

Rooker Report

July 1998

Published by the Davidson County Circuit Court Clerk's Office

Vol.6, No. 6

EAST BANK DEVELOPMENT BOLSTERS CLERK'S CASH FLOW TO \$69.5 Million

PUTTING THE 'REV' IN REVENUE

When buildings went down on the east bank to make way for the city's new football stadium, cash flow went up for the Circuit Court Clerk's office, booting fiscal revenue beyond the \$69.5 million goal line for the first time ever.

Tendered funds from condemnation proceedings scored major points in the office's 30.8 percent increase over the previous record fiscal accounting a year ago.

Coupled with a customary hike in child support collections, the

government's property purchases represented a lion's share of the overall monetary improvement of \$16.4 million. All but \$1 million of the increase was channeled through the circuit operations with the balance representing combined revenue from the General Sessions Civil Division, Probate Court and Traffic Violations Bureau -- all under the fiduciary responsibility of Circuit Court Clerk Richard Rooker.

The only department showing a revenue deficit was General Sessions where, strangely enough, case filings were down during a year in which claim limits rose from \$10,000 to \$15,000. The 36,676 new cases was 1,323 fewer than the previous fiscal year, resulting in a revenue decrease of \$540,456.

Rooker emphasized that no special significance should be attached to the reduced case volume, in light of the fact that new civil filings also fell slightly in the circuit and probate courts. (See chart, Page 2.)

Revenues are gauged by case "value" rather than by case "volume," Rooker pointed out, citing a \$262,352 increase in probate where case filings failed to equal the previous year's total.

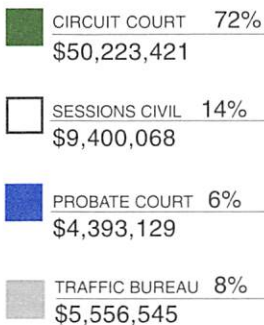
Conversely, the rules differ in the area of traffic violations where citation multiplicity equates to revenue. Hence, when officers wrote 260,697 more moving tickets and 115,723 more parking tickets than the previous year, revenue in that department soared to \$5.4 million -- more than a million dollar increase for the fiscal period.

When it comes to domestic issues, less is considered better because it is a reflection of society's moral fiber. And from that viewpoint, the past twelve months served up a mixed bag.

SEE FISCAL REVIEW, PAGE 2

FISCAL REVIEW

TOTAL REVENUE
\$69,573,163



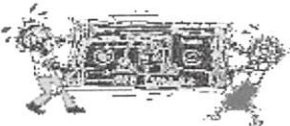
...and stretching child support dollars

The amount of money collected by the courts on behalf of children of divorce grows by more than a million dollars a year in Davidson County.

On paper, the bottom line figure would indicate that the children are being well cared for from a monetary standpoint. During the past fiscal year, for example, the Circuit Court Clerk's office collected and distributed a record \$19,620,098 in court-ordered child support payments.

That is a very impressive figure which exceeded the previous fiscal year amount by \$1.18 million. For sure, more is better and annual growth figures reflect effective enforcement efforts. But does it mean that all victims of broken homes are receiving adequate funds for the necessities of life?

Consider the fact that 14,550 cases shared in the \$1,635,008 paid monthly through the courts by noncustodial parents during the past 12 months.



That equates to \$112.37 per month for each case on an average. Not as lucrative as you might have expected. Right? And, don't forget, that is the average "per case" and not "per child."

No accounting is available as to the actual number of children who must share in the support payments. Neither is it known how sparse the support payments are for those not under supervision of the courts.

The majority (68.8 percent) of the court supervised cases are under wage assignment, meaning support payments are withheld by employers and paid directly to the courts. That procedure accounted for 23.64 percent of payment growth during the past fiscal year, as compared with only a 3.3 percent increase among noncustodial parents not on wage assignment, according to Jeff Parkinson of the clerk's child support division.

FISCAL REVIEW:

BUSY CIRCUIT COURTS STAY AHEAD OF NEW CASE FILINGS

(FROM PAGE 1)

The number of divorce petitions declined for the second straight year, but requests for orders of protection rose to an all-time high, an indication of increased violent behavior in male-female relationships.

Despite the record 2,530 protection orders heard in General Sessions Court (another 83 petitions were heard in Circuit Court as adjunct matters to pending divorces) the lower court judges have elected not to expand the single weekly docket for those cases. Only Judge Leon Ruben has opted to schedule a second order of protection docket during the weeks he hears those cases on the regular rotation. Other judges might find it necessary to follow his lead if caseloads continue to increase.

With arbitration continuing to gain momentum as an alternative method of settling civil disputes, circuit judges spent less time with protracted trials and more time bringing closure at the conference table. Consequently, far more cases were brought to conclusion than the number of new ones filed.

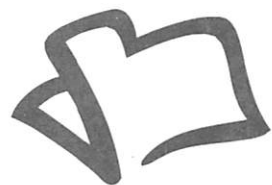
While the courts were bringing resolution to 4,126 traditional civil litigations, only 3,203 new complaints were added to the circuit workload. The same was true for domestic cases with only 3,401 new divorce petitions being filed, compared with 4,126 being concluded.

Probate Court, which becomes a division of Circuit Court in September, produced \$4.39 million in revenue during the fiscal period while taking on 1,885 new cases and concluding 1,362. The amount of revenue was \$262,352 better than the previous fiscal reporting period.

Revenue produced by the courts is placed with the clerk for safekeeping and accountability. Except for operational fees established by statute, monies paid into the judicial system are distributed or held in trust in accordance with legal guidelines upon direction of the courts.

Because of the massive volume of litigation, total fee collections enable the clerk's office to be self sufficient without requiring taxpayer dollars. Surplus fees collected by the clerk are turned over each year to the Metro general fund for use in other areas of government services.

The chart below mirrors the volume of litigation placed with the courts in specific and dominant categories, along with a comparison of the previous fiscal year. Revenues generated by the cases are illustrated in the pie chart on the cover of this issue.



NEW CASE FILINGS

	96-97	97-98
Circuit Court	10,378	9,979
Sessions Civil	37,999	36,676
Probate Court	1,906	1,885
Parking Citations	113,885	115,723
Moving Tickets	242,621	260,697
Divorces	3,541	3,401
Orders of Protection	2,273	2,613

August Birthdays

Traffic Violations

- 2 Sarah Dunn
- Faye White
- Jean Hart
- 3 Joe Foster
- 8 Johanna Rothberg
- 23 Billye Barnard
- 25 Pat Trimble
- 29 Robin Smith

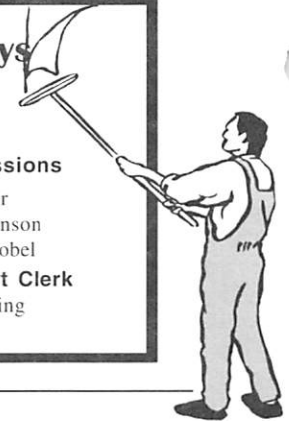
Probate
none

General Sessions

- 9 Gay Parker
- 18 Janice Johnson
- 29 Caroline Sobel

Circuit Court Clerk

- 21 Mark Herring



Cheers...

The state supreme court this month ruled in favor of a Memphis woman who claimed a dentist tried to pull all of her teeth in one setting without her permission. The high court determined that the female dentist committed medical battery upon the woman patient by arbitrarily pulling 16 of her teeth last Feb. 18. The dentist said she thought the patient had given her permission to yank all 32 of her teeth at once. She was in the process of doing that when, halfway through the procedure, the patient asked her to stop, then fainted. She was taken to a hospital where she spent six days after tests showed she had a heart condition. We applaud the patient not especially for her pursuit of a malpractice suit against the dentist, but for the undeterred confidence she exhibited toward the dentist by later returning to have the dental work completed.

◆ After devoting 24 years to government work, **Hume Rizer** will retire from the Criminal Court Clerk's office on July 31. He has spent the past 19 years in that office's accounting department, following five years at General Hospital. He becomes the second member of the accounting department staff to retire within the past month. **Jimmy King** made his exit in June.

◆ **Norman Robinson** was taken aback when an associate congratulated him on his first anniversary as chief of court security. "Has it been that long?" Robinson asked, adding with a grin, "How long have I got to go 'til retirement?" A long time, Norman. A very long time.

◆ Editor **Gene Baker** claims he doesn't feel any older since becoming a great-grandfather last month. Granddaughter **Heather Phillips** of Princeton, N.C., gave birth to a 7-pound, 14-ounce son named **Aaron Tyler Phillips** on June 16. In case you're wondering, that was two months and 13 days after Baker's 60th birthday.

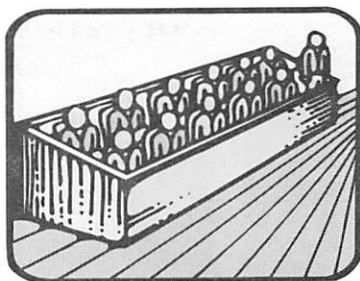
...Tears

Deepest sympathy to **Sandra Perryman**, a bookkeeper in our General Sessions Civil Division, who lost both of her grandmothers within a two-week period. **Ethel Beaton Perryman** passed away in Donelson on June 24 at the age of 90. **Eleanor Johnson Gaines** was 92 years of age when she succumbed on July 7.

Our thoughts and prayers are with Sandra and her family during this difficult period.

◆ We are also saddened by the death of prominent Nashville attorney **William Waller Jr.**, who passed away on July 13 after a long illness. Mr. Waller, 72, was former chairman of **Waller, Lansden, Dortch and Davis**, one of the state's largest law firms.

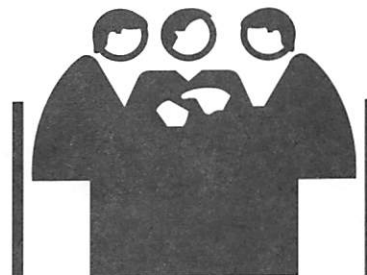
JURY TRIAL VERDICTS



ABBREVIATIONS

P-PLAINTIFF
D-DEFENDANT
CP-COUNTER PLAINTIFF

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



SETTLEMENT CONFERENCES

	JUNE	YTD
TOTAL CASES CONSIDERED	14	93
Auto Accidents	5	38
Negligence	0	3
Assault	0	1
Store Injury	0	1
Wrongful Death	1	2
Condemnation	0	5
Indecent Exposure	0	1
Contract Dispute	1	2
Slip & Fall	1	9
Defamation	0	1
Medical Malpractice	1	8
Sexual Harassment	0	1
Personal Injury	0	3
Torts	1	2
Outrageous Conduct	1	1
Fraud	1	1
Defamation	1	1
Air Bag	1	1

	JUNE	YTD
Settled	7	39
Partial Settlement	0	1
Pending settlement	0	5
No settlement reached	6	20
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	1	9
Canceled	0	1

(Source: Megan Gregory, case coordinator)

JUROR PAY STILL \$10 PER DAY

The per diem pay for citizens performing jury duty in Tennessee was not affected by a new law that went into effect July 1. While the state legislature increased the daily expense allowance for boarding sequestered jurors from \$18 to \$27, the rate for jury service remains at \$10 per day. The same rate is applicable to jury service in both state and federal courts.

APPEALS GENERAL SESSIONS

Week of June 8

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
91C-3390	AUTO ACCIDENT	5TH	DEFENDANT		
97C-607	UNLAWFUL TERMINATION	1ST	DEFENDANT		
97C-1218	GSA CONTRACT	6TH*	MISTRIAL	DISMISSED	(P)
97C-2860	ASSAULT	2ND	(P) \$6,842		
97C-1049	GSA AUTO	5TH	(P) \$6,200	P-\$9,000	(D)

Week of June 22

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
97C-3135	GSA PERSONAL PROP.	1ST	DEFENDANT	P-\$5,000	(D)
96C-2143	AUTO ACCIDENT/ST	5TH	(P) \$4,229		
97C-1399	GSA AUTO/ST	6TH	(P) \$7,000	P-\$9,000	(D)
97C-3404	GSA AUTO/ST	1ST	(P) \$1,616	P-\$2,996	(P)

Week of June 29

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
90C-3335/3760	AUTO ACCIDENT/ST	5TH	HUNG JURY		
96C-4433	AUTO ACCIDENT/ST	6TH	MISTRIAL		
97C-2711	AUTO ACCIDENT/ST	2ND	(P) \$15,000		
96C-2632	AUTO ACCIDENT/ST	6TH	(P) \$2,500		
97C-3088	GSA PROP. DAMAGE	3RD	(P) \$3,100	P-\$3,000	(P)

NON-JURY TRIAL RESULTS

Week of June 1

CASE	TYPE	COURT	VERDICT	JUDGMENT	APPELLANT
97C-317	AUTO ACCIDENT/ST	1ST	(P) \$210,000		
97C-1171	DAMAGES	6TH*	(P) \$16,000		
97C-3034	GSA CONTRACT	6TH*	(P) RECESSED	DISMISSED	P
97C-1402	GSA CONTRACT	3RD	DISMISSED	P-\$1,500	D
96C-3489	WORK COMP	1ST	(P) \$31,620		
97C-2208	DAMAGES	3RD	(P) \$12,938		
95C-2047	DEFAULT	2ND*	(P) \$20,000		
97C-2754	METRO APPEAL	1ST	(P) AFFIRMED	P-\$35	D
96C-3979	GSA CONTRACT	1ST	(P/D) \$5,000	TRANSFERRED BY COURT	

*HEARD BY SPECIAL MASTER MARSH NICHOLS

TRENDS

CASE 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
JUNE	10	9	1	7	1	2
YEAR-TO-DATE	60	49	11	40	16	4

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
JUNE	36,545	1,616-15,000	4,982

NON-JURY 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
JUNE	210,000	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
JUNE	3	3	0	0
YEAR-TO-DATE	9	5	4	0

RATIO: 1.4-1

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS

CONTRACTS



21

PLAINTIFFS 11
DEFENDANTS 4

RATIO: PLAINTIFFS 2.3-1

TOTAL AWARDS

YEAR TO DATE: \$101,432

JUNE DOLLAR RANGE:
SINGLE JUDGMENT

MEAN:
NONE

MALPRACTICE



3

PLAINTIFFS 0
DEFENDANTS 1

RATIO: DEFENDANTS 1-0



MISCELLANEOUS

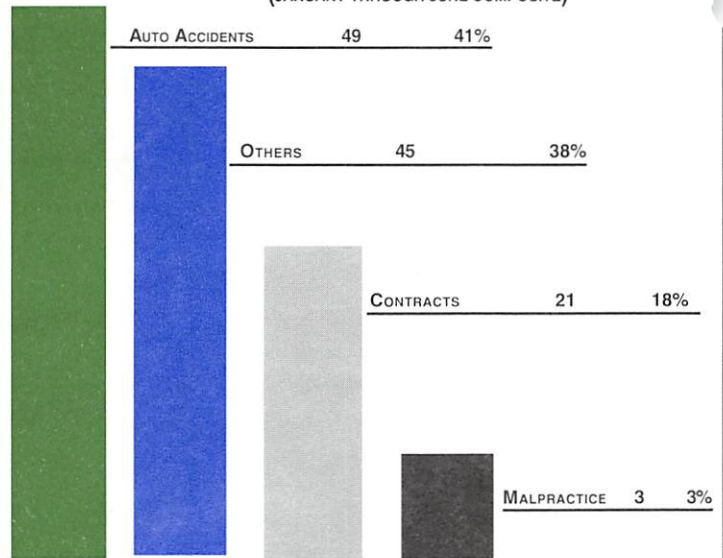
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PLAINTIFFS 33
DEFENDANTS 9

RATIO: PLAINTIFFS 3.6-1

Jury Trials by Classification

(JANUARY THROUGH JUNE COMPOSITE)



DATA BANK

Statistics compiled for the month of June

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	276
CIVIL CASES CONCLUDED	359
NEW DIVORCE CASES FILED	281
DIVORCE CASES CONCLUDED	315

General Sessions Civil

NEW CASES FILED	3,326
EXECUTIONS ISSUED	3,133
JUDGMENTS COLLECTED	\$599,138
ORDER OF PROTECTION PETITIONS	247

Probate Court

NEW CASES FILED	171
CASES CLOSED	120

Traffic Violations

MOVING CITATIONS	18,937
PARKING VIOLATIONS	9,169
TOTAL FINES COLLECTED	\$372,115
NULLIFICATIONS	2,274
NULLIFICATION FEES COLLECTED	\$20,466

Rooker Report

Published by the Davidson County Circuit Court Clerk's Office
506 Metro Courthouse, Nashville, TN 37201
Internet @ www.nashville.org/cir/

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

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