

ROOKER REPORT

April 2002

Published by the Davidson County Circuit Court Clerk's Office

Vol.10, No. 3

Calling Ben West Building? Better Dial 9 First

Remember when you only had to dial four digits to reach any General Sessions court office in the Ben West Building?

Well, try that now and you will never reach your party. A recorded voice will inform you that, "We're sorry. Your call cannot be completed as dialed. Please check the number and dial again."

That's because the phone system in the Ben West Building was recently modified "to meet new Metro standards," according to an e-mail memo from General Sessions Court Administrator Warner Hassell.

What that means is that the court offices in that building have switched to a different service provider that offers a lower rate. It



also means that calls from other government venues, such as the Stahlman Building, are not as convenient to make as before.

In order to make connections with General Sessions judges, their staffs, the probation and pretrial departments or the traffic school coordinator's office, you must go through the same extensive procedure as making other

outside calls:

Dial 9 to get an outside line, then key in the full 7-digit number of the office or person you are trying to call.

While the new system is taking some getting used to, it is hoped that the end will justify the means. The changeover supposedly will save several thousands of dollars a year in phone bills.

A Typical Day in Court For Sessions Mediator; Concept Awaits Growth

Second of Two Parts

It is 8:55 a.m. and litigants have gathered in General Session's Courtroom II for the daily 9 o'clock docket call.

The audience is divided between those who have filed civil lawsuits and those they have sued.

Most of the complaining parties are accompanied by legal counsel who will argue their issues in the proceedings ahead. But at least one (often more) has come to represent himself. The value of his claim is much too low to justify the expense of hiring an attorney, or he believes he can represent himself adequately.

Because he has no legal skills, he is apprehensive and nervous about what lies ahead. His senses are shared by the defendant, a tenant who has fallen behind on his rent payments and faces possible eviction. Neither want to be there, but circumstances have given them no choice.

During the next five minutes, however, the woman who now has risen to address the room will provide a possible alternative. She is De'an Bass of the Nashville Conflict Resolution Center and her message is one that is custom made for the aforementioned case and others like it.

At no cost to the litigants, she explains, they may choose to have their case professionally mediated in a non-courtroom setting, thereby bypassing the judicial process en route to resolving their dispute.

Those interested in this alternative method should meet her in the hallway during the recess between docket calls, she tells them, to discuss the procedure.

Our landlord and his defendant tenant agree to give the free service a try. Following a brief discussion with Bass, they are taken to a private conference room located on a different floor of the building to preserve confidentiality. Once there, each side will explain what brought them to court and the professionally trained Bass will help them identify their needs and brainstorm possible solutions.

Meantime, the court has been informed that the case has gone to media-

Director's Profile



Name: De'an Bass

Age: 31

Title: Vice President/Executive Director, NCRC

Education: Emory University (BA Psychology)

UT College of Law (Doctor of Jurisprudence)

Pepperdine School of Law (MA Dispute Resolution)

Experience: California courts mediator and trainer; crisis counseling, commercial property, casualty insurance, small business and retail management.

Affiliations: American Bar Association, Tennessee Bar Association, Nashville Bar Association, Association for Conflict Resolution, Phi Alpha Delta Law Fraternity.

tion and the litigants will not be penalized for their absence at the final docket call.

Like the vast majority of similar cases, agreement in this one will be reached in about an hour. The landlord and tenant reach a payment agreement on the outstanding debt and determine the course of their relationship. Bass reduces the agreement to writing and informs the court that the parties have settled their dispute. Routinely, the court classifies the case as a "nonsuit," permitting it to be refiled at a later date should the terms of the agreement not be met. Alternatively, the parties may choose to submit their agreement to the court as an agreed judgment.

Had the litigating parties needed more time to firm up an agreement, the court would accommodate the parties by continuing the matter to a later date.

Having reached resolution in this case, Bass returns to the court to determine whether other litigants have decided to take advantage of the mediation service. If so, she will repeat the previous routine. If not, there are many other responsibilities awaiting her.

In a normal work day, the conflict resolution center's executive director will:

- devote time to working on grant applications,
- compile statistical information on the program,
- work with community organizations to develop other programs,
- talk to prospective volunteers on how to become mediators, and

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CHEERS...

Congratulations to **Kelli Olin** and husband **Michael**, who welcomed their second child on March 23. The newest member of the family is **Ashley Diane Olin**, who weighed 6 pounds, 12 ounces and measured 18.5 inches upon her arrival. Mommy is secretary to Fifth Circuit Judge **Walter Kurtz**. Ashley is the little sister of **Blake Olin**.



KELLI OLIN

General Services Security Director **Randy Stafford** and wife **Carmelita** are new parents following the April 4 arrival of **Addie Marie Stafford**. The couple's first child weighed 7 pounds, 12 ounces, distributed over a 20-inch frame.

Courthouse personnel will be pleased to learn that **Kenneth Tansil, Jr.** will soon be delivering their mail again. The jovial Metro mailman has returned to limited office duties after undergoing major knee surgery and, according to postal service supervisor **Terry Adkins**, should be back on his assigned route on a part-time basis in June.



TANSIL

Consultants working on the proposed **Courthouse Annex** project estimate that a new six-story structure will cost around \$40 million--\$25 million more than was set aside to cover a two-floor addition to the Criminal Justice Center parking garage. Administration officials say a bond issue probably will be needed to finance the razing of the garage and construction of the new annex, which would house criminal courts and all general sessions operations.

...TEARS

Condolences to Metro Trustee **Charlie Cardwell** in the death of his mother **Naomi Cantrell Cardwell**, who passed away on March 29 at the age of 89. Mrs. Cardwell was the founder of **Cardwell Market**, site of many Democratic political functions for over half a century.

Our hearts go out to **Cindy Milligan** of our General Sessions Civil Division in the loss of her stepmother **Joyce Milligan**, who passed away on April 4 at the age of 59.

Sympathy to Nashville attorney **Nat Koenig** in the April 10 death of his father **Dr. Leonard Koenig**. He was 81 years old.

BIRTHDAYS

MAY

Circuit Court Clerk

7 Michelle Sawyer
10 Suzanne Parker
27 Brenda Parks
29 Bobbie Eden
30 Ricky Rooker
Lindsay Smith

Probate Clerk

17 Kim Jackson

Traffic Violations

2 Beverly Swafford
6 Vickie Slate
8 Robert Coleman
25 Felice Graham
30 Ray Fuller

General Sessions

6 Dawn Martin
13 Delana Sullivan
24 Jennifer Gilreath
29 Sue Burgett

SESSIONS MEDIATION

(From Page 1)

--confer with current volunteer mediators and board of director officers. As if that were not enough, she finds time to compile a quarterly newsletter, develop continuing education materials for her volunteers, and often does follow-up surveys to determine the status of previously mediated cases.

Bass is the only full-time and paid staffer of the nonprofit conflict resolution center, which has an annual operating budget of \$116,000 funded primarily by a federal grant through the Administrative Office of the Courts, private donations and in-kind donations by the sponsoring Nashville Bar Association.

The bar association provides a receptionist and finance coordinator for the program while actual mediation services are performed by Bass and 17 trained volunteers who share the general sessions caseload while holding down other jobs.

During the first six months of operations in Courtroom II, 216 litigants have taken advantage of the mediation service, representing 79 individual cases of everything from consumer-merchant disputes to the more prevalent landlord-tenant conflicts. Settlement agreements have been reached in 81 percent of those cases with a high percentage of participants rating the service as excellent and expressing a willingness of using it again or recommending it to others.

The program has been so successful that judges are eager for it to eventually expand to all three civil courtrooms. Such expansion would depend more on people than money. Actual operating costs, says Bass, would increase nominally while the ability to staff the additional courtrooms would require many more volunteer mediators.

To help meet that need, Bass said, training for new volunteers will be offered in June. Persons interested in joining the mediation team should contact the center (242-9272) at 315 Union Street, Suite 800.

Six Month Report Card

DOCKETS SERVED	112
CASES AND SESSIONS	79/80
PARTICIPANTS	216
AVERAGE SESSION	1.11 HOURS
TOTAL AGREEMENTS	81%

PARTICIPANT EVALUATION

EXCELLENT	54%
GOOD	34%
AVERAGE	6%
UNSATISFACTORY	1%
NO RESPONSE	5%

CASES PER TYPE

ACCIDENT/PERSONAL INJURY	5%
BUSINESS-BUSINESS	3%
CONSUMER-MERCHANT	14%
LANDLORD-TENANT	53%
NEIGHBOR-NEIGHBOR	19%
REAL ESTATE/PROPERTY	3%
PROPERTY RECOVERY	1%
FRAUD	1%
SLOW PAY	1%

PARTICIPANT WILLINGNESS TO USE AGAIN OR RECOMMEND SERVICE

YES	92%
NO	3%
NO RESPONSE	5%

PARTICIPANT EVALUATION OF MEDIATION AGREEMENTS

EXTREMELY FAIR	45%
FAIR	48%
UNFAIR	1%
NO RESPONSE	6%

Don't Forget to Vote In the May 7 Primary



JURY

TRIAL VERDICTS

ABBREVIATIONS:

P	PLAINTIFF	CP	COUNTER PLAINTIFF
D	DEFENDANT	CD	COUNTER DEFENDANT
NP	NON-PARTY	GSA	GENERAL SESSIONS APPEAL
COM	COMPENSATORY	PUN	PUNITIVE

APPEALS

Week of March 4

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-3615	GSA/AUTO ACCIDENT	5TH	(P) \$10,000		P-\$5,286	DEFENDANT

Week of March 11

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-621	PROP. NUISANCE	3RD	DEFENDANT			
99C-1064	AUTO ACCIDENT	1ST	(P) \$600,000	D-100		
00C-2559	CONTRACT	8TH	(P) \$1,419	D-51, P-49		
00C-3426	DEFAULT	8TH	(P) \$: 50,000-COM			
00C-3426	DEFAULT	8TH	(P) \$150,000-PUN			
01C-1676	SLIP/FALL	3RD	DISMISSED			
00C-3082	PERSONAL INJURY	5TH	(P) \$20,555			

NON-JURY TRIAL RESULTS

APPEALS

Week of March 18

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-3735	DEFAULT	3RD	(P) \$36,270			
01C-2858	GSA/AUTO ACCIDENT	3RD	REMANDED		DISMISSED	PLAINTIFF
01C-2614	DEFAULT	3RD	(P) \$1,824			
01C-3485	GSA/CONTRACT	6TH*	(P) \$3,710		TRANSFERRED	
00C-3672	TCPA	1ST	(P) \$350			
01C-648	GSA/CONTRACT	2ND	UNDER ADVISEMENT		P-\$5,889	DEFENDANT
01C-2888	METRO APPEAL	6TH	\$100 FINE		\$30 FINE	DEFENDANT
00C-2060	WORKERS COMPENSATION	5TH	UNDER ADVISEMENT			
01C-702	WORKERS COMPENSATION	8TH	UNDER ADVISEMENT			
01C-3686-87-88	GSA/CONTRACT	8TH	DISMISSED		P-\$9,990	DEFENDANT
00C-3491	GSA/MALICIOUS PROSECUTION	6TH*	DISMISSED		DISMISSED	PLAINTIFF
00C-2872	DAMAGES	5TH	DISMISSED			
01C-2218	GSA/AUTO ACCIDENT	8TH	(P) \$2,374		P-\$2,875	DEFENDANT
01C-2928	GSA/CONTRACT	6TH*	DISMISSED		P-\$3,195	DEFENDANT
01C-2453	GSA/INTERPLEADER	5TH	(P) \$1,200		P-\$1,088	DEFENDANT
01C-2453	GSA/INTERPLEADER	5TH	(D) \$111			
01C-1227	CONTRACT	5TH	(P) \$17,500			

*--Hears by Marsh Nichols

Principal's Signature Now Required On Circuit Cost Bond

Principals in Circuit Court lawsuits now must sign a cost bond on civil complaints filed in their name. The new requirement is reflected on the new cost bond forms now being issued with civil cases filed in the clerk's office.

The Circuit Court Clerk's Office adopted the new procedure, conforming to the practice exercised by the Court of Appeals.

The new bond form also provides an alternative signature line for the attorney, who may sign on behalf of the principal, making him ultimately responsible for costs if uncollected by the principal.

TRENDS

CASE ANALYSES



RATIO: PLAINTIFFS 6-1

AUTO ACCIDENTS

PLAINTIFFS 12
DEFENDANTS 2

MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	9	9	0	8	1	0
FEBRUARY	5	5	0	3	1	1
MARCH	3	1	2	2	0	1

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	1,342,250	578-945,000	89,235
FEBRUARY	263,905	3,225-258,946	4,734
MARCH	10,000	N/A	N/A

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	2,374	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	185,578	578-150,000	35,000
FEBRUARY	3,225	N/A	N/A
MARCH	N/A	N/A	N/A

*GENERAL SESSIONS APPEALS

MONTH	TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	10,200	1	0	0
FEBRUARY	10,200	1	0	0
MARCH	12,374	2	0	1

Other Classes



CONTRACTS	YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
	19	11	1	1
MARCH AWARDS: \$27,629-- TOTAL AWARDS TO DATE: \$75,255				



MISCELLANEOUS

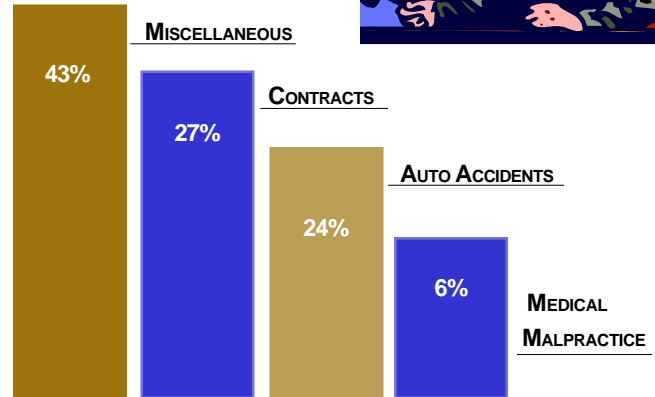
30
PLAINTIFFS 20
DEFENDANTS 4
NO VERDICT 6

MALPRACTICE

4
PLAINTIFFS 0
DEFENDANTS 4
NO VERDICT 0



CIVIL TRIALS By CLASS



DATA BANK

Statistics compiled for the month of March

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	240
JURY	91
NON-JURY	149
CIVIL CASES CONCLUDED	233
JURY	138
NON-JURY	95
NEW DIVORCE CASES FILED	255
DIVORCE CASES CONCLUDED	229

General Sessions Civil

NEW CASES FILED	3,083
EXECUTIONS ISSUED	2,973
GARNISHMENT PAYMENTS	3,715
JUDGMENTS COLLECTED	\$655,454
ORDER OF PROTECTION PETITIONS	200

Probate Court

NEW CASES FILED	215
CASES CLOSED	204

Traffic Violations

MOVING CITATIONS	19,953
PARKING VIOLATIONS	7,826
TOTAL FINES COLLECTED	\$317,343
NULLIFICATIONS	1,561
NULLIFICATION FEES COLLECTED	\$18,606

ROOKER REPORT



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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)

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