

# 7TH ANNIVERSARY EDITION

# ROOKER REPORT

February 2000

Published by the Davidson County Circuit Court Clerk's Office

Vol. 8, No. 1



## ISSUE 85

Welcome to the first issue of our eighth year as a monthly publication.

If this is the first time you have picked up a copy, you have missed eighty four issues.

But, not to worry.

If you're interested in catching up on what you've missed, back issues are available upon request at no charge.

Just call us at 880-3309.

Current reports are available via countertop displays in the circuit court clerk, probate, general sessions civil and traffic violations departments.

You can also find us on the internet at:

[www.nashville.org/cir](http://www.nashville.org/cir).

Happy reading!

## UPDATED VERSION GOES INTO EFFECT ON MARCH 1

# LOCAL RULES CHANGING

Local rules governing procedures in the state trial courts will undergo some changes on March 1.

For the civil courts it will mean new guidelines for the administration, scheduling and continuance of cases -- expanding on existing standards by addressing areas that have come into existence since the last rules revision in 1998.

The change order was drafted by presiding judge Chancellor Carol McCoy on behalf of the 14 trial court judges and chancellors. It repeals and replaces Local Rules 16, 27 and 28.01.

Rule 16 applies only to bonding companies doing business in the criminal courts.

The new rules establish methods of setting cases in chancery court, but do not change the current procedures in circuit or probate case scheduling.

The most elaborate overhaul comes in the area of administration and scheduling of jury cases in the circuit

courts where judges addressed Alternative Dispute Resolution procedures in great depth and established a formula of designation for all actions filed with the courts.

Cases will bear one of four designations:

◆ GSA (General Sessions Appeal) -- Cases that can be prepared for trial with minimal discovery and other pretrial proceedings with a completion goal of 180 days from date of filing. Cases must be set for trial in accordance with Local Rule 20.

◆ Expedited -- A personal injury case with soft tissue damage, limited discovery needs, with no agreement for the use of ADR and party insistence on trial. The completion goal is 270 days from the date of filing.

◆ Standard -- A case with no unique circumstances requiring lengthy discovery or trial time. All cases are

SEE RULES, PAGE 4

# WARRANT OFFICE IN HIGH GEAR

It's getting tougher these days for motorists to shun traffic fines and get away with it.

Warrant officers assigned to the Traffic Violations Bureau are tracking down absentee offenders in growing numbers and making them pay up to retain their driving privileges.

During the past calendar year, the warrant office was responsible for recovering almost a million dollars in previously uncollected fines and is ahead of that pace so far this year.

Combining new technology and old fashioned leg work, the department's 23 employees have become more proficient at locating and successfully executing legal claims against non-payers.

During 1999, the office recovered 41 percent of the 47,488 traffic judgments handed down in moving violations cases. That equated to an average monthly collection of \$65,385 in fines, not counting service charges.

The office kicked off the new year by topping that standard by more than \$3,000 and was on the way to an

See WARRANT, Page 2

## UPGRADING THE LIFTS



BRADLEY

If all goes well, those wearisome waits for an elevator in the Stahlman Building could be a thing of the past by summertime, says new General Services Director Michael Bradley (left) in announcing startup of a major mechanical renovation.

Story on Page 2.

## WE SALUTE THE TITANS



CIRCUIT COURT CLERK RICHARD ROOKER AND STAFF CONGRATULATE THE TENNESSEE TITANS ON WINNING THE AFC CHAMPIONSHIP AND FOR AN OUTSTANDING PERFORMANCE IN SUPER BOWL XXXIV.

# Stahlman Elevators Getting a Lift

It's no secret that the time-worn elevators in the equally time-worn Stahlman Building have riled the dander of patrons more than a few times.

But that's about to change over the next several months as the 12-story building's four hoisting devices undergo renovation on a one-by-one basis.

Work on the \$345,000 project has already begun and is expected to be completed within the next six months. But inconvenience to tenants and the public will be minimized, says General Services Director Michael Bradley, who emphasized that three of the units will remain in operation at all times throughout the renovation.

Automatic Elevator, the same company that installed the new elevator system in the courthouse, is performing the Stahlman renovation. But don't expect the same dramatic visual effects. Bradley says new passenger cars will not be necessary, although some of the existing cars will be refurbished.

The renovation will focus primarily on mechanical repairs to "...everything that makes them work," said Bradley, noting that one of the four units would be modified to better accommodate the transportation of freight.

Meanwhile, Bradley said his department is involved in a number of other improvement projects at the courthouse and the Howard Office Building, both of which have sustained water damage over a period of time. Painting crews have been busy in selected internal areas (i.e., stairwells) at both locations and limestone replacement is being carried out on the exterior of the courthouse.

In the near future, Metro departments can expect to be better informed of current and projected projects relating to government buildings. Bradley plans to publish an on-going "Facility Report" to keep departments abreast of those activities.

## CHEERS...

Congratulations to Traffic Violation Bureau business manager **Phil York** and wife **Linda**, who celebrated their 35th wedding anniversary on Jan. 30. A week later, the couple marked the occasion by taking their two children **Greg** and **Kelly** and their significant others on a cruise to the Bahamas. Nice.



BURKETT

When declining health forced Night Court Commissioner **Vance Cramb** to take disability retirement last September, attorney **Gerald Burkett** was standing by to fill the vacancy on an interim basis. The General Sessions judges have now selected him to fill the post permanently. Burkett joins **Houston Hagar**, **Carolyn Piphus**, **George Linebaugh** and **Howard Taradash** on the night court bench.

General Sessions Judge **Bill Higgins** has pegged probation officer **Dan Gargus** to fill the shoes of longtime court officer **Don Corn**, who will retire from the post on March 1 after 12 years of service. Gargus, 31, has been a probation officer under Higgins since August 16, 1994. His replacement in the probation office has not been announced.



GARGUS

In another development involving court personnel, General Sessions Judge **John Aaron Holt** has named **Christene Coode** to replace court officer **Hoil Crowe**, who has taken a personal leave of absence. Coode, a registered nurse by profession, is the wife of Father Ryan High School athletic coach **Joe Coode**.

## ...TEARS

Sadly, the month of February has brought grief to a number of our associates. We offer our condolences to the following people and their families in the passing of loved ones.

◆ **Jeff Parkinson**, child support administrator, in the death of his grandmother **Mary Parkinson**, who passed away Feb. 3 at the age of 95.

◆ **Margaret Larobardiere**, chief clerk of the general sessions civil division, in the Feb. 1 loss of her aunt **Mary Lou Hubbard**, 79.

◆ General Sessions Judge **Mike Mondelli**, whose mother-in-law **Ruby B. Henderson** passed away on Feb. 6.

◆ The family of attorney **Herman Bradley**, who died Feb. 6 at the age of 77.

### March Birthdays

**Circuit Court Clerk**  
3 Devin Wells  
10 Penny Hubbell  
17 Deanna Alexander  
28 Betty Murray  
29 Cheryl Kennedy

**Traffic Violations**  
2 Dana McGregor  
12 Roy Bohannon  
24 Lisa Jones  
**General Sessions**  
13 Jan Yearwood

### COMING IN MARCH

Local judges and the Purcell administration continue to search for space to accommodate courtrooms for the expanding judiciary.

Already one courtroom short of meeting immediate needs, even more space will be necessary if the county is to get two additional judgeships. An update.

### BOB McCLAIN RECOVERING FROM STROKE



General Sessions court officer **Bob McClain** is on the mend after suffering a mild stroke earlier this month.

McClain, 69, is undergoing physical therapy at Centennial Hospital where he has shown improvement since being admitted over the Feb. 5 weekend.

Therapy treatments are required to help improve impaired motor functions in the right side of his body.

McClain is a longtime employee of Judge **Bill Higgins**.

### WARRANT OFFICE IN HIGH GEAR

(FROM PAGE 1)

even higher figure for the current month.

Parking warrants accounted for 39,510 of the department's caseload last year. Successful collection efforts were recorded in 19 percent of those matters, a rate that is currently holding course.

Increased dollar collections can be attributed in part to a midyear fine amount increase for most moving violations, directed primarily at multiple offenders. Additional court costs and penalties also balloon original fine amounts once unpaid tickets reach the warrant office for collection.

## 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



## 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 January 30

### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-1843	GSA/AUTO ACCIDENT/ST	8TH (P)	\$2,000	ADMITTED		
98C-2053	CONVERSION	6TH	DEFENDANT			
98C-1607	AUTO ACCIDENT/ST	3RD (P)	\$7,000	ADMITTED		

Week of January 10

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
97C-3777	DEFAULT	1ST (P)	\$310,000			
96C-4433	AUTO ACCIDENT/ST	3RD	DEFENDANT			
99C-272	UNLAWFUL DISCHARGE	6TH (D)	DIRECTED			
99C-1239	METRO APPEAL	5TH	DEFENDANT		FINE/\$250	DEFENDANT

Week of January 24

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
97C-2596	AUTO ACCIDENT	8TH (D)	DIRECTED			
96C-3904	AUTO ACCIDENT	6TH	DEFENDANT			
94C-3858	AUTO ACCIDENT/ST	2ND	DEFENDANT			
94C-4223	AUTO ACCIDENT/DEFAULT	5TH (P)	\$60,000			
98C-1696	AUTO ACCIDENT/ST	5TH (P)	\$8,000	ADMITTED		

## NON-JURY TRIAL RESULTS

Week of January 18

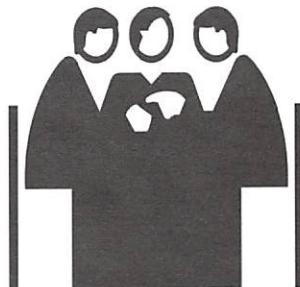
CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
96C-3422	SLIP/FALL	5TH (P)	\$2,250			
97C-866	AUTO DEATH	6TH (P)	\$260,000			
99C-1937-38	AUTO ACCIDENT	5TH	\$6,000			
99C-2503	GSA/AUTO ACCIDENT	8TH (P)	\$4,489		P-\$5,531	DEFENDANT
99C-2449	GSA/CONTRACT	8TH (P)	\$7,500		P-\$9,500	DEFENDANT
99C-2717	METRO APPEAL	1ST	GUILTY		FINE/\$35	DEFENDANT
99C-1673	METRO APPEAL	1ST	DEFENDANT		FINE/\$20	DEFENDANT
99C-2247	GSA/AUTO ACCIDENT	5TH (P)	\$1,500		P-\$600	DEFENDANT
99C-2821	GSA/RECOVERY WARRANT	5TH	DEFENDANT		P-POSSESSION	DEFENDANT

## JANUARY SETTLEMENT CONFERENCES

CASES CONSIDERED ..... 7

BY CLASSIFICATION

Auto Accidents ..... 4  
 Medical Malpractice ..... 1  
 Breach of Contract ..... 1  
 Class Action ..... 1



DISPOSITIONS

Settled ..... 4  
 Did not settle ..... 2  
 Continued ..... 1

Source: Megan Gregory, case coordinator

## TRIAL TRIVIA

One third of all civil trials conducted in the circuit courts during the past year were appeals from General Sessions Court.

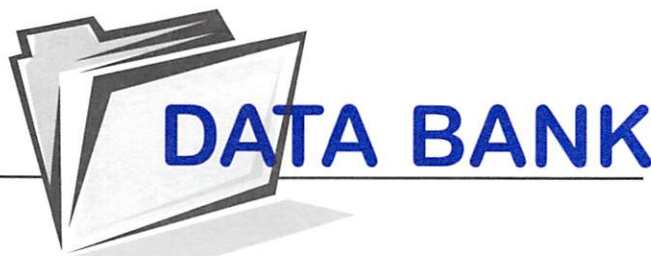
✓ Of the 103 cases brought by appellants, the nucleus was made up of contract disputes (59) and auto accidents (30).

✓ Most (87) were non-jury, leaving only 16 to be determined by juries.

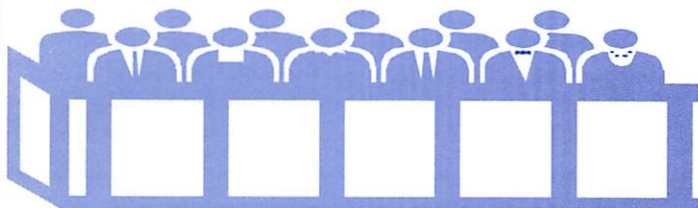
Scoreboard: 38 lower court judgments were reduced, 33 were increased and 21 stayed the same.

■ Plaintiffs in soft tissue cases won judgments in 41 of the total 57 jury trials during the same 12-month period. But awards were not generally generous. The "mean" was only \$7,761 when tossing out the highs and lows.

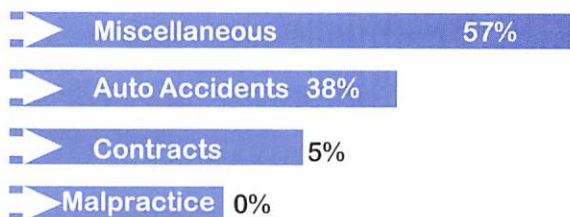
# TRENDS



Statistics compiled for the month of January



## Civil Trials by Classification



RATIO: PLAINTIFFS 1.1-1

## CASE ANALYSES

### AUTO ACCIDENTS

PLAINTIFFS 6  
DEFENDANTS 5

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	12	8	4	6	5	1

### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	77,000	2,000-60,000	7,500

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	271,989	1,500-260,000	5,242

### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	17,000	2,000-8,000	7,000

### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	3	0	0

## OTHERS



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	1	1	0	0

JANUARY AWARDS: \$7,500 -- TOTAL AWARDS TO DATE: \$7,500



MISCELLANEOUS	
	8
PLAINTIFFS	3
DEFENDANTS	4
NO VERDICT	1

MALPRACTICE	
	0
PLAINTIFFS	0
DEFENDANTS	0
NO VERDICT	0



## CASE INFORMATION

### Circuit Court

NEW CIVIL CASES FILED	241
CIVIL CASES CONCLUDED	362
NEW DIVORCE CASES FILED	255
DIVORCE CASES CONCLUDED	254

### General Sessions Civil

NEW CASES FILED	3,324
EXECUTIONS ISSUED	2,948
GARNISHMENT PAYMENTS	3,641
JUDGMENTS COLLECTED	\$579,099
ORDER OF PROTECTION PETITIONS	192

### Probate Court

NEW CASES FILED	155
CASES CLOSED	128

### Traffic Violations

MOVING CITATIONS	22,811
PARKING VIOLATIONS	8,173
TOTAL FINES COLLECTED	\$370,881
NULLIFICATIONS	1,955
NULLIFICATION FEES COLLECTED	\$23,373

# NEW LOCAL RULES COMING ON MARCH 1

(FROM PAGE 1)

presumptively classified as "standard" unless otherwise designated. The completion goal is one year from date of filing.

♦ Complex -- A case that will require lengthy discovery, trial preparation and/or trial time, by reason of number of parties involved, number of claims and defenses raised, legal difficulty of issues presented, factual difficulty or a combination of these factors, which requires a customized scheduling order that contains dates for ADR, completion of discovery and time to set a trial. The completion goal is two years from the date of filing.

The judges documented a practice already in existence, requiring that a questionnaire concerning ADR be sent to each party of an original complaint. But the judges took it a step further by requiring "return" of the forms to the clerk as an indication of whether they wish to engage in an ADR procedure. Voluntary response to the practice to this point has been tepid.

To enhance case management, the judges added a provision for "scheduling or planning" conferences to establish track assignments of each case. Each court must establish a method for parties to meet face to face within 4-6 weeks of filing.

The new rules will soon be made available at each of the clerks' offices and can also be accessed on the Circuit Court Clerk's internet site at [www.nashville.org/cir](http://www.nashville.org/cir).

### EVER WONDER?...

IF PRACTICE MAKES PERFECT, AND NOBODY'S PERFECT, WHY PRACTICE?