

# ROOKER REPORT

July 2000

Published by the Davidson County Circuit Court Clerk's Office

Vol.8, No. 6

## It's Maggie's Time!



Margaret Blair

### Veteran Sessions Civil Clerk Taking a Deserved Breather

Margaret Blair's first job was operating an elevator in the Stahlman Building -- a few years before there was a Metropolitan Government and many years before people pushed buttons to reach their desired floors.

The job had its ups and downs (excuse the irresistible pun), but it provided a natural source for meeting folks of all walks of life and developing friendships.

Perhaps it was there that Maggie (her preferred moniker) realized the fulfillment of serving the public and being rewarded merely through the expression of gratitude by those she helped.

Her ability to relate to people and their problems would later catch the attention of one Alf Rutherford, then the circuit court clerk, now deceased.

Rutherford chose Maggie to be the first African American woman to serve as a court clerk in Davidson County, placing her in his general sessions civil division office--a move that would later be appreciated by his successors.

Since her first day in the office on Nov. 1, 1965, Maggie has excelled in all aspects of clerking, justifying not only Rutherford's faith but those who would follow him--the late George L. Rooker and current clerk Richard Rooker.

Along the way (now 34.5 years in length), Maggie has shared her expertise with fellow employees, both professionally and inspirationally, giving learned advice in a very complicated work arena. Her reward has come from seeing the progress of those she has taught.

Memories of those who have come and gone and the events they shared together can now be found inside an old ledger book, obsolete but for her snapshots and penciled-in comments about each one.

SEE MAGGIE, PAGE 3



LONDON

### LONDON RETIRES

For ten years, Jack London helped maintain decorum in General Sessions courtrooms for Judge Mike Mondelli. His service was duly noted on July 7 during a breakfast honoring his retirement. What now? See "Cheers" on next page.

## FISCAL REVIEW

# CASH FLOW FALTERS WITH LESS SUPPORT

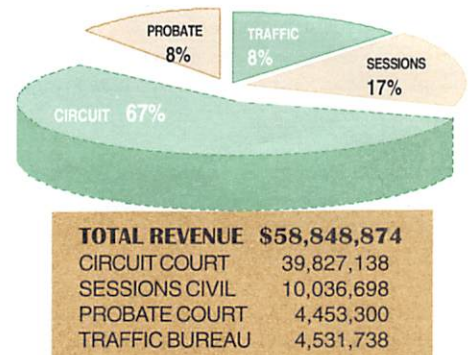
A hefty reduction in child support collections brought on by the federally mandated centralization program -- combined with fewer high dollar judgments and shrinking caseloads -- took a huge bite out of the Circuit Court Clerk's cash flow during the fiscal year ending June 30.

Combined receipts for the clerk's four departments totaled \$15.4 million less than the previous 12-month period when wage assignment child support payments were paid through the courts rather than the state and judgment payments hit an all-time high.

Child support collections were reduced by more than \$1 million per month following the case transfer last October, reflecting a net cash flow deficiency of \$9.4 million for the reporting period.

Increased filing fees ordered by the state legislature to coincide with the changeover

SEE FISCAL REVIEW, PAGE 2



## IMAGING IMAGING

### TECHNOLOGY COMES TO PROBATE OFFICE

More than two years after making its entry in the circuit court clerk's office, computer imaging is now being utilized to help reduce paper files and expedite access to documents in probate court matters.

The same integrated system that has been used to duplicate and preserve almost 61,000 printed documents in more than 27,000 cases thus far in circuit was introduced in probate earlier this month, kicking off the second phase of an overall imaging system that will eventually include the general sessions civil division.

Circuit Court Clerk Richard Rooker said that--like the circuit system--the new probate technology enables documents to be scanned into the office's existing computer data base and retained for permanent record with capability of being accessed on demand for instantaneous review and reproduction.

During the early stages of the probate operation, Rooker said, the focus will be on new court orders and accounting and inventory filings. The operation will eventually be expanded to include original will filings, thereby eliminating the need for on-site storage of paper files and reducing personnel time in retrieving and reproducing copies for customers.

When adapted to the general sessions office, the imaging volume will be much greater. Between 2,500-3,000 signed orders are processed by that office each month. No target date has been set for the sessions start-up.

## CHEERS...



LONDON

**Jack London**, court officer for General Sessions Judge **Mike Mondelli** for the past 10 years, has retired.

Now he will concentrate on his six-year-old grandson, traveling and playing a little golf. And, of course, spending quality time with **Dolores**, his wife of 38 years.

London served one term on the Metro Council from 1983-87 during a 20-year affiliation with Meharry Medical College where he was coordinator of the hospital's sickle cell center. In 1990, he accepted a court officer's job with the late General Sessions Judge **Les Mondelli** and stayed on when Mike Mondelli succeeded his father that same year.

During a retirement breakfast at the Ben West Building, Judge Mondelli characterized London as "dependable, loyal and a good friend."

London's position has been filled by **Steve Fuller**, formerly of the Metro Treasurer's Office.

\*\*\*

◆ The waiting came to an end on June 22 for deputy traffic clerk **Lisa Jones** and husband **Ernie**, who welcomed their second daughter into the world at Baptist Hospital. **Aubree Taylor Jones** arrived weighing 7 pounds, 1 ounce and struck the measuring tape at 18 3/4 inches. Big sister is **Kaitlyn**.

\*\*\*

◆ The seven-year romance between **Cindy Stacey** of General Services and **Carl Silver** of the Metro Postal Department has culminated in marriage. The couple tied the knot in June 16 ceremonies at Forest Grove United Methodist Church in Joelton. Best man was **Matthew Mares** of General Service's maintenance department.

\*\*\*

◆ We are pleased to announce that **Bobbie Eden**, secretary to Circuit Judge **Hamilton Gayden Jr.**, is resting at home following a heart surgical procedure at Baptist Hospital on July 11. The procedure was necessary to reroute arterial blood flow. Bobbie was allowed to leave the hospital after an overnight stay and is expected to make a full recovery. In fact, she is scheduled to return to work on Aug. 7.

## ...TEARS

◆ Deepest sympathy to attorney **Margaret Behm** in the recent passing of her mother **Adeline Behm**, who retired as a legal secretary in 1978.

◆ Condolences as well to attorney **Ed Fowlkes** in the death of his mother **Brownie Fowlkes**, who passed away on July 13.

## RELATED EXPENSES EXCLUDED FROM SESSIONS MONEY LIMIT

Attorney fees, court costs and assessed discretionary costs no longer are required elements in calculating whether a judgment in General Sessions civil cases exceeds the monetary jurisdictional limit of \$15,000.

An amendment passed by the state legislature, effective July 1, excludes those considerations in determining the face value of a lawsuit in the lower courts.

The new law has the effect of raising the jurisdictional limit without increasing the current \$15,000 cap. Heretofore, the aforementioned fees were calculated as part of a lawsuit's monetary value, often directing cases to the state trial courts where dollar limits do not apply.

Court officials said that while the new law removes the uncertainty of venue, no drastic increase is expected in the number of new cases in the sessions court.

## August Birthdays

General Sessions	Traffic Violations
2 Ronnie Nollner	2 Sarah Dunn
18 Janice Johnson	Faye White
29 Caroline Crouch	Jean Hart
Kim Wolfe	3 Joe Foster
<b>Circuit Court Clerk</b>	8 Johanna Rothberg
21 Mark Herring	22 Tammany Carter
<b>Probate Clerk</b>	23 Billye Barnard
9 Gay Parker	25 Pat Trimble
	29 Robin Smith

## FISCAL REVIEW

(FROM PAGE 1)

helped erase a portion of the lost revenue, but other elements created an additional \$6 million decline. Dramatic drops from the previous year in judgment and tender payments, combined with a continuing slide of new case filings, accounted for the cash shortfall on the civil side.

Circuit Court Clerk Richard Rooker, who has fiduciary responsibility for funds passing through circuit court, probate court, general sessions civil division and traffic violations, said there were bright spots in the fiscal report as well. Among them, he noted, were revenue increases in both probate and general sessions, despite fewer new filings.

Payments on claims in general sessions topped the \$10 million mark for the first time, beating out last year's cash flow in that department by almost \$95,000 with 1,691 fewer cases. The same was true for probate, which handled 102 fewer cases than the previous year but took in \$687,357 more revenue.

Traffic enforcement, however, showed an overall decline on both ends, resulting in a net revenue decline of \$915,842. While the number of parking citations rebounded from the previous year to show an appreciative gain, moving violations took the low road with 15,409 fewer citations being written.

While the volume of cases impacts revenues, it is usually the genre of those cases that has the most dramatic effect on cash flow. For example, it only took four high profile jury cases last fiscal year to produce more than \$27 million. Such cases were not present during the current reporting period.

In all matters, the clerk merely preserves and passes on money paid into the system in accordance with orders of the courts. Revenue collected by the clerk should not be construed as "income."

Operating expenses are derived from categorical fees regulated by the state and established to enable the clerk to operate without the use of tax dollars.

When the state Department of Human Services took over collection and distribution of child support monies paid through court-ordered wage deduction, court clerks statewide were required to surrender fees previously used to help defray operating costs. As partial compensation, the state legislature increased default judgment fees and new case filing fees by \$25. Increases also were approved for case continuance fees (from \$1.50 to \$5) and certain fees for probate matters.

### NEW CASE FILINGS

	98-99	99-00
<b>Circuit Court</b>	9,760	9,384
<b>Sessions Civil</b>	34,353	32,662
<b>Probate Court</b>	2,036	1,934
<b>Parking Citations</b>	87,674	98,414
<b>Moving Tickets</b>	269,931	254,522
<b>Divorces</b>	3,293	3,300
<b>Orders of Protection</b>	2,385	2,477

# MAGGIE SAYS IT'S HER TIME AFTER ALMOST 35 YEARS

(FROM PAGE 1)

Except for one year, Maggie's face has been a constant beacon in the clerk's office, absent only in 1984 when she served on special assignment as a court officer for Circuit Judge Walter Kurtz.

After all those years of dedicated service and devoting time to the responsibilities required by the office, Maggie says it's time "to do something for myself."

So, come July 31, she will devote some--but not all--of her time to doing just that. She will officially retire on that day with an

understanding that her services will continue to be utilized two days a week for an indefinite period of time.

"There comes a time when your mind and body says 'stop'," she rationalized, hesitating briefly before clarifying her comment: "...or slow down."

"It's Maggie's time now."

**EDITOR'S NOTE:** An open house appreciation party will be held in Maggie's honor on Friday, July 28 from 11:30 a.m. to 2 p.m. in the General Sessions Civil Division, Second Floor, Stahlman Building. The public is invited.



## JURY TRIAL VERDICTS

### ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
ST	SOFT TISSUE	GSA	GENERAL SESSIONS APPEAL
PP	PERMANENT PARTIAL	TCPA	TN. CONSUMER PROTECT ACT

#### APPEALS

#### Week of June 12

#### CIRCUIT COURT

#### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2864	WRONGFUL TERMINATION	8TH (D)	DIRECTED			
97C-3598	AUTO ACCIDENT/ST	5TH (P)	\$9,025			
98C-926	MEDICAL MALPRACTICE	3RD	DEFENDANT			
98C-1924	AUTO ACCIDENT/ST	1ST (P)	\$25,000			
99C-1139	AUTO ACCIDENT	8TH (P)	\$10,063	(P-25) (D-75)		

#### Week of June 19

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-454	AUTO ACCIDENT/ST	1ST (P)	\$308			
00C-184	GSA/AUTO ACCIDENT/ST	2ND	DEFENDANT			
99C-3425	GSA/CONTRACT	8TH (P)	\$1,410		P-\$250	PLAINTIFF
99C-2735	GSA/CONTRACT	2ND	DEFENDANT		TRANSFERRED	
99C-1047	AUTO ACCIDENT/ST	8TH	DISMISSED*			
99C-915	AUTO ACCIDENT/ST	6TH	HUNG JURY			

\*--PLAINTIFF DID NOT SHOW

#### Week of June 26

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-3354	AUTO ACCIDENT/ST	1ST	DEFENDANT			
99C-362	CONTRACT	2ND	SETTLED			
97C-3538	AUTO ACCIDENT/ST	6TH* (P)	\$61,500			
99C-2262	PERSONAL INJURY	8TH	DEFENDANT			

\*--JURY WAIVED

### THERE WERE NO NON-JURY CASES SCHEDULED IN JUNE

### JUNE SETTLEMENT CONFERENCES

CASES CONSIDERED ..... 2  
 Auto Accidents ..... 1  
 Workman's Comp ..... 1



#### DISPOSITIONS

Settled ..... 2  
 Not Settled ..... 0

(Source: Megan Gregory, Case Coordinator)

### DEFAULT JUDGMENT NOTICE RULE AMENDED

When defendants fail to answer civil complaints within their allotted 30-day period, adversary attorneys now need to provide only a five-day notice that a default judgment motion will be filed against them.

An amendment to Tennessee Rules of Procedure 55.01, effective July 1, changed the time frame from 30 days to five days, reestablishing what had been the norm prior to 1998.

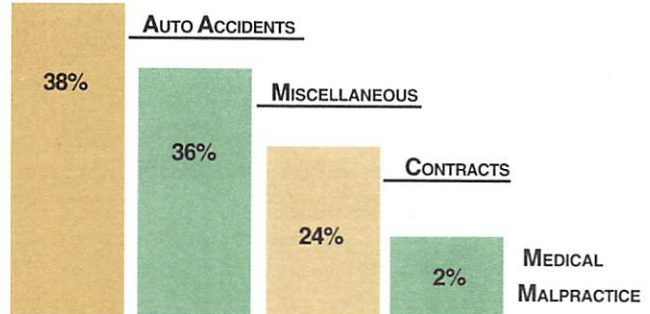
Because a defendant is allowed 30 days to answer an original complaint, the additional 30-day waiting period for initiating action for a default judgment was deemed excessive in favor of the defendant.

The new rule applies to all civil courts.

# TRENDS



## CIVIL TRIALS By CLASS



### CASE ANALYSES

#### AUTO ACCIDENTS

PLAINTIFFS 40  
DEFENDANTS 9

RATIO: PLAINTIFFS 4.4-1

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	27	18	9	20	6	1
APRIL	6	4	2	5	0	1
MAY	13	10	3	10	1	2
JUNE	9	9	0	5	2	2
YEAR TO DATE	55	41	14	40	9	6

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	77,000	2,000-60,000	7,500
FEBRUARY	85,0040	1,762-45,000	12,786
MARCH	14,723	1,258-7,500	1,988
APRIL	87,598	448-45,000	21,075
MAY	71,357	200-35,000	4,519
JUNE	105,896	308-61,500	14,696

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	271,989	1,500-260,000	5,242
FEBRUARY	22,900	1,950-15,000	2,975
MARCH	8,756	N/A	N/A
APRIL	5,800	N/A	N/A
MAY	13,000	N/A	N/A
JUNE	N/A	N/A	N/A

#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	17,000	2,000-8,000	7,000
FEBRUARY	8,777	1,762-7,015	N/A
MARCH	14,465	1,615-7,500	2,175
APRIL	42,150	3,150-39,000	N/A
MAY	39,696	200-35,000	1,498
JUNE	95,833	308-61,500	17,012

#### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	7	7	0	0
APRIL	2	1	0	1
MAY	1	1	0	0
JUNE	1	0	1	0
YEAR TO DATE	11	9	1	2



## DATA BANK

Statistics compiled for the month of June

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	265
CIVIL CASES CONCLUDED .....	278
NEW DIVORCE CASES FILED .....	265
DIVORCE CASES CONCLUDED .....	307

#### General Sessions Civil

NEW CASES FILED .....	3,059
EXECUTIONS ISSUED .....	3,185
GARNISHMENT PAYMENTS .....	3,631
JUDGMENTS COLLECTED .....	\$595,156
ORDER OF PROTECTION PETITIONS .....	247

#### Probate Court

NEW CASES FILED .....	187
CASES CLOSED .....	195

#### Traffic Violations

MOVING CITATIONS .....	20,051
PARKING VIOLATIONS .....	5,703
TOTAL FINES COLLECTED .....	\$359,533
NULLIFICATIONS .....	1,622
NULLIFICATION FEES COLLECTED .....	\$19,443

## ROOKER REPORT

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

### OTHERS



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	36	26	3	7

APRIL AWARDS: \$1,410\*-- TOTAL AWARDS TO DATE: \$123,088  
\*--SETTLEMENT AMOUNTS NOT INCLUDED.



#### MISCELLANEOUS

53
PLAINTIFFS 34
DEFENDANTS 10
NO VERDICT 9

#### MALPRACTICE

3
PLAINTIFFS 0
DEFENDANTS 2
NO VERDICT 1

