a graduate of Tennessee State University, joined the traffic warrant office as a full time employee in 2001, after having worked as a summer intern in the office for four years. In 2008 he was appointed supervisor of the traffic warrant office upon the retirement of Steve Rose. Day and his wife Tomesia have been married for 9 years and are the proud parents of two sons, Jared (6) and Jaden (4).

They become the 9th and 10th members of Circuit Court Clerk Richard Rooker's current staff to complete the program which fosters creative leadership, managerial effectiveness, professional skills enhancement and lifelong development. Rooker himself is among those completing the program, along with Karen Brown (Chief Deputy Clerk of the General Sessions Civil Division), Janice Ingro (Team Leader in the General Sessions Civil Division), Glenn Balletto (Chief Deputy Clerk of Circuit

Court), Bill Cartwright (Chief Deputy Clerk of the Traffic Violations Bureau), David Patterson (Business Operations Manager in the Traffic Violations Bureau), Tracy Cartwright (Director of Operations) and Becky Dye (Internal Auditor). Those completing the course must take an additional 16 hours of training each year to retain their certification.



Debi Butzler and Joseph Day join the ranks of Certified Public Administrators in the Circuit Court Clerk's Office

# CIRCUIT COURT TRIAL VERDICTS MAY 2012

## JURY TRIALS

**IF CASE WAS  
APPEALED FROM  
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
------	------	-------	------------------	------------------------	-----------

**Week of May 14**

10C-1275	SLIP & FALL	2	COMPROMISE & SETTLEMENT ON 5/16 (2ND DAY OF TRIAL)	N/A	
10C-3976	MISREPRESENTATION/FRAUD (TRANSFER FROM CHANCERY)	5	PLAINTIFF \$170,000 (\$60K COMP & \$110K PUNITIVE)	N/A	
10C-2302	HEALTH CARE LIABILITY	6	DEFENDANT VERDICT	N/A	

## NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
------	------	-------	------------------	------------------------	-----------

**Week of May 21**

10C-4947	CONTRACT/DEBT	1	PLAINTIFF \$8 MILLION + \$240K AGAINST PROPERTY	N/A	
07C-2740	MALICIOUS PROSECUTION	8	PLAINTIFF \$9,715 + Ct COSTS	N/A	
11C-4170	SWORN ACCOUNT	8	PLAINTIFF \$3,717 + Ct COSTS & INT	P - \$3,717	DEFENDANT
11C-4164	SWORN ACCOUNT	8	PLAINTIFF \$10,130 + INTEREST	P - \$10,149	DEFENDANT
11C-3311	PARKING CITATION APPEAL	1	DISMISSED (IN FAVOR OF METRO GOV'T)	N/A	
12C-681	SWORN ACCOUNT	5	DEFENDANT (G.S. JUDGMENT SET ASIDE)	P - \$8,450	DEFENDANT

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

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
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09C-2937	FOREIGN JUDGMENT	5	PLAINTIFF \$349,001	5-30-12	NON-JURY
10C-2093	WRIT OF CERTIORARI & SUPERSEDEAS (APPEAL OF SUSPENSION OF BEER PERMIT)	5	PLAINTIFF NON-SUITED (BEER BOARD DECISION REINSTATED)	5-31-12	NON-JURY

**USE CASELINK TO ACCESS MORE DETAILED INFORMATION  
ABOUT THESE CASES AND THOUSANDS MORE**

# DEPARTMENTS BY THE NUMBER

# May 2012

## CIRCUIT COURT

	MAY	YTD
New Civil Cases Filed.....	193	1,009
Jury Demand.....	94	453
Non-Jury.....	99	556
New Divorce Cases Filed .....	217	1,064
Domestic Petitions Filed .....	223	1,339
New Adoption Petitions .....	10	57
Civil Cases Concluded.....	216	1,092
Jury Demand.....	121	673
Non-Jury.....	95	419
Divorce Cases Concluded .....	190	938
Domestic Petitions Concluded .....	176	1,069

## GENERAL SESSIONS CIVIL

	MAY	YTD
Total New Cases Filed .....	4,163	20,834
Civil Warrants .....	2,228	10,793
Detainer Warrants .....	855	4,679
Recovery Warrants.....	20	96
Pet for Order of Protection.....	309	1,447
Emergency Committals .....	713	3,301
Other.....	38	518
Executions Issued.....	4,407	20,824
Garnishment Payments .....	5,034	23,482
Judgments Collected.....	\$1,023,707	\$5,092,429

## PROBATE COURT

	MAY	YTD
Total New Cases Filed .....	185	870
Total Cases Closed.....	190	872
Probate Will .....	81	386
Probate Will for Muniment of Title.....	19	38
Letters of Administration.....	16	114
Small Estate Affidavits.....	36	134
Conservatorship.....	20	96
Guardianship of Minor.....	3	16
Name Change .....	7	50
Trust Matters.....	0	11
Other Miscellaneous.....	3	25

## TRAFFIC VIOLATIONS BUREAU

	MAY	YTD
Total Traffic Violations.....	10,139	52,568
Moving Citations .....	6,888	34,853
Parking Citations.....	3,251	17,715
Environmental Citations.....	179	1,100
Total Fines Collected .....	\$373,882	\$2,135,478
Nullifications.....	641	3,753
Nullification Fees Collected .....	\$7,708	\$45,033
*Credit Card Payments .....	3,601	15,674

### NEW REQUIRED LANGUAGE IN SUBPOENAS BECOMES EFFECTIVE JULY 1

An important modification to Rule 45.01 of the Tennessee Rules of Civil Procedure becomes effective on July 1, 2012. After that date, subpoenas must prominently display in bold-faced text:

“The failure to file a motion to quash or modify within fourteen days of service of the subpoena waives all objections to the subpoena, except the right to seek the reasonable cost for producing books, papers, documents,

electronically stored information, or tangible things.” The new language requirement, however, does “*not*” apply to subpoenas issued out of general sessions court. The subpoena forms provided at our counter or available on our website will incorporate the new language; otherwise, you need to update the language in your circuit subpoena forms to bring them into compliance.

**HAVE YOU  
UPDATED YOUR  
SUBPOENA  
FORMS?**

### THINK THE INTEREST RATE ON JUDGMENTS IS STILL SET AT 10% BY STATUTE?

**Think again – It’s all about to change on July 1**

Beginning July 1, 2012, the interest rate on judgments in Tennessee will change. Until now, the interest rate was set at a statutorily mandatory rate of 10%. The new law, Public Chapter 1043, establishes a floating interest rate calculated every six months in the following manner. For any judgment entered between July 1 and December 31 of any given year, the rate will be equal to two percent (2%) less than the *formula rate* published by the Commissioner of Financial Institutions for June of the same year. For any judgment entered between January 1 and June 30 of any given year, the rate will be equal to two percent (2%) less than the *formula rate* published in a like manner for December of the prior year. To assist parties and the courts, the Administrative Office of the Courts will calculate and publish on their website ([www.tncourts.gov](http://www.tncourts.gov)) the prevailing interest rate on judgments in effect at any given time.

CIRCUIT COURT TRIALS  
BY TYPE OF CASE

**MAY  
2012**



**AUTO ACCIDENT**

	MAY	YTD
Total Cases Tried	0	17
Plaintiff Verdicts	0	10
Defendant Verdicts	0	7
Other/Under Adv	0	0
Jury Trials	0	12
Non-Jury Trials	0	5
Appeal from G.S.	0	1
Plaintiff Verd.	0	1
Def. Verdict	0	0
Other/None	0	0

**CONTRACT**

	MAY	YTD
Total Cases Tried	4	21
Plaintiff Verdicts	3	18
Defendant Verdicts	1	3
Other/Under Adv	0	0

**HEATH CARE LIABILITY**

	MAY	YTD
Total Cases Tried	1	10
Plaintiff Verdicts	0	1
Defendant Verdicts	1	6
Other/Under Adv/Hung	0	3

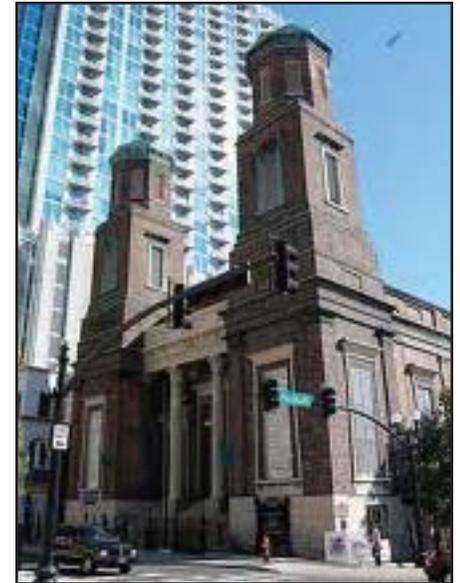
**MISCELLANEOUS**

	MAY	YTD
Total Cases Tried	6	29
Plaintiff Verdicts	5	22
Defendant Verdicts	0	5
Other/Under Adv	1	2

**MEMORIAL SERVICE HONORS LOCAL  
ATTORNEYS WHO PASSED AWAY WITHIN  
THE PAST SIX MONTHS**

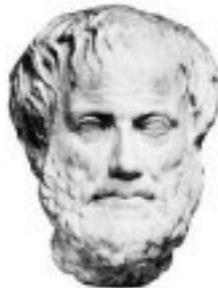
The Nashville Bar Association's Spring Memorial Service was held on Thursday, May 24, 2012, at the Downtown Presbyterian Church. A project of the NBA's Historical Committee, the Memorial Service honors the memory of those Nashville lawyers and judges who passed away during the preceding 6-month period. The service was the 103rd such memorial conducted by the NBA, and this year, for the first time, the annual observance has been divided into two services - - this one in the spring and another memorial service to be conducted next fall.

Memorial resolutions, recounting the lives and legal careers of the deceased individuals, were prepared and then read at the service by friends and colleagues. Those attorneys honored were Judge Elmer Davies, Marilyn Devine, James (Jim) Hill, Hugh Howser, Alfred Knight, III, Harold Levinson, James Meyer, John Roberts, Judge Leon Ruben, Robert (Bob) Sullivan, and Sonny West.



**QUOTES OF THE MONTH**

"Even when laws have been written down, they ought not always to remain unaltered."



**Aristotle**

"We must all obey the great law of change. It is the most powerful law of nature."



**Edmund Burke**

**ROOKER  
REPORT**

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KYLE SOWELL..... Editor



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please call Dart Gore at 880-3309

