

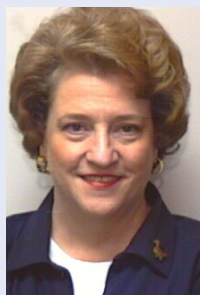
# ROOKER REPORT

June 2004

Published by the Davidson County Circuit Court Clerk's Office

Vol.12, No. 5

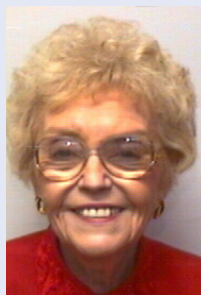
## RETIREMENTS



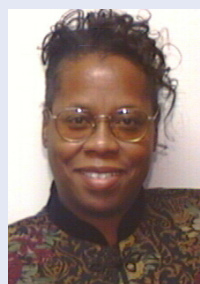
DIXIE GIBSON  
37 YEARS



CARL SMITH  
31 YEARS



MARGIE PERRY  
38 YEARS



JACKIE KNIGHT  
31 YEARS



PHIL YORK  
15 YEARS



JOAN JOHNSON  
24 YEARS

## Six From Clerk's Staff Retiring This Month

Six members of Circuit Court Clerk Richard Rooker's staff are entering retirement this month, closing out government careers totaling a combined 176 years of public service.

By taking their service pensions at this time, each will benefit from incentive bonuses offered by Metro and calculated on a per annum basis.

All of the retirements are effective as of June 30.

Four of the departing employees are attached to the Traffic Violations Bureau, including two who have compiled the greatest longevity.

Margie Perry, whose most recent assignment has been that of docket clerk in the Metro Environmental Court, has accumulated 38 years of service to the clerk's office.

Dixie Gibson, who began her career in 1967 under the late Traffic Judge Donald Washburn, leaves with 37 years of service--the last 29 years in the traffic warrant office.

Also departing the traffic department is warrant officer Carl Smith, a 31-year veteran with 21 years in that office, and Joan Johnson, who recently joined the bureau after 24 years of service in other areas of government service.

Rounding out the retirees are Jackie Knight, whose 31 years with the clerk's staff has primarily been spent as a deputy in the General Sessions

SEE RETIREMENTS, PAGE 3

## Traffic Office Coping With Ticket Surge

Inside the Traffic Violations Bureau, clerks are diligently pitting their clerical skills against an unrelenting daily flow of new tickets.

Double lines have formed outside the cashier window as violators wait to satisfy the penalties assessed against them inside the adjacent courtroom.

And on the streets throughout the county, police are continuing a crack-down that will further increase the volume of citations and the hands-on paperwork required in their resolution.

It is a challenge currently being met with raw, grind-it-out fortitude, but one that will necessitate new, advanced techniques in the near future.

Plans are being implemented to replace the existing computer system with an elaborate, state-of-the-art traffic management system that will give the bureau full control of ticket information, independent from the police department. Among its many features, it will enable on-line fine payments and response to web-based inquiries from the public.

But installation of the streamlined system, plus personnel training, is more than a year away, leaving the bureau staff of 38 and their 19 counterparts in the warrant office to utilize existing methods to keep pace with the increasing daily workload.

Since February, the police department's concentration on unlawful drivers has resulted in a 39 percent increase in the number of citations issued with monthly totals reaching as high as 18,000-plus.

SEE TRAFFIC OFFICE, PAGE 2

## New Mandatory Seat Belt Law Starts July 1



**BEGINNING JULY 1, NOT WEARING A SEAT BELT IS AN INVITATION TO A TRAFFIC TICKET, EVEN IF NO OTHER ROAD RULES ARE BEING BROKEN. THAT IS WHEN A NEW LAW GOES INTO EFFECT GIVING POLICE THE RIGHT TO STOP UNBELTED DRIVERS AND THEIR PASSENGERS FOR NO OTHER REASON. CURRENTLY, SEAT BELT CITATIONS CAN ONLY BE ISSUED IF MOTORISTS ARE STOPPED FOR OTHER REASONS. VIOLATORS CAN EXPECT A \$10 FINE FOR THE FIRST OFFENSE AND \$20 FOR EACH SUBSEQUENT OFFENSE.**

**DRIVER  
BEWARE**



**Second of  
Two Parts**

## CHEERS...

Karen Rooker, administrative assistant to Circuit Court Clerk Richard Rooker, has accepted a marriage proposal from longtime beau, Madison businessman Feller Brown, who adorned her finger with a dazzling commitment last month. Wedding bells are planned for this fall, followed by an unannounced trip to "a place with beaches and lots of sunshine."



KAREN ROOKER

Karen Rooker's office is located in the General Sessions Civil Division which, ironically, produced yet another engagement in May. Order of Protection Clerk Molly Travis showed off her newly decorated ring finger, compliments of fiancé Chris Martin, who popped the question on May 12. The couple have been dating for the past six years after a "love at first sight" meeting in the clerk's office in 1997 when he was a runner for a local law firm. Chris graduated from the Nashville School of Law earlier this month and will be taking his bar exam next month. Not to be outdone, Molly also is attending the same law school and will graduate in two years. The couple plan to marry next May.



MOLLY TRAVIS

\*\*\*

**Cindy Milligan** of our General Sessions Civil Division staff is happy over seeing her son's name and picture in print. **Nick Weiss** was a member of the Music City Mavericks baseball team that finished second in the Buckner Park Summer Class tournament in Dickson this month. The team, whose photo appeared in the Tennessean, is made up of 11-year-olds and younger from the Bellevue and West Meade area.

\*\*\*

Traffic Warrant Office Supervisor **Steve Rose** has returned to work, three weeks after undergoing hip replacement surgery. Rose said he got immediate relief from the pain he had been having for years and is adjusting to the change quite nicely.

\*\*\*

**Meagan Youngblood**, daughter of Nashville attorney **Elaine Youngblood**, has been home on leave after serving a year in Iraq as a First Lieutenant in the Army. You may recall that Meagan once worked as a summer intern under First Circuit Judge **Hamilton Gayden** in 2002 upon her graduation from West Point and before reporting for military duty at Fort Lee, Virginia. She was a star athlete at Harpeth Hall where she excelled in three sports.

\*\*\*

Congratulations to **Tom Walsh**, law clerk to Sixth Circuit Judge **Tom Brothers**, upon becoming a father for the second time. Wife **Barbara** delivered a son on June 3. **Thomas Ian Aloysious Walsh** weighed 7 pounds, 2 ounces and measured 19 inches in length. His big sister's name is **Alaina**.

## JULY BIRTHDAYS

### Circuit Court Clerk

21 Ray Akers  
23 Carrie Archie  
24 Glenn Balletto

### General Sessions

1 Melissa McKee  
14 Margaret Blair  
15 Samantha Hutton  
16 Karen Rooker  
20 Molly Travis

### Traffic Violations

1 Steve Rose  
4 Margie Perry  
6 Penny Reed  
11 Samantha Robinson  
12 Candace Benbow

### Probate Clerk

None

## ...TEARS



**Jean Hart**, longtime bookkeeper for the Traffic Violations Bureau before failing health forced her retirement two years ago, has lost her fight with cancer.

Ms. Hart passed away on June 6 at a local nursing home.

Her service to the traffic department spanned two decades of virtually perfect attendance, even after contracting cancer that eventually prohibited her from working.

**JAMES MICHAEL LESTER**, 53, son of longtime deputy probate clerk Ruth Lester, passed away on May 29 in Knoxville from complications of a brain aneurysm.

**MARCELLE WILDER**, 83, wife of Lt. Gov. John Wilder, passed away at her home in Somerville on June 7. She had been in declining health since suffering a stroke four years ago.

**WILLIAM HENRY HILL, JR.**, 77, father of deputy circuit court clerk Stephanie Hill, died on May 24 in Winchester after a short battle with lung cancer. He leaves his wife of 53 years, three other children and five grandchildren.

**GENE GRIFFIN**, 58, father-in-law of deputy probate clerk Peggy Griffin and a retired school teacher, passed away on May 23 at a nursing home in Crockett County. His wife, four grandchildren and four great-grandchildren survive.

**JAMES ROSSO**, 91, grandfather of Traffic Violations Bureau office supervisor Don Rosso, succumbed on June 17 in McAlester, Oklahoma, from injuries suffered in a fall.

## Traffic Office Coping With Ticket Surge

(FROM PAGE 1)

Each of the tickets must go through numerous facets of record-keeping and other clerical entry en route to adjudication. The process begins with all information on the ticket being entered into the computer system where it becomes a permanent record. This function is performed by a team of eight data entry clerks, including supervisor Leslie Preston, who noted that new ticket entries are averaging about 1,400 per day.

A long lineage of steps too numerous to mention will follow each original entry before final adjudication, including the physical orderly filing of paper copies that will reemerge often for clerical attention before final disposition. Variables, such as court date continuations, docket calls and mail-in payments, create continuous stacks of hardcopy to be returned to file drawers.

Bureau Chief Bill Cartwright said that while the large influx of tickets is putting a strain on his department to keep pace, the arrival of summer interns has provided temporary relief.

"The summer help, combined with some creative management ideas, should get us through the present crunch in certain areas," Cartwright said. "Our challenge will be to utilize this time to develop new methods of continuing efficiency until the new system is in full operation."

As an added convenience to the public, an ATM machine has been located inside the building near the traffic courtroom and the cashier window. And an increasing number of cited motorists are taking advantage of Metro's mail-in ticket program, precluding their coming to court by either sending in their fines or enrolling in traffic school.

"For every problem, there is a solution," said Cartwright. "We just have to find it."



ADA coordinator, Gene Baker (880-3309)

## MAY JURY TRIALS

## APPEALS

## Week of May 17

## CIRCUIT COURT

## GENERAL SESSIONS

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-820	MEDICAL MALPRACTICE	6TH		DEFENDANT			

## Week of May 24

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
99C-1795	CRIMINAL/MURDER	5TH		GUILTY PLEA			

## Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-308	AUTO ACCIDENT/ST	5TH		\$5,250	ADMITTED LIABILITY		
02C-978	AUTO ACCIDENT/ST	2ND		DEFENDANT			
03C-779	AUTO ACCIDENT/ST	6TH		\$50,000			

## NON-JURY TRIAL RESULTS

## Week of May 3

## CIRCUIT COURT

## GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1825	WORKER'S COMPENSATION	5TH	40% VOC. DISABILITY			
03C-3163	GSA/CONTRACT	3RD	\$2,634			
03C-1107	DAMAGES	3RD	\$18,070			
03C-973	GSA/CONTRACT	2ND	\$992		P-\$15,000	DEFENDANT
03C-2430	DAMAGES	3RD	\$50,997			
04C-271	RESTORE CITIZEN RIGHTS	1ST	PENDING			
03C-2556	GSA/CONTRACT	5TH	\$9,056		P-\$11,556	DEFENDANT
02C-3229	CONTRACT	1ST	\$27,900			
04C-498	GSA/DETAINER	2ND	DISMISSED		DISMISSED	PLAINTIFF
02C-3682	GSA/CONTRACT	3RD	\$5,276		P-\$4,222	PLAINTIFF
02C-3434	C/S BEER BOARD	2ND	PENDING			
03C-2452	GSA/PROPERTY RECOVERY	5TH	\$15,000		PROPERTY	PLAINTIFF

P	PLAINTIFF	GSA	GENERAL SESSIONS APPEAL	C/S	CERTIORARI/SUPERSEDEAS
D	DEFENDANT	PPD	PERMANENT PARTIAL DISABILITY	ST	SOFT TISSUE



SIBOUNHEUANG

14 YEARS

Court  
Personnel  
Retirements

(FROM PAGE 1)



PEARL KELLY

30 YEARS

## Courts Building Construction Underway

Groundbreaking ceremonies were held on June 18 for the Beverly Briley Building, which will house all General Sessions Court operations and criminal courts. The building will be located on the site where the Criminal Justice Center parking garage was torn down a year ago.

## Rooker Report

Published by the Davidson County Circuit Court Clerk's Office  
523 Mainstream Drive, Nashville, TN 37228  
Internet @ [www.nashville.gov/circuit](http://www.nashville.gov/circuit)

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

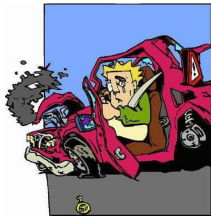
Richard R. Rooker.....Circuit Court Clerk  
Gene Baker.....Editor

Civil Division Office, and Phil York, whose 15 years of service has been divided between the Traffic Violations Bureau and the Probate Court Clerk's Office.

Rooker applauded each of the outgoing staff members for their many years of loyal service to his office, saying that their working skills and their experience would be greatly missed.

Although not members of Rooker's staff, two employees of sister court operations will also make their departure this month. They are Pearl Kelly, a 30-year veteran of the Criminal Court Clerk's Office, and Khambang Sibounheuang, a court officer for Circuit Court Judge Hamilton Gayden for nearly 14 years.

## Auto Accidents



### 2004 Case Analyses

PLAINTIFFS 15  
DEFENDANTS 3

RATIO: PLAINTIFFS 5-1

### MONTH-BY-MONTH

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

### JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	57,050	1,296-52,500	3,254
FEBRUARY	76,410	1,266-60,000	15,144
MARCH	243,589	0-243,589	N/A
APRIL	46,717	N/A	N/A
MAY	55,250	5,250-50,000	N/A

### NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	60,124	6,664-35,000	18,460
FEBRUARY	6,500	N/A	N/A
MARCH	N/A	N/A	N/A
APRIL	N/A	N/A	N/A
MAY	N/A	N/A	N/A

### SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY	53,500	1,000-52,500	N/A
FEBRUARY	61,266	1,266-60,000	N/A
MARCH	243,589	0-243,589	N/A
APRIL	N/A	N/A	N/A
MAY	55,250	5,250-50,000	N/A

### GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY	28,378	3	0	0
FEBRUARY	0	0	0	0
MARCH	0	0	0	0
APRIL	N/A	0	1	0
MAY	N/A	0	0	0

### CONTRACTS

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
21 16 3 2

May Awards--\$45,858. Year to Date--\$183,801



### MISCELLANEOUS

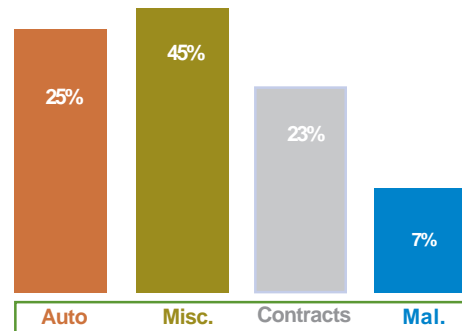
YTD PLAINTIFFS DEFENDANTS NO VERDICT  
41 32 3 6



### MEDICAL MALPRACTICE

YTD PLAINTIFFS DEFENDANTS NO VERDICT  
6 1 5 0

## CIVIL TRIALS BY CLASS



## DATA BANK

Statistics compiled for the month of May

### CASE INFORMATION

#### Circuit Court

NEW CIVIL CASES FILED .....	242
JURY .....	110
NON-JURY .....	132
CIVIL CASES CONCLUDED .....	239
JURY .....	121
NON-JURY .....	173
NEW DIVORCE CASES FILED .....	199
DIVORCE CASES CONCLUDED .....	173

#### General Sessions Civil

NEW CASES FILED .....	3,669
EXECUTIONS ISSUED .....	2,673
GARNISHMENT PAYMENTS .....	3,198
JUDGMENTS COLLECTED .....	\$524,344
ORDER OF PROTECTION PETITIONS .....	195

#### Probate Court

NEW CASES FILED .....	170
CASES CLOSED .....	169

#### Traffic Violations

MOVING CITATIONS .....	33,273
PARKING VIOLATIONS .....	6,820
TOTAL FINES COLLECTED .....	\$426,499
NULLIFICATIONS .....	3,314
NULLIFICATION FEES COLLECTED .....	\$39,768

#### Metro Court

MISDEMEANOR CITATIONS .....	1,205
TOTAL FINES COLLECTED .....	\$8,869

## Sorry, Sory...

In our Spotlight feature last month on court officer Opie Sory, we miscounted the number of times he has become a grandfather. We erroneously reported only two grandchildren when the correct number is four--two by each of his two children. Didn't mean to short change you, Opie.



# Fax Filing Guidelines

## New Rule Becomes Effective July 1; Here's How It Will Work

For the first time, starting July 1, the state civil trial courts will accept pleadings over phone lines.

The State Legislature approved an amendment to Rule 5A of the Tennessee Rules of Civil Procedure, authorizing fax filing and allowing court clerks to charge for the service.

In accordance with the new rule, independent phone lines have been installed in the Circuit Court Clerk's Office and the Probate Court Clerk's Office for exclusive use of the service.

- ◆ The number for fax filing with Circuit Court will be 313-9180.
- ◆ The Probate Court number will be 313-9150.

A uniform cover sheet, to be made available on the Circuit Court

Clerk's internet website ([www.nashville.org/circuit](http://www.nashville.org/circuit)) and at each office in printed form, must accompany all fax filings.

The cost of each filing will be \$5, plus \$1 per page, payable within ten days upon receipt of a statement from the clerk.

Each office will have designated clerks to process the fax filings and prepare a confirmation form to be mailed along with the billing.

As a convenience, we have provided a copy of the procedures on the back side of this sheet. We suggest that it be posted for reference.

Below are samples of the cover sheets for both courts.

### Circuit Court Cover Sheet



#### TENNESSEE COURTS

##### UNIFORM FACSIMILE FILING COVER SHEET

TO : Davidson County Circuit Court Clerk

CLERK'S FAX NUMBER: 313-9180

CASE NAME:

DOCKET NUMBER:

TITLE OF DOCUMENT:

FROM (SENDER):

SENDER'S ADDRESS:

SENDER'S VOICE TELEPHONE NUMBER:

SENDER'S FAX TELEPHONE NUMBER:

DATE:

TOTAL PAGES, INCLUDING COVER PAGE:

#### CONFIRMATION (FOR CLERK'S USE ONLY)

☐ This confirms your facsimile filing listed above was processed by \_\_\_\_\_ with the file date of \_\_\_\_\_.

Your service charge pursuant to T.R.C.P. 5A.04 is \$\_\_\_\_\_.

Please send your payment along with this cover sheet within 10 days to:

**Circuit Court Clerk's Office**  
**523 Mainstream Drive, Suite 201**  
**Nashville, TN 37228**

#### DENIED FOR FILING

Your facsimile listed above WAS NOT FILED OR PROCESSED due to the following inefficiency:

- ☐ A filing fee in the amount of \$\_\_\_\_\_ is required for filing.
- ☐ The facsimile filing was longer than 10 pages.
- ☐ The document you attempted to file by facsimile transmission is prohibited from filing in this manner by T.R.C.P. 5A.02 (4)

### Probate Court Cover Sheet



#### TENNESSEE COURTS

##### UNIFORM FACSIMILE FILING COVER SHEET

TO : Davidson County Probate Court Clerk

CLERK'S FAX NUMBER: 313-9150

CASE NAME:

DOCKET NUMBER:

TITLE OF DOCUMENT:

FROM (SENDER):

SENDER'S ADDRESS:

SENDER'S VOICE TELEPHONE NUMBER:

SENDER'S FAX TELEPHONE NUMBER:

DATE:

TOTAL PAGES, INCLUDING COVER PAGE:

#### CONFIRMATION (FOR CLERK'S USE ONLY)

☐ This confirms your facsimile filing listed above was processed by \_\_\_\_\_ with the file date of \_\_\_\_\_.

Your service charge pursuant to T.R.C.P. 5A.04 is \$\_\_\_\_\_.

Please send your payment along with this cover sheet within 10 days to:

**Probate Court Clerk's Office**  
**601 Mainstream Drive, Room 202**  
**Nashville, TN 37228**

#### DENIED FOR FILING

Your facsimile listed above WAS NOT FILED OR PROCESSED due to the following inefficiency:

- ☐ A filing fee in the amount of \$\_\_\_\_\_ is required for filing.
- ☐ The facsimile filing was longer than 10 pages.
- ☐ The document you attempted to file by facsimile transmission is prohibited from filing in this manner by T.R.C.P. 5A.02 (4)

**FAX FILING IN CIRCUIT/PROBATE COURT**  
**TENNESSEE RULES OF CIVIL PROCEDURE RULE 5A**

**CIRCUIT COURT FAX FILING NUMBER IS 313-9180**

**PROBATE COURT FAX FILING NUMBER IS 313-9150**

- ALL FAX FILINGS MUST BE FILED ON THIS NUMBER AND NOT OUR GENERIC FAX NUMBER.
- ALL FAXES WILL BE HANDLED THROUGH OUR COMPUTER SYSTEM.

**ALL PLEADINGS FILED BY FAX MUST MEET THE CRITERIA LISTED BELOW**

- BE ACCOMPANIED BY THE ATTACHED COVER SHEET.
- NOT EXCEED TEN (10) PAGES IN LENGTH, UNLESS AUTHORIZED BY COURT.
- PLEADINGS MAY NOT BE SPLIT INTO MULTIPLE FACSIMILE TRANSMISSIONS.  
FOR EXAMPLE, A THIRTY (30) PAGE PLEADING MAY NOT BE SENT IN THREE (3) SEPARATE TRANSMISSIONS OF TEN (10) PAGES EACH.

**WHAT DOCUMENTS CANNOT BE FAX FILED**

- ANY FILING WHICH REQUIRES A FILING FEE AND/OR LITIGATION TAX. A FEW EXAMPLES ARE AS FOLLOWS:
  - √ NEW CIVIL COMPLAINTS
  - √ NEW DIVORCE COMPLAINTS
  - √ PETITION FOR CONTEMPT/MODIFICATION
  - √ ANY APPEAL TO CIRCUIT COURT
- SUMMONS
- ANY DOCUMENT TO BE FILED UNDER SEAL
- A NOTICE OF APPEAL
- A WILL OR CODICIL TO A WILL; A BOND; OR ANY PLEADING OR DOCUMENT REQUIRING AN OFFICIAL SEAL

**FILING FAXED PLEADINGS  
(RECEIVED BY THE CLERK)**

- PLEADINGS FAXED AND RECEIVED FROM 4:30 P.M. – 11:59 P.M. ON DAYS WHEN THE CLERK'S OFFICE IS OPEN ARE DEEMED FILED THE DAY OF TRANSMISSION.
- PLEADINGS FAXED AND RECEIVED FROM 12:00 A.M. TO 7:59 A.M. ON DAYS WHEN THE CLERK'S OFFICE IS OPEN ARE DEEMED FILED THE PREVIOUS BUSINESS DAY.
- PLEADINGS FILED ON A SATURDAY, SUNDAY, LEGAL HOLIDAY OR DAY IN WHICH THE CLERK'S OFFICE IS CLOSED ARE DEEMED TO BE FILED THE PREVIOUS BUSINESS DAY. (EXAMPLE: A MOTION WAS FAXED TO OUR OFFICE ON EASTER SUNDAY – THE DATE IT WAS CONSIDERED FILED WOULD BE THE PREVIOUS THURSDAY, SINCE OUR OFFICE WAS CLOSED ON FRIDAY FOR GOOD FRIDAY)

**(RISK OF CONVEYING DOCUMENT)**

- THE SENDER BEARS THE RISK OF CONVEYING THE DOCUMENT. PROVISIONS ARE IN THE RULE TO REMEDY THE FILING DATE OF UNSUCCESSFUL TRANSMISSIONS. IF QUESTIONS REGARDING THIS ARISE, PLEASE REFER TO T.R.C.P. 5A.03 (3).

**(FACSIMILE SERVICE CHARGE FOR FAXING)**

- THE COST FOR FAX FILING IN ADDITION TO THE NORMAL FILING FEE IS FIVE DOLLARS (\$5.00) FOR EACH FAX FILING PLUS ONE DOLLAR (\$1.00) PER PAGE (INCLUDING THE COVER SHEET). (EXAMPLE: 7 PAGE DOCUMENT PLUS COVER SHEET IS \$5.00 + \$8.00 = \$13.00 SERVICE CHARGE)
- THE FEE FOR FAX FILING MUST BE PAID BY THE SENDER. IT MAY NOT BE TAXED AS COURT COSTS SUBJECT TO THE FOLLOWING EXCEPTION. IF THE SENDER HAS BEEN ALLOWED TO PROCEED ON A PAUPER'S OATH, THEN THE CHARGE SHALL BE TAXED AS COURT COSTS. THE PAYMENT FOR EACH FAX FILING MUST BE RECEIVED BY THE CLERK'S OFFICE WITHIN TEN (10) CALENDAR DAYS AFTER THE FAX FILING.

# LITIGATION TAX

Hike Applies to General Sessions, Juvenile Cases Only

## Dollar Tax Levy Gets Council Nod, Effective July 1

Beginning July 1, the cost of filing litigation in General Sessions Court and Juvenile Court will increase by one dollar.

The increase does not apply to cases filed in the state trial courts.

The Metro Council created the increase during a special session on June 24, passing on third and final reading an ordinance amendment levying a \$1 litigation tax to "provide funds for victim-offender mediation centers in the area of Metropolitan Government."

The increase is the first of any nature in two years for the General Sessions Courts and the first tax surcharge in several years. Sheriff's fees for service of process, as well as out-of-county service, underwent an increase in July 2002.

The extra tax will change the filing fees for General Sessions civil warrants to \$65.25 and detainer warrants to \$67.25 --the two most commonly used instruments of litigation in sessions court.

See reverse side of page for a complete listing of civil filing fees in General Sessions Court.



### SUBSTITUTE ORDINANCE NO. BL2004-179

AN ORDINANCE AMENDING SECTION 5.16.060 OF THE METROPOLITAN CODE BY LEVYING A ONE DOLLAR (\$1.00) LITIGATION TAX ON ALL CASES IN THE GENERAL SESSIONS AND JUVENILE COURTS TO PROVIDE FUNDS FOR VICTIM-OFFENDER MEDIATION CENTERS IN THE AREA OF METROPOLITAN GOVERNMENT.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. THAT SECTION 5.16.060 OF THE METROPOLITAN CODE OF LAWS SHALL BE AND THE SAME IS HEREBY AMENDED BY ADDING THE FOLLOWING NEW SUBSECTION D.:

"D. A ONE DOLLAR (\$1.00) TAX ON LITIGATION SHALL BE COLLECTED ON ALL CASES IN MATTERS BEFORE THE GENERAL SESSIONS COURTS AND THE JUVENILE COURT OF METROPOLITAN GOVERNMENT. SUCH TAX SHALL BE TAXED AS PART OF THE COSTS OF THE CAUSE, AND IN NO CASE SHALL BE REMITTED. THE TAX COLLECTED BY THE CLERK OF THE COURT SHALL BE REMITTED TO THE METROPOLITAN TREASURER. ALL REVENUE GENERATED UNDER THIS LITIGATION TAX SHALL BE USED EXCLUSIVELY TO SUPPORT VICTIM-OFFENDER MEDIATION CENTER(S) OPERATING WITHIN THE AREA OF METROPOLITAN GOVERNMENT ORGANIZED UNDER THE PROVISIONS OF TITLE 16, CHAPTER 20 ON THE TENNESSEE CODE ANNOTATED. SUCH REVENUE SHALL BE ADMINISTERED UNDER GUIDELINES DEVELOPED BY THE DISTRICT ATTORNEY GENERAL TO PROVIDE MEDIATION SERVICES TO THE JUSTICE SYSTEM OF THE METROPOLITAN GOVERNMENT THROUGH CONTRACTS WITH QUALIFIED COMMUNITY ORGANIZATIONS. IN DEVELOPING THE GUIDELINES FOR ADMINISTERING THESE FUNDS, THE DISTRICT ATTORNEY GENERAL SHALL CONSULT WITH APPROPRIATE JUDICIAL OFFICIALS AND THE NASHVILLE BAR ASSOCIATION AND BE ASSISTED, AS NEEDED, BY THE DIRECTOR OF FINANCE."

SECTION 2. THE PROVISIONS OF SECTION 1 OF THIS ORDINANCE SHALL NOT BECOME EFFECTIVE UNTIL JULY 1, 2004.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE WELFARE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY REQUIRING IT.

SPONSORED BY: DAVID BRILEY

# General Sessions Civil Division

## Civil Filing Fees

OUT-OF-COUNTY SERVICE  
FEE \$22.00 PER DEFENDANT  
PAYABLE TO SHERIFF

EFFECTIVE JULY 1, 2004

	<u>CLERK</u>	<u>SHERIFF</u>	<u>LIT. TAX</u>	<u>TOTAL</u>
CIVIL WARRANT	24.50	22.00	18.75	65.25
Each additional defendant	7.00	20.00	----	27.00
WARRANT TO RECOVER	24.50	22.00	18.75	65.25
Each additional defendant	7.00	20.00	----	27.00
DETAINER WARRANT	26.50	22.00	18.75	67.25
Each additional defendant	7.00	20.00	----	27.00
ALIAS OR PLURIES/DEF	7.00	7.00	----	14.00
AIC --FIRST DAVIDSON COUNTY	7.00	22.00	----	29.00
AMENDED WARRANT	12.50	20.00	----	32.50
Each additional defendant	7.00	20.00	----	27.00
AMENDED NEW DEFENDANT	14.50	20.00	----	34.50
Each additional defendant	7.00	20.00	----	27.00
SUE AND ATTACH	41.00	62.00	18.75	121.75
Each additional defendant	7.00	20.00	----	27.00
ANCILLARY OR JUDICIAL ATTACHMENT	19.50	40.00	----	59.50
IMMEDIATE POSSESSION	31.50	42.00	18.75	92.25
WRIT OF RESTITUTION	9.00	40.00	----	49.00
WRIT OF POSSESSION	9.00	40.00	----	49.00
SCIRE FACIAS	17.00	20.00	----	37.00
SCIRE FACIAS TO RENEW A JUDGMENT	25.00	20.00	----	45.00
SUBPOENA (EACH WITNESS)	7.50	20.00	----	27.50
APPEAL	9.00	----	37.50	46.50
MOTION (SLOW PAY)	8.00	----	----	8.00
MOTION (OTHER)	4.00	----	----	4.00
ORDER	4.00	----	----	4.00
ORDER OF PUBLICATION	5.00	----	----	5.00
SHOW CAUSE ORDER	9.00	20.00	----	29.00
BODY ATTACHMENT	11.00	40.00	----	51.00
WRITTEN AGREEMENT	4.00	----	----	4.00
CERTIFIED COPY	3.00	----	----	3.00
ABSTRACT OF JUDGMENT	6.00	----	----	6.00
CONGRESSIONAL CERTIFICATE	6.00	----	----	6.00
INTERROGATORY, REQUEST OR NOTICE	4.00	----	----	4.00
ANSWER	4.00	----	----	4.00
CLAIM OF EXEMPTIONS	4.00	----	----	4.00
AFFIDAVIT OR EXHIBIT	4.00	----	----	4.00
COUNTERCLAIM (ONE DEFENDANT)	19.50	22.00	----	41.50