

# Rooker Report

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## New Procedure May Shorten Slow-Pay Process

Litigants seeking to satisfy General Sessions civil judgments through a slow-pay installment plan will soon be potential beneficiaries of a new procedure designed to reduce or eliminate an additional court appearance.

Effective April 1, the dynamics of effecting a slow-pay agreement in General Sessions Court can be achieved in the clerk's office with consent from the complaining party, thereby bringing resolution without a hearing in court, as now required.

### How New Procedure Will Work

- The defendant must appear at the clerk's office and prepare a motion asking for a slow-pay arrangement.
- Once the motion has been completed, and before the defendant leaves the office, the clerk will phone either the plaintiff or the plaintiff's attorney with information about the proposed payment amount.
- If the plaintiff is not in agreement, the case will proceed to a court hearing for resolution.
- If the plaintiff is in agreement with the proposed payment amount, a date is established by the plaintiff for the payments to begin.
- The clerk enters the slow-pay motion into the computer system and prepares a "stay" order to present to the defendant before leaving the office.
- The clerk takes the agreement to Court for a Judge's signature.
- A copy of the signed slow-pay motion/order is then mailed to both parties.

Under current rules, slow-pay motions are automatically set for hearing and terms are hashed out before a judge.

"The new procedure not only will help reduce the court case loads, it will bring about speedy resolution for both sides," said Circuit Court Clerk Richard Rooker. "This should especially be receptive to plaintiffs and their attorneys, who currently are not included in pre-court payment negotiations."

### Russell Perkins Gets Chancery Nod

## Governor Names Joe Binkley Jr. To Fill Circuit Court Vacancy

Gov. Phil Bredesen has named Nashville Attorney Joe P. Binkley Jr. to the Fifth Circuit Court, replacing Judge Walter Kurtz, who retired this month to become a senior judge.

At the same time, the governor appointed Russell Perkins of Whites Creek to fill a vacancy on the Davidson County Chancery Court. He will replace Richard Dinkins, who earlier was elevated to the Court of Appeals.

Both appointments are effective until the next general election in August when voters will decide who will serve out the remaining six years of the two eight-year terms.

Binkley, a Nashville native, is a son of the late Joe P. Binkley Sr., a prominent criminal attorney, and brother of Michael Binkley, also an attorney. He has been a solo practitioner for 38 years, following graduation from Vanderbilt Law School.

Perkins joined the Tennessee Attorney General's Office in 1994 and has spent the last two years as Deputy Attorney General of the Tobacco Enforcement Division.

"I am confident that Joe Binkley and Russell Perkins will serve with distinction as they fill these two important posts," said Bredesen. "I appreciate the experience and skill each brings to their respective appointments."

## February Trial Verdicts

### Jury

### CIRCUIT COURT

### Appeals

### GENERAL SESSIONS

#### Week of February 11

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
03C-3356	PERSONAL INJURY	2		\$8,000			

#### Week of February 25

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-719	GSA/CONTRACT	1		\$5,850		P-\$6,742	DEFENDANT
07C-3541	GSA/AUTO ACCIDENT	2		\$3,902		P-\$7,695	DEFENDANT

### Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
06C-1832	AUTO ACCIDENT/ST	6	\$150,000	\$13,001			
06C-1420	AUTO ACCIDENT/ST	6	\$30,000	\$15,000			

## Cheers...

Congratulations to Deputy Probate Court Clerk **Tommy King** and wife **Kim** upon the birth of their first child. **Davis Tyler King** arrived on March 10 at Summitt Medical Center, about two weeks before the due date. He came in at 6 pounds, 5 ounces and measured 19 inches in length.

Congratulations as well to **Pat Nichols** of the Traffic Violations Bureau, who became a grandmother on March 26. Her daughter **Ashley Vaden** named her new son **Jonathan Randolph Vaden III**. He weighed 6 pounds, 8.5 ounces and measured 20 inches in length.

**Karin Kelly**, a deputy clerk in our General Sessions Civil Division for the past four years, has resigned to open her own private law practice. She will specialize in family law as a Rule 31 Listed Family Mediator and also will maintain a general practice in both civil and criminal law. Her office will be located in the same building as Attorneys **Jack Byrd**, **Ray Akers** and **Stephanie Grey** at 1161 Murfreesboro Road.

## ...Tears

**MICHAEL MALLORY**, brother of deputy Circuit Court Clerk Karen Mallory, passed away in Nashville on February 27.

**EARL BEVERLY**, 70, father-in-law of Traffic Violations Bureau employee Denise Beverly, passed away on February 26.

**DEBBIE FITZGERALD**, 54, sister of Will Cripps, a court officer in Eighth Circuit Court and a former employee of the Probate Court Clerk's Office and the Traffic Warrant Office, passed away on March 3.

**MARIE READY CAPPS**, mother of Davidson County Chancellor Claudia Bonnyman, passed away in early March in Morristown where she resided. She was the widow of Paul Capps, a Donelson attorney.

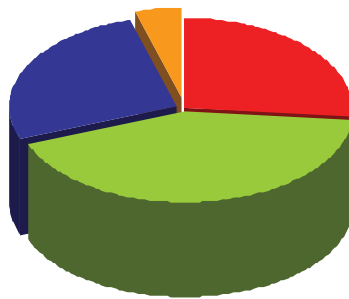
**WILLIAM (BILL) MCHUGH**, 83, longtime Nashville attorney, passed away on March 7.

**CARLENE STOEHR**, who retired from the Traffic Violations Bureau in 2002 after 14 years of service, passed away this month.

**JEAN FUSON ROBINSON**, 74, mother of Nashville Attorney Worrick G. Robinson IV, passed away on March 5.

**RON DAVIS**, 62, longtime Williamson County District Attorney General and a former Metro police officer, passed away on March 15 following a long battle with cancer.

## Civil Trial Recap By Class



Miscellaneous ..... 66%  
 Auto ..... 17%  
 Contracts ..... 1%  
 Medical Malpractice ..... 0%



## DATA BANK February 2008

### Case Information

#### Circuit Court

New Civil Cases Filed.....	179
Jury .....	80
Non-Jury.....	99
Civil Cases Concluded.....	189
Jury .....	122
Non-Jury .....	67
New Divorce Cases Filed .....	228
Divorce Cases Concluded.....	202
Domestic Petitions Filed .....	205
Domestic Petitions Concluded .....	201

#### General Sessions Civil

New Cases Filed.....	3,827
Executions Issued .....	3,785
Garnishment Payments.....	4,108
Judgments Collected.....	\$884,366
Orders of Protection Petitions.....	127

#### Probate Court

New Cases Filed.....	184
Cases Closed .....	156

#### Traffic Violations

Moving Citations .....	10,780
Total Violations.....	16,206
Parking Violations.....	5,137
Total Fines Collected .....	\$699,254
Nullifications .....	2,784
Nullification Fees Collected .....	\$33,402
Environmental Citations.....	252
*Credit Card Payments .....	3,389

\*--Online and phone payments combined

## In April...

An in-depth interview with newly appointed Fifth Circuit Court Judge Joe P. Binkley Jr. and an introduction to Russell Perkins, the governor's choice to fill a vacancy on the Chancery Court.

## Case Analyses

GENRE	FEBRUARY	YTD
<b>AUTO ACCIDENTS</b>	3	4
PLAINTIFF VERDICTS	3	4
DEFENDANT VERDICTS	0	0
NONE	0	0
<b>CONTRACTS</b>	1	4
PLAINTIFF VERDICTS	1	1
DEFENDANT VERDICTS	0	3
NONE	0	0
TOTAL AWARDS	\$5,850	\$24,050
<b>MEDICAL MALPRACTICE</b>	0	0
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	0	0
MISTRIALS	0	0
<b>MISCELLANEOUS</b>	1	16
PLAINTIFF VERDICTS	1	10
DEFENDANT VERDICTS	0	5
NONE	0	1

### Auto Accident Cases

	FEBRUARY	YTD
JURY TRIALS	3	4
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	3	4
DEFENDANT VERDICTS	0	0
NONE	0	0
HIGHEST JUDGMENT	\$15,000	\$15,000
AVERAGE JUDGMENT	\$13,001	N/A

### Soft Tissue Auto Cases

	FEBRUARY	YTD
JURY TRIALS	2	3
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	2	3
DEFENDANT VERDICTS	0	0

### General Sessions Auto Appeals

	FEBRUARY	YTD
PLAINTIFF VERDICTS	1	1
DEFENDANT VERDICTS	0	0
NONE	0	0

## Rooker Report

Published by the Davidson County  
 Circuit Court Clerk's Office  
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 Established by George L. Rooker (1929-1993)  
 (Circuit Court Clerk, 1968-1993)

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