

Rooker Report

January 1998

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1997 IN REVIEW

A Settling Year For Civil Courts

The approval of three new judgeships, advancements in court technology and increased limits for small claims were among top achievements by the local judiciary during 1997, a pivotal year in which settlement conferences grew in popularity as an alternative method of resolving civil disputes.

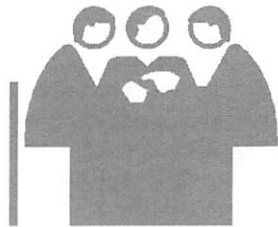
As the city reeled from a record murder rate on the criminal side, the number of new civil case filings dipped dramatically and more litigation was hammered out in conference rooms than in courtrooms. But it was done in significant numbers and with a high degree of effectiveness.

Circuit judges brought closure to more than 5,000 cases, far exceeding the number of new cases filed, utilizing better case management techniques and time-saving mediation methods.

Settlement conferences became the popular choice of litigants as a cost-effective alternative to protracted courtroom trials. While only 137 cases found their way into the courtroom during the year, the courts presided over 225 settlement conferences, bringing closure to 70 percent while awaiting possible disposition of yet another 23 percent.

The success rate compared favorably with the 73 percent registered during the alternative dispute resolution's first two years com-

1997 SETTLEMENT CONFERENCE SCORECARD



SETTLED	157
PENDING SETTLEMENT	52
TRIALS WITH JURY VERDICTS	3
DISMISSALS	5
SUMMARY JUDGMENTS	1
PRE-CONFERENCE SETTLEMENTS	3
NON-SUITS	3
BANKRUPTCY	1

Source: Trial Court Administrator's Office

bined. Even more concentration on the settlement concept is anticipated when the court adds a new judgeship in September. Preparations have already begun to fine tune the court's approach to case management with the hiring of a special master (see story on page 2).

While the vast majority of civil torts preferring the alternative method involve auto

accidents with claims of \$15,000 or less, cases of higher cash value are buying into the plan with greater frequency since \$15,000 claims are now allowed in General Sessions where trial costs are minimal.

The new dollar cap in the lower court went into effect in July, but has made little or no impact on new civil case filings there. The most significant difference in the sessions caseload has been the sharp increase in the number of order of protection petitions, brought on by a new state law extending court remedy to minors and persons involved in dating relationships (see story on page 3).

Technological advances played a key role in improving efficiency levels in virtually every aspect of the court system. While a great majority were internal and therefore inconspicuous to the public,

See Year in Review, Page 2

IMAGING THE NEXT GENERATION

The circuit court clerk's office is poised to introduce a new integrated computer imaging system on Feb. 1, launching a vital phase in its goal to eliminate paper files.

The newly adapted technology will enable court orders to be scanned into the office's existing computer data base where they will be retained for permanent record with capability of being accessed on command for instantaneous review and reproduction.

Circuit Court Clerk Richard Rooker said the initial phase of the imaging process would be limited to case orders handed down by the circuit courts with future expansion to incorporate documents from probate court as well.

While scanning technology has been common for some time, the ability to retain images in an existing data base presented a challenge for equipment vendors and office technicians who successfully integrated the two elements to make them act as one. As a result, court documents can be copied

directly into the data base for permanent record, ultimately eliminating the need for on-site storage of paper files and drastically reducing the amount of personnel time needed to retrieve and reproduce copies for customers.

Once orders are scanned into the system, explained chief computer technician Mike Garrett, they can be converted to compact disc with original quality and clarity and later loaded into "juke boxes" for selective screening.

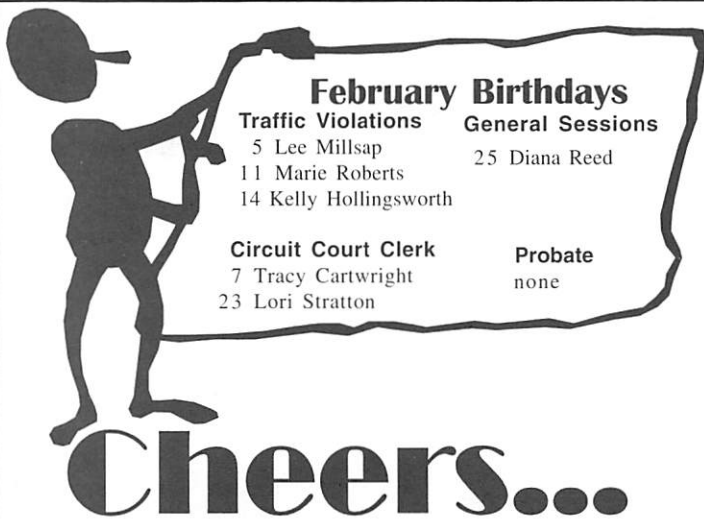
High-speed scanning equipment will be situated in the clerk's fifth floor office where imaged orders can be printed from most work stations and viewed from select stations most frequently requiring access to the records, Garrett said.

Initially, only new orders will be scanned into the system. But older orders will be incorporated once the time-saving benefits of the system are realized. Because of the system's fast retrieval capabilities, clerks will be able to accommodate customers without the current inconvenience of locating and pulling files, thereby freeing up more time to devote to other chores.

Traditionally, the majority of customer requests are for copies of orders.

While there are no present state guidelines authorizing a total paperless court system, computer imaging appears to be the first step in that direction.

Pending the success of court order imaging, other legal instruments, such as original complaints, will surely be added to the technological offering of services demanded by an efficiency-minded public.



February Birthdays

<p>Traffic Violations</p> <p>5 Lee Millsap 11 Marie Roberts 14 Kelly Hollingsworth</p> <p>Circuit Court Clerk</p> <p>7 Tracy Cartwright 23 Lori Stratton</p>	<p>General Sessions</p> <p>25 Diana Reed</p> <p>Probate</p> <p>none</p>
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Cheers...

Following a one-year leave of absence, **Carole Garrett** has returned to duty as chief deputy administrator. Garrett, a certified public administrator, assumed her post on Jan. 16. She is no stranger to the civil division, having begun her public service career in the office and later serving as its chief clerk before becoming chief administrative assistant to Circuit Court Clerk **Richard Rooker**. Family obligations forced her leave of absence in late 1996.



GARRETT

♦ **Mary Binkley** decided that ten years was long enough to devote to a public service career after becoming a wife and a mother. So, making good on that rationale, she graciously accepted retirement accolades from fellow worker in the circuit court clerk's office on Dec. 31. You might recall that Mary presented hubby **David Binkley** with a baby daughter on Super Bowl Sunday last year.

♦ **Earnest Hickerson** had other reasons, of course, but he too joined the retirement ranks this month. With 11 years under his belt as a court officer for General Sessions Judge **John Brown**, the affable Hickerson turned in his badge and pistol following a scrumptious retirement breakfast in a Ben West Building courtroom on Jan. 16.

♦ When **Virginia Rowland** thought she had lost a family heirloom diamond ring recently, circuit court clerk's office co-worker **Beverly Goodwin** gave her a lesson in good old-fashion faith. Upon learning of Rowland's anxiety, Goodwin informed her that she would pray for the ring to be under her desk when she got to work the next morning. A near-sleepless night proved that Rowland wasn't as optimistic as her friend. But, sure enough, she was greeted at the office the next morning by a beaming Goodwin, showing off the diamond ring she had found -- right where she had prayed it would be.

♦ General Sessions Judge **Leon Ruben** reports that wife **Myra** is making steady progress in her recovery from multiple injuries she received when the couple was struck by an errant vehicle on New Year's Eve. Following her release from Vanderbilt Hospital where she underwent surgery and rehabilitative therapy, Mrs. Ruben has returned home but faces further treatment on an outpatient basis.

♦ Traffic Violations Bureau clerk **Monty Russell** is reportedly doing fine following surgery for a ruptured disc in his back on Jan. 15.

...Tears

Condolences to retired General Sessions Judge **Les Mondelli** in the death of his sister Mrs. **Jean Cherundola**, who passed away on Dec. 16 in Old Forge, Pa. Mrs. Cherundola, 85, was the aunt of General Sessions Judge **Mike Mondelli** and probation department supervisor **Les Mondelli, Jr.**

♦ **Mary Elizabeth Coleman Harbison**, 69, mother of attorney **William L. Harbison** and widow of the late state supreme court judge **William James Harbison**, passed away Dec. 27 from a heart attack at home.

Circuit Judges Name Nichols Special Master

In an effort to provide more efficient and orderly disposition of their cases, circuit court judges have hired attorney Marsh Nichols for the new position of "special master."

Nichols, who has worked as a law clerk for Circuit Court Judge Hamilton Gayden for the past year, assumed her duties on Jan. 15.

In her new post, Nichols will be involved in caseload management for the courts, including arranging and conducting status conferences and setting up discovery/progression conferences, according to Circuit Judge Tom Brothers. She also will be active in alternative dispute resolutions, both as a mediator and planner, and will assist domestic relations courts as needed, Brothers added.



MARSH NICHOLS

Nichols, mother of two children, is a 1979 graduate of Mississippi State University and earned her law degree from the Nashville School of Law in 1988. She was a practicing attorney for seven years, during which time she edited the *Nashville Bar Journal* for the Nashville Bar Association.

YEAR IN REVIEW

(FROM PAGE 1)

innovative ventures like hallway monitors, video transcription of courtroom proceedings and internet access to vital civil court information made an obvious impact on improving communications between the courts and those who utilize their services.

This monthly newsletter enjoyed its fifth year in publication without interruption and expanded its audience by being included on the circuit court clerk's world wide web page.

Jury service became a more pleasant experience with the addition of a new jury assembly room and more accommodating scheduling. And a \$1.6 million elevator renovation project got off the ground after years of planning.

It was also a year of "firsts." Nashville hosted the National High School Mock Trial Championships for the first time; the Metro Driver Training Center was honored nationally for its performance in teaching defensive driving and scored another first by taking driving safety classes into the county's high schools; and the General Sessions Court formed a communicative link with the public by publishing its first-ever annual report and services guide.

Noncustodial parents shelled out a record amount of dollars to help support their children and errant motorists paid for their mistakes like never before (see stories on page 3).

And who could forget the heroics of Lisa Smith, the Second Circuit Court officer who chased down and detained a purse snatcher, using only her finger as a weapon.

Sadly, it was also a year of great loss as the legal community said good-bye to many of its prominent citizens. We close our report by acknowledging them in tribute:

Criminal Court Judge Thomas H. Shriver, 65

Retired Chancellor Ned Davis Lentz, 87

Attorneys: Charles Frazier; Reber Boulton, 89; J. Ross Cheshire Jr., 83; Alan Campbell DeBusk, 50; John R. Cheadle Sr., 66; Herman L. King, 89; Fred Newman; Dewey W. Pedigo; Thomas E. Fox, 84; Elisha Paul (Steve) Carrier, 93; Fyke Farmer Sr., 96; Donald Gregory, 65.

Retired journalists: Nashville Banner's Dick Battle, 89; WLAC Radio's Eddie Parker, 72.

Retired government employees: Criminal Court Clerk's Hettie Gregory, 79; Traffic Violation Bureau's Dorothy Whitmon, 67; Sheriff Department's Beatrice (Mama Rose) Davis, 81.

IT WAS NOT A GOOD YEAR FOR TRAFFIC OFFENDERS

If you noticed blue lights flashing more than usual last year, there was good reason. Traffic officers were writing citations like never before.

The net result was a record 257,144 moving violations and penitence for 117,940 errant drivers who added \$2.57 million to the local government coffers.

Not all of the offenses were of a serious nature, however. Motorists receiving citations for correctable offenses (such as registration renewals and minor equipment flaws) made up 27,931 of the overall total and had their tickets nullified without paying fines. Each of those was required to pay a \$9 service fee, however, bringing in \$251,379 in revenue, also a record.

The 257,144 moving violations topped the previous high mark of 1993 when 248,421 citations were issued. However, the percentage of offenders settling their fine obligations during the past calendar year was the second lowest during the current decade.

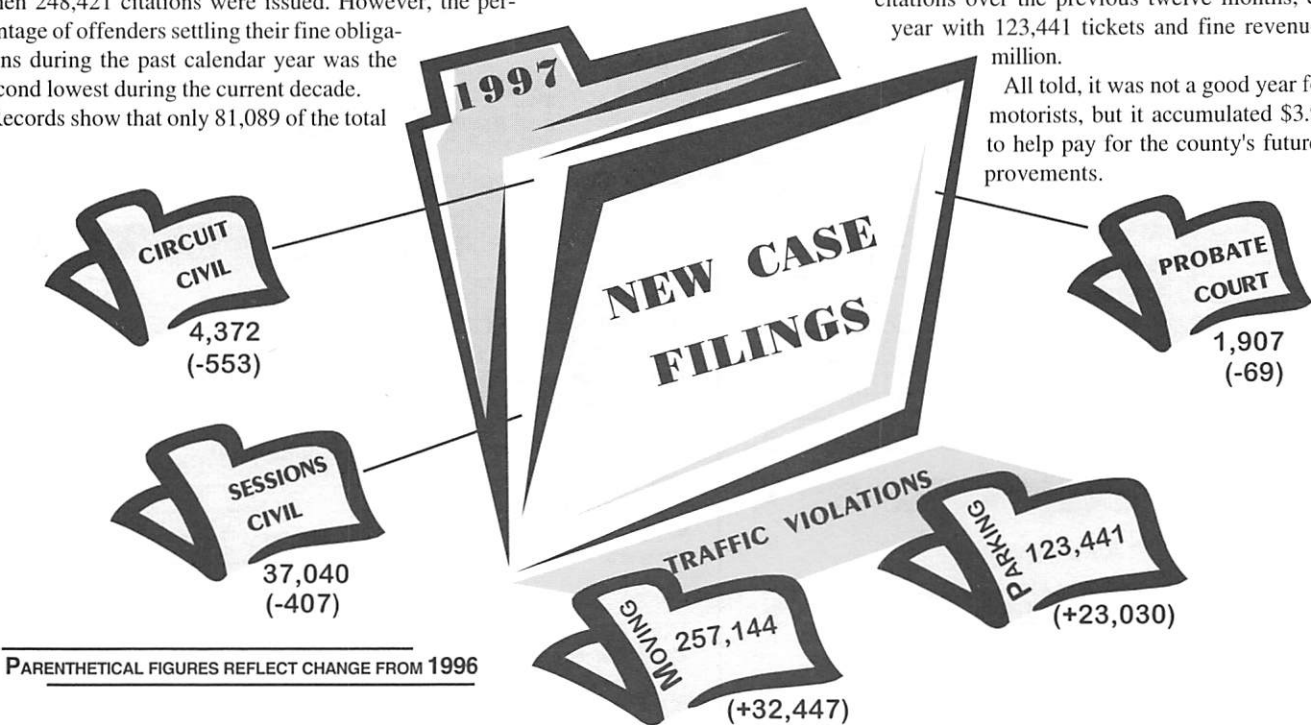
Records show that only 81,089 of the total

moving tickets were adjudicated, only a slight improvement over the previous year's 78,685. A large portion of the outstanding tickets, of course, have not reached trial date status and others are pending completion of alternative defensive driving classes. But 46,764 found their way into the traffic warrant office for collection.

The warrant office accounted for \$1.65 million in revenue collections during the past year, plus \$641,770 from court-approved programs involving indigents, slow-pay arrangements and garnishments.

Not only was 1997 a year of close scrutiny for drivers in motion, a much closer eye was being peeled for those standing still. After two years of mediocre enforcement of parking codes, officers wrote an additional 23,030 citations over the previous twelve months, ending the year with 123,441 tickets and fine revenues of \$1.4 million.

All told, it was not a good year for careless motorists, but it accumulated \$3.98 million to help pay for the county's future road improvements.



PARENTHETICAL FIGURES REFLECT CHANGE FROM 1996

Child Support Bright Spot Domestically

The county's children of divorce shared a record \$18.99 million in court-ordered support payments during the past calendar year as the rate of dollar growth continued at a steady pace reflective of effective enforcement efforts.

Total collections topped the previous year by \$1.09 million, an increase of slightly more than 6 percent. The rate was similar to the one recorded last year when compliance reached a saturation point following an extensive crackdown on deadbeat parents.

Wage assignments, wherein employers withhold and submit payments directly to the courts, again accounted for the lion's share of support received and administered by the circuit court clerk's office. The \$12.57 million credited to noncustodial parents through payroll deduction represented 66 percent of the total receipts. The balance was paid directly to the courts by parents who have maintained compliance on a voluntary basis.

Despite the high volume of payments (499 per day), the clerk's office maintains a high degree of efficiency in assuring that custodial parents receive support money in a timely manner. Checks are mailed out the same day payments are received in most instances. During the past year, that meant a monthly distribution of 10,140 such checks with an average value of \$153.58 -- 4 percent more than the previous year.

On other domestic fronts, marriage license applications continued to far outnumber divorce filings, but violent behavior sent a record number of

battered individuals to court in quest of protection.



MARRIAGES
6,652

The county clerk's office reported that 6,652 couples obtained marriage licenses during 1997. That was slightly less than the previous year and marked the second straight year of decline from the 7,192 in 1995.

By comparison, couples seeking dissolution of their marriages totaled only 3,522 -- just three more than the previous year and the second lowest annual total in this decade. The courts kept close pace with the complaints filed, bringing 3,465 to conclusion during the 12-month period.



DIVORCES
3,522



PROTECTION
2,383

Meanwhile, the uglier side of domestic relationships showed itself with increased frequency as a record 2,383 persons turned to the courts for protection from abuse. The monthly average of order of protection petitions rose to 198 from only 175 the year before. The increase was buoyed by new laws that went into effect in July extending protection order eligibility to minors and daters, classes previously exempt from the process.

Following expansion of the law, the number of ex parte protection orders skyrocketed to a second-half monthly average of 216, setting the stage for possible addition of court dockets to accommodate demand.

TRENDS

AUTO ACCIDENTS



PLAINTIFFS 66
DEFENDANTS 22

RATIO: PLAINTIFFS 3.1-1

MONTH-BY-MONTH

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	7	5	1	1
FEBRUARY	12	9	3	0
MARCH	8	7	1	0
APRIL	7	4	3	0
MAY	9	6	3	0
JUNE	8	6	2	0
JULY	12	9	1	2
AUGUST	7	4	2	1
SEPTEMBER	11	8	3	0
OCTOBER	2	1	1	0
NOVEMBER	7	5	2	0
DECEMBER	2	2	0	0
ANNUAL TOTALS	92	66	22	4

JURY AWARDS

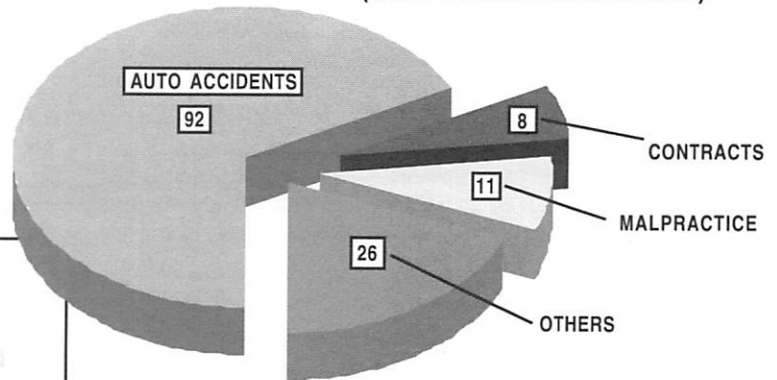
MONTH	TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	1,629,264	21,500-404,882	48,500
FEBRUARY	49,330	0-15,000	4,904
MARCH	91,219	0-25,000	13,244
APRIL	129,700	1,200-113,000	7,750
MAY	52,502	470-22,500	7,383
JUNE	356,685	44-300,000	14,160
JULY	153,007	2,000-25,529	11,719
AUGUST	218,523	848-150,000	33,837
SEPTEMBER	103,879	3,157-35,000	10,953
OCTOBER	63,704	63,704	--
NOVEMBER	17,050	0-10,000	4,262
DECEMBER	35,600	600-35,000	17,800

*GENERAL SESSIONS APPEALS

TOTALS	PLAINTIFF	DEFENDANT	NONE	
YEAR TO DATE	9	6	3	0

RATIO: 2-1 PLAINTIFF *INCLUDED IN ABOVE TRIAL TOTALS

Jury Trials by Classification (JANUARY THROUGH DECEMBER COMPOSITE)



DATA BANK

Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

New Civil Cases Filed	292
Civil Cases Concluded	288
New Divorce Cases Filed	225
Divorce Cases Concluded	285

General Sessions Civil

New Cases Filed	2,912
Executions Issued	2,496
Judgments Collected	\$523,761
Orders of Protection Petitions	236

Probate Court

New Cases Filed	139
Cases Closed	89

Traffic Violations

Moving Citations	23,001
Parking Violations	9,917
Total Fines Collected	\$328,737
Nullifications	2,805
Nullification Fees Collected	\$25,245

JURY TRIAL VERDICTS

Week of December 1

Case	Type	Court	Verdict
96C-2861	Personal Injury	6th (P)	\$275,000
96C-3226	Auto Accident	1st (P)	\$35,000

Week of December 8

Case	Type	Court	Verdict
93C-2184	Negligence	6th	Defendant
96C-656	Auto Accident	1st (P)	\$600

THE OTHERS

CONTRACTS

8

PLAINTIFFS 6
DEFENDANTS 2

RATIO: PLAINTIFFS 3-1

TOTAL AWARDS

YEAR TO DATE: \$59,178

DOLLAR RANGE: 850-19,380 **MEAN: \$8,816**

MALPRACTICE

11

PLAINTIFFS 2
DEFENDANTS 6

RATIO: DEFENDANTS 3-1

MISCELLANEOUS

26

PLAINTIFFS 10
DEFENDANTS 12

RATIO: DEFENDANTS 1.2-1

Rooker Report

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