

Rooker Report

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New law applies to all 55 and older decedents, regardless of insurance enrollment

TennCare Release Required in Estate Closings

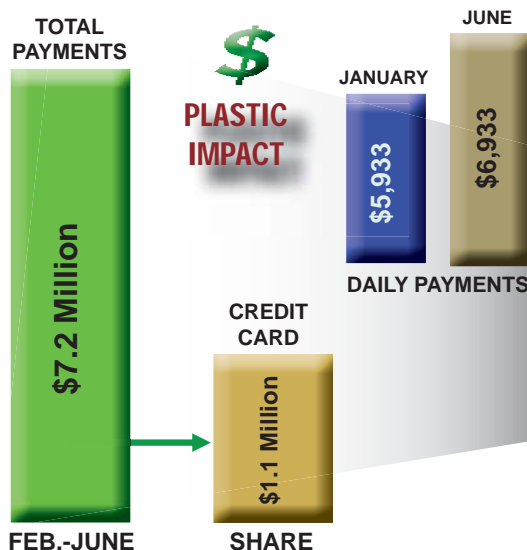
Changes in the estate recovery law (see T.C.A. § 71-5-116) which took effect on January 1 now make it mandatory for all estates to obtain a release from the Bureau of TennCare before an estate can be closed in the Probate Court if the deceased person was age 55 or older at the time of death.

Prior to the change, a release from TennCare was only required if the deceased was age 55 or over and enrolled in TennCare at the time of death. Formerly, if the decedent was age 55 or older but not enrolled in TennCare at the time of death, the Probate Court would allow the personal representative to close the estate by simply filing a sworn statement verifying that the person was not enrolled in TennCare.

Now, however, the law makes it mandatory for all estates of those 55 or older to obtain a release regardless of whether the deceased was ever enrolled in TennCare. Thus, a written statement from the personal representative is no longer sufficient in those cases.

The change comes as the state continues to refine its efforts to recover reimbursement from estates for benefits paid through the Medicaid portion of TennCare for long term care assistance in nursing homes. Although not widely known, if TennCare pays the nursing home bill for someone, federal law requires that the state try to recover that money from the person's estate after they die

See TENNCARE, Page 3



Notice for Circuit and Probate Appeal Filings

In an effort to utilize our resources to their greatest potential since returning to the Historic Courthouse, Deanna Alexander, the deputy clerk who works on all appeals for the Circuit and Probate Court Clerks' Offices, is now located in the Probate Clerk's Office.

The change became effective on July 16.

All notices of appeal and appeal filings for both Circuit and Probate Courts should be filed in the Probate Clerk's Office -- Room 303 in the Historic Courthouse.

In addition, you should call the Probate Clerk's Office at 615-862-5980 for assistance regarding all Circuit and Probate appeals.

Payments Top \$1 Million in First 5 Months

The convenience of paying traffic tickets online has drawn a responsive chord from the county's motoring public, many of whom are finding the new service an immediate remedy to outstanding penalties and threats to their driving privileges.

Since launching the online service in late January, the Traffic Violations Bureau has reported a sharp increase in the number of online payments, which topped the \$1 million dollar mark in June.

The popularity of the new service is evidenced by a 68 percent increase in the number of tickets paid online daily, rising from an average of 54 a day in February to 91 per day in a July interim audit. As of mid-July, credit card transactions accounted for about 15 percent of the bureau's total receipts.

Thirty-five percent of the payments were received from drivers whose fines were past due and had been turned over to the warrant office for collection.

Credit card conveyances are limited exclusively to the Circuit Court Clerk's web site and are not accepted as counter transactions.

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Cheers...

It's baby makes six for General Sessions Civil Division Deputy Clerk **Dawn Gorham** and hubby **Tee Gorham**, a Nashville attorney.

Dawn gave birth to **Chase Patrick Gorham** on June 25, bringing the couple's children count to an even half dozen (three boys and three girls.) The newest addition measured 20 inches in length with a weight distribution of 8 pounds, 6 ounces.

Congratulations to our modern-day "Brady Bunch" couple.

Wedding bells rang on June 23 for Traffic Violations Bureau Deputy Clerk **Candace Benbow**, who became Mrs. **Tim Watkins** in ceremonies at the Dearly Beloved Wedding Chapel. General Sessions Judge **Gale Robinson** presided over the wedding, attended by close friends and family members. The groom is a technician with Metro emergency operations.

Tears...

RUSSELL RAY, 85, father of Circuit deputy archives clerk Tim Ray, passed away on June 29. He was a resident of Brentwood and was well known for his photography and square dancing.

WILLIE WORDLAW, JR., grandfather of Eighth Circuit Court administrative assistant Ronnell Griffin, passed away on July 2.

EUNICE MARIE MARTIN, grandmother of Fifth Circuit Court administrative assistant Kelli Olin, passed away on July 3.

SUSAN TATE, 62, mother of General Sessions Civil Division Deputy Clerk Samantha Hutton, passed away on July 13. Four other children and 11 grandchildren survive.

BELATEDLY, we acknowledge the passing of Edward Chauvin, former chief clerk of the Traffic Violations Bureau, who lost his fight with cancer in May. Mr. Chauvin passed away in Houma, Louisiana where he resided.

**DON'T FORGET TO VOTE
IN GENERAL ELECTION
THURSDAY, AUGUST 2**



Retiring General Sessions Civil Division Deputy Clerk Brenda Osborne shares a moment with Circuit Court Clerk Richard Rooker during a reception in her honor.

Brenda Osborne Says Hello to Retirement

After nearly 20 years of service as a member of the Circuit Court Clerk's staff, Brenda Osborne chose Friday the 13th to end her public service career.

But only nice things happened as co-workers, friends and family toasted her at a retirement luncheon in the Jury Assembly Room at the Justice A. A. Birch Building on a hot July afternoon.

Just two months shy of reaching the 20-year service mark, Osborne ended her career in the General Sessions Civil Division Office where she served as a deputy clerk for all but three years when she filled an assignment in the Probate Court Clerk's Office.

Osborne's co-workers presented her with gifts during a pre-luncheon office gathering attended by Circuit Court Clerk Richard Rooker, who expressed his appreciation for her many years of devoted service.

Osborne said her only specific plan for her retirement years was to spend quality time with her mother.

June Trial Verdicts

Jury

Week of June 18

CIRCUIT COURT

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-3778	TRESPASSING/DOG ATTACK	5		\$26,680	(P-28/D-72)		

Week of June 25

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-2547	GSA/AUTO ACCIDENT	1		\$2,500		P-\$10,000	DEFENDANT

Soft Tissue

Week of June 25

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-2611	AUTO ACCIDENT/ST	6	\$200,000	\$31,046			

Non-Jury

Week of June 4

CIRCUIT COURT

GENERAL SESSIONS

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-2214	NEGLIGENCE	1		DEFENDANT			
07C-281	GSA/CONTRACT	5		\$2,400		P-\$2,400	DEFENDANT
07C-57	DEBT	5		\$51,192			
07C-933	TRAFFIC APPEAL	2		\$20.00			
07C-190	GSA/DAMAGES	2		\$14,069		DISMISSED	PLAINTIFF
06C-3297	GSA/DEBT	5		DISMISSED		DISMISSED	PLAINTIFF
05C-3096	WORKERS COMPENSATION	5		\$19,559			
06C-3206	GSA/DETAINER	1		DEFENDANT		P-\$900	DEFENDANT
07C-404	TRAFFIC	1		DISMISSED			

TennCare & Probate

(From Page 1)

unless a statutory exemption applies.

In addition, the estate recovery law now requires personal representatives to notify the Bureau of TennCare, within 60 days of the issuance of letters of administration or letters testamentary, of the death of any individual age 55 or older. The personal representative must then file an affidavit with the clerk confirming that notice has been given to TennCare.

Finally, although the mandatory requirement for a TennCare release only applies to estates wherein the deceased was age 55 or older, any estate may request a release from TennCare, and it may be advisable to do so if the deceased was under age 55 and owned any interest in real estate at the time of death.

To assist those handling estates, the state's form for requesting a release from TennCare can be obtained at our web site at www.nashville.gov/circuit/probate or can be obtained over the counter in the clerk's office.

FINES ON LINE New Method for Motorists

(From Page 1)

"The online credit card service provides a perfect opportunity to those drivers who are financially challenged and find themselves in the position of losing their licenses or having their wages attached," said Circuit Court Clerk Richard Rooker, who has administrative authority over the Traffic Violations Bureau. "By providing this service to our customers, we are offering them an opportunity to satisfy their obligation to the government and stretch out their payments over a period of time, which can be easier for them to manage."

"The most important thing," Rooker continued, "is that they eliminate the risk of losing their driving privileges and jeopardizing their ability to earn a living."

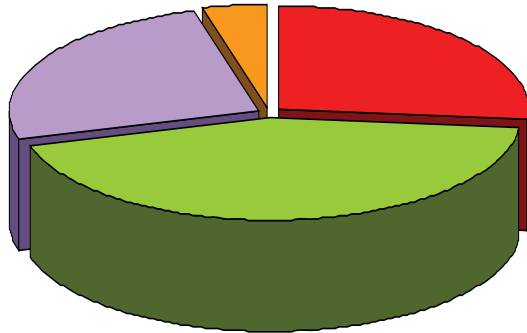
Moreover, the biggest advantage of the on-line service is the convenience of promptly keying the payment information into your computer and not forgetting to put it in the mail or having to go to court.

It's the modern way of doing business and is growing in acceptance within various governmental departments. Earlier this month, the General Sessions Court Traffic School expanded its online class enrollment program to include credit card fee payments and completing certain class courses--all in the pleasant surroundings of home or office.

Traffic School Director John Slate noted that only applicants who qualify for first offender and/or the four-hour defensive driving class are eligible to take the courses online. All others must attend classroom sessions.



Civil Trial Overview By Class



Miscellaneous	48%
Auto	25%
Contracts	23%
Medical Malpractice	4%



DATA BANK

June, 2007

CASE INFORMATION

Circuit Court

New Civil Cases Filed.....	174
Jury	88
Non-Jury	86
Civil Cases Concluded.....	262
Jury	171
Non-Jury	91
New Divorce Cases Filed.....	189
Divorce Cases Concluded	209
Domestic Petitions Filed.....	273
Domestic Petitions Concluded.....	279

General Sessions Civil

New Cases Filed	4,171
Executions Issued	3,786
Garnishment Payments	4,066
Judgments Collected	\$820,051
Orders of Protection Petitions	169

Probate Court

New Cases Filed	155
Cases Closed	140

Traffic Violations

Moving Citations.....	14,386
Total Violations	21,803
Parking Violations	5,978
Total Fines Collected.....	\$502,288
Nullifications	3,624
Nullification Fees Collected.....	\$43,485
Environmental Citations	633

CASE ANALYSES

GENRE	JUNE	YTD
AUTO ACCIDENTS	2	21
•PLAINTIFF VERDICTS	2	18
•DEFENDANT VERDICTS	0	2
•NONE	0	1
CONTRACTS	1	19
•PLAINTIFF VERDICTS	1	16
•DEFENDANT VERDICTS	0	1
•NONE	0	2
TOTAL AWARDS	\$2,400	\$119,244
MEDICAL MALPRACTICE	0	3
•PLAINTIFF VERDICTS	0	0
•DEFENDANT VERDICTS	0	2
•MISTRIALS	0	1
MISCELLANEOUS	9	40
•PLAINTIFF VERDICTS	5	21
•DEFENDANT VERDICTS	4	11
•NONE	0	8

Auto Accident Cases

	JUNE	YTD
JURY TRIALS	2	17
NON-JURY TRIALS	0	4
PLAINTIFF VERDICTS	2	18
DEFENDANT VERDICTS	0	2
NONE	0	1
HIGHEST JUDGMENT	\$31,046	\$80,000
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	JUNE	YTD
JURY TRIALS	1	6
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	0	5
DEFENDANT VERDICTS	0	0
PENDING	0	0
HIGHEST JUDGMENT	\$31,046	\$80,000

General Sessions Auto Appeals

	JUNE	YTD
PLAINTIFF VERDICTS	1	3
DEFENDANT VERDICTS	0	1
NONE	0	0

Rooker Report

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(Circuit Court Clerk, 1968-1993)

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If you have a disability and require assistance, please contact 862-5204