

Rooker Report

June 2008

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New Requirement Coming for Medical Malpractice Claims

Beginning October 1, persons filing medical malpractice claims must first notify each health care provider of impending litigation involving their services.

Written notice of potential claims will be required 60 days prior to filing of the complaint and must be accompanied by a listing of all health providers to whom the notice is being sent.

If notice is given as provided in the new section, applicable statutes of

limitations and repose will be extended up to a period of 90 days. The court has the discretion to excuse compliance with the section only for extraordinary cause shown.

The new requirement is located in Public Chapter No. 919 relating to T.C.A. 29-26-121 and T.C.A. 29-26-122.

Plaintiffs will be required to file a Certificate of Good Faith relative to
Please Turn to Back Page

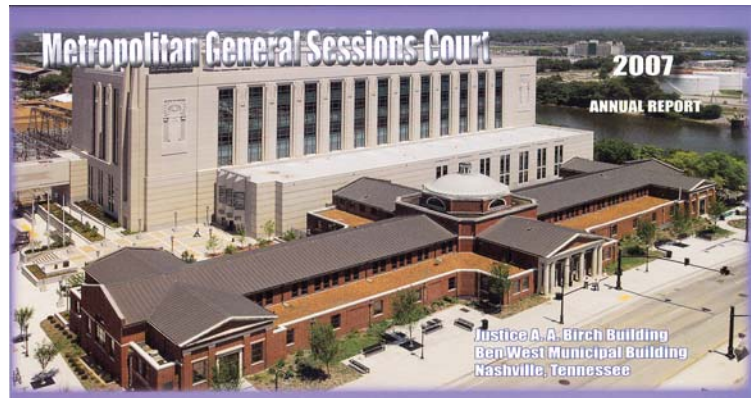
General Sessions Annual Report Magnifies Operations of Court

If you have questions about the operations of General Sessions Court, you will find the answers in the 2007 Annual Report, a complete overview of the Court's multifaceted activities.

The full-color report, posted earlier on the Court's internet web site, is now available to the general public in printed form at each of the General Sessions Clerk's Offices in the Justice A. A. Birch Building. While there is no charge for the brochure, supplies are limited.

The report features statistical breakdowns of each phase of the Court's business in both criminal and civil law, including the number of new cases filed in each area. It also offers detailed features on each of the Court's specialty courts and the services they provide.

Individual photographs of the eleven judges making up the court, along with their mailing addresses and office phone numbers are



included in the report, along with pictures and contact information for Night Court Commissioners and the Court's Administrative Staff.

Fittingly, the cover incorporates both the Ben West Building and the Justice A. A. Birch Building, which house all of the Court's operations.

May Trial Verdicts

Jury

Week of May 12

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-3946	PERSONAL INJURY	2		\$37,500	(P-50/D-50)		
05C-2506	CONTRACT	6		P-DIRECTED			

Week of May 19

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
*04C-3465	DAMAGES	6		\$100,000			
05C-2414	AUTO ACCIDENT	6		DEFENDANT			
04C-1624	AUTO ACCIDENT	1		DEFENDANT			
07C-3622	TRAFFIC	6		P-DIRECTED			

*--JURY WAIVED

Soft Tissue

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
05C-3539	AUTO ACCIDENT/ST	2	\$100,000	DEFENDANT			

Non-Jury

Week of May 5

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
04C-942	AUTO ACCIDENT	1		\$25,149			
07C-1217	AUTO ACCIDENT	1		UNDER ADVISEMENT			
06C-3216	TRAFFIC	1		DEFENDANT			
07C-3212	GSA/CONTRACT	5		\$4,069		P-\$6,013	DEFENDANT
07C-3538	GSA/CONTRACT	5		DEFENDANT		P-\$5,000	DEFENDANT
07C-3536	FRAUD	2		\$45,000			

Appeals

GENERAL SESSIONS

CIRCUIT COURT

CIRCUIT COURT

New Requirement Coming for Medical Malpractice Claims

(From Front Page)

expert testimony and disclosure of the number of prior violations of the section by the executing party. This certificate must be filed within 90 days from the date the complaint is filed. However, the Court, upon motion, may grant an extension if it is determined that a health care provider who has medical records relevant to the issues in the case has failed to produce medical records upon timely request.

“The failure of a plaintiff to file a Certificate of Good Faith in compliance with this section shall, upon motion, make the action subject to dismissal with prejudice,” according to the new rule, adding:

“The failure of a defendant to file a Certificate of Good Faith in compliance with this section alleging the fault of a non-party shall, upon motion, make such allegations subject to being stricken with prejudice unless the plaintiff consents to waive compliance with this section. If such allegations are stricken, no defendant, except for a defendant who complied with the provisions of this section, can assert, and neither shall the judge nor jury, consider the fault, if any, of those identified by such allegations.”

The Administrative Office of the Courts will develop a Certificate of Good Faith form to effectuate the purposes of this section.

...Tears

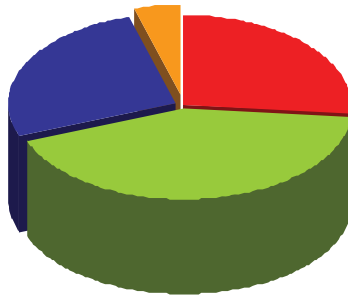
MARTHA BOWMAN BARNARD, 85, mother of Traffic Violations Bureau Deputy Clerk Billye Barnard, passed away on May 31 following an extended illness. She was a native of the Riddleton Community.

FRANK P. LASHLEE, 70, who served five terms in the State House of Representatives and influenced the rise of a generation of Tennessee lawmakers, died at his home in Brentwood on June 18. He was the brother of former Metro Councilman and Criminal Court Clerk John Lashlee, who preceded him in death last November.

Offices Closed Friday, July 4 For Independence Day

All departments of the Circuit Court Clerk's Office will be closed on Friday, July 4, in observance of Independence Day. Regular operating hours will resume on Monday, July 7.

Civil Trial Recap By Class



Miscellaneous	49%
Auto	29%
Contracts	19%
Medical Malpractice	3%



DATA BANK

May 2008

Case Information

Circuit Court

New Civil Cases Filed	217
Jury	90
Non-Jury	127
Civil Cases Concluded	198
Jury	123
Non-Jury	75
New Divorce Cases Filed	222
Divorce Cases Concluded	187
Domestic Petitions Filed	203
Domestic Petitions Concluded	175

General Sessions Civil

New Cases Filed	4,620
Executions Issued	4,156
Garnishment Payments	4,226
Judgments Collected	\$858,494
Orders of Protection Petitions	185

Probate Court

New Cases Filed	186
Cases Closed	154

Traffic Violations

Moving Citations	12,080
Total Violations	17,737
Parking Violations	6,671
Total Fines Collected	\$574,985
Nullifications	2,770
Nullification Fees Collected	\$33,253
Environmental Citations	331
*Credit Card Payments	4,033
*--Online and phone payments combined	



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

Case Analyses

GENRE	MAY	YTD
AUTO ACCIDENTS	5	18
PLAINTIFF VERDICTS	1	12
DEFENDANT VERDICTS	3	5
NONE	1	1
CONTRACTS	3	12
PLAINTIFF VERDICTS	2	7
DEFENDANT VERDICTS	1	5
NONE	0	0
TOTAL AWARDS	\$4,069	*\$98,453
*REPRESENTS ONLY THOSE AMOUNTS DISCLOSED.		
MEDICAL MALPRACTICE	0	2
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	0	1
PENDING	0	1
MISCELLANEOUS	4	30
PLAINTIFF VERDICTS	3	21
DEFENDANT VERDICTS	1	8
NONE	0	1

Auto Accident Cases

	MAY	YTD
JURY TRIALS	3	14
NON-JURY TRIALS	2	4
PLAINTIFF VERDICTS	1	12
DEFENDANT VERDICTS	3	5
NONE	1	1
HIGHEST JUDGMENT	\$25,149	\$66,000
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	MAY	YTD
JURY TRIALS	1	7
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	0	6
DEFENDANT VERDICTS	1	1

General Sessions Auto Appeals

	MAY	YTD
PLAINTIFF VERDICTS	0	5
DEFENDANT VERDICTS	0	1
NONE	0	0

Rooker Report

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