

Rooker Report

October 2008

Published by the Davidson County Circuit Court Clerk's Office

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Shoring Up Courthouse Security

*new privilege tax
adopted to cover
ongoing expenses*

**COST OF LITIGATION
TO RISE \$15 PER CASE
STARTING IN JANUARY**

(STORY ON BACK PAGE)



INSIDE

'good faith' forms readied for medical malpractice cases

Cheers...

Cindy Milligan, a deputy clerk in the General Sessions Civil Division, has a new last name following her wedding on October 7. Informally, she now answers to **Cindy Curtis**, thanks to new hubby **Dennis R. Curtis**, a local businessman and real estate investor. The couple, who were introduced by a mutual friend two years ago, repeated vows in a private ceremony at the Franklin Road United Methodist Church with Pastor **Isiah Hughes** officiating. Then it was off to the Virgin Islands for a brief honeymoon before returning to the work-a-day world.

...Tears

ALBERT LUCIEN DALE, 77, long-time Nashville attorney, passed away on October 13. Survivors include his wife, one son and one daughter.

PAULETTE WATSON, 60, mother-in-law of Circuit Court Information Technology Specialist Randall Ladd, passed away on September 19 in Hendersonville.

HARRY "BOOGIE" BANIZZA, 65, a long-time and well known retired employee of Metro Government, passed away on September 27.

REMINDERS:

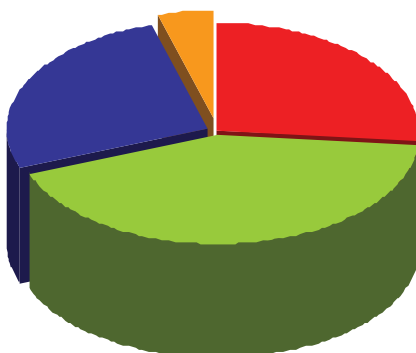
Election Day is Nov. 4-VOTE



Time Rolls Back on Nov. 2

It's "fall back" time again. Set your clocks back one hour before retiring Saturday Night, Nov. 1. The "dark" time officially begins at 2 a.m. Sunday and ends next spring.

Civil Trial Recap By Class



Miscellaneous.....61%
 Auto.....21%
 Contracts.....15%
 Medical Malpractice.....3%



DATA BANK

September 2008

Case Information

Circuit Court

New Civil Cases Filed.....	225
Jury.....	124
Non-Jury.....	101
Civil Cases Concluded.....	197
Jury.....	123
Non-Jury.....	74
New Divorce Cases Filed.....	178
Divorce Cases Concluded.....	172
Domestic Petitions Filed.....	314
Domestic Petitions Concluded.....	212

General Sessions Civil

New Cases Filed.....	4,713
Executions Issued.....	3,625
Garnishment Payments.....	4,530
Judgments Collected.....	\$900,238
Orders of Protection Petitions.....	206

Probate Court

New Cases Filed.....	163
Cases Closed.....	175

Traffic Violations

Moving Citations.....	12,985
Total Violations.....	18,698
Parking Violations.....	6,522
Total Fines Collected.....	\$597,124
Nullifications.....	2,049
Nullification Fees Collected.....	\$24,589
Environmental Citations.....	682
*Credit Card Payments.....	4,798

*--Online and phone payments combined

Case Analyses

GENRE	SEPTEMBER	YTD
AUTO ACCIDENTS	2	23
PLAINTIFF VERDICTS	1	15
DEFENDANT VERDICTS	1	7
NONE	0	1
CONTRACTS	0	17
PLAINTIFF VERDICTS	0	11
DEFENDANT VERDICTS	0	6
NONE	0	0
TOTAL AWARDS	NONE	*\$201,872
*REPRESENTS ONLY THOSE AMOUNTS DISCLOSED.		
MEDICAL MALPRACTICE	1	3
PLAINTIFF VERDICTS	0	0
DEFENDANT VERDICTS	1	2
PENDING	0	1
MISCELLANEOUS	13	68
PLAINTIFF VERDICTS	10	52
DEFENDANT VERDICTS	1	13
NONE	2	3

Auto Accident Cases

	SEPTEMBER	YTD
JURY TRIALS	0	17
NON-JURY TRIALS	2	6
PLAINTIFF VERDICTS	1	15
DEFENDANT VERDICTS	1	7
NONE	0	1
HIGHEST JUDGMENT	\$32,000	\$66,000
AVERAGE JUDGMENT	N/A	N/A

Soft Tissue Auto Cases

	SEPTEMBER	YTD
JURY TRIALS	0	8
NON-JURY TRIALS	0	0
PLAINTIFF VERDICTS	0	6
DEFENDANT VERDICTS	0	2

General Sessions Auto Appeals

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

Rooker Report

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 Established by George L. Rooker (1929-1993)
 (Circuit Court Clerk, 1968-1993)

Richard R. Rooker..... Circuit Court Clerk
 Gene Baker..... Editor



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

Medical Malpractice

New Procedures Adopted for Trying Cases

Changes to Tennessee's medical malpractice laws that went into effect on October 1 include a requirement that plaintiffs complete and file a "Certificate of Good Faith" with the court within 90 days after a case is commenced.

Additionally, defendants are now required to file a similar certification if comparative fault is asserted as a defense to the action against them.

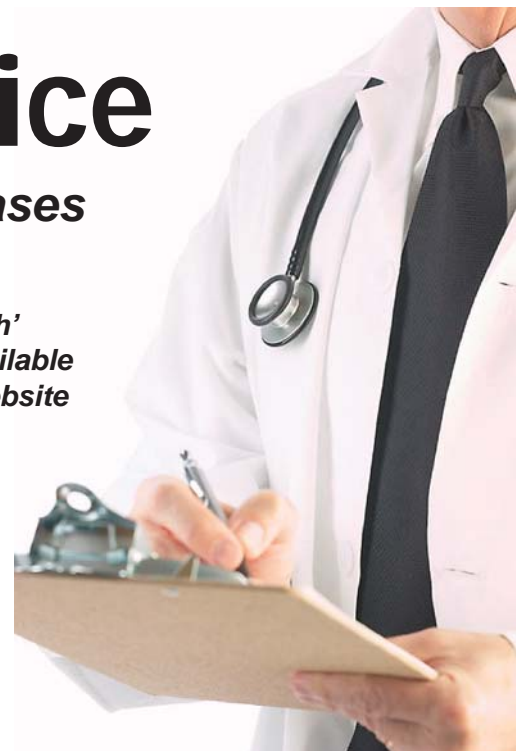
The official forms for both plaintiffs and defendants are now available on the Circuit Court Clerk's website at www.nashville.gov/circuit and can be completed on your computer screen and downloaded to your printer.

The new procedures require that a person asserting a "potential claim" for medical malpractice give 60-day prior written notice to each health care provider whom he or she intends to sue. A list of all health care providers must be included in the written notice.

The statute reads that..."If a complaint is filed in any court alleging a claim for medical malpractice, the pleadings shall state whether each party has complied (with the provision) and shall provide such evidence thereof as the court may require to determine if the provisions...have been met." The court has discretion to excuse compliance only for extraordinary cause shown.

The new law also states that if proper notice is given, applicable statutes of limitations and repose will be extended up to 90 days for all parties.

**'Good Faith'
Forms Available
On Our Website**



PUBLIC CHAPTER NO. 919

SENATE BILL NO. 2001

"All parties in an action covered by this section shall be entitled to obtain complete copies of the claimant's medical records from any other party," the statute reads, adding that the medical records must be provided within 30 days from the date of receiving a written request.

An overview and analysis of the new laws can be found on the Tennessee Supreme Court's website, accessible from our home page.

September Trial Verdicts

Jury

Week of September 8

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
06C-2272	MEDICAL MALPRACTICE	1		DEFENDANT			

Non-Jury

Week of September 22

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
07C-28	AUTO ACCIDENT	1		D-\$5,734			
07C-2994	WORKERS COMPENSATION	5		UNDER ADVISEMENT			
06C-2006	AUTO ACCIDENT	1		\$32,000			
04C-2963	PERSONAL INJURY	6		\$854			
07C-3269	GSA/DAMAGES	5		\$7,431		P-\$7,431	DEFENDANT
07C-2731	GSA/TRAFFIC	2		PLAINTIFF		PLAINTIFF	DEFENDANT
04C-2217	WORKERS COMPENSATION	2		\$1,200			
04C-3139	DAMAGES	5		\$35,697			
06C-3301	SLIP/FALL	1		\$3,500			
08C-1109	GSA/DOG ATTACK	5		\$5,504		P-\$5,504	DEFENDANT
05C-2865	WORKERS COMPENSATION	5		DEFENDANT			
08C-420	GSA/DETAINER	2		\$3,798		P-POSSESSION	PLAINTIFF
07C-3395	DAMAGES	5		P-AMOUNT PENDING			
08C-608	GSA/DOG BITE	5		UNDER ADVISEMENT		PLAINTIFF	DEFENDANT

Appeals

GENERAL SESSIONS

CIRCUIT COURT

New Lit Tax Levy Earmarked For Courthouse Security

First of 3 reports

Starting next year, the cost of litigation in Davidson County's courts will increase by \$15 for each new filing.

It's the result of a resolution passed this month by the Metro Council designed to provide more funding for courthouse security.

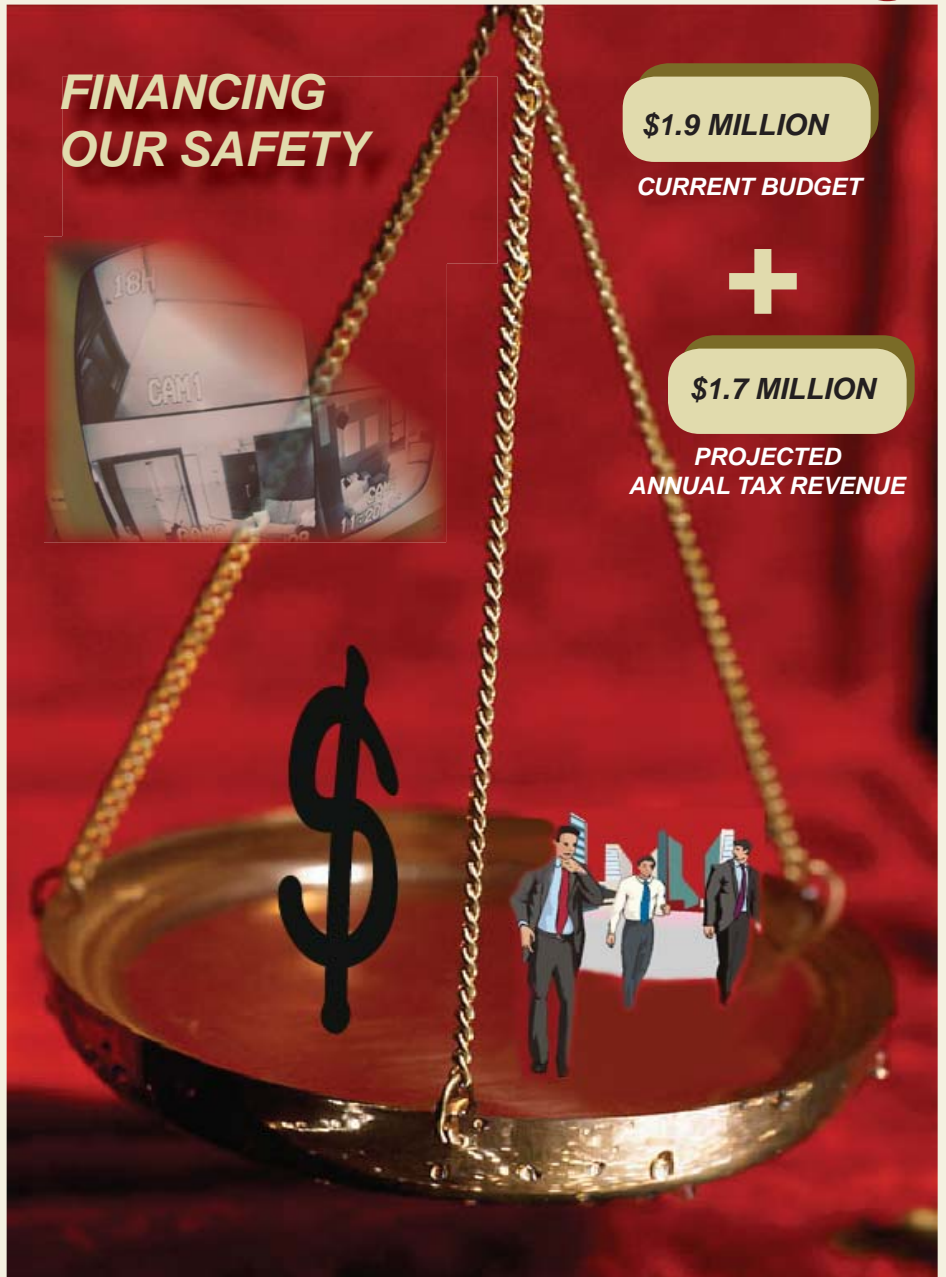
Supporters of the new revenue-producing privilege tax expect to raise an estimated \$1.7 million annually to help cover a plethora of anticipated expenses not adequately covered in the entity's current \$1.9 million appropriated budget.

The new lit tax applies to both criminal and civil cases with collections going to the Metro General Fund for the exclusive use of court security in the Criminal Justice Center, Ben West Building, Juvenile Justice Center, Justice A. A. Birch Building and the Historic Courthouse.

"Basically, the privilege tax can be used to fund 'ongoing' expenses, which include security personnel as well as equipment or facility needs," said Councilman Jim Forkum, who sponsored the resolution.

Although the new tax is officially considered a "temporary" solution and could be abrogated when it becomes no longer necessary, Forkum hesitated to project the life span of the tax since the security overhead is ongoing in addition to unforeseen future growth needs.

Jail, workhouse and courthouse construction, reconstruction, upgrading and renovation projects are under the umbrella of the adopted resolution.



THE 2009 TAX COST FOR CIVIL LITIGATION BY COURT

CIRCUIT COURT	\$57.50	PROBATE COURT	\$57.50
TRAFFIC APPEALS	\$57.50	GENERAL SESSIONS	\$38.75
TRAFFIC (MOVING VIOLATIONS)	\$52.50	ENVIRONMENTAL COURT	\$38.75

Cost totals include county and state taxes

The chart at right provides an overview of tax costs applicable to civil cases in Circuit Court, Probate Court, General Sessions and Traffic Violations, effective on January 1, 2009.