

National Conference of Appellate Court Clerks

Secretariat: National Center for State Courts, 1660 Lincoln Street, Suite 200, Denver, Colorado 80203 (303) 892-1261

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NEWSLETTER

April 1977

PRESIDENT'S MESSAGE

Ode to Bill Young

If you're stymied by the case load
Just get out on the high road
And make your plans to be in Idaho;
I doubt that you would rather
Be elsewhere when they gather--
The Clerks have quite a ball, now, don't you know!

If the briefs pile up and you can't crack it
And your present methods don't quite hack it,
You'll find an answer out at Coeur d'Alene;
With workshops, lectures, give and take,
You will find that you can break
The log jam on your desk and still be sane.

We must confess it is edifying
But, in addition, we keep trying
To guarantee a happy time out in the sun;
With mountains, lakes, and well-filled platter
Happy hour, joyful chatter--
You will really have a lot of fun.


Morgan Thomas

NCACC EXECUTIVE COMMITTEE MEETING: SELECTED HIGHLIGHTS

On March 18, 1977, the Executive Committee of NCACC held its Spring board meeting in Atlanta, Georgia. Present were Wilfried Kramer, John Powers, John Parker, Claire Whitaker, Ronald Dzierbicki, Edward Suzuki, Florence Peskoe, Jean Kennett, R. H. Young, and President Morgan Thomas. Also in attendance were Alexander Stevas, Chairman of the Program Committee, Geoffrey Mort, Secretariat Coordinator from the National Center for State Courts and Howard Primer from the American Bar Association. Morgan Thomas called the meeting to order at 9:30 a.m. The main topics discussed were as follows.

Officers & Executive Committee

Left to right, John Powers, Jean Kennett, Edward Suzuki, Morgan Thomas, Bill Young, Florence Peskoe, John Parker, Ronald Dzierbicki, Claire Whitaker and Wil Kramer



Finances

John Parker and Geoffrey Mort submitted the treasurer's report to the committee. They reported a total balance of slightly more than \$7,000 in the treasury of NCACC, and also stated that most of the copies of Wilfried Kramer's book Appellate Court Structure which were printed have been sold.

The discussion then moved into the area of funding sources for the future. It was agreed that the present financial situation was quite stable, but several members emphasized the desirability of developing sources of income other than dues payments. Everyone concurred that this question ought to be explored further; among the suggestions made were writing a manual for clerks with no electronic equipment in their offices and perhaps providing consulting services to new clerks.

Outreach Projects

John Powers, Chairman of the Outreach Committee, presented a list of foundations which have as their stated purpose the assistance of organizations with law-education related goals, and suggested using a regional approach to reach these foundations. Morgan Thomas and others expressed the thought that Outreach is likely to play an increasingly important role in the Conference's future. Howard Primer made the point that NCACC could seek to broaden its scope by participating in an advisory or other capacity in already funded projects, such as those being undertaken by the ABA. This suggestion was well received, and all agreed to pursue greater involvement with ABA committees and programs relating to appellate courts.

Claire Whitaker suggested that the Funding and Outreach Committees be combined. The president agreed and changed the name to the Outreach Funding Committee; John Powers will serve as chairman. The following motion was then made by Wil Kramer and subsequently passed: that the new Outreach Funding Committee be authorized to prepare for consideration at the next annual meeting a list of special educational projects that can be performed by the NCACC if additional funding can be obtained.

Appellate Judges Conference Liaison

R. H. Young reported on the Appellate Judges Conference education committee meeting which he attended on February 12. He indicated that he discussed with the committee the NCACC's concern with the standing of clerks in the judicial system with respect to court administrators and rule making. Mr. Young had expressed our appreciation to the Appellate Judges Conference and had learned from Justice Duke Cameron that the AJC thought exchange representation was mutually beneficial. The committee also discussed whether NCACC should pay dues for our liaison to the AJC to be a member of the ABA Judicial Administration Division. A motion was passed to approve expenditure of current ABA/JAD dues for Bill Young, and to leave the question of dues for future liaisons open.

Annual Meeting Plans

Conference host Bill Young brought the committee up to date on the progress of the annual meeting plans. A block of 100 rooms has been reserved, and the tentative room rates are extremely reasonable (beginning at \$20.50 for singles.) The financial resources available for the conference were reviewed, as were reimbursement procedures for speakers. Also reviewed with respect to the Fourth Annual Meeting were conference materials (vinyl binders will again be provided); the scope and content of the education program (the agenda printed elsewhere in this issue was agreed upon); the planned "technology room" for exhibits of business machines; and the necessity of an advance registration procedure (pre-registration forms will be distributed in May.)

Miscellaneous

John Powers asked that the minutes reflect a commendation to those who worked on and accomplished incorporation. The President reported on a recent conversation with J. O. Sentell, who said he had received encouragement from people in Texas for a regional seminar there. Morgan Thomas established a new committee--the Technology in Appellate Courts Committee--and named Florence Peskoe as chairman with Al Stevas, Hy Gamsco and Morgan Thomas as members. There was also brief discussion on the 1978 recommendations of the site selection committee.

Geoff Mort delivered a report on NCACC's tax exemption status, indicating that the necessary forms would be filed with the IRS prior to the May 15 deadline. Wil Kramer stated that he would like to see the manual he prepared some time ago revised and reproduced, and suggested that a query be made through the newsletter as to what people would be interested in working on revisions.

The meeting ended at approximately 6 p.m.

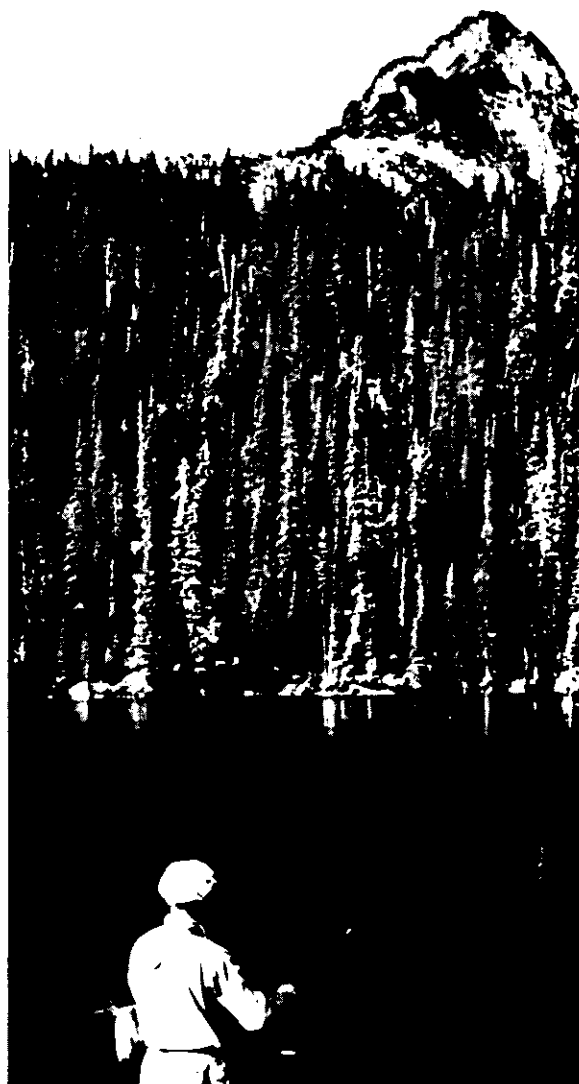
COEUR D' ALENE PREVIEW

The Fourth Annual Conference is only a little more than three months away; for the first time, an annual meeting of the NCACC is to be held in the Pacific Northwest.



Beauty Bay, on Lake Coeur d'Alene

Coeur d'Alene itself sits on the north shore of Lake Coeur d'Alene, a long body of water which in turn lies in the midst of the Northern Rocky Mountains. The attractions in this part of the country are truly extraordinary, and are far too numerous to even mention. The area is basically high forested mountains, dotted with scores of clear, natural lakes. The chamber of commerce describes the region as a "treasure trove of scenic beauty combined with ideal weather"--a claim which could easily be dismissed as hyperbole were there not photographs to document it. The Southern half of Lake Coeur d'Alene lies within the Coeur d'Alene Indian Reservation; numerous state parks are to be found along the lake's many miles of shoreline.



Harrison Lake, in the Selkirk Wilderness near Priest Lake

Rose Hall Studios, Sandpoint, Idaho

The literature on the area seems to emphasize fishing, as well it might, for Northern Idaho is one of the major sports fishing regions in the country. Coeur d'Alene also presents unparalleled opportunities for sightseeing, most particularly Indian reservations, silver and hard-rock mines, old Jesuit missions and of course the mountains and lakes. During the midsummer months the local towns host a series of unique and often fascinating community activities. Priest River stages its annual logger celebration in late July (19-20) and Coeur d'Alene will be hosting both its Scottish Highland Festival and Tattoo and an arts and crafts festival during the conference week, August 1-5. The sports in which one can indulge in the Coeur d'Alene area include water skiing, backpacking, boating, fishing, lake swimming, and horseback riding. Panning for gold and gem and arrowhead hunting are popular as well.

More detailed information on the conference and Coeur d'Alene will be disseminated during the next few months. If you wish further information, please contact R. H. Young, Supreme Court, 451 West State Street, Boise, Idaho 83720 (site information) or Alexander Stevas, D.C. Court of Appeals, 400 F Street, NW, Washington, D.C. 20001 (Program information).

Conference Notes:

We believe the Governor of Idaho will accept our invitation to open the meeting on Monday. Among the members of the Judiciary which we have invited to be on the program are Honorable Charles Donaldson, Vice Chief Justice of Idaho, who will speak to the Conference at lunch on Monday; Honorable James Duke Cameron, Supreme Court of Arizona, and Honorable Sam D. Johnson, Supreme Court of Texas. We have asked Justice Cameron, as Chairman-Elect of the Appellate Judges' Seminar, to welcome the group on Monday morning, and Judge Johnson will speak to us on "a national view of the value of statistical record-keeping and reporting." In addition, we are inviting Assistant Attorney General Daniel J. Meador to be the guest of honor at our Annual Banquet. We have received commitments from Francis E. Dosal, Senior Staff Associate, North Central Regional Office of the National Center for State Courts, an expert in personnel administration; Lynn Jensen, Director of the National Court Statistics Project; and Jay Bailey, the regional representative of the FBI, who will speak to the Conference on improving court security. We will also be utilizing the expertise of many of our own members in the workshops and on various panels.

We also have an excellent social program planned for this year's conference. It will begin Sunday evening (August 31) with a boat cruise on Lake Coeur d'Alene. The following night, a western barbecue at a nearby ranch is planned. On Wednesday we will continue our tradition of an annual banquet preceded by West Publishing Company's reception. Finally, there has been considerable discussion about a fishing expedition on Thursday afternoon.

- Claire Whitaker
Alexander Stevas

TENTATIVE PROGRAM
NCACC ANNUAL MEETING
Coeur d'Alene, Idaho
July 31-August 4, 1977

SUNDAY, JULY 31, 1977

1:00 p.m. Registration
3:00 p.m. Executive Committee Meeting
6:30 p.m. Lake Cruise

MONDAY, AUGUST 1, 1977:

8:30 a.m. Registration
9:30 a.m. Welcoming Remarks
10:00 a.m. Judicial Planning Committee,
Established by Public Law
94-503, approved October,
1976)
11:00 a.m. Workshops

1:30 p.m. Outreach--Educating the Public,
Litigants and Attorneys in the
Appellate Process
7:00 p.m. Western Barbecue

TUESDAY, AUGUST 2, 1977:

8:30 a.m. Annual Meeting
10:00 a.m. The Processing of Appeals---Doing
it by Hand
12:00 noon Buffet Luncheon/Exhibition of
Business Machines to Improve
Operations
1:30 p.m. Statistics (Record Keepings and
Reporting)

WEDNESDAY, AUGUST 3, 1977

8:30 a.m. Status Report on the ABA
Standards Relating to
Appellate Courts
9:00 a.m. Trends in Personnel: Unionism,
Labor Relations, Judicial
Personnel Systems, Grievance
Procedures
10:45 a.m. Security Problems in Appellate
Courts
12:00 noon Demonstration of Security De-
vices (optional)
1:30 p.m. Workshops
6:30 p.m. Reception--West Publishing
Company
7:30 p.m. Annual Banquet

THURSDAY, AUGUST 4, 1977:

9:00 a.m. Summaries of Workshop
Accomplishment by Leaders
10:00 a.m. Critique and Planning Session
12:00 noon Adjournment

FOOTNOTES AND MISCELLANY

Tax-Exemption

NCACC's tax exemption papers will be filed with the Internal Revenue Service during the week of April 25. Approval is expected during May.

Non-Members Newsletter

Beginning next month, NCACC will produce a special Newsletter for appellate court clerks who are not members of this association. The newsletter will come out twice each year, once before and once following the annual meeting. Its basic purpose is to keep open lines of communication with those in the profession who do not belong to NCACC, in the hope that some might wish to become members at some point. The new publication will concentrate almost entirely on association news, and will be put out on a trial basis the first year.

New LEAA Administrator

On April 14, the Washington Post reported that Attorney General Griffin Bell has at last selected a director of the Law Enforcement Assistance Administration, namely one James Hamilton. Mr. Hamilton is a Washington, D.C. attorney who served as chief assistant to Senate Watergate Committee Counsel Sam Dash during the committee's investigation of the Democratic Party Headquarters break-in in 1973. A native of South Carolina, Mr. Hamilton is author of the book The Power to Probe, a study of congressional investigations. The Justice Department has not officially announced Mr. Hamilton's appointment at the time of this writing, though it has admitted that Hamilton is a "leading contender". Mr. Hamilton's name has not been prominently mentioned in speculation about who would be Richard Velde's likely successor.

Budget Cut Possible for LEAA

The House Budget Committee recently came forth with a recommendation that the Law Enforcement Assistance Administration's budget for fiscal 1978 be reduced by \$200 million. Though this action is only a recommendation, it is expected that the House Appropriations Committee (which actually authorizes the funds and is known to be hostile to LEAA) will endorse it. As was the case last year, this will undoubtedly precipitate a floor fight. The fight should center around an amendment by LEAA's supporters to keep the agency's funding authority at its current level of \$753 million. Should the amendment be defeated and the budget cut take effect, LEAA funds going to the states would be cut by one-third or more in fiscal year 1978.

Travel to Coeur d'Alene

The town of Coeur d'Alene is easily accessible by both land and air. US 90, a major east-west interstate, runs through the town; US 15 (north-south) from Salt Lake City intersects with US 90 in Montana, to the east of Coeur d'Alene. Those flying in should plan to arrive at the Spokane, Washington airport. Three major airlines--United, Northwest and Hughes Airwest--serve Spokane with connections to every city in the country.

Reimbursement Procedures

NCACC's expenses at this time are paid from a National Center for State Courts account; each month, NCACC reimburses the National Center from its treasury for all expenses made in our behalf. As a result of discussions at the Atlanta board meeting, a system whereby reimbursement will take place on a quarterly as opposed to monthly basis will be implemented to increase the interest earned by the NCACC savings account. This procedure will begin starting with the second quarter (April 1-June 30) of this year.

THE JOB MART

American Judicature Society - Research Associate or Research Attorney

Seeking Research Associate or Research Attorney for Research Department of American Judicature Society, a non-profit organization devoted to promoting the effective administration of justice. The staff of the Research Department includes both social scientists and lawyers. Its small size, five full-time professional staff members, requires an individual willing to work in a collegial and team setting in planning and executing empirical research projects of a multidisciplinary and applied bent in judicial administration and related areas. J.D or Ph.D. preferred or expected in the near future.

Salary: \$15,000 - \$19,000 depending upon education and experience. Send resume and letters of recommendation to James J. Alfani, Director of Research, American Judicature Society, 200 West Monroe Street, Suite 1606, Chicago, Illinois 60606.

An Equal Opportunity - Affirmative Action Employer

Legal Studies Program - Three Faculty Positions

Sangamon State University - One J.D. or Ph.D. with demonstrated training experience to administer probation training grant from Illinois Law Enforcement Commission and to develop and administer training programs in courts administration and other law-related areas in Legal Studies Center;

also teach a course in Legal Studies Program. One attorney to teach law, supervise clinical education; Illinois license required, University teaching preferred. One attorney to teach law; liberal arts commitment, teaching experience, and Illinois license preferred. Send resumes by May 15, 1977 to Frank Kopecky, Director, Legal Studies Center, Springfield, Illinois 62708. Affirmative action/equal opportunity employer.

If you have questions or need further information, please telephone Kay MacLean, Faculty Assistant, at (217) 786-6682.

Supreme Court of Wisconsin - Executive Secretary

The Supreme Court of Wisconsin has a vacancy effective June 1, 1977 for the position of Executive Secretary of the Wisconsin Judicial Planning Committee established pursuant to the Federal 1976 Crime Control Act. The Executive Secretary will provide professional and administrative staff support for the Committee. Responsibilities include long-range judicial planning, evaluation of projects seeking funding, liaison with various judicial and criminal justice planning groups, conducting or supervising research and planning studies, providing technical assistance to courts, and formulating recommendations concerning all aspects of planning improvements in the judicial system. Qualifications include a bachelor's degree from an accredited college or university, plus five years of experience in court administration. Graduate work in law, public administration, court administration, or a related field may be substituted for up to three years of experience. Starting salary is \$21,552--\$25,488, with a maximum salary of \$28,440. A completed state application form or resume should be submitted by May 1, 1977, to Robert J. Martineau, Executive Officer, Supreme Court, State Capitol, Madison, Wisconsin 53702. The best qualified candidates will be invited to participate in a personal interview.

An Equal Employment Opportunity/Affirmative Action Employer

Denver District Court - District Court Administrator

Duties: This is highly responsible administrative work in directing the administrative activities of the criminal and civil sections of the Denver District Court.

Work involves responsibility for organizing, directing and coordinating, through the use of intermediate supervisors, the activities of a large number of subordinates engaged in processing criminal and civil cases within the jurisdiction of the District Court of the Second Judicial District. Work is performed under the general direction of the Chief Judge of the district court and is reviewed through conferences and reports and on the basis of results obtained.

Education and Experience: Graduation from an accredited four-year college or university with major course work in public administration, business administration or a related field; and thorough experience in an administrative capacity, including considerable experience in court or related administrative or professional work. Salary: \$1798-\$2409. Submit applications to Honorable Joseph N. Lilly, Denver District Court, City-County Bldg., 1437 Bannock Street, Denver, Colorado 80202 by May 13, 1977. The Colorado Judicial System is an Equal Employment Opportunity Employer.

NCACC MEMBERSHIP SURVEY:

SELECTED CORRELATIONS

The following is the last of our four part series on the results of the NCACC membership survey.

Tables 1-5 are based on correlations between responses to different pairs of questions on the NCACC membership survey. The object of this exercise was to discern whether or not there are any patterns underlying the data provided by the respondents in several areas.

Table 1 reflects an attempt to determine if there is any relationship between attorney status and the salary one is able to command in an appellate clerk's position. A glance at the table indicates that this relationship clearly exists. One can only speculate as to why this is the case. It may be that the larger, wealthier states pay the highest salaries, and also insist upon having an attorney in this position; other explanations are equally plausible.

Salary (Annual)
Table 1

Relationship Between Attorney Status
and Annual Salary

Attorney	\$10,000	\$10,000- \$15,000	\$15,000- \$20,000	\$20,000- \$25,000	\$25,000 \$30,000	\$30,000+	Total
Yes	1%	0%	5%	15%	15%	24%	58%
No	1%	5%	19%	7%	7%	0%	42%
Total	2%	5%	22%	22%	22%	24%	100%

N = 67

The second table provides some interesting results. In correlating length of service with annual salary, we find that a full 14% of the sample has served less than ten years as appellate clerks, yet lies in the highest income category (\$30,000+ per annum). On the other hand, 60% of those with more than twenty years service make less than \$25,000 per annum.

Again, several possible interpretations come to mind. It may be that this is a reflection of geography, i.e., those with less than ten years experience earning a salary in excess of \$30,000 are to be found in states with higher overall salary levels. On the other hand, these findings might well represent an upgrading of clerks' positions in the last decade. In other words, the high salaries of clerks hired since 1966 are due not only to the fact that the responsibilities entailed are greater, but to much higher qualifications (perhaps attorney status) demanded of new clerks of appellate courts. Table II speaks to a complex question which belies simplistic explanations.

Salary (Annual)
Table 2

Relationship Between Length of Service
and Annual Salary

Length of Service	\$10,000	\$10,000- \$15,000	\$15,000- \$20,000	\$20,000- \$25,000	\$25,000- \$30,000	\$30,000+	Total
Less than 1 year	1.5%	0%	0%	0%	0%	0%	1.5%
1 - 5	1.5%	2%	8%	6%	6%	6%	29.5%
5 - 10	0%	2%	11%	9%	9%	9%	40.0%
10 - 15	0%	2%	5%	2%	5%	5%	19.0%
15 - 20	0%	0%	2%	0%	0%	3%	5.0%
20+	0%	0%	0%	3%	0%	2%	5.0%
Total	3.0%	6%	26%	20%	20%	25%	100.0%

N = 64

Table 3 compares length of service with intention to remain in one's present position. Surprisingly, 27% of the sample has served less than five years as appellate clerks, yet plans on remaining in that capacity until

retirement. The highest percentages of those indicating that they do not intend to remain in their current positions indefinitely are to be found in 15+ years of service category. If any conclusion can be drawn from this, it may be that a sample of only sixty-six is too small to yield reliable data on a question such as this.

Table 3

Relationship Between Length of Service
and Intention to Remain

Intend to Remain in Position Until Retirement

Length of Service	Yes	No	Total
Less than 1 year	0%	0%	0%
1 - 5	27%	3%	30%
5 - 10	39%	5%	44%
10 - 20	15%	0%	15%
15 - 20	3%	1.5%	4.5%
20+	5%	1.5%	6.5%
Total	89%	11%	100%

N=66

We find from Table 4 that election is a selection method which is apparently nothing but a historical relic. Further, it is a practice which has never been widely used--the great majority of those with over fifteen years service were appointed. Court appointment always has been (at least since 1950) and continues to be the predominate selection method for appellate clerks. Table 5 reveals exactly what one would expect: that in states without intermediate appellate courts, supreme court judges frequently must sit in panels to deal with a higher caseload.

Table 4

Relationship Between Length of Service
and Selection Method

Selection Method

Length of Service	Election	Court Appointment	Gubernatorial Appointment	Other	Total
Less than 1 year	0%	1%	0%	0%	1%
1 - 5	0%	26%	0%	4%	30%
5 - 10	1%	42%	0%	0%	43%
10 - 15	1%	10%	1%	3%	15%
15 - 20	0%	5%	0%	0%	5%
20+	1%	5%	0%	0%	6%
Total	3%	89%	1%	7%	100%

n = 68

Table 5

Relationship Between Existence of Intermediate
Appellate Court and Judges Sitting in Panels
Do Your Judges Sit on Panels?

Intermediate Appellate Court?	Yes	No	Total
Yes	29%	18%	47%
No	35%	18%	53%
Total	64%	36%	100%

N = 66