

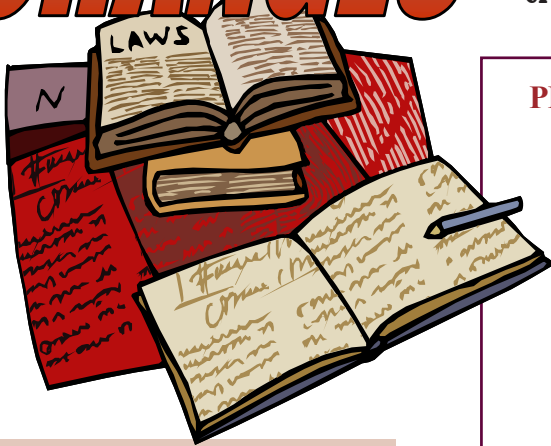
Rooker Report

June 2005

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CHANGES



From a sweeping overhaul of Order of Protection laws to procedural alterations in the state trial courts, the civil judicial system is undergoing some fine tuning.

PROTECTION LAW GOES BEYOND 'RELATIONSHIP'

Beginning July 1, victims of stalking or sexual assault may file for an order of protection regardless of their relationship to an offender. And the matter of who can seek a protection order will no longer be limited to alleged victims of domestic abuse.

Those were among major changes enacted by the current session of the General Assembly in an effort to strengthen judicial remedy in matters of violence.

Synopses of the protection bills are listed below.

Medical Record Subpoenas Get Response Notice

Subpoenas for medical records to be used in state civil trial courts have taken on an addition.

Since June 1, the subpoenas have included a notice giving counsel for the patient a seven-day window to object to the request and file a protective order.

The notice, which also reflects compliance with the Health Insurance Portability and Accountability Act, was approved by state trial court judges as an amendment to local rules of procedure.

If no objection is made within the seven-day period, medical records must be produced by the time and date specified in the subpoena.

The notice already has been added to subpoenas issued by the Circuit Court Clerk.

1. Violation of an order of protection becomes a "domestic violence offense," making it a Class C misdemeanor rather than a criminal contempt of court violation. This provides for a respondent to be held for 12 hours before being allowed to post bail.

2. Victims of stalking or sexual assault may file for an order of protection regardless of their relationship to an offender. The matter of who can seek a protection order will no longer be limited to alleged victims of domestic abuse.

Under the new law, stalking is referenced as any conduct that causes a victim to be in a state of emotional distress, other than constitutionally protected conduct that serves a legitimate purpose...

The commission of two or more willful, harassing acts against the same victim would constitute stalking and the courts will have the power to impose both punishment and rehabilitative penalties.

The new laws also reach beyond state lines, allowing protective order petitions to be filed in the state where the alleged victim resides and not necessarily in the county where the alleged abuse took place.

3. As a result of the status change in order of protection violations, appeals will be filed in criminal court instead of in circuit court as before. Progressively, such matters then will go to the Court of Criminal Appeals.

Direct Billing Coming In Judicial Commitments

New billing procedures for judicial commitment hearings go into effect July 1. Court appointed attorneys in judicial commitments, conservatorships and emergency committal hearings will be paid directly by the Administrative Office of the Courts.

Heretofore, compensation claims have been filed through the clerk as a part

of their bill of costs and forwarded to the AOC for payment.

The new direct payment procedure requires attorneys to include the order appointing them as counsel.

Claim forms will still be submitted through the clerk and validated by a judge before being forwarded to the AOC for payment.

CHEERS...

Eva McNaney will retire on June 24 after serving almost ten years as a deputy clerk in the Traffic Violations Bureau. She joined the bureau staff on Oct. 16, 1995 following a three-month stint in the Probation Department. Co-workers treated her to a surprise retirement party at the American Legion club a week before her last day on the job.



MCNANEY



HIGGINS

Veteran General Sessions Judge **Bill Higgins** was in Jackson Hole, Wyoming earlier this month attending a national seminar on judicial reasoning, compliments of the State Judicial Institute, which awarded him a scholarship. The seminar, held June 4-9, was designed to help participants sharpen their skills in case analysis and evaluation of legal arguments and to review ethical theory. Higgins is a 25-year veteran of the General Sessions bench, the longest serving judge of that court.

Congratulations to **Molly Travis** of our General Sessions Civil Division office upon her marriage to longtime beau **Chris Martin**. The couple said their vows on June 4 at West End United Methodist Church. The ceremony was followed by a reception at Two Rivers Mansion.

Circuit Court Clerk **Richard Rooker** has announced status changes for two key employees of the General Sessions Civil Division.

Former chief deputy clerk **Margaret Larobardiere** has been named Public Information Director for all departments under Rooker.

The chief deputy position has been assumed by veteran deputy clerk **Karen (Rooker) Brown**.

...TEARS

KATHLEEN ENGLAND, 60, passed away on June 10 at Vanderbilt Hospital. She was the mother of Steve England, husband of Traffic Violations Bureau deputy clerk Monica England.

JULY BIRTHDAYS

BIRTHSTONE: Ruby

Circuit Court Clerk
24 Glenn Balletto

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

Traffic Violations
6 Penny Reed
11 Samantha Robinson
12 Candace Benbow

Warrant Office
1 Steve Rose

Probate Clerk
None

Free Credit Reports Available Under New Federal Law

This month, Tennessee and 10 other Southeast states were embraced by a new federal law that gives consumers the right to get a copy of their credit report from each of the three main credit-reporting firms each year.

There are three ways to get your free credit report. In each case, you will need to provide some personal verifying information, including your Social Security number and current address.

Here are the three ways:

INTERNET--Visit www.annualcreditreport.com and fill out the online request form.

PHONE--Call 1-877-322-8228.

MAIL--From the web site www.annualcreditreport.com, print out a request form and mail to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, Ga. 30348-05281.

THE CREDIT AGENCIES:

- ◆ Equifax
1-800-685-1111
www.equifax.com
- ◆ Experian
1-800-397-3742
www.experian.com
- ◆ TransUnion
1-800-916-8800
www.transunion.com

For questions about the law, contact the Federal Trade Commission at 1-877-382-4357 or www.ftc.gov.

Personal Property Levies Now Require Indemnity

The Davidson County Sheriff's Department is now requiring attorneys for judgment creditors to sign an indemnity bond on all levies of personal property.

The new rule places responsibility on attorneys for anything that might happen to the property during the levy or sale of such property.

The bond forms are available through the Circuit and General Sessions Civil Division clerk's offices and bear the language:

"We, the Attorney for the Judgment Creditor and Surety, indemnify the Sheriff of Metropolitan Nashville and Davidson County, Tennessee, and all the Sheriff's Deputies, and all and every person aiding the Sheriff in the premises, from harm, loss, damages, costs, suits, judgments and executions, that may at any time arise or brought against the Sheriff or any of them for the levy or sale, and that we shall pay any judgment that may be obtained against the Sheriff or any of them by virtue of the levy or sale."

Offices Will be Closed On Independence Day

All judicial offices will be closed on Monday, July 4 in celebration of Independence Day. Regular business hours will resume on Tuesday, July 5.

MAY JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of May 2

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
01C-1109	CONDEMNATION	5TH		D-\$504,000			
02C-1199	AUTO ACCIDENT	2ND		DEFENDANT			

Week of 16

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-151	MEDICAL MALPRACTICE	5TH		\$16.4 MILLION			
04C-457	BATTERY	6TH		DEFENDANT			

Week of 23

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-1992	MEDICAL MALPRACTICE	2ND		DEFENDANT			
01C-115	MEDICAL MALPRACTICE*	5TH		\$1.5 MILLION			

*--WAIVED JURY

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
02C-1260	AUTO ACCIDENT/ST*	3RD	\$300,000	\$39,000			

*--WAIVED JURY

NON-JURY TRIAL RESULTS

Week of May 9

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-2125	CONTRACT	1ST	PLAINTIFF			
03C-2860	WORKERS COMPENSATION	5TH	7%-PPD, 17.5% Voc			
03C-3428	GSA/CONTRACT	6TH	\$3,500		P-\$4,475	DEFENDANT
03C-2334	GSA/CONTRACT	1ST	PENDING		P-\$1,500	DEFENDANT
03C-2559	GSA/DETAINDER	5TH	\$16,240		P-\$16,481	DEFENDANT

Even More Courtroom Funnies

Q. Doctor, did you say he was shot in the woods?

A. No, I said he was shot in the lumbar region.

Q. Are you married?

A. No, I'm divorced.

Q. And what did your husband do before you divorced him?

A. A lot of things I didn't know about.

Q. Doctor, how many autopsies have you performed on dead people?

A. All my autopsies have been performed on dead people.

Q. Could you see him from where you were standing?

A. I could see his head.

Q. And where was his head?

A. Just above his shoulders.

Q. Do you drink when you're on duty?

A. I don't drink when I'm on duty, unless I come on duty drunk.

Q. The truth of the matter is that you were not an unbiased, objective witness, isn't it. You too were shot in the fracas?

A. No, sir. I was shot midway between the fracas and the navel.

Q. Did he pick the dog up by the ears?
A. No.

Q. What was he doing with the dog's ears?

A. Picking them up in the air.

Q. Where was the dog at this time?

A. Attached to the ears.

Q. Did you tell your lawyer that your husband had offered you indignities?

A. He didn't offer me nothing; he just said I could have the furniture.

Attorney: What was the first thing your husband said to you when he woke that morning?

Witness: He said, "Where am I Carla?"

Attorney: And why did that upset you?

Witness: My name is Kathy.

AUTO ACCIDENTS

2005 CASE ANALYSES

PLAINTIFFS 17
DEFENDANTS 8

RATIO: PLAINTIFFS 2-1

PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY '05	4	4	0	2	2	0
FEBRUARY	6	6	0	4	2	0
MARCH	8	8	0	7	0	1
APRIL	6	4	2	3	3	0
MAY	2	2	0	1	1	0

JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	24,631	7,131-17,500	N/A
FEBRUARY	65,118	1,386-48,000	7,866
MARCH	431,049	5,997-243,500	36,310
APRIL	111,645	1,133-108,262	2,250
MAY	39,000	N/A	N/A

NON-JURY AWARDS

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	N/A	N/A	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	N/A	N/A	N/A
APRIL	2,500	N/A	N/A
MAY	N/A	N/A	N/A

SOFT TISSUE CASES

MONTH	\$TOTALS	DOLLAR RANGE	\$MEAN
JANUARY '05	24,631	7,131-17,500	N/A
FEBRUARY	N/A	N/A	N/A
MARCH	338,232	5,997-243,500	47,158
APRIL	109,395	1,133-108,262	N/A
MAY	39,000	N/A	N/A

GENERAL SESSIONS AUTO CASE APPEALS

MONTH	\$TOTALS	PLAINTIFF	DEFENDANT	NONE
JANUARY '05	N/A	N/A	N/A	N/A
FEBRUARY	17,118	3	0	0
MARCH	0	0	0	0
APRIL	4,750	2	0	0
MAY	N/A	N/A	N/A	N/A

MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
22	16	3	3

CONTRACTS

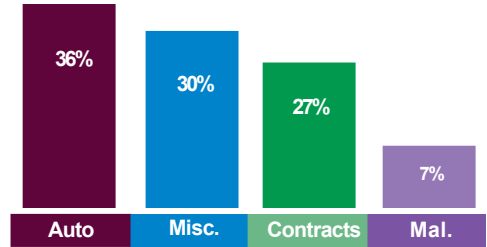
YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
20	13	1	6

May Cash Awards--\$3,500. Year to Date*--\$80,103
*--DOES NOT INCLUDE PENDING CASES.

MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
5	2	3	0

Civil Trials By Class



DATA BANK

Statistics compiled for the month of May

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	264
JURY	136
NON-JURY	128
CIVIL CASES CONCLUDED	222
JURY	122
NON-JURY	100
NEW DIVORCE CASES FILED	232
DIVORCE CASES CONCLUDED	240
DOMESTIC PETITIONS FILED	359
DOMESTIC PETITIONS CONCLUDED	267

General Sessions Civil

NEW CASES FILED	3,720
EXECUTIONS ISSUED	3,394
GARNISHMENT PAYMENTS	3,139
JUDGMENTS COLLECTED	\$621,673
ORDER OF PROTECTION PETITIONS	253

Probate Court

NEW CASES FILED	137
CASES CLOSED	159

Traffic Violations

MOVING CITATIONS	34,799
PARKING VIOLATIONS	6,431
TOTAL FINES COLLECTED	\$446,792
NULLIFICATIONS	4,135
NULLIFICATION FEES COLLECTED	\$49,620

Rooker Report

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