

ROOKER REPORT

January 2000

Published by the Davidson County Circuit Court Clerk's Office

Vol. 7, No. 12



IN REVIEW

Good Times, Fewer Suits

CIRCUIT

Civil Filings	3,013
Civil Concluded	3,433
Divorce Filings	3,260
Divorce Concluded	3,410
Trials	308
Settlement Conferences	119

PROBATE

New Filings	2,007
Cases Concluded	1,423

GENERAL SESSIONS

New Filings	36,390
Judgments Collected	\$6,831,139
Orders of Protection	2,332

TRAFFIC VIOLATIONS

Moving Tickets	263,885
Parking Tickets	96,763
Nullifications	27,489
Fines Collected	\$4,177,498

TRIALS BY CATEGORY

Auto Accidents	122
Miscellaneous	97
Contracts	75
Medical Malpractice	14

The volume of new civil litigation continued a patterned decline during the last year of the 20th century as Davidson Countians enjoyed prosperity with less cause to sue their neighbors.

Indicative of good economic times, both civil and domestic complaints followed a three-year downward trend, reflecting a greater degree of harmony at all social levels.

The one exception came at the "small claims" level where a higher number of complaints were filed in General Sessions Court in disputes over debt collections, property possession and assorted low-dollar claims.

After falling below the 4,000 mark for the first time during the previous year, the number of original filings in circuit court struggled to top the 3,000 figure -- topping out at 3,013 for all categories from torts to minor settlements.

The figure was complemented by the decade's lowest number of divorce filings, another barometer of financial stability on the domestic front where more couples took trips to the altar and fewer were exposed to relationship violence.

While 3,260 couples sought dissolution of their wedding vows, marital ranks swelled by almost twice that amount as 6,572 marriage licenses were issued by the county clerk. And improved harmony among the sexes was evidenced by an appreciative decrease in the number of protection order requests, down for the second year in a row.

Absent parents continued to pay record amounts for the support of their children, despite disruption in the disbursement process brought on by a state takeover of most child support cases.

Before turning over 60 percent of its total caseload in October, the circuit court clerk's office was on pace for breaking the previous year's record \$20.19 million in child support collections and disbursement. The year-end figure hit \$18.75 million with the last-quarter loss of wage assignment cases.

The strong economy could have had a hidden ally in causing a drop in civil lawsuits. It is generally believed that greater access to trial information has led to an increasing number of disputes being resolved without court involvement.

See STRONG ECONOMY, Page 2

FELIX Z. WILSON: GRACIOUS SERVANT

When Felix Z. Wilson retired as Davidson County's register of deeds, the staff who had served him purchased a billboard next to the Stahlman Building to proclaim their respect and gratitude for his 36 years of elected public service.

As uncommon as that was, the gesture was well deserved for a man whose only known enemy was a demonic respiratory disease that ended his unblemished career and eventually his life.

The oxygen tank that had sustained him in his final years finally let him down last month at the age of 77. And those whom he had served and served alongside paid final respects to a gracious man of political genealogy who applied gentlemanly manners to all phases of his life.

Although most people couldn't remember it, the "Z" in Wilson's name stood for Zollicoffer, a derivative of his great-great-grandfather, Felix Zollicoffer, who served in the United States Congress.

Wilson was first elected to office in 1962, succeeding his father James P. Wilson, who held the position for 12 years. Before that, the job belonged to Wilson's namesake grandfather Felix Z. Wilson.

His "old school" way of doing things is now being replaced by more modern means, but the spirit of Felix Z. Wilson will long remain in the archives that bear his trademark.

He did it his way and left it in order for those to follow.
Rest in peace, old friend.

To: Baby Karen From: Buddy Jean

CHEERS...

◆ Despite physical limitations resulting from a car accident during his college days at the University of Alabama, **Richard Arnold** was a productive and devoted government employee for 22 years, most of which were spent in the traffic warrant office. His service was applauded by co-workers, friends and family members during a retirement breakfast in his honor on Dec. 17. On hand for the occasion, in addition to his wife **Jeannie**, were Richard's father -- legendary country singer **Eddy Arnold** -- and his mother **Sally**.

◆ She swore this would be her first and last pregnancy, but we wonder how **Mary Stephens** feels about it now that the blessed event has added new joy to her life. Mary and husband **David** welcomed Miss **Savanna Shea Stephens** into the world on Dec. 21 in ceremonies at Baptist Hospital. The guest of honor made her entry at 9 pounds, 2 ounces, neatly distributed over a 20-inch frame. Following the traditional bonding period, Mary will return to her regular job in our child support division.



STEPHENS

◆ Congratulations to traffic warrant officer **Pete Page** on becoming a grandfather last month for the first time. **Jasmine Dawn Page** was born to Pete's son **Robert A. Page** and his wife **Erin** on Dec. 6 in Jacksonville, Florida. The newest member of the Page family weighed in at 6 pounds, 13 ounces and measured 20 inches from head to toe.

◆ Our own **Skyla Carnahan** had a hand in Vice President **Al Gore**'s big fund raiser at the Wildhorse Saloon last month. Literally. Skyla, a deputy in the circuit court clerk's office, was chosen to translate the presidential candidate's comments in sign language for the hearing impaired. Not only did she connect with the audience, her persona reportedly won praise from author/comedian **Al Franken**, who emceed the function.



CARNAHAN

◆ Longtime General Sessions Court officer **Don Corn** has announced his retirement, effective March 1, after serving under Judge **Bill Higgins** for 11 years. Corn, 63, will take on a new career, working with labor union retirees as AFL-CIO Tennessee Coordinator for Retiree Programs and Activities. As a former five-term president of UAW Local 737 and later an international representative for the United Auto Workers, he is well suited for the new assignment. His decision, no doubt, is supported by wife **Jobie**, four children and six grandchildren.



CORN

◆ Finally, three cheers for General Sessions Judge **Mark Fishburn**, who made national television by allowing minor traffic offenders to sing "Jingle Bells" in lieu of paying fines at Christmastime.

...TEARS

◆ Tragedy struck twice last month for Circuit Judge **Carol Soloman**, who lost her stepfather and an uncle in the same week. Her stepfather, **Harold Weininger**, passed away in Scottsdale, Arizona at the age of 83; and her uncle, **Sam Mansbach**, 72, succumbed in his home town of Ashland, Kentucky where he was president of Kentucky Electric Steel and cochairman of the Mansbach Foundation.

◆ **Willie T. Gardner**, 85, grandmother of Traffic Violation's **Tony Eden**, passed away following a massive stroke on Dec. 5 at Baptist Hospital in Centerville where she lived.

◆ Condolences to retired Metro Legal Department director **Billy Howard** in the recent passing of his wife **Jane Howard**.

YEAR IN REVIEW

STRONG ECONOMY EQUALS FEWER CIVIL LAWSUITS

(From Page 1)

While impossible to accurately gauge, some observers feel that private mediation is becoming the method of choice for growing numbers of complainants in search of faster results and lower costs.

The likelihood that more plaintiffs are seeking alternative resolution through private firms is reflected in the surprising lower number of settlement conferences conducted by the courts during the past year.

In 1998, at the crest of court-supervised ADR popularity, judges presided over 179 settlement conferences. But that number dropped dramatically to only 119 during the past year. And questionnaires being provided by the courts to promote the alternative method concept has failed to generate much interest among attorneys and their clients.

Still, the eight divisions of circuit court were without idle time on their hands during the calendar year, bringing conclusion to 8,266 civil, domestic and probate matters combined.

As usual, auto accidents dominated the courts' calendars, representing 40 percent of the total 308 civil trials presided over by judges. The 122 auto accident trials equalled the previous year's figure but resulted in lower average plaintiff awards at both jury and non-jury levels.

In 94 cases considered by juries during the past year, plaintiffs shared in only \$886,449 for a judgment average of \$9,430. Non-jury awards in 28 cases capped out at \$228,398 for an average of \$8,157. The previous year's averages were \$44,868 for jury cases and \$13,251 for non-jury.

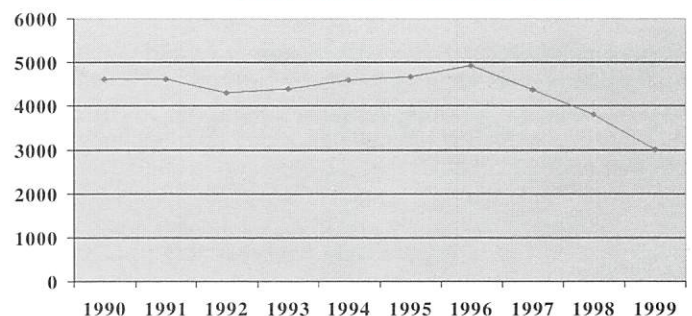
In the probate division, where high profile cases commanded media attention, new filings topped the 2,000 mark -- up slightly from the previous year.

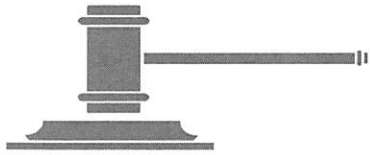
Unlike probate, a virtually inevitable destination without choice, the traffic courts entertained a record number of motorists who exercised the wrong option.

Patrol officers doled out an alltime high 263,885 citations for speeding and other moving violations, topping the previous year's high mark of 262,800.

Parked drivers had less intimidation, but still accounted for a higher number of violations than the year before. The 96,763 parking tickets issued during the year was 215 more than the 1998 count, but marked the second straight year that citations have fallen under 100,000.

CIVIL FILINGS IN THE 90s





JURY

TRIAL VERDICTS

ABBREVIATIONS:

- P-PLAINTIFF ST-SOFT TISSUE D-DEFENDANT
- CP-COUNTER PLAINTIFF CD-COUNTER DEFENDANT
- TCPA-TN. CONSUMER PROTECTION ACT GSA-GENERAL SESSIONS APPEAL
- REC-RECOVERY

APPEALS

GENERAL SESSIONS

Week of December 1

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
93C-2238	AUTO ACCIDENT	6TH	DEFENDANT			
98C-2857	AUTO ACCIDENT/ST	8TH (P)	\$3,856	(D-100)		
98C-454	AUTO ACCIDENT/ST	1ST	MISTRIAL			
97C-2696	AUTO ACCIDENT/ST	1ST	DEFENDANT			

Week of December 6

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
94C-3495	MEDICAL MALPRACTICE	5TH	DEFENDANT			
97C-1509	SLIP/FALL	1ST	DEFENDANT			
96C-4252	MEDICAL MALPRACTICE	6TH	DEFENDANT			
98C-1596	AUTO ACCIDENT/ST	3RD (P)	\$2,460	ADMITTED		
97C-1640	AUTO ACCIDENT/ST	3*	UNDER ADVISEMENT			

*--JURY WAIVED

NON-JURY TRIAL RESULTS

Week of December 13

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-209	AUTO ACCIDENT	1ST (P)	\$10,200			
99C-1930	GSA/CONTRACT	6TH	DEFENDANT		P-\$5,272	DEFENDANT
99C-2088	GSA/MEDICAL MALPRACTICE	8TH (P)	RESTRAINING ORDER		DEFENDANT	PLAINTIFF
99C-2245	GSA/AUTO ACCIDENT	1ST (P)	\$14,000		P-\$3,000	DEFENDANT
99C-1717	GSA/AUTO ACCIDENT	1ST (P)	\$2,000		P-\$2,000	DEFENDANT
99C-1846	GSA/CONTRACT	5TH (P)	\$650		DEFENDANT	BOTH PARTIES

DOMESTIC PUBLICATION FEES HIKED

It now costs more to publish Circuit Court domestic case information in the Nashville Record.

A \$4.50 rate increase by the official paper of record went into effect on Jan. 6, hiking publication fees accordingly for divorces and adoptions.

The new fee for publishing divorce cases is now \$96 -- up from \$91.50. Adoption case publication increased from \$87.50 to \$92.

The fees are collected by the Circuit Court Clerk's Office at the time of filing.

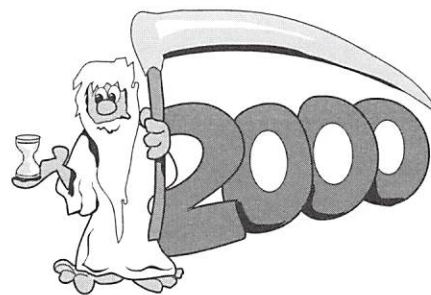
February Birthdays

Traffic Violations

- 5 Lee Millsap
- 11 Marie Roberts

Circuit Court Clerk

- 7 Tracy Cartwright
- 23 Lori Stratton

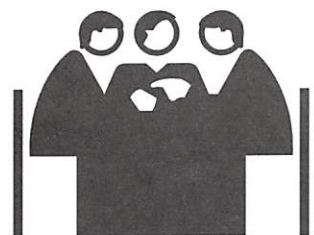


General Sessions

- 25 Diana Reed

Probate

none



DECEMBER SETTLEMENT CONFERENCES

CASES CONSIDERED 4

BY CLASSIFICATION

Auto Accidents 3

Unlawful Termination 1

DISPOSITIONS

Settled 1

Did not settle 2

Continued 1

Source:

Megan Gregory, case coordinator

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)

Richard R. Rooker Circuit Court Clerk
Gene Baker Editor



CASE ANALYSES

AUTO ACCIDENTS

PLAINTIFFS 90
DEFENDANTS 18

RATIO: PLAINTIFFS 5-1

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	64	49	15	48	11	5
JULY-NOVEMBER	49	39	10	37	5	7
DECEMBER	9	6	3	5	2	2
TOTAL FOR YEAR	122	94	28	90	18	14

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
SEPTEMBER	13,251	1,800-5,789	2,830
OCTOBER	147,771	10,000-120,597	17,117
NOVEMBER	100,450	3,700-65,500	7,812
DECEMBER	6,316	2,460-3,856	N/A

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
SEPTEMBER	45,489	1,489-23,000	10,500
OCTOBER	650	N/A	N/A
NOVEMBER	N/A	N/A	N/A
DECEMBER	26,200	2,000-14,000	10,200

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
SEPTEMBER	7,462	1,800-3,200	2,462
OCTOBER	27,174	10,000-17,174	N/A
NOVEMBER	145,955	550-65,500	13,317
DECEMBER	6,316	2,460-3,856	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-JUNE	17	15	1	1
JULY-NOVEMBER	12	10	0	2
DECEMBER	2	2	0	0
YEAR-TO-DATE	31	27	1	3

*INCLUDED IN ABOVE TRIAL TOTALS



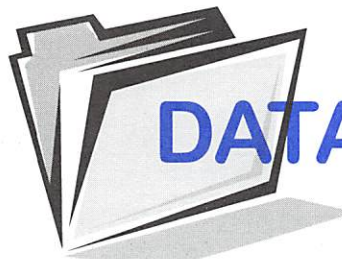
Civil Trials by Classification

Auto Accidents 40%

Miscellaneous 31%

Contracts 24%

Malpractice 5%



DATA BANK

Statistics compiled for the month of December

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	240
CIVIL CASES CONCLUDED	238
NEW DIVORCE CASES FILED	216
DIVORCE CASES CONCLUDED	301

General Sessions Civil

NEW CASES FILED	2,527
EXECUTIONS ISSUED	2,457
GARNISHMENT PAYMENTS	3,556
JUDGMENTS COLLECTED	\$552,684
ORDER OF PROTECTION PETITIONS	150

Probate Court

NEW CASES FILED	139
CASES CLOSED	107

Traffic Violations

MOVING CITATIONS	17,067
PARKING VIOLATIONS	7,773
TOTAL FINES COLLECTED	\$299,293
NULLIFICATIONS	1,411
NULLIFICATION FEES COLLECTED	\$16,797

OTHER TRIALS BY CLASSIFICATION



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT
75 58 10 7

RATIO: PLAINTIFFS 5.8-1 TOTAL AWARDS TO DATE: \$1,691,341
DECEMBER AWARDS: \$650



MISCELLANEOUS
97
PLAINTIFFS 58
DEFENDANTS 22
NO VERDICT 17

MALPRACTICE
14
PLAINTIFFS 5
DEFENDANTS 6
NO VERDICT 3

