

# Rooker Report

June 1998

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## Roll the Presses: New Local Rules Ready for Release



### FIRST MAJOR OVERHAUL IN 16 YEARS

In olden days when newspaper reporters cranked out their stories on typewriters and editors made corrections in pencil lead, it was often hard to tell if typesetters were getting copy that was written in typewriter and corrected in pencil -- or vice versa.

A similar enigma had begun to develop recently for lawyers searching for guidance in the list of local rules governing practice in the trial courts here.

Although numerous revisions had been made since the rules were published in 1982, the amendments often became disassociated from original captions, complicating the reference procedure.

But that is about to change with the forthcoming release of a 1998 version, wherein emphasis has been placed on reorganization and topical packaging of hard-to-find addendum and alterations.

So says Circuit Judge Walter Kurtz, who chaired a rules revision committee that spent months overhauling the rules package into a comprehensive set of guidelines, replete with procedural etiquette in each judicial genre -- criminal, circuit and chancery.

The new set of rules, currently being prepared for mass printing and allotment to court clerks for distribution by the August 1 effective date, has been totally reorganized to consolidate changes under proper caption, simplifying the task of locating them in the body of the text. Consequently, many of the previous rule numbers have changed, as well as the language of the captions.

## THE COMMITTEE



JUDGE WALTER KURTZ  
CHAIRD REVISION PANEL



BLACKBURN



CLEMENT



KILCREASE



BONNYMAN

The revision committee, including Probate Judge Frank Clement, Chancellor Irvin Kilcrease, Criminal Judge Cheryl Blackburn and Chancery Court Clerk and Master Claudia Bonnyman (with input from Circuit Court Clerk Richard Rooker and Criminal Court Clerk David Torrence), obviously left no stone unturned in ensuring thorough documentation of rules applicable to the respective courts.

### Clerks, Internet to Provide New Rules

As before, the table of contents reflects a total of 39 rules. But three of the previous rules have been consolidated with others, allowing for future addition of new ones without disturbing the existing format.

As mentioned earlier, emphasis has been placed on reorganization rather than change. But some new procedures have been added, Kurtz said, and attorneys would be well advised to investigate the new rules when preparing for court appearances. (Hint: Check out new requirements involving the use of pseudonyms.)

In addition to their forthcoming availability in the court clerk offices, the new rules will eventually be accessible via the internet. The Circuit Court Clerk's website currently offers the old rules and will replace them with the new ones as soon as it becomes feasible, Rooker said. Computer owners can access the circuit website at [www.nashville.org/cir/](http://www.nashville.org/cir/).

## DOCKET CALLS NOW THE RULE FOR NON-JURY CASES

In a move designed to expedite case flow, circuit court judges have established regular docket calls for non-jury cases.

Attorneys and litigants who have cases scheduled Monday through Wednesday of non-jury weeks are now required to answer a docket call at 9 a.m. on the day their case is set.

Circuit Judge Barbara Haynes, who announced the procedural change, said logistics of the plan were still evolving.

Heretofore, assignment of non-jury cases has been the responsibility of the clerk's office, based on the order in which the orders to set are filed and the availability of courtrooms.

Haynes said the docket call format not only would relieve conges-



JUDGE HAYNES

tion in the clerk's office, but would expedite speedy trials and facilitate motion hearings and other case elements.

But a word of caution to attorneys -- tardiness will not be tolerated, Haynes said.

"All parties are expected to be in the courtroom and ready at 9 o'clock sharp," she said. "Otherwise, their cases will be dismissed."

She wasn't bluffing. During her last docket call, two attorneys saw their cases thrown out when they showed up 25 minutes late.

# Cheers...

Since his early arrival in April, **Michael Blake Olin** has been the topic of many conversations among friends and fellow workers of mom **Kelli Olin**, a clerk for Circuit Judge **Walter Kurtz**. The infant's progress has been of concern as he remained in a hospital incubator while his lungs developed. Well, there's good news. Michael Blake got his first look at his real home on June 12, leaving the hospital at twice his 3-pound birth weight. If you listen real closely, you might still be able to hear the sigh of relief from Kelli and big **Michael**, the baby's father.

◆ General Sessions Judge **John Brown** had a double dip of joy last month. Not only did he win re-election in the May 5 Democratic primary, he got a special bonus the following day when daughter **Joan Bayston** presented him with his second grandchild. **Thadius Scott Bayston** was born in San Francisco and there's been no word as to when the lad will get to meet his grandpa.

◆ Meantime, Brown's senior court officer **Carol Crews** is preparing to enlarge her family as well. Carol will be gaining a daughter-in-law next year when son **Daniel J. Crews** walks down the aisle with **Skyla Carnahan**, a summer intern with the circuit court clerk's office. The couple became engaged on May 23 and plan to wed one year later on May 22, 1999.

◆ While we're on the subject of matrimony, patrons of the circuit court clerk's fifth floor office will note the return of **Rebecca Self** following her June 6 Texas wedding to longtime beau **Bruce Harborth**. It goes without saying that Rebecca is still her same old "self."



KING

Another familiar face disappeared from the courthouse scene this month with the retirement of **Jimmy King**, a veteran staffer for the criminal court clerk's office. Friends, family and fellow workers were on hand for an early farewell party on Friday, June 12, before the affable 73-year-old King officially cleaned out his desk the following Monday. King joined the clerk's office in 1982, working first in the warrant and bond office and later transferring to the finance department. Said immediate boss **Harvey Owens**: "I can't begin to tell you how much we're all going to miss him." King's wife **Grace** and one of his two children were on hand for the retirement celebration.

◆ Also announcing his retirement this month was longtime Sheriff's Department employee **Johnny Vaughn**, a helpful friend to all government offices for the past 40 years. Vaughn, 65, served under six sheriffs during his public service career. He says he now will devote full-time to his wife **Betty** and to his nine Beagle hounds, which he enters in field competitions.

◆ It's good to see **Annette Wheeler** back on the job in the Traffic Violations Bureau computer room following a long absence precipitated by heart surgery.

◆ Best wishes for a speedy recovery to **Viva Williams**, mother of traffic bureau secretary **Dinah Williams**, who underwent hip surgery last month for the second time in a year.

# ...Tears

◆ Deepest sympathy to Traffic Violations Bureau business manager **Phil York** and family in the death of his mother **Minnie R. York**, who passed away on May 17 following an extended illness. She was 89 years of age and was also the mother of **Oscar York**, retired chief deputy county clerk.

◆ We also are deeply saddened by the death of **Charles Patrick Lester**, son of assistant probate master **Ruth Lester**. Mr. Lester, 40, died unexpectedly at his home on May 26.

◆ Condolences as well to **Johnny Clary** in the June 10 passing of his grandmother **Margaret Hughes** at the age of 92. Mrs. Hughes, mother of **Margie Clary**, expired at a local nursing home. Johnny Clary is married to **Kim Clary**, a deputy clerk in our probate office.

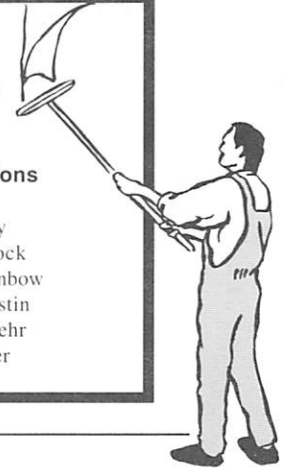
## July Birthdays

**Circuit Court Clerk**  
16 Karen Rooker  
28 Jeff Parkinson

**Probate**  
none

**General Sessions**  
1 Melissa McKee  
14 Margaret Blair  
18 Jason Kane  
20 Molly Travis  
30 Derek Young

**Traffic Violations**  
1 Steve Rose  
4 Margie Perry  
6 Penny Adcock  
12 Candace Benbow  
22 Michael Austin  
23 Carlene Stoehr  
27 Mike Fischer



## PROGRESS REPORT

### ◆ CONSTRUCTION OF COURTROOMS AND CLERK'S OFFICE

Despite delays brought on by the April tornado cleanup, General Services crews are making remarkable progress in their efforts to complete construction of the new General Sessions Court civil operations on the second floor of the Stahlman Building.

Three new courtrooms and affiliated judicial offices must be ready for occupancy by September 1, but workers are currently concentrating their efforts toward finishing work on the equally spacious area that will house the civil division clerk's office.

Because of the necessary relocation and setup of massive filing equipment, computer system activation and other elements associated with the move from the Ben West Building, the clerk's office phase must be completed a full month in advance of the courtroom area.

Project Supervisor Rob Skipper said all available manpower is being devoted to the clerk's office phase in an effort to meet an August 1 target completion date.

Interestingly, the new courtrooms will be identified as Courtroom 2, Courtroom 3 and Courtroom 4. There will be no Courtroom 1. Judges say they want to maintain continuity by retaining the same numbers attached to the current courtrooms in the Ben West Building. Dockets presently assigned to Courtrooms 2-3-4 will simply be transferred to the new Stahlman venue.

Another reason, of course, is the incredibly high volume of preprinted forms currently in stock. The clerk's office plans to minimize additional printing costs by simply placing new address labels on the existing forms.

Yet to be resolved is final docket assignment for certain types of cases under the court's jurisdiction. Judges have been conducting special meetings in an effort to coordinate dockets and agree on a work rotation schedule to accommodate the expanded court, which increases to 11 divisions in September. Thus far, the ideal situation has not presented itself.

Meanwhile, temporary quarters on the ground floor of the courthouse have been earmarked for 8th Circuit Court Judge-in-waiting Carol Soloman, who also takes office in September. Makeshift office space will be located in close proximity to the jury assembly room, a portion of which can be used for conducting court business.

A more permanent solution must await the availability of space elsewhere in the courthouse. Long-range plans call for relocating the register of deeds operations in a different government building, a move that would enhance the prospects of an additional courtroom and judge's chambers.

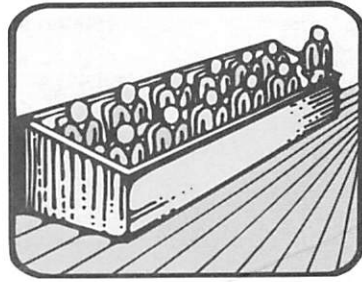
## O MAN!



SOLOMAN

THERE IS NO EXCUSE FOR MISSPELLING A PERSON'S NAME. BUT SOMETIMES IT HAPPENS. AND, WHEN IT DOES, THE PROPER ACTION IS TO OFFER AN APOLOGY, WHICH WE NOW EXTEND TO NEW CIRCUIT COURT JUDGE-ELECT CAROL SOLOMAN, WHO DOES NOT SPELL HER NAME SOLOMON AS WE DID IN LAST MONTH'S REPORT.

# JURY TRIAL VERDICTS



## ABBREVIATIONS

P-PLAINTIFF  
 D-DEFENDANT  
 CP-COUNTER PLAINTIFF

ST-SOFT TISSUE  
 REC-RECOVERY  
 YTD-YEAR TO DATE

### APPEALS

### GENERAL SESSIONS



### SETTLEMENT CONFERENCES

	MAY	YTD
TOTAL CASES CONSIDERED	8	79
Auto Accidents	5	33
Negligence	0	3
Assault	0	1
Store Injury	0	1
Wrongful Death	0	1
Condemnation	0	5
Indecent Exposure	0	1
Contract Dispute	0	1
Slip & Fall	2	7
Defamation	0	1
Medical Malpractice	0	7
Sexual Harassment	0	1
Personal Injury	1	3
Torts	0	1

### DISPOSITIONS

	MAY	YTD
Settled	6	32
Partial Settlement	0	1
Pending settlement	0	5
No settlement reached	2	14
Trials with jury verdicts	0	1
Dismissals	0	3
Summary judgments	0	0
Pre-conference settlements	0	10
Post-conference settlements	0	4
Non-suits	0	0
Bankruptcies	0	0
Continued	0	8
Canceled	0	1

(Source: Megan Gregory, case coordinator)

### JUDICIAL CONFERENCES

No civil case activity was scheduled for the week of June 15 because of the annual Tennessee Judicial Conference.

The three-day conference was scheduled for June 17-19 at the Sheraton Music City Hotel in Nashville.

A meeting of the state's court clerks was also scheduled for the same dates in Nashville.

### CIRCUIT COURT

#### Week of May 11

CASE	TYPE	COURT	VERDICT
96C-175	AUTO ACCIDENT/ST	5TH	DEFENDANT
95C-3627	AUTO ACCIDENT/ST	2ND (P)	\$4,295
96C-1445	AUTO ACCIDENT/ST	1ST (P)	\$16,339

#### Week of May 18

CASE	TYPE	COURT	VERDICT
95C-1261	AUTO ACCIDENT/ST	3RD (P)	\$3,206
88C-2728	SLIP/FALL	2ND (P)	\$125,000
96C-1619	AUTO ACCIDENT/ST	6TH (P)	\$32,000
95C-2452	AUTO ACCIDENT/ST	1ST (P)	\$103,777
96C-334	AUTO ACCIDENT/ST	5TH	DEFENDANT
97C-1494	AUTO ACCIDENT/ST	6TH (P)	\$8,021
96C-4577	CONTRACT	3RD	DISMISSED
96C-4346	DEFAULT	3RD (P)	\$7,770

### NON-JURY TRIAL RESULTS

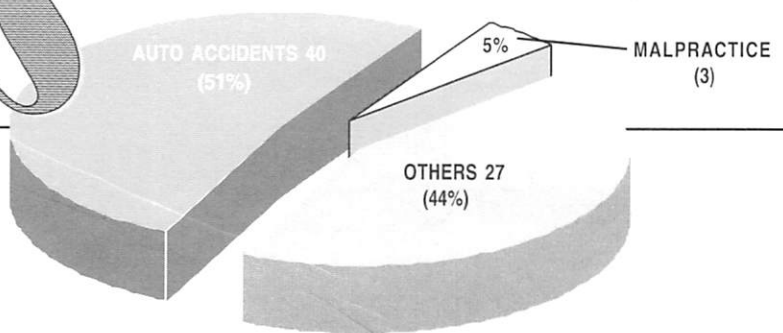
#### Week of May 26

CASE	TYPE	COURT	VERDICT	
97C-2022	DAMAGES	5TH (P)	\$29,000	
97C-4038	DAMAGES	5TH (P)	\$1,060	
97C-2613	DAMAGES	5TH (P)	\$28,430	
97C-3945	GSA CONTRACT	6TH (P)	\$5,051	P-\$9,056 D
97C-2705	DAMAGES	1ST (P)	\$26,145	
97C-2967	DAMAGES	1ST (P)	\$8,452	
97C-3348	GSA CONTRACT	5TH (P)	\$125	P-\$125 P
98C-290	METRO APPEAL	1ST (P)	\$50	D-\$278 D
97C-3854	GSA CONTRACT	6TH (P)	\$2,201	DISMISSED P
97C-1870	PROPERTY EASEMENT	1ST	GRANTED	
96C-2762	DAMAGES	1ST (P)	\$25,000	
97C-1596	DAMAGES	1ST (P)	\$38,891	
97C-1883	DAMAGES	6TH (P)	\$13,655	
97C-4049	GSA AUTO	* (P)	\$5,198	P-\$6,000 D
97C-4050	GSA CONTRACT	1ST (P)	\$13,322	P-\$12,722 D

\*HEARD BY SPECIAL MASTER MARSH NICHOLS

# TRENDS

Jury Trials by Classification  
(JANUARY THROUGH MAY COMPOSITE)



## TRIAL ANALYSES



### AUTO ACCIDENTS

PLAINTIFFS 33  
DEFENDANTS 15

RATIO: PLAINTIFFS 2.3-1

### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	11	11	0	8	2	1
FEBRUARY	13	10	3	8	4	1
MARCH	16	10	6	9	7	0
APRIL	1	1	0	1	0	0
MAY	9	8	1	7	2	0
YEAR-TO-DATE	50	40	10	33	15	2

### JULY AWARDS

MONTH	TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	26,190	200-12,168	2,303
FEBRUARY	107,955	1.00-50,000	19,318
MARCH	100,419	364-57,669	14,124
APRIL	525,000	NO RANGE	NO MEAN
MAY	167,638	3,206-103,777	15,163

### NON-JULY AWARDS

MONTH	TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	NO REPORT	NO REPORT	NO REPORT
FEBRUARY	53,500	4,500-34,000	15,000
MARCH	126,855	4,300-92,750	9,935
APRIL	NO CASES	NO CASES	NO CASES
MAY	5,198	NONE	NONE

### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	3	0	0
FEBRUARY	3	1	2	0
MARCH	2	0	2	0
APRIL	0	0	0	0
MAY	1	1	0	0
YEAR-TO-DATE	9	5	4	0

RATIO: 1.1-1

\*INCLUDED IN ABOVE TRIAL TOTALS

## THE OTHERS

### CONTRACTS



PLAINTIFFS 10  
DEFENDANTS 4

RATIO: PLAINTIFFS 1.7-1

### TOTAL AWARDS

YEAR TO DATE: \$95,432

MAY DOLLAR RANGE: 125-13,322  
MEAN: \$3,626

### MALPRACTICE



3

PLAINTIFFS 0  
DEFENDANTS 1

RATIO: DEFENDANTS 1-0

### MISCELLANEOUS

36



PLAINTIFFS 26  
DEFENDANTS 7

RATIO: PLAINTIFFS 3.5-1

## DATA BANK

Statistics compiled for the month of May

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED	214
CIVIL CASES CONCLUDED	304
NEW DIVORCE CASES FILED	272
DIVORCE CASES CONCLUDED	373

#### General Sessions Civil

NEW CASES FILED	2,989
EXECUTIONS ISSUED	2,870
JUDGMENTS COLLECTED	\$492,318
ORDER OF PROTECTION PETITIONS	203

#### Probate Court

NEW CASES FILED	142
CASES CLOSED	95

#### Traffic Violations

MOVING CITATIONS	18,589
PARKING VIOLATIONS	8,983
TOTAL FINES COLLECTED	\$322,177
NULLIFICATIONS	2,032
NULLIFICATION FEES COLLECTED	\$18,288

## OUT-OF-STATE PROCESS FEES TO DOUBLE

The cost of obtaining out-of-state service of process is going up. Effective July 1, the fee payable to the Secretary of State for providing the service will double from the current \$10 to \$20. The fee is applicable only in cases requiring response from persons residing outside Tennessee.

The increase was approved earlier this year by the state legislature.

## Courts to close July 3 for Independence Day

With Independence Day falling on Saturday this year, government offices will be closed on Friday, July 3. Regular judicial business will resume on Monday, July 6.

## Rooker Report

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Established by George L. Rooker (1929-1993),  
(Circuit Court Clerk, 1968-1993)

Richard R. Rooker ..... Circuit Court Clerk  
Gene Baker ..... Editor