

# ROOKER REPORT

August 2001

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## Fiscal Review

# CASH FLOW STILL HARDY

The financial pulse of the local civil judicial system remained strong during the 2000-2001 fiscal year, despite symptoms of anemia in traffic law enforcement and last rites of wage-assigned child support payments.

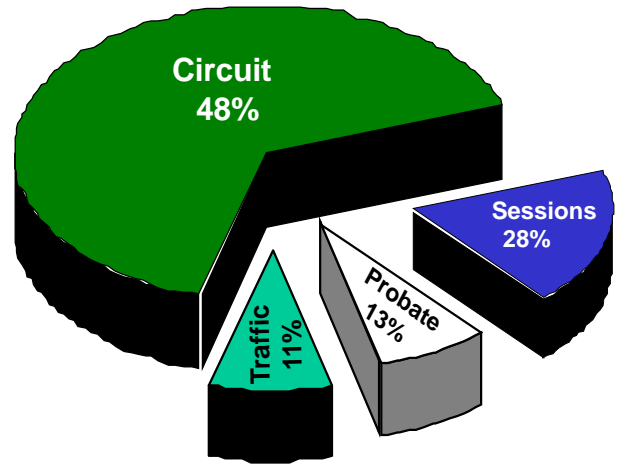
With injections of dollar medication from both small claim matters and judgment awards in the state trial courts, the four departments under fiduciary care of Circuit Court Clerk Richard Rooker combined for \$38.4 million in cash flow for the 12-month reporting period ending June 30.

The circuit court clerk's office accounted for 48 percent of the pie with \$18.5 million, despite a \$6.3 million reduction in child support payments during the first full year since wage assignment cases were redirected to the state Department of Human Services.

A \$3.5 million increase in judgment awards-- derived from 3,347 concluded trials -- helped defray the deficit in child support collections, which still topped \$5.2 million via direct payments through the courts.

Officers wrote 65,339 fewer tickets for moving offenses than the previous fiscal year. Strong collection efforts by traffic warrant officers, however, helped the department salvage a respectable \$4.08 million to keep the revenue deficit slightly below the half-million-dollar mark.

Monies paid through the courts are preserved by the clerk and distributed according to court order. Operating expenses are derived from filing fees established by state statute, negating the need for taxpayer dollars.



<b>CIRCUIT</b>	<b>\$18,508,334</b>
<b>SESSIONS CIVIL</b>	<b>\$10,811,986</b>
<b>PROBATE</b>	<b>\$5,002,480</b>
<b>TRAFFIC</b>	<b>\$4,086,327</b>
<b>TOTAL REVENUE</b>	<b>\$38,409,127</b>

Self sufficiency, however, is dependant upon the volume of litigation generating the fees, or commission. Because fees from circuit, probate and the general sessions civil division are aggregated into the clerk's general operating budget, it is possible for one department to take up the slack of another.

Such was the case during the last fiscal year when new civil case filings in general sessions hit an all-time high of 36,603, generating a transferrable fee surplus and a record cash flow of \$10.8 million. The excess fees helped compensate for the loss of child support commission in circuit.

Increased activity at the general sessions level, where the claim limit is \$20,000, usually indicates economic hard times for defendants, most of whom are sued for nonpayment of rent and other relatively small debts.

At the probate level, the same result is triggered by family loss. During the past fiscal year, that translated into an increase in the number of wills and other probate matters being taken before the court.

The number of new filings in the probate office rose from 1,934 to 1,978 and pushed the department's cash flow above the \$5 million mark for the first time.

On the domestic front, fewer marriages ended up in divorce court, but violent behavior worsened.

Following a three-year trend, the county's divorce rate continued its downward plunge, finally dipping below the 3,000 mark. The decrease has been attributed in part to discouragement brought on

### NEW CASE FILINGS

	99-00	00-01
<b>Circuit Court</b>	<b>3,031</b>	<b>3,208</b>
<b>Sessions Civil</b>	<b>32,662</b>	<b>36,603</b>
<b>Probate Court</b>	<b>1,934</b>	<b>1,978</b>
<b>Parking Citations</b>	<b>98,414</b>	<b>97,159</b>
<b>Moving Tickets</b>	<b>254,522</b>	<b>189,183</b>
<b>Divorces</b>	<b>3,300</b>	<b>2,996</b>
<b>Orders of Protection</b>	<b>2,477</b>	<b>2,611</b>

# CHEERS...



JUDGE HOLT

**John Aaron Holt** will assume the presiding judgeship of the General Sessions Court in September. He will succeed Judge **Leon Ruben**, who is closing out his fifth term as administrative leader of the 11-division court. The presiding judge oversees business matters of the court, which has an operating budget of more than \$7 million, and hand-picks committees of judges to address specific areas under auspices of the diverse court.

◆ After their heroics in locating a missing child in the Stahlman Building last month, deputy General Sessions civil clerks **Melissa McKee** and **Molly Travis** were presented with a tongue-in-cheek resolution from chief of court security **Norman Robinson**. The "commendation" identified the two as "**Starsky and Hutch.**" In case you're not familiar with the names, they were detectives on an old television series. The resolution was offered humorously, but with sincere appreciation of the clerks' response to an emergency situation. The two jumped into action after a two-year-old boy hopped an open elevator when his mother was not looking. He was located on the eighth floor of the building--five flights up from where he disappeared.

◆ General Sessions Judge **John Brown** became a grandfather for the fourth time last month when daughter **Joan Bayston** gave birth to a daughter in Alamo, California. **Audrey Ruth Brayston**, who weighed in at 8 pounds and 7 ounces, was the third child of Joan and husband **Roger**. The big event took place on July 20....Coincidentally, just three months earlier the judge's court officer, **Carol Crews**, welcomed her fifth grandchild. **Jacob Lee Davenport** was born on April 19 at Baptist Hospital, weighing a robust 9 pounds and 3 ounces. The mother is **Tracey Davenport**, wife of **David Davenport**, Carol's son.

◆ Talking about your good weeks...After spending months of devising a surprise marriage proposal to his lady love, **Greg York** (son of deputy probate clerk **Phil York** and **Linda York**) was understandably agog when significant other **Tami Fisher** answered "yes" to both the question and the engagement ring. He brought out the diamond sparkler as the two were relaxing on a beach in Florida, just as he had planned it. His elation was not to end there, however. When the couple decided to work in a few holes of golf the next morning, the magic continued for the groom-to-be. He bagged a hole-in-one! How lucky can one guy get? And just think; he hit his tee shot from Cloud Nine!

◆ General Sessions Judge **William Faimon** was scheduled to undergo heart surgery on Aug. 15 at St. Thomas Hospital. The judge said an aorta valve would be replaced as a precautionary measure. Doctors told him the surgery would be necessary eventually, so he decided to have it done now while he is in otherwise good health. The judge is expected to return to the bench in about six weeks after the procedure.

◆ For the second straight year, **Reed Johnson** (son of General Sessions bookkeeper **Janice Johnson**) has been named "camper of the year" at the Cedar Tree Day Camp. Guess that makes the six-year-old an expert when it comes to camping knowledge.

◆ Probate Master **Bob Bradshaw** and assignment clerk **Gay Parker** are now conducting probate court business on the third floor of the courthouse. The two moved from the main clerk's office earlier this month to better accommodate attorneys and probate litigants in a more private setting, according to Circuit Court Clerk **Richard Rooker**. The move follows a recent change in office policy requiring appointments for all conferences relative to probate procedures. The new office for these matters is located near the third floor stairwell. The phone number is 880-3305.

## September Birthdays

### Traffic Violations

5 Annette Wheeler  
7 Steve Leary  
11 Bill Cartwright  
15 Dickey Fuqua  
20 Nancy Capps  
21 Tony Eden  
22 Elaine Howell  
27 Leslie Allumbaugh  
Don Rosso  
28 Elizabeth Harris

### Circuit Court Clerk

3 Annetcia Donigan  
15 Trey Everett  
23 Candy Rucker

### General Sessions

21 Stephanie Phillips

### Probate Clerk

5 Anita Riggan  
18 Bob Bradshaw  
Ricky Deatherage

# ...TEARS

◆ **Dr. Robert Sneed Norman**, 73, a retired oral surgeon who served as a court officer under his brother Criminal Court Judge **Seth Norman** for the past 10 years, passed away on Aug. 5. He was a son of the late criminal defense attorney **Jack Norman Sr.** He was a cancer victim. Among survivors are three daughters and two other brothers, attorney **Jack Norman Jr.**, and **Julian Norman**. Our condolences to the Norman family.

◆ **Thomas "Steve" Stephens**, 63, former investigator for both the county and federal public defender offices and later a court officer for Circuit Court Judge **Walter Kurtz**, lost his battle with cancer on Aug. 7.

◆ We are saddened by the death of attorney **Stanly Thomas Snodgrass**, whose battle with Alzheimer's disease ended on July 29. He was 76. In addition to an impressive 46-year career as a barrister, he served two terms in the state Senate and sought the offices of both governor and Metro mayor. We salute his contributions.

◆ Sympathy to deputy General Sessions civil clerk **Marie Anderson** in the loss of her mother-in-law, **Fannie Anderson**, who passed away this month.

## Fiscal Review

# CASH FLOW HARDY

(From Page 1)

by new guidelines requiring couples with children to attend planned parenting classes.

At the other end of the spectrum, however, the inability for peaceful co-existence was more evident. There were more protection order petitions filed than ever before, packing general sessions dockets at an average rate of 217 per month. Historically, the majority of such petitions are taken out by feuding couples.

Juries handed out \$563,060 in 47 soft tissue auto accident trials, the most monitored class of cases in circuit. Modest judgment amounts continued to be the rule rather than the exception, but the average award of \$16,087 for 35 plaintiff verdicts was slightly higher than the previous year. An even dozen cases were decided in favor of defendants.



# JURY

# TRIAL VERDICTS

## ABBREVIATIONS:

<b>P</b>	<b>PLAINTIFF</b>	<b>CP</b>	<b>COUNTER PLAINTIFF</b>
<b>D</b>	<b>DEFENDANT</b>	<b>CD</b>	<b>COUNTER DEFENDANT</b>
<b>PPD</b>	<b>PERM. PARTIAL DISABILITY</b>	<b>GSA</b>	<b>GENERAL SESSIONS APPEAL</b>
<b>CO</b>	<b>COMPENSATORY</b>	<b>TCPA</b>	<b>TN. CONSUMER PROTECT ACT</b>

### APPEALS

Week of July 9

### CIRCUIT COURT

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2338	MEDICAL MALPRACTICE	8TH	DEFENDANT			
97C-2887	AUTO ACCIDENT/ST	1ST (P)	\$466			
00C-3420	GSA/AUTO ACCIDENT/ST	6TH	DEFENDANT		P-\$9,800	DEFENDANT
99C-628	AUTO ACCIDENT	5TH	DEFENDANT			
00C-427	AUTO ACCIDENT/ST	2ND (P)	\$4,049			
00C-1650	ASSAULT	6TH	DEFENDANT			
01C-423	LANDLORD/TENANT	1ST	DEFENDANT			

Week of July 16

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
98C-2365	MEDICAL MALPRACTICE	1ST	DEFENDANT			
99C-615	AUTO ACCIDENT	6TH (P)	\$59,353	(D-100)		
00C-79	AUTO ACCIDENT/ST	2ND	DEFENDANT			
00C-1512	CONTRACT	2ND (P)	\$11,250			
99C-2841	AUTO ACCIDENT/ST	8TH (P)	\$8,500			
99C-2495	AUTO ACCIDENT/ST	5TH (P)	\$5,300			
99C-2543	PERSONAL INJURY	6TH (P)	DEFAULT--\$150,000 COMP., \$100,000 PUNITIVE			

Week of July 30

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
97C-3533	MEDICAL MALPRACTICE	6TH	DEFENDANT			
00C-1052	MEDICAL MALPRACTICE	5TH	DEFENDANT			
98C-3490	MEDICAL MALPRACTICE	2ND	HUNG JURY			
00C-2141	AUTO ACCIDENT/ST	8TH (P)	\$22,500	ADMITTED		
99C-2192	AUTO ACCIDENT/ST	1ST (P)	\$26,500			

### NON-JURY TRIAL RESULTS

### APPEALS

Week of July 23

### CIRCUIT COURT

### GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1805	GSA/CONTRACT	5TH (P)	\$12,438		P-\$12,438	DEFENDANT
01C-712	GSA/CONVERSION	5TH (D)	DISMISSED		P-\$2,000	DEFENDANT
01C-1492	METRO ANIMAL CONTROL/APPEAL	5TH	INJUNCTION GRANTED		P-\$50	DEFENDANT
00C-2833	GSA/DETAINDER	8TH (P)	\$13,496		P-POSSESSION	DEFENDANT
01C-807	GSA/CONTRACT	6TH (P)	\$8,000		P-\$9,000	DEFENDANT
00C-3689	MOTION TO QUASH	1ST	P-\$500, D-\$1,500			
01C-1104	GSA/CONTRACT	1ST (P)	\$600		P-\$2,500	DEFENDANT
99C-1865	CONTRACT	8TH (P)	\$42,892			

**All offices will be closed on Monday, Sept. 3 in observance of Labor Day. Normal business hours will resume on Tuesday, Sept. 4. Be Safe!**

**Download your own legal forms at: [www.nashville.org/cir](http://www.nashville.org/cir)**

# TRENDS

## CASE ANALYSES



RATIO: PLAINTIFFS 8.2-1

### AUTO ACCIDENTS

PLAINTIFFS 34  
DEFENDANTS 4

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	21	18	3	17	2	2
APRIL-MAY	16	12	4	13	2	1
JUNE	4	4	0	4	0	0
JULY	10	10	0	7	3	0

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	166,391	3,750-76,000	2,888
FEBRUARY	173,656	2,000-150,000	7,218
MARCH	21,892	500-10,691	3,567
APRIL	53,462	1,352-20,000	6,422
MAY	1,031,362	1,275-1,000,000	10,062
JUNE	3,905,929	2,229-3.75 MILLION	76,850
JULY	126,668	466-59,353	13,171

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	3,300	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	5,100	N/A	N/A
APRIL	27,500	2,300-16,000	9,200
MAY	N/A	N/A	N/A
JUNE	N/A	N/A	N/A
JULY	N/A	N/A	N/A

#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	29,000	N/A	N/A
FEBRUARY	23,656	2,000-9,000	6,328
MARCH	21,392	1,600-10,691	4,550
APRIL	58,410	5,000-20,000	11,049
MAY	N/A	N/A	N/A
JUNE	152,229	2,229-150,000	N/A
JULY	67,315	466-8,500	14,587

#### \*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	4	3	0	1
APRIL-MAY	3	2	1	0
JUNE	1	1	0	0
JULY	1	0	1	0

## OTHER TYPES



CONTRACTS YTD PLAINTIFFS DEFENDANTS NO VERDICT  
37 27 3 7

MAY AWARDS: \$11,250-- TOTAL AWARDS TO DATE: \$301,814

#### MISCELLANEOUS

35

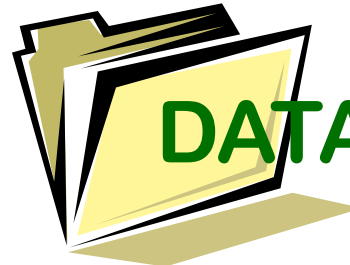
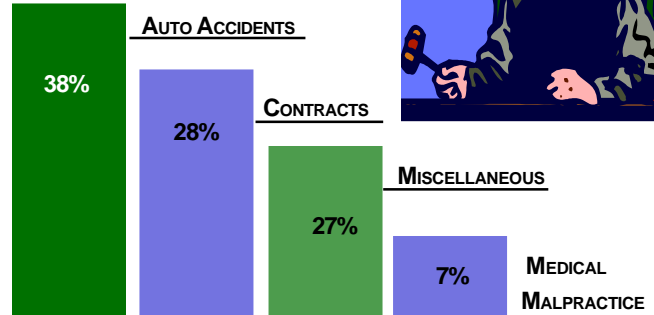
PLAINTIFFS 27  
DEFENDANTS 5  
NO VERDICT 3

#### MALPRACTICE

9

PLAINTIFFS 0  
DEFENDANTS 8  
NO VERDICT 1

## CIVIL TRIALS By CLASS



## DATA BANK

Statistics compiled for the month of July

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	253
CIVIL CASES CONCLUDED .....	301
NEW DIVORCE CASES FILED .....	236
DIVORCE CASES CONCLUDED .....	248

#### General Sessions Civil

NEW CASES FILED .....	3,336
EXECUTIONS ISSUED .....	3,165
GARNISHMENT PAYMENTS .....	3,773
JUDGMENTS COLLECTED .....	\$675,746
ORDER OF PROTECTION PETITIONS .....	260

#### Probate Court

NEW CASES FILED .....	181
CASES CLOSED .....	274

#### Traffic Violations

MOVING CITATIONS .....	16,328
PARKING VIOLATIONS .....	7,745
TOTAL FINES COLLECTED .....	\$312,149
NULLIFICATIONS .....	1,383
NULLIFICATION FEES COLLECTED .....	\$16,581

## ROOKER REPORT

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

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Gene Baker ..... Editor



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