



ROOKER

FEBRUARY 2012

REPORT

A MONTHLY PUBLICATION OF THE DAVIDSON COUNTY, TENNESSEE CIRCUIT COURT CLERK'S OFFICE

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Quote of the Month

HISTORIC METRO COURTHOUSE HOSTS DAVIDSON COUNTY HIGH SCHOOL MOCK TRIAL COMPETITION

MONTGOMERY BELL ACADEMY WINS DISTRICT CHAMPIONSHIP



Pictured here are the members of the winning Red Team from Montgomery Bell Academy

The 32nd Annual Davidson County Mock Trial Competition, sponsored by the Young Lawyers Division of the Nashville Bar Association, was held on February 17th and 18th in various courtrooms at the historic Metro Courthouse. Sixteen teams from eleven Davidson County high schools competed in the two-day competition. The event included more than 200 local attorneys who volunteered their time and expertise to judge and score the competition. Among those who served as volunteer judges were Chancellor Carol McCoy and Circuit Court Judge Amanda McClendon.

Winning first place in the 2012 District Championship was Montgomery Bell Academy's Red Team. Harpeth Hall's Silver Team took second place. Both teams were thus qualified to move on to the state competition.

Lawyer2Lawyer Mentor/Protégé Program Takes Off

A new mentoring program, sponsored by the Nashville Bar Association and dubbed "Lawyer2Lawyer," has launched. Lawyer2Lawyer Mentors must be a NBA member in good standing; practiced law for more than 15 years; consult on legal topics that constitute 50% or more of your practice; and carry professional liability insurance. Lawyer2Lawyer Protégés must be a NBA member in good standing and have practiced law for 7 or fewer years. To participate, contact the Nashville Bar Association.

COMING IN THE NEXT ISSUE

A Profile of New Third Circuit Court Judge Phillip Robinson

Coverage of Retirement Reception for Judge Barbara Haynes

Mourning the Death of Retired Chancellor Irvin H. Kilcrease, Jr.

CIRCUIT COURT TRIAL VERDICTS

FEBRUARY 2012

JURY TRIALS

**IF CASE WAS
APPEALED FROM
GENERAL SESSIONS**

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of February 6					
08C-2317	HEALTH CARE LIABILITY	6	COMPROMISE/SETTLEMENT (AFTER JURY SEATED & OPENING STATEMENTS)	N/A	
09C-4057	PERSONAL INJURY	1	DIRECTED VERDICT FOR DEFENDANT	N/A	
Week of February 13					
08C-2355	HEALTH CARE LIABILITY	2	MISTRIAL ON 2-16-12	N/A	
09C-4231	HEALTH CARE LIABILITY	6	DEFENDANT VERDICT	N/A	

NON-JURY TRIALS

CASE	TYPE	COURT	CIRCUIT JUDGMENT	GEN. SESSIONS JUDGMENT	APPELLANT
Week of February 27					
11C-2132	LEASE (G.S. TRANSFER)	6	DEFAULT JUDGMENT GRANTED	N/A	
11C-843	WORKERS' COMP	6	EMPLOYEE 51% PPD / COSTS TO D	N/A	
11C-2049	CONTRACT / DEBT	1	PLAINTIFF \$20,981 FOR BONUS	N/A	
11C-3750	SWORN ACCOUNT	5	PLAINTIFF \$7,363 BY DEFAULT	P - \$7,028	DEFENDANT
10C-1369	ASSAULT	8	PLAINTIFF \$12,426 + COSTS	N/A	
11C-4073	DETAINER	6	DEFENDANT / DISMISSED (COSTS TO P)	P - POSSESSION	DEFENDANT
11C-2421	CONTRACT / DEBT	6	DEFENDANT \$1 NOMINAL DAMAGES	P - \$8,550	DEFENDANT
10C-1381	BREACH OF CONTRACT	1	PLAINTIFF \$3,000 (+ \$1,000 ATTY FEES)	N/A	
11C-3573	DETAINER	2	PLAINTIFF \$15,323 + COSTS	P - POSSESSION	DEFENDANT

SPECIALLY SET TRIALS (JURY & NON-JURY)

CASE	TYPE	COURT	CIRCUIT JUDGMENT	DATE OF TRIAL	JURY OR NON-JURY
09C-4341	AUTOMOBILE	5	PLAINTIFF \$15,800	2-8-12	NON-JURY
10C-728	BREACH OF CONTRACT	5	PLAINTIFF \$36,600	2-22-12	NON-JURY

**USE CASLINK TO ACCESS MORE DETAILED INFORMATION
ABOUT THESE CASES AND THOUSANDS MORE**

DEPARTMENTS BY THE NUMBER

February 2012

CIRCUIT COURT

	FEB	YTD
New Civil Cases Filed.....	227	411
Jury Demand.....	103	190
Non-Jury.....	124	221
New Divorce Cases Filed	238	414
Domestic Petitions Filed	279	536
New Adoption Petitions	13	23
Civil Cases Concluded.....	181	441
Jury Demand.....	109	261
Non-Jury	72	180
Divorce Cases Concluded	220	388
Domestic Petitions Concluded	175	326

GENERAL SESSIONS CIVIL

	FEB	YTD
Total New Cases Filed	3,851	8,319
Civil Warrants	2,076	4,254
Detainer Warrants	778	1,963
Recovery Warrants.....	16	36
Pet for Order of Protection.....	251	546
Emergency Committals	590	1,277
Other.....	140	243
Executions Issued.....	4,240	8,370
Garnishment Payments	4,507	9,101
Judgments Collected.....	\$1,021,612	\$1,965,201

PROBATE COURT

	FEB	YTD
Total New Cases Filed	165	332
Total Cases Closed	166	339
Probate Will	66	144
Probate Will for Muniment of Title.....	9	12
Letters of Administration.....	25	41
Small Estate Affidavits.....	26	53
Conservatorship.....	18	34
Guardianship of Minor.....	3	11
Name Change	6	20
Trust Matters.....	4	5
Other Miscellaneous	8	12

TRAFFIC VIOLATIONS BUREAU

	FEB	YTD
Total Traffic Violations	10,195	20,915
Moving Citations	6,690	14,246
Parking Citations.....	3,505	6,669
Environmental Citations.....	259	498
Total Fines Collected	\$519,741	\$929,625
Nullifications.....	847	1,695
Nullification Fees Collected ...	\$10,161	\$20,333
*Credit Card Payments	2,898	5,642

DID YOU KNOW?

LEAP YEAR DOES NOT ALWAYS OCCUR EVERY FOUR YEARS



As we marked February 29th this year, our collective thoughts took note once again of this phenomenon we call leap year which comes along every four years. But did you know that leap year does not always happen every four years? Here's why.

It takes Earth about 365.2422 days to revolve around the sun. So Julius Caesar rounded up to 365.25, or 365¼. Then he added one extra day to the 365-day calendar year every four years, because it took four years for that extra quarter of a day to add up to one full day.

But by rounding, Caesar added about 11 minutes to the calendar year, which really added up eventually. By the time Pope Gregory XIII came along at the end of the 1500s, the calendar year was 12 days ahead of the solar year, which means the beginning of seasons had shifted forward by 12 days. To solve this, Pope Gregory decided to omit the leap year three times every 400 years. So instead of 365 days with a day added every four years, it's really done only 97 times every 400 years. Got that?

Here's the rule to remember. "Centurial" years not divisible by 4 are not leap years. Therefore, 1600 and 2000 were leap years but 1700, 1800, and 1900 were not and 2100, 2200 and 2300 will not be leap years since they are centurial years not divisible by 4.

FEBRUARY 2012



AUTO ACCIDENT

	FEB	YTD
Total Cases Tried	1	5
Plaintiff Verdicts	1	3
Defendant Verdicts	0	2
Other/Under Adv	0	0
Jury Trials	0	3
Non-Jury Trials	1	2
Appeal from G.S.	0	1
Plaintiff Verd.	0	1
Def. Verdict	0	0
Other/None	0	0

CONTRACT

	FEB	YTD
Total Cases Tried	5	9
Plaintiff Verdicts	4	7
Defendant Verdicts	1	2
Other/Under Adv	0	0

HEATH CARE LIABILITY

	FEB	YTD
Total Cases Tried	3	4
Plaintiff Verdicts	1	1
Defendant Verdicts	1	2
Other/Under Adv/Hung	1	1

MISCELLANEOUS

	FEB	YTD
Total Cases Tried	6	15
Plaintiff Verdicts	5	12
Defendant Verdicts	1	3
Other/Under Adv	0	0

TENNESSEE SUPREME COURT SOLICITS COMMENTS ON SIX PROPOSED UNIFORM GENERAL SESSIONS COURT FORMS

In June of 2011, the Tennessee General Sessions Judges Conference in consultation with representatives of the Court Clerks filed a petition with the Tennessee Supreme Court asking the Court to approve 23 uniform civil case forms and declare them universally acceptable and legally sufficient for use in civil cases before the General Sessions Courts in Tennessee.

During the comment period which has followed, the Access to Justice Commission has submitted proposed revisions to 6 of the forms. Those 6 forms, as revised by the ATJ Commission, are:

1. Protected Income and Assets (Affidavit of Claim Exemptions)
2. Request to Make Payments (Motion and Affidavit for Installment Payments)
3. Request Not to Pay Fees for Appeal (Pauper's Oath in Lieu of Appeal Bond)
4. Request to Postpone Filing Fees and Order (Uniform Civil Affidavit of Indigency)
5. Request to Protect Income and Assets (Motion to Quash Garnishment/Execution)
6. Sworn Denial (Sworn Denial on Account)

These proposed revised forms are posted at TNCOURTS.gov, and the Supreme Court is soliciting written comments from judges, lawyers, bar organizations, members of the public and any other interested parties. The deadline for submitting written comments is June 11, 2012, and detailed information about how and where to address comments is also found at TNCOURTS.gov.



QUOTE OF THE MONTH

“To see what is in front of one’s nose needs a constant struggle.”

George Orwell

ROOKER REPORT

Published by the Davidson County
Circuit Court Clerk’s Office
1 Public Square, Suite 302, Nashville, TN 37201
Internet - - circuitclerk.nashville.gov
Established by George L. Rooker (1929-1993)
(Circuit Court Clerk, 1968-1993)

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