

ROOKER REPORT

September 1999

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Newsmakers



LAROBARDIERE

Larobardiere New Civil Office Chief

Margaret Larobardiere, a longtime member of the Criminal Court Clerk's staff, will become chief clerk of the General Sessions Civil Division office, Circuit Court Clerk Richard Rooker has announced.

Larobardiere joined the civil office earlier this month and is currently undergoing procedural training before assuming the chief clerk's position, Rooker said.

Larobardiere, a native of Paris, Tennessee, was hired by the Criminal Court Clerk's office in 1985 and served in the Human Resources department. In her spare time, she practices photography and enjoys traveling.

Evans Joins Judiciary Court

General Sessions Judge Sue McKnight Evans has been named to the Tennessee Court of the Judiciary, the body that hears complaints made against judges by private citizens.



EVANS

Evans replaces fellow General Sessions Judge Gale Robinson, who served on the panel for more than three years.



CRAMB

Cramb Takes Retirement

Declining health has forced veteran Night Court Commissioner Vance Cramb to take disability retirement.

Cramb, who spent 12 years on the night court bench, ended his service on Sept. 1.

Attorney Gerald Burkett, who has experience as a substitute commissioner, has been appointed to fill the vacancy on a temporary basis, according to General Sessions Court Administrator Warner Hassell.

THE CASE FOR SPACE

WITH NO ROOM TO GROW, NEW COURT LEADERSHIP TAKES ON CHALLENGE OF SECURING NEW FACILITY

Chancellor Carol McCoy became presiding judge over the state trial courts this month and pledged to seek a solution to the lack of courtroom facilities that has hampered expansion of the local judiciary.

In an ambitious nine-point agenda, McCoy cited the absence of a permanent courtroom for Circuit Court Judge Carol Soloman as her number one priority while strongly emphasizing the need for a new courthouse annex to accommodate future growth of the court system as a whole.

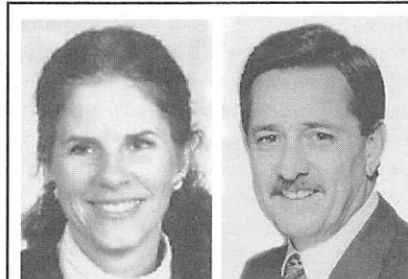
At the General Sessions level, newly elected presiding judge Mark Fishburn said he concurred with McCoy's position and would incorporate her objectives as part of his own agenda to make the courts more "user friendly and accessible to the public we serve."

Since the issue of space -- or lack thereof -- has been addressed with unsuccessful results to this point, McCoy admits that uncovering a fresh approach to funding a state-of-the-art courthouse annex estimated to cost upward of \$100 million will not be easy.

But not insurmountable, she hopes, citing the possibility of private financing as one alternative.

"Or, we might need to seek an increase in the fee structure," she said, "adding a sur-

PRESIDING JUDGES



CHANCELLOR CAROL MCCOY (LEFT) IS THE NEW PRESIDING JUDGE OVER THE STATE TRIAL COURTS, THE SAME ROLE AS THAT OF MARK FISHBURN (RIGHT) WHO REIGNS OVER THE GENERAL SESSIONS COURTS. THE TWO JUDGES ASSUMED THEIR ONE-YEAR POSITIONS SEPT. 1.

tax to all complaints filed."

Money has not been the drawback to providing a courtroom for Soloman. The Bredesen administration appropriated \$1 million to renovate existing courthouse space to accommodate the most recently created court. The problem has been finding the space to convert, since there is a reluctance by current occupants to relinquish quarters they

have renovated themselves.

The space dilemma was further accentuated earlier this year when a bill in the state legislature to create two new judgeships -- one criminal and one chancery -- was withdrawn as a result of a state budget crunch.

"There needs to be a new structure -- one that will accommodate all the courts, the court clerks and personnel alike," said McCoy. "And it should be ADA compliant to meet federal mandates for accessibility by all citizens."

Adequate space has been provided for the recently expanded General Sessions Court, but it is situated in five different locations, often creating confusion among litigants as to where their cases are being heard, often creating confusion among litigants as to where their cases are being heard.

Overpopulated jail cells have brought on

SEE AGENDAS, PAGE 2)

Cheers...

Fourth Circuit Court employee **Temesia Harris** is smiling twice as much these days after becoming the grandmother of twins since our last report. The double bundle of joy arrived on Aug. 23 when daughter **Emmalynne Farris** gave birth to a boy and a girl at St. Thomas Hospital. With hubby **Jeff Farris** and the soon-to-be-grandmother topping out the waiting room's anxiety meter, **Daniel Bryson Farris** and sister **Jillian Grey Farris** sounded their entry at 5:10 p.m. And it was no lightweight feat for the mother. Daniel weighed in at 7 pounds, 8 ounces while stretching the tape to 19.5 inches, and Jillian wasn't far behind at 6 pounds, 4 ounces and 19 inches. Wow!

◆ Speaking of new beginnings...The long-awaited wedding of chief computer technician **Mike Garrett** and deputy circuit clerk **Cathy Cook** finally took place on Sept. 11 and the happy couple jetted off for a Las Vegas honeymoon. For those who were unable to attend the big event at the downtown First Baptist Church or the reception at Opryland's Spring House Country Club, Chief Administrative Clerk **Carole Garrett**, mother of the groom, reports that it was "very nice." We say there had to be a "hitch."

◆ By the way, congratulations to **Dr. Margaret (Peggy) Reynolds**, director of the General Sessions Court's Driver Safety Center, upon her recent marriage to longtime beau **Aubrey R. Smith II**. The couple capped an eight-year romance by repeating vows on Aug. 22 at the Wightman Chapel on the campus of Scarritt College where she is an alumnus. On hand for the ceremony, among others, were judges **John Brown**, **Leon Ruben**, **Mike Mondelli**, **Gloria Dumas** and driving class supervisor **Terry Peaks**. The groom is an administrator with the Park Health Management group. Incidentally, the ceremony was performed by the bride's brother, **Dr. Frank Reynolds** of the Florida Methodist Conference.

◆ **Daren Phillips** of our circuit court clerk's office may now officially be labeled a big game hunter. Daren spent his summer vacation on an African safari where he bagged a prize zebra. He plans to have it (or a portion thereof) shipped here at a later date so he can have the head mounted and displayed on his wall. Now if he can only remember which are the stripes -- the white or the black?

...Tears

We are grieved by the untimely passing of Mrs. **Sarah Lillian (Tootsie) Fuqua**, wife of traffic warrant officer **Dickey Fuqua**. Mrs. Fuqua, 62, succumbed on Sept. 11 following a short bout with cancer. Our hearts go out to the Fuqua family.

◆ Cancer also claimed the life of former General Sessions Judge **Thomas D. Steele**. He was 67 years old. Mr. Steele served on the court from 1963-65 after being appointed to fill a vacancy by then Gov. **Frank Clement**. After his service on the bench, he continued a private law practice until he no longer could cope with the debilitating disease. We acknowledge his contributions to the legal profession and offer our condolences to his family.

ENVIRONMENTAL DOCKET RETURNS TO BEN WEST

The Metro Codes environmental docket, held in the Stahlman Building for several months, has now returned to the Ben West Building where it originally was assigned.

The docket is held at 1 p.m. on various Wednesdays and Thursdays.

October Birthdays

Circuit Court Clerk

1 Terry Campion
6 Carolyn Davis
9 Sandy Adams

Traffic Violations

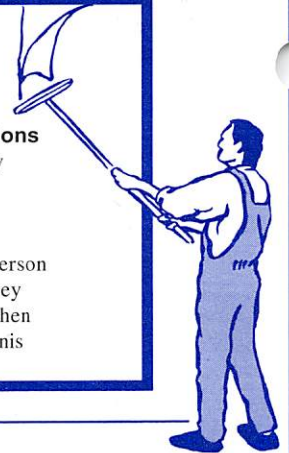
1 Benny Rigby
4 Joe Hurt
5 Kim Smith
9 Amy Barry
21 David Patterson
24 Mary Archey
30 Marvin Cohen
Susan Grannis

General Sessions

9 Margaret Larobardiere
21 Carole Garrett
27 Deb Mix

Probate

none



AGENDAS:

SPACE AND OTHER PRIORITIES

(FROM PAGE 1)

on yet another space problem, causing the courts to seek incarceration alternatives to meet federal court census guidelines. Both McCoy and Fishburn are currently addressing that issue with input from fellow judges and administrative personnel.

- In addition to the space challenge, Fishburn also wants to:
- improve communications between the courts and other governmental and community agencies which commonly interact with the courts;
 - develop a more comprehensive program of accountability for persons who are granted the privilege of alternative sentencing to incarceration;
 - find solutions to the continuing dilemma facing courts involving the conflict between mental health issues and criminal incarceration.

FILING FEE CORRECTIONS

In our August report, we included a filing fee schedule reflecting current rates and new ones scheduled to go into effect on Oct. 1.

Despite our efforts to ensure accuracy, two rate increases did not get reported. We apologize for the oversight and correct the errors at this time.

Under the civil fee schedule for Circuit Court cases, restoration of citizenship petitions will increase from \$89.50 to \$114.50.

Under the Probate Court fees, petitions to probate wills and entering orders without issuing letters testamentary increases from \$40 to \$48.

If you saved the pullout fee insert, you may want to write in the correct amounts.

All fee schedules will be updated on our website on Oct. 1 and may be accessed at www.nashville.org/cir.

AUGUST SETTLEMENT CONFERENCES

TOTAL CASES CONSIDERED	10
Auto Accidents	6
Contract Dispute	7
Insurance Claim Dispute	1
Pharmaceutical Negligence	1
Medical Malpractice	1

DISPOSITIONS

Settled	8
Post Settlement	3
Continued	1

(Source: Megan Gregory, case coordinator)

JURY TRIAL VERDICTS

P-PLAINTIFF
 D-DEFENDANT
 CP-COUNTER PLAINTIFF

CD-COUNTER DEFENDANT
 ST-SOFT TISSUE
 GSA-GENERAL SESSIONS APPEAL

APPEALS

GENERAL SESSIONS

CIRCUIT COURT

Week of August 2

CASE	TYPE	COURT	VERDICT	PCT. FAULT
98C-2587	AUTO ACCIDENT/ST	1ST	DEFENDANT	
97C-355	AUTO ACCIDENT/ST	3RD (P)	\$10,000	(D2-40) (D4-60)
98C-2489/2491	GSA/AUTO ACCIDENT/PROPERTY	8TH	MISTRIAL	
" " "	" " "	" (P)	\$3,000	(CD-100)
98C-1436	AUTO ACCIDENT/ST	2ND (P)	\$12,567	ADMITTED

JUDGMENT	APPELLANT
P-\$3,000	BOTH PARTIES
" " "	" " "

Week of August 9

CASE	TYPE	COURT	VERDICT	PCT. FAULT
96C-2069	AUTO ACCIDENT	1ST (P)	\$27,495	(D1-100)
98C-3427	GSA/AUTO ACCIDENT	2ND (P)	No AWARD	(P-50) (D-50)
98C-3446	FRAUD	6TH* (P)	\$2,523	
97C-2261	AUTO ACCIDENT/ST	3RD (P)	\$10,000	ADMITTED
97C-3975	ASSAULT	3RD* (P)	\$2,000	(D1-100)
98C-2981	METRO APPEAL/TRAFFIC	8TH (P)	GUILTY	
98C-1206	AUTO ACCIDENT/ST	8TH (P)	\$5,000	(P-75)
" " "	" " "	" (CP)	\$15,000	(CP-25)

JUDGMENT	APPELLANT
METRO-\$10	DEFENDANT

*JURY WAIVED

Week of August 23

CASE	TYPE	COURT	VERDICT	PCT. FAULT
96C-3852	CONDEMNATION	8TH (P)	\$591,500	
98C-3294	GSA/ASSAULT	1ST	DEFENDANT	
98C-2571	AUTO ACCIDENT/ST	5TH (P)	\$2,500	(P-49) (D-51)
98C-1031	PERSONAL INJURY	3RD (P)	\$105,000	(P-40) (D1-60)
97C-1071	AUTO ACCIDENT/ST	6TH (P)	\$5,000	ADMITTED

JUDGMENT	APPELLANT
DISMISSED	PLAINTIFF

Week of August 30

CASE	TYPE	COURT	VERDICT	PCT. FAULT
94C-1451	MEDICAL MALPRACTICE	5TH (P)	\$1,625,000	
98C-2245	AUTO ACCIDENT/ST	8TH (P)	\$500	ADMITTED
97C-3724	AUTO ACCIDENT/ST	3RD (P)	\$15,000	(D1-100)
97C-3695	OUTRAGEOUS CONDUCT	8TH (P)	\$37,593	
98C-957	AUTO ACCIDENT/ST	6TH (P)	\$15,000	

JUDGMENT	APPELLANT

NON-JURY TRIAL RESULTS

Week of August 16

CASE	TYPE	COURT	VERDICT	PCT. FAULT
97C-46	ASSAULT	5TH (P)	\$5,750	
98C-2573	GSA/CONTRACT	8TH (P)	\$7,907	
99C-231	GSA/CONTRACT	1ST* (P)	UNDER ADVISEMENT	
98C-212	CONTRACT	8TH (P)	\$21,000	
98C-3442	GSA/AUTO ACCIDENT	8TH (P)	\$3,200	
99C-312	GSA/CONTRACT	8TH (P)	\$4,140	
98C-3139	GSA/CONTRACT	8TH (P)	\$7,500	
97C-2989	CONTRACT	6TH (P)	\$36,579	
99C-105	GSA/CONTRACT	1ST* (P)	\$5,032	
99C-506	GSA/CONTRACT	5TH	DEFENDANT	
98C-2613	GSA/VANDALISM	8TH	INJUNCTION VS BOTH PARTIES	
98C-3244	GSA/CONTRACT	6TH (P)	\$3,200	
99C-1420	GSA/CONTRACT	8TH (P)	\$3,014	
98C-3384	DAMAGES	6TH (P)	\$22,022	
98C-3241	GSA/PROPERTY DAMAGE	5TH	UNDER ADVISEMENT	
99C-168	GSA/CONTRACT	6TH (P)	\$2,760	
99C-374	GSA/CONTRACT	8TH (P)	\$15,262	

JUDGMENT	APPELLANT
P-\$7,907	DEFENDANT
P-\$6,812	DEFENDANT
P-\$8,000	DEFENDANT
P-\$3,200	DEFENDANT
TRANSFERRED	BOTH PARTIES
P-\$4,032	DEFENDANT
DEFENDANT	PLAINTIFF
P-\$375	DEFENDANT
P-\$3,343	DEFENDANT
P-\$2,514	DEFENDANT
P-\$11,934	DEFENDANT
P-\$4,422	DEFENDANT
P-\$13,750	DEFENDANT

*HEARD BY SPECIAL MASTER MARSH NICHOLS



CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 65
DEFENDANTS 13

RATIO: PLAINTIFFS 5-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	64	49	15	48	11	5
JULY	6	6	0	4	1	1
AUGUST	15	13	1	13	1	1
YEAR-TO-DATE	85	68	16	65	13	7

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	31,763	681-18,000	13,082
FEBRUARY	48,554	1,000-15,000	8,126
MARCH	66,130	0-44,000	5,532
APRIL	41,266	180-15,000	5,217
MAY	295,961	2,800-198,000	23,990
JUNE	27,122	0-10,000	5,707
JULY	17,343	785-10,000	3,279
AUGUST	90,562	0-27,495	7,882

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	3,724	N/A	N/A
FEBRUARY	830	N/A	N/A
MARCH	120,286	500-85,000	5,797
APRIL	N/A	N/A	N/A
MAY	28,019	3,634-18,000	6,385
JUNE	N/A	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	3,200	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	31,763	681-18,000	13,082
FEBRUARY	31,404	1,000-15,000	7,707
MARCH	47,952	452-44,000	3,500
APRIL	25,133	0-8,000	5,711
MAY	228,161	4,000-198,000	13,080
JUNE	13,800	0-10,000	6,900
JULY	6,558	1,500-5058	3,279
AUGUST	75,567	500-15,000	8,581

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	17	15	1	1
JULY	4	2	0	2
AUGUST	3	3	0	0
YEAR-TO-DATE	24	20	1	3

*INCLUDED IN ABOVE TRIAL TOTALS

THE OTHERS:



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
 50 40 5 5
 RATIO: PLAINTIFFS 8-1 TOTAL AWARDS TO DATE: \$1,551,050
 AUGUST AWARDS: \$109,594



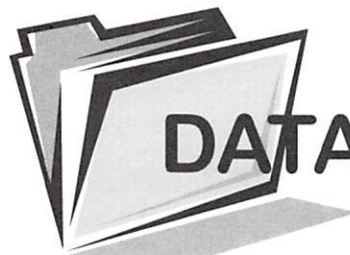
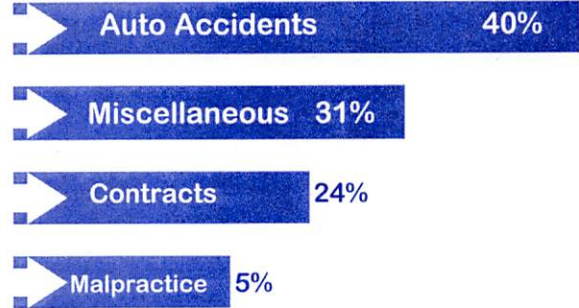
MISCELLANEOUS
 65
 PLAINTIFFS 42
 DEFENDANTS 10
 NO VERDICT 14



MALPRACTICE
 11
 PLAINTIFFS 4
 DEFENDANTS 4
 NO VERDICT 3



Civil Trials by Classification



Statistics compiled for the month of August

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	243
CIVIL CASES CONCLUDED	373
NEW DIVORCE CASES FILED	295
DIVORCE CASES CONCLUDED	322

General Sessions Civil

NEW CASES FILED	3,674
EXECUTIONS ISSUED	2,960
GARNISHMENT PAYMENTS	3,688
JUDGMENTS COLLECTED	\$591,516
ORDER OF PROTECTION PETITIONS	231

Probate Court

NEW CASES FILED	159
CASES CLOSED	140

Traffic Violations

MOVING CITATIONS	25,027
PARKING VIOLATIONS	9,083
TOTAL FINES COLLECTED	\$384,999
NULLIFICATIONS	2,193
NULLIFICATION FEES COLLECTED	\$25,062

Rooker Report

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 Internet @ www.nashville.org/cir/

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

Richard R. Rooker Circuit Court Clerk
 Gene Baker Editor

Clerk's Advisory

To: Domestic Relations Attorneys
From: Richard Rooker, Circuit Court Clerk
Date: September 16, 1999
Re: Changes to Child Support Procedures Effective October 1, 1999

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that all states establish and operate a Centralized Disbursement Unit for child support payments. This change affects the actual payment location for many cases. The specific cases involved are:

1. All IV-D cases. This is a case in which there has been some state assistance in the past (AFDC, Welfare, Food Stamps, or enforcement proceedings by the Child Support Enforcement Agency)
2. Non – IV-D cases where the original child support order was issued on or after January 1, 1994 and it is paid by wage assignment.

Beginning October 1, 1999, all of these payments must be sent to:

Central Child Support Receiving Unit
P.O. Box 305200
Nashville, TN 37229

Child support payments will now be paid to and checks will be disbursed from the State of Tennessee, Central Disbursement Unit in Nashville. The Clerk will no longer receive, process or mail out these payments. The Clerk will no longer have payment or arrearage information about this case. To request a payment history on these cases you will need to call 1-800-838-6911 or 253-4394 in the Nashville area.

The Clerk's office will continue to collect payments for, disburse checks to and keep all records for the following cases:

1. The case is Non IV-D and the support is not paid by wage assignment, or
2. The case is Non IV-D, the support is paid by wage assignment **and** the original support order was issued prior to January 1, 1994.

If you have any questions or need any additional information please feel free to contact Jeff Parkinson at 862-5187.