

Rooker Report

November 2005

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Advance Payment Coverage to be Uniform Statewide

New 'Flat Fee' Filing Coming in January

Effective January 1, litigants who file civil lawsuits in Tennessee will be required to cover the costs of their pleadings in lump sum payment.

It's called "flat fee" coverage for anticipated pleadings of various types of cases while eliminating most intermediate clerk's fee payments during the life of court proceedings.

The new law was enacted by the state legislature, which established the fees on a statewide basis for uniformity.

Because filing fees will almost exclusively be paid in advance by litigants, representing

New Fee Schedule Inside
For your convenience, a breakdown on new civil filing fees is provided as an insert in this publication. The new fee schedule will go into effect on January 1.

attorneys will no longer be required to sign as surety on the costs.

The blanket fee coverage does not include charges for service of process, which must be paid separately in accordance with existing process fee schedules.

The applicable fee amounts vary according to the type of case being filed. For example, civil cases in state trial courts are broken down into four major categories with each one requiring a different fee amount.

A complete breakdown on costs can be found inside this publication in the form of a separate insert.

Additionally, the new fee schedule can be obtained from each clerk's office and on the Circuit Court Clerk's website at www.nashville.gov/circuit.



Venerable Probate Clerk Ruth Lester

'Miss Ruth' Toasted For Probate Service

She is affectionately known as "Miss Ruth" and she has been answering to it for 32 years while compiling one of the longest careers in the county's court system.

That, claims attorney Anne Lowery Russell, makes Ruth Lester the "queen" of probate court, which she has served almost exclusively since becoming a deputy clerk on November 1, 1973.

By pure coincidence, she joined the work force on her 46th birthday. So when her 32nd service anniversary rolled around this year, it provided an opportunity for friends and co-workers to express a double dose of appreciation, not the least of which was her 78th birthday.

Judges, attorneys and other courthouse patrons converged on the probate clerk's office to share their well wishes to the little lady who has befriended and assisted them

See MISS RUTH, Page 2

TOURING THE GENERAL SESSIONS WEBSITE

No matter your area of concern, if it has anything to do with General Sessions Court, you can find it on the court's recently launched website.

Simply type www.gscourt.nashville.gov in your internet address box and open the door to a world of information and services provided by the diversified 11-member tribunal.

For starters, you might want to check out the history of the court--when it was originated and its jurisdictional limits. You might want to know the names of all judges who have served on the court since its inception in 1937. You'll find it there.

Pictures and profiles of each current judge can be found as well.

Not only does the website equip you with knowledge about the court's operations (check out the downloadable annual report--a comprehensive overview of all phases of the court's services from the previous year in full color), it provides tools that will prepare you for your day in court.

Chances are, you might save a trip to the courthouse. Many legal forms are available for both civil and criminal cases



with a click of the mouse. Select the one(s) applicable to your particular case and download to your printer. This will save you time when you file your paperwork with the clerk.

Later, when your case has been given a trial date, return to the website and click on Docket Information for access to your docket assignment. Here, you will view the actual docket, including the position of your case, the judge who will be presiding and a listing of principal parties, including the names of attorneys for both sides.

It is important that you know what will be expected of you inside the courtroom. Give a quick advance read to Court Rules and learn about guidelines such as proper attire and demeanor requirements. The rules could vary for civil and criminal cases.

See SESSIONS WEBSITE, Page 3

CHEERS...

Children who relocated to Middle Tennessee as a result of hurricane devastation in Louisiana and other points along the Gulf Coast got a \$6,000 donation from a benefit concert earlier this month.

Under the leadership of **Brenda Osborne**, a deputy clerk in the General Sessions Civil Division office, a sellout crowd converged on the Old Hickory Country Club in support of evacuees and to be entertained by a variety of musical performers.

The event was labeled "**Standing After the Storm**" and included performances by **Dawn Martin-Gorham** (General Sessions Civil Division) and the Traffic Violations Bureau's **Antonio Lanier** and **Denise Beverly**, who sang with the **Seay-Hubbard Choir**. Chief Deputy Clerk **Karen Brown** also was on hand with husband **Feller Brown**, who conducted a live auction to help raise funds.

The evening's hosts were **Davis Nolen**, meteorologist for Channel 2 News, and **Lulu and Trish** of radio's 102.5 "**The Party**."

About 20 evacuees from New Orleans were in attendance.

Congratulations to **Kevin Stanfield** and wife **Heather** upon the birth of a daughter on October 25. **Ainsley Eden Stanfield**, who weighed 7-pounds, 12 ounces and measured 23 inches in length, was born at Vanderbilt Hospital. She is the Stanfield's second child. Son **Lincoln** is now two years old. Kevin is a deputy clerk assigned to Fourth Circuit Court.

Wedding bells sounded last month for **Bethany Dyer**, a deputy clerk in the Traffic Violations Bureau. Bethany, granddaughter of retired deputy circuit court clerk **Louise Dyer**, tied the knot on October 29 with **Tim Hulan** following a four-year courtship. Vows were exchanged at the Dalewood Baptist Church.

In our October newsletter, we reported that **Leon Ruben** would celebrate his 25th anniversary on the General Sessions Court bench next September. Actually, Judge Ruben's anniversary will come on January 26. We apologize for the error and extend our congratulations to the judge for his many years of service to the legal community.

...TEARS

V. MICHAEL FOX, 57, a founding member of the National DUI Defense, passed away on Thanksgiving Day at his home following an apparent heart attack. He was known locally as "DUI Mike."

REV. DANIEL THOMAS KING, JR., 52, father of deputy probate court clerk Tommy King, passed away on November 21 following a courageous battle with cancer. A native of Flint, Michigan, he was minister of the Cross of Life Lutheran Church in Antioch where services were held. He is survived by his wife Lisa, a daughter and one other son.

LEWIS DRAKE, brother of deputy probate clerk Ruth Lester, passed away on October 30 following an extended illness.

DECEMBER BIRTHDAYS

BIRTHSTONE: BLUE TOPAZ/TURQUOISE

Circuit Court Clerk

4 Becky Dye
15 Kiesha Bass

Probate Clerk

29 Tom Brown

General Sessions Civil

2 Denise Dill
25 Marie Anderson
27 Brenda Osborne

Traffic Violations

3 Chance Rainey
18 Tammy Sampson
29 Pat Nichols
Lori Davis

Warrant Office

11 Connie Murff
27 Joseph Day

'Miss Ruth' Toasted For 32 Years Service on Her 78th Birthday

(From Page 1)

longer than anyone else.

Attorney Russell paid special tribute in prose by penning the following poem, titled:

"Tribute to the Queen of Probate"

*We celebrate on this special day,
With candles, cake and what we say,
We honor a lady gracious in every way,
Much homage is due her and we're here to pay.*

*Thirty-two years of estates to administer.
Good, bad and ugly--some even sinister.
Miss Ruth as our guide; upon whom we rely.
Much advice she has rendered, closed files do not lie.*

*A Tennessee woman; from Carthage she hails.
The whole country knew her; but she tells no tales.
The famous and infamous, she knew them all.
The Gores, Smiths, and Jones, the country was small.*

*One handsome man she knew since a lad,
Her brother's best friend, small world, t'was my dad.
For rural Tennessee roots is a strength to the core,
Miss Ruth's grace and kindness is so very much more.*

*Lucky for us, she became Queen of Probate,
None pass through the process, unless through her gate.
Better than Rule 60, she's a lawyer's best friend,
Do your pleadings with dignity, if upon Miss Ruth you depend.*

*So, here's to Ruth Lester, about whom we all care,
In a room full of lawyers, such agreement is rare,
We toast you, we love you, and today we do cheer,
For a friend, and a mentor; but mostly a dear.*

HAPPY BIRTHDAY

Rooker Report

Published by the Davidson County Circuit Court Clerk's Office

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Internet @ 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

Department Mailing Addresses

Circuit Court Clerk
523 Mainstream Drive
PO Box 196303
Nashville, TN 37219-6303

General Sessions Civil
501 Great Circle Road
PO Box 196304
Nashville, TN 37219-6304

Probate Court Clerk
601 Mainstream Drive
PO Box 196300
Nashville, TN 37219-6300

Traffic Violations Bureau
501 Great Circle Road
PO Box 196302
Nashville, TN 37219-6302



ADA Coordinator, Margaret Larobardiere (862-5204)

OCTOBER JURY TRIALS

APPEALS

GENERAL SESSIONS

Week of October 3

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-152	TRAFFIC TICKET	6TH		P-\$100			
04C-2610	HIT & RUN	2ND		\$22,527			
03C-1642	WRONGFUL TERMINATION	6TH		DIRECTED VERDICT			

Week of October 10

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
00C-1558	MEDICAL MALPRACTICE	2ND		DEFENDANT			
04C-3760	LEASE CONVERSION	6TH		CD-\$1,606			

NON-JURY TRIAL RESULTS

APPEALS

GENERAL SESSIONS

Week of October 31

CIRCUIT COURT

CASE	TYPE	COURT	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-408	INJURY	1ST	DEFENDANT			
04C-3684	DAMAGES	1ST	\$15,053			
05C-2186	GSA/CONTRACT	2ND	\$800		P-\$825	DEFENDANT
05C-335	GSA/CONTRACT	2ND	\$3,424		P-\$3,212	DEFENDANT
93C-292	CONTEMPT PETITION	1ST	\$46,020			
04C-3534	DAMAGES	3RD	\$135,000			
02C-3164	GSA/LEASE	1ST	PENDING		P-\$3,050	DEFENDANT
05C-2396	GSA/CONTRACT	2ND	DEFENDANT		DEFENDANT	PLAINTIFF



Passing the Gavel

Sixth Circuit Court Judge Tom Brothers (right) passes the framed gavel of presiding judge to his successor, Seventh Circuit Court Judge Randy Kennedy, in recent ceremonies. Kennedy assumed the state trial courts position in September. Brothers served as presiding judge for an unprecedented four terms and did not seek the position this year. The presiding judge is responsible for coordinating the operations of the county's 18 state trial courts, including the eight divisions of Circuit Court, the six divisions of Criminal Court and the four divisions of Chancery Court.

TOURING THE GENERAL SESSIONS WEBSITE

(From Page 1)

Soon, traffic violators who are eligible for enrollment in the county's driving classes will be able to use the website as an alternative to physical presence in the classroom.

A preview of the new online services can be found on the site, explaining the following services that will be available during the upcoming year:

- ◆ Point-of Sale system that will allow students to prepay for traffic classes, handle e-commerce (credit/debit card) payments, and improve the traffic school accounting system. This will reduce registration time and ensure that students are in their assigned class.

- ◆ Implementation of an "on-line" traffic school course for both the two-hour First Offender Class(FOT) and the four-hour DDC4 class through the National Safety Council. Once an individual is approved for class, he/she will be able to pre-pay in the office as they come out of court or use their mail-in form. Once approved, the student can go on-line and complete traffic school in their home, office or any place of

convenience. Additionally, the Traffic School does not receive credit for students attending out-of-county/state at this time but the ON-LINE program will allow students from other locale to complete this school rather than transferring to another location.

- ◆ The implementation of an "Attitudinal Dynamics of Driving (ADD-8) Class" providing specific education to those drivers convicted of aggressive driving in Davidson County.

- ◆ The implementation of a "Mature Drivers Class" for drivers 65 years of age and over who have been found guilty of a moving violation in Davidson County.

For more serious traffic offenses, the website offers a total overview of the court's DUI and Safety School.

Interesting information about the court's probation program and specialty dockets for mental health, drug treatment and environmental codes is included in the massive coverage on the site.

Directional maps to the court's temporary locations in the Metro Center and photos of the new Justice A.A. Birch Building also are available.

AUTO ACCIDENTS

CASE ANALYSES

PLAINTIFFS 25
DEFENDANTS 15

RATIO: PLAINTIFFS 1.6-1

PERIODICAL OVERVIEW

	TOTALS	JURY	NON-JURY	PLAINTIFF	DEFENDANT	NONE
JANUARY-MARCH	18	18	0	13	4	1
APRIL-JUNE	12	8	4	6	6	0
JULY	4	2	2	1	3	0
AUGUST	6	6	0	5	1	0
SEPTEMBER	1	0	1	0	1	0
OCTOBER	0	0	0	0	0	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
JUNE	7,504	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	543,627	1,072-330,000	7,085
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	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
JUNE	6,800	N/A	N/A
JULY	5,000	N/A	N/A
AUGUST	N/A	N/A	N/A
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	N/A	N/A

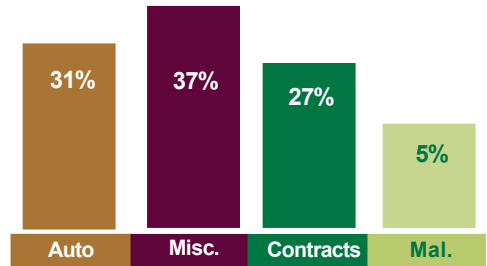
SOFT TISSUE CASES

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
JUNE	7,504	N/A	N/A
JULY	N/A	N/A	N/A
AUGUST	330,000	N/A	N/A
SEPTEMBER	N/A	N/A	N/A
OCTOBER	N/A	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
JUNE	6,800	1	0	0
JULY	5,000	1	1	0
AUGUST	1,072	1	0	0
SEPTEMBER	N/A	0	1	0
OCTOBER	N/A	N/A	N/A	N/A

Civil Trials By Class



DATA BANK

Statistics compiled for the month of October

CASE INFORMATION

Circuit Court

NEW CIVIL CASES FILED	236
JURY	107
NON-JURY	129
CIVIL CASES CONCLUDED	221
JURY	145
NON-JURY	76
NEW DIVORCE CASES FILED	192
DIVORCE CASES CONCLUDED	232
DOMESTIC PETITIONS FILED	380
DOMESTIC PETITIONS CONCLUDED	288

General Sessions Civil

NEW CASES FILED	4,241
EXECUTIONS ISSUED	3,389
GARNISHMENT PAYMENTS	3,540
JUDGMENTS COLLECTED	\$649,914
ORDER OF PROTECTION PETITIONS	266

*--DENOTES RECORD.

Probate Court

NEW CASES FILED	155
CASES CLOSED	168

Traffic Violations

MOVING CITATIONS	34,499
PARKING VIOLATIONS	5,332
TOTAL FINES COLLECTED	\$543,914
NULLIFICATIONS	4,119
NULLIFICATION FEES COLLECTED	\$49,428

MISCELLANEOUS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
50	33	11	6

CONTRACTS

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
39	28	3	8

October Cash Awards--\$4,224. Year to Date--\$235,954

MEDICAL MALPRACTICE

YTD	PLAINTIFFS	DEFENDANTS	NO VERDICT
7	2	5	0

New Court Clerk Fees – Circuit, General Sessions and Juvenile Courts (Effective January 1, 2006)

Unless otherwise specified by statute, fees in civil cases should be paid in advance.

CIRCUIT COURT CIVIL CASES

(Service of Process fees not included)

Category One Cases \$267.50

Contracts, torts, personal injury, property damage, malpractice, wrongful death, employment discrimination, civil rights suits, tax disputes, special remedies and cases not otherwise specified.

Category Two Cases \$192.50

Workers comp cases (bond may be used); appeals to circuit from general sessions, city courts and other courts or hearings; writs of mandamus; condemnation/inverse condemnation; and quo warranto actions.

Category Three Cases \$142.50

Adoptions, legitimations, paternity cases, termination of parental rights and other domestic relations matters not otherwise designated, restoration of citizenship, name changes, minor settlements, enforcement of foreign judgments, and orders of protection (fees not required in advance), cross-filings and counter-complaints.

Category Four Cases \$117.50

New child support enforcement and interstate cases.

Petitions (on existing case) \$75.00

Modification of parenting plan, civil contempt, petition for contempt/petition to modify

Divorce (with minor children) \$242.50

Divorce (without minor children) \$167.50

PROBATE COURT

(Service of Process fees not included)

Estates (except small estates) \$267.50

For claim against estates \$11.00

For exception to claim \$42.00

For small estate affidavit \$78.50

Guardianship or Conservatorship \$202.50

Interim settlements or accountings \$40.00

Removal of disabilities \$142.50

Legitimation, name change \$142.50

Mental health cases \$50.00

Requests not otherwise provided for \$18.00

Orders not otherwise provided for \$12.00

Issuing process other than initial process \$6.00

Filing documents not otherwise provided for \$7.00

GENERAL SESSIONS COURT

(Service of Process fees included for Davidson County Sheriff)

Filings With One Defendant:

Civil Warrant, Detainer Warrant and

Warrant to Recover \$87.75

Each additional Defendant \$20.00

Immediate Possession \$107.75

Sue and Attach \$127.75

Each additional Defendant \$20.00

Counter-Claim \$64.00

MISCELLANEOUS OTHER CHARGES AND FEES

Advanced Service of Process Fee

Davidson County Sheriff advanced fees (per defendant/witness, etc.)

 *Circuit and Probate (Summons and Subpoenas) \$7.00

 Foreign Court Subpoena \$22.00

 Out of County Sheriff (payable to the Out of County Sheriff) \$22.00

 Commissioner of Insurance (payable to the Commissioner of Insurance) \$15.00

 Secretary of State (payable to the Secretary of State) \$20.00

Post Judgment Requests \$25.00

Applies to each requested garnishment, execution, levy, post judgment interrogatory, publication request, motions to set installment payments, and post judgment orders and pleas.

Subpoenas (Clerk Fee) \$6.00

Continuances (taxed at end of case) \$7.00

Copies \$0.50/page

Mailing (certified or registered mail) actual costs

Certification and Seal \$5.00

Receiving Funds on Confirmation of Private Sale \$40.00

Expungements \$100.00

Preparing a Record on Appeal from Circuit Court to an Appellate Court \$300.00

Third Party Complaints Same fee as original complaint

*Upon successful service of process by the Davidson County Sheriff, the additional Sheriff fee will be billed at the conclusion of the case.