

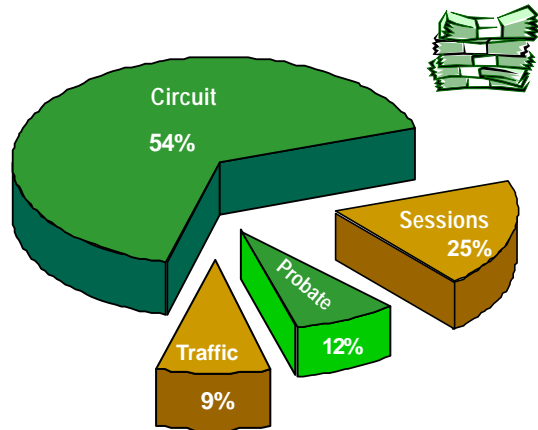
# ROOKER REPORT

July 2003

Published by the Davidson County Circuit Court Clerk's Office

Vol.11, No. 6

## FI\$CAL REVIEW



## Cash Flow Gain Tops \$5 Million

Civil litigation in the county's courtrooms continued to generate impressive cash flow during the fiscal year ending June 30, topping the previous annual reporting period by a robust \$5.3 million.

Activity in circuit, general sessions civil, probate and traffic courts placed a combined \$45.5 million on the books in the form of jury awards, judgment collections, civil penalties and other monetary conveyances mandated by the courts.

All monies were collected and distributed in accordance with court orders by Circuit Court Clerk Richard Rooker, who has fiduciary responsibility over all funds paid through the civil courts.

None of the monies constitute revenue for the clerk, whose operations are financed by service fees established by state law.

Three of the departments under Rooker's care produced increases over the previous fiscal year. Only General Sessions Civil, coming off a record 2001-02 year, was unable to surpass comparison figures. But the \$11.28 million final tally by the so-called small claims operation was considered hale in light of the unusually strong previous year.

See FISCAL, Page 3

By Department	
CIRCUIT	\$24,802,054
SESSIONS CIVIL	\$11,280,586
PROBATE	\$5,313,308
TRAFFIC	\$4,141,094
<b>TOTAL CASH FLOW</b>	<b>\$45,537,042</b>

## Expansion Due on Anniversary Date

# Sessions Mediation Broadening Scope

When the Nashville Conflict Resolution Center celebrates its second year of assisting financially and legally challenged litigants in small claims civil disputes, it will do so by expanding its presence to even more General Sessions litigants.

On October 1, the nonprofit organization will offer its mediation services in two courtrooms for the first time, giving desirous litigants in Courtroom III the same opportunities that have heretofore been limited to docket assignments in Courtroom II.

The expansion has been on judges' wish list for some time, but was kept on the back burner until the center could train and certify enough volunteer mediators to staff the addition and other mediation services of a non-civil nature.

The center's director and chief mediator De'An Bass said there are now 30 active volunteers qualified under the program, in addition to herself and Maria Valentin-Pridgen, who came on board in March to head up the center's multi-cultural resolution program, which focuses on improving access and understanding of the civil justice system for the immigrant population.

The program's overall mission is to improve the lives of Nashville-area residents, particularly those in under-served communities or otherwise disadvantaged in the judicial system, by providing them with a broad range of free or



De'An Bass, left, is director of the conflict center and Maria Valentin-Pridgen, right, heads up the multi-cultural program.

See MEDIATION, Page 2



**PRESERVING THE RECORDS**--Supervisor Mark Herring pulls one of some 500,000 files in storage at the central civil courts archives in the MetroCenter. Deputy Anita Riggan awaits her turn in the 7,000 square foot facility, which houses trial transcripts, appearance dockets and minute books of circuit, probate and general sessions courts--some dating back to the 19th century. The archives staff also includes deputies Tom Brown and Melissa McKee.

# CHEERS...



RUBEN

There's a good reason for that constant glow on General Sessions Judge **Leon Ruben's** face these days. A lady by the (former) name of **Sandi Gordon** put it there. We say "former" because her new title is Mrs. Leon Ruben. The couple, who have known each other since fourth grade, tied the knot on July 2 with Criminal Court Judge **Randall Wyatt** doing the honors in his chambers. That made it official, but the couple will have a more formal wedding on Oct. 12 at a site to be announced. The new bride was a close friend of the judge's late wife and her deceased husband was one of Ruben's best pals growing up, he said. We extend our congratulations.

\*\*\*

Meantime, Circuit Court Judge **Hamilton Gayden** says that despite rumors to the contrary, he will "definitely" seek reelection when judicial elections are held three years down the road. Gayden, who has presided over the First Circuit Court since 1978, said he may have left the wrong impression with people when he complained a few years ago about the environmental conditions of the courthouse. At that time, he recalled, "I think I said I would not run again because of having to work in a sick building." Now that the courthouse is undergoing a total restoration to correct such problems, Gayden said, "I am just like General MacArthur. I shall return."



GAYDEN

\*\*\*

Best wishes to longtime Chancellor **Irvin Kilcrease**, who will retire from the bench on Oct. 1 after 23 years of service. Kilcrease, who had a career with the postal service en route to earning his law degree, was first elected to the Chancery Court post in September 1980 and has presided over a number of high profile cases during his service on the bench. His departure will come after Gov. **Phil Bredesen** has appointed someone to fill a newly created fourth chancery judgeship, giving applicants a double shot at making the court.



KILCREASE

\*\*\*

**Cecil Crowson**, Tennessee Appellate Court Clerk, will retire at the end of this year after 10 years of service in that position and 18 years previously as staff attorney for the Tennessee Supreme Court.

\*\*\*

**Kim Clary**, a deputy clerk in the general sessions civil office, is proud of her son **Hunter Clary** for his outstanding season in the **Dixie Youth** baseball league. Hunter was a member of the **Greenbrier All-Stars**, who took second place in the league's sub-district tournament for 7-8 year olds. We add our congratulations.

\*\*\*

You have read in past issues about the outdoor exploits of **Judy Christopher**, the general sessions civil division deputy clerk who has a passion for hunting and fishing. Well, take a look (photo at right) at her latest feat. Never mind the pile of fish on the floor, that monster she is holding is the prize--a 20-pound catfish--she brought to shore during an outing on Kentucky Lake. Luckily, she was using 20-pound test line. Fishing companion **Jim Webb** had a less lucky day.



## BIRTHDAYS

## AUGUST

### Circuit Court Clerk

9 Jan Jorgenson  
21 Mark Herring

### General Sessions

4 Judy Meadows  
18 Janice Johnson  
29 Kim Wolfe

### Probate Clerk

None

### Traffic Violations

2 Sarah Dunn-McClain  
3 Joe Foster  
15 Sandy Ford  
22 Tammany Carter  
23 Billye Barnard  
Joan Johnson  
25 Pat Trimble

# Sessions Mediation

(From Page 1)

low-cost mediation services and teaching effective, nonviolent conflict resolution skills.

Mediation is offered in a private, non-courtroom setting in cases where both parties are open to settling their dispute through settlement and written agreement on their own terms, rather than by edict from the courts.

The addition of Valentin-Pridgen to the center's staff has helped remove a language barrier. "We should point out that we are mediators and not interpreters," Bass pointed out, noting that interpreters are available through other resources of the courts.

The vast majority of non-English speaking litigants are of Hispanic nationality and usually find their way to the center's services through referrals from such sources as the Woodbine Community Center, Spanish Community Partners, International Social Services, the Department of Work Force and Labor and other foreign language organizations.

Since joining the center in March, Valentin-Pridgen has accommodated 19 litigants of Spanish descent--15 of which were referrals from the community organizations.

The bilingual services are offered on Monday of each week while English-speaking mediators appear daily just prior to the calling of the 9 a.m. docket.

Since the program began 21 months ago, a total of 712 litigants have utilized the mediation service in 262 cases. Agreements were reached in 600 of those cases for an 84 percent success rate. More than half of the cases took less than one hour to conclude.

## Soloman Sets 20-minute Limit For Oral Arguments on Motions

Eighth Circuit Court Judge Carol Soloman has established a 20-minute time limit for oral arguments during motion hearings.

The time limit applies to each motion with a brief period for rebuttal at the conclusion of argument.

A memorandum citing the new rule has been posted outside the judge's courtroom door.

## ROOKER REPORT

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

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

ADA coordinator, Gen

9)



# JURY TRIAL VERDICTS

## ABBREVIATIONS:

<b>P</b>	PLAINTIFF	<b>CP</b>	COUNTER PLAINTIFF
<b>D</b>	DEFENDANT	<b>CD</b>	COUNTER DEFENDANT
<b>PPD</b>	PERMANENT PARTIAL DISABILITY	<b>GSA</b>	GENERAL SESSIONS APPEAL
<b>ST</b>	SOFT TISSUE	<b>PUN</b>	PUNITIVE

### APPEALS

#### GENERAL SESSIONS

#### Week of June 16

#### CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-624	CONTRACT	8TH	\$35,000			
01C-3841	CONTRACT	6TH	DEFENDANT			

#### Week of June 23

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-2617	MEDICAL MALPRACTICE	3RD	HUNG JURY			
02C-2437	AUTO ACCIDENT	5TH	\$10,893			
02C-1428	CONTRACT	8TH*	\$10,375			
02C-3679	GSA/AUTO ACCIDENT	1ST	DEFENDANT		P-\$4,500	DEFENDANT

\*--JURY WAIVED

#### GENERAL SESSIONS

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-877	AUTO ACCIDENT/ST	1ST	\$25,000	\$7,491			
01C-1142	AUTO ACCIDENT/ST	6TH	\$245,000	DEFENDANT			

## THERE WERE NO NON-JURY TRIALS IN JUNE

## FI\$CAL REVIEW

From Page 1

### Circuit Shows Big Jump; Sessions Down Slightly

The General Sessions Court has a jurisdictional limit of \$15,000.

The biggest increase was produced by the circuit courts where litigation equated to \$24.8 million--a \$3.6 million jump over the previous year. Included in that amount was \$2.9 million in child support payments, down from the \$3.6 million received last year. The clerk's office collects only those child support payments under direct supervision of the courts. Payroll deduction cases are under the auspices of the Tennessee Department of Human Services.

Probate Court generated \$5.3 million for a \$537,134 increase and traffic offenders paid \$4.1 million in penalties--up \$343,050 from the previous year.

Stepped-up enforcement of driving regulations accounted for a major share of the traffic fine revenue, all of which is earmarked for the Metro general fund. Officers wrote 60,000 more citations for moving violations than the year before. Revenue from parking violations shrank

### NEW CASE FILINGS

	01-02	02-03
Circuit Court	3,241	4,211
Sessions Civil	39,603	37,538
Probate Court	2,081	2,067
Parking Citations	91,689	72,070
Moving Tickets	217,966	277,846
Divorces	2,782	2,731
Orders of Protection	2,717	2,803

with almost 20,000 fewer citations being handed out.

Although not as dramatic a drop, the number of divorces continued a downward trend. The 2,731 divorce filings was 51 fewer than in the previous reporting period.

Personal conflict among the general population kept the courts busy handing out orders of protection, an area that normally deals with uncivilized activities. For the third year running, protection orders grew at an annual pace of 100-plus with 2,803 being issued during the July-June period.

# TRENDS



## CASE ANALYSES

### AUTO ACCIDENTS

PLAINTIFFS 21  
DEFENDANTS 3

RATIO: PLAINTIFFS 7-1

#### MONTH-BY-MONTH

MONTH	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY	3	2	1	3	0	0
FEBRUARY	4	3	1	2	1	1
MARCH	7	6	1	6	0	1
APRIL	3	2	1	3	0	0
MAY	5	2	3	5	0	0
JUNE	4	4	0	2	2	0

#### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	19,098	9,098-10,000	N/A
FEBRUARY	14,291	2,000-12,291	N/A
MARCH	239,801	2,952-165,382	17,866
APRIL	141,500	16,500-125,000	N/A
MAY	182,762	3,859-178,903	N/A
JUNE	18,384	7,491-10,893	N/A

#### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	5,770	N/A	N/A
FEBRUARY	NONE	N/A	N/A
MARCH	800	N/A	N/A
APRIL	13,843	N/A	N/A
MAY	17,530	1,530-14,000	2,000
JUNE	N/A	N/A	N/A

#### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	NONE	N/A	N/A
FEBRUARY	14,291	2,000-12,291	N/A
MARCH	67,597	9,847-26,155	15,797
APRIL	125,000	N/A	N/A
MAY	182,762	3,859-178,903	N/A
JUNE	7,491	N/A	N/A

#### \*GENERAL SESSIONS APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	24,798	3	0	0
FEBRUARY	NONE	0	0	1
MARCH	3,752	2	0	0
APRIL	13,843	1	0	0
MAY	17,530	3	0	0
JUNE	N/A	3	1	0

## Other Classes



**CONTRACTS** YTD **PLAINTIFFS** **DEFENDANTS** **NO VERDICT**  
28 17 6 5

**JUNE AWARDS: \$45,375--TOTAL AWARDS TO DATE: \$320,901**



#### MISCELLANEOUS

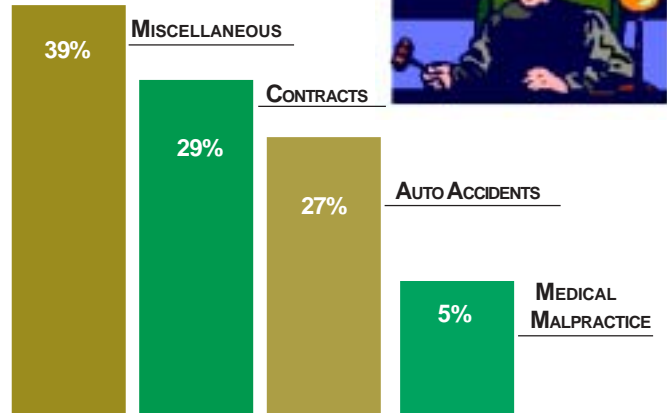
36  
PLAINTIFFS 19  
DEFENDANTS 11  
NO VERDICT 6

#### MALPRACTICE

5  
PLAINTIFFS 2  
DEFENDANTS 2  
NO VERDICT 1



## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of June

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	242
JURY .....	95
NON-JURY .....	147
CIVIL CASES CONCLUDED .....	311
JURY .....	168
NON-JURY .....	143
NEW DIVORCE CASES FILED .....	237
DIVORCE CASES CONCLUDED .....	220

#### General Sessions Civil

NEW CASES FILED .....	3,308
EXECUTIONS ISSUED .....	3,236
GARNISHMENT PAYMENTS .....	3,330
JUDGMENTS COLLECTED .....	\$614,001
ORDER OF PROTECTION PETITIONS .....	263

#### Probate Court

NEW CASES FILED .....	176
CASES CLOSED .....	207

#### Traffic Violations

MOVING CITATIONS .....	23,292
PARKING VIOLATIONS .....	5,420
TOTAL FINES COLLECTED .....	\$330,300
NULLIFICATIONS .....	2,521
NULLIFICATION FEES COLLECTED .....	\$30,249

Don't Forget to Vote  
In the Aug. 7 Election