
The Docket



News of the National Conference of Appellate Court Clerks

Volume 26 Issue 3

April 1998

NCACC SILVER ANNIVERSARY SOCIAL SCHEDULE SHAPING UP

BY: SCOTT CRAMPTON, (OR)

1998 marks a memorable milestone in NCACC history. The 1998 meeting is the 25th, or silver anniversary for our group. We are proud to serve as hosts of this historic conference and are busy putting the final touches on the social calendar. Although all the details have not been finalized, I can offer you a tentative glimpse of the likely events which will await you on your arrival this summer in the picturesque Pacific Northwest.

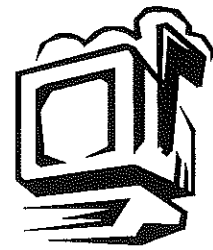
The conference will officially run from Sunday, August 9 through Friday, August 14. The meeting will be held at Skamania Lodge on the north bank of the Columbia River, 45 miles east of Portland Oregon. The lodge is situated in the middle of the Columbia River Gorge Scenic Area, a protected natural resource beyond comparison. The lodge sits on a secluded bluff overlooking the river, with a breathtaking view of snow capped Mount Hood. Built just a few years ago, the lodge is a unique adaptation of rustic luxury, a full service conference center and accommodating small hotel. The perfect site for capturing the natural beauty and wonder of the Oregon experience. The Oregon Tourism Council's motto is "Things look different here." I am sure you will concur with this after a week in the Columbia River Gorge.

The lodge is rather small, thus NCACC will be the primary guest at the facility. We will enjoy the run of the lodge! This includes a magnificent health club, swimming pool, and 18 hole golf course, tennis courts, 185 acres of hiking trails, a library, and plenty of spots for just plain old relaxing in the sunny, humidity free Oregon summers. The hallways are filled with original western artworks and each room is furnished with period furniture and woolens and linens from the Famous Pendleton Mills.

The only downside to Skamania is its popularity. As previously mentioned in earlier articles, rooms are scarce. Our contract, although negotiated three years in advance, provides for limited rooms, particularly on Saturday night, August 8. If you have not already made your reservation you should do so immediately! Skamania telephone number is 1-800-376-9116.

For those of you unable to stay at the lodge on Saturday, I am scrambling to get alternative rooms. I have been in contact with the Best Western Columbia Gorge in Cascade Locks, Oregon, just across the Bridge of the Gods from Skamania and have obtained a block of 10 additional rooms for Saturday night. Their toll free number is 1-800-595-7108. You may want to

(Continued on page 4)



Be sure to visit the new NCACC Web Page

http://www.ncsc.dni.us/ncacc/ncacc.htm

Inside this Issue

Page 3

President's Page

Page 5

1998 Education Program Outlined by Committee

Page 6

Featured Guest Columnist Carol R. Flango, NCSC

Page 9

Highlights of Spring Executive Committee Meeting

Page 8

Deadline for Scholarship Applications Extended

The Docket News of the National Conference of Appellate Court Clerks

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Please submit items of professional or personal news to your regional reporter. Articles, letters and other submissions may be sent or faxed to the editorial office.

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HELP KEEP US INFORMED!!

FACTS, FICTION & FOOLISHNESS

"I see a bad moon rising,
I see trouble on the way."

Creedence Clearwater Revival

From the same source that brought you the news that public nudity is not against the law in Iowa, and that it is legal to carry a spear in Alabama, it is our profound pleasure to let you know that "mooning" is legal in North Carolina. By "mooning" we are not speaking of "to yearn or to pine as if infatuated" like Tom Sawyer looking at Becky Thatcher, we are referring to "baring one's buttocks" like Forrest, Forrest Gump, showing his war wounds to LBJ. In most states, this juvenile act, usually associated with fraternities, is considered to be indecent exposure and a wide variety of penalties is applied.

It is reported by the *Charlotte Observer*, which we think is a very appropriate name for this publication considering the content of the article, that one Mark Edward Fly dropped his drawers in front (actually in back) of a Charlotte woman, bent over, exposed his fanny to the woman, and fled on a bicycle. It is not reported if he hoisted his skivvies before he turned tail, for lack of a better expression, hopped on his bike, and skedaddled.

Regardless, the North Carolina Court of Appeals threw out the indecent exposure conviction of Mr. Fly, which we think is a very appropriate name for this free spirit, and declared a person's (at least not Mr. Fly's) buttocks are not "private parts" as intended by the statute. Isn't Billy Graham from North Carolina?

Now you may ask, "What does this have to do with the NCACC?" Granted, this is a legitimate question and one soon to be answered.

Informed readers of *The Docket* are aware that the site selection committee is actively pursuing a location for the 2001 annual meeting and we think this revelation may swing the vote from the west coast to the east; unless, of course, mooning is legal at any other selected location. We think this is an unequalled opportunity for those of us who live in more restricted states to participate in some senseless, ribald activity where it is perfectly legal. If we are going to let our hair

down, so to speak, well, you get the drift.

We look at this from a practical standpoint. Everyone has one, although some of us are more amply endowed than others, you don't have to purchase any special equipment in order to participate, and we might as well live up to what we have been called for so many years without the fear of being thrown in the hoosegow. No ifs, ands or buts about it.

If this well reasoned tenet has sparked any interest in going to North Carolina, please contact a member of the site selection committee. We are already humming along with Creedence.



By: Leslie Steen (AR)

An Irish Prayer

May those that love us, love us;
& those that don't, may God
turn their hearts; & if he doesn't
turn their hearts, may he turn
their ankles so we'll know them
by their limping.

Executive Committee (Continued from page 9)

- ◆ Three scholarships were awarded, and two remain. The application deadline was extended until July 15, 1998.
- ◆ The Technology Committee reported that the NCACC web site is up (<http://www.ncsc.dni.us/ncacc/ncacc.htm>) and includes a directory of the Executive Committee, a membership application, the latest issue of *The Docket*, and a copy of the NCACC bylaws. The NCACC listserv now has thirty subscribers and has seen an increase in activity. To subscribe, send an e-mail to listserv@lawlibdns.wuacc.edu.
- ◆ 1998 program arrangements are being finalized. One exciting innovation includes a colloquium on Wednesday evening to allow members to visit informally with speakers.
- ◆ A special twenty-fifth anniversary luncheon will be hosted by the conference at Skamania Lodge for members.

The Executive Committee meets next on Saturday, August 8, at Skamania Lodge.

Don't Miss NCACC's
Silver Anniversary
Educational Conference
Make Your Reservations Today!
(Rooms are booking fast!)

Call:
Skamania Lodge - 1-800-376-9116
Best Western Columbia Gorge
1-800-595-7108

Conference Host:
Scott Crampton
503-986-5550



Blue Ribbon Performance

NCACC wishes to extend it's appreciation to **Tom Carlson** of the **National Center for State Courts** for his efforts in getting the NCACC Home Page on Internet. Tom's hard work and technical assistance are appreciated. Thank you from all of us for a job well done!

MANAGEMENT BY DELEGATION CHECKLIST

1. Know the talents, skills and personalities of your employees. Prior to delegating a project, know what projects each employee can handle. Do not set an employee up for failure.
2. Establish measurable and concrete objectives. Be specific and clear so employees will feel more comfortable acting on their own.
3. Make sure deadlines are realistic and precise. Employees must feel accountable for completion within established deadlines.
4. Stress results, not details. Focus your concern on the final outcome of the project, not the day-to-day details.
5. Reverse questions to employees. If approached with a problem or question, seek possible solutions from the employee. Ask employees to recommend answers to their own questions.
6. Don't allow employees to manipulate you to give solutions to employees' problems. Teach your employees to solve problems. This may take more time at first, but in the long run you will save time by instilling self-confidence in the employee.
7. Develop reporting systems. Establish regular meetings for exchange of ideas, feedback and status reports.

PRESIDENT'S PAGE



By: Keith Richardson, (IA)

As it seems with every presidential term, the year is flying by much too quickly. We have already held two executive committee mid-year meetings and we are in the final planning stages for our annual conference at the Skamania Lodge.

Our spring Executive Committee meeting was held in Phoenix on March 21. We were pleased that many of the members of the Long Range Planning Committee were able to attend. I would be remiss if I didn't extend a very special thank you to Kathleen Kempley and Dian Kinsman from the Arizona Supreme Court Clerk's office for all their assistance locating an affordable hotel, a genuine cowboy restaurant, and providing reams of literature on the Phoenix area.

It is the time of year when most of the planning has been done and much of the work of our many committees is well under way. This was evident by the many excellent and informative reports presented and approved at this executive committee meeting. You will find a summary of the committee reports in secretary Carol Green's article in this volume of *The Docket*.

You will also find an article from Joseph Lane and his program committee previewing an exceptional educational program. Be sure to read our host Scott Crampton's article on the wonderful activities and great social agenda that will keep us all busy when we aren't in class.

In the last newsletter I visited with you about the importance of promoting ourselves and our organization on a national level when the opportunities arise. Joseph Lane, your President-elect, and I have been invited to participate in an Assembly of Court Associations on June 5 and 6, 1998, in Washington, D.C. This meeting is being sponsored by the National Center for State Courts and will be attended by the many presidents, president-elects and chairs of the various judicial branch organizations. The charge of the assembly will be to "explore and identify a ground that could result in a closer working relationship among state court associations." Joseph and I would welcome any of your concerns, comments or suggestions that you would care to share with us and the members of the Assembly. Write or call either of us. We will report back to you at our annual meeting in August.

You may wish to take a moment and visit our web site at:
<http://www.ncsc.dni.us/ncacc/ncacc.htm>

Social Schedule (Continued from page 1)

spend the night in Portland and explore the Rose City prior to your arrival at the conference. I will report on alternative Portland lodging options ASAP or give me a call at 503-986-5550 if you want specific information or have pressing needs.

On Sunday, registration will begin in the early afternoon. New members will meet for an orientation at 3:30. The business meeting will be scheduled for 4:00 p.m. Also at 4 p.m. there will be an ice cream social and guest orientation session. This will provide guests with an opportunity to initiate new or renew friendships and hear about the activities planned during the meeting.

Tentatively these include chartered bus trips Monday morning to the Columbia Gorge Discovery Center in The Dalles, Oregon, a river cruise on the Cascade Sternwheeler Tuesday afternoon (for both guests and members), another trip to Multnomah Falls and Bonneville Dam on Wednesday morning and a group walk along Oneonta Gorge to Horsetail Falls on Thursday afternoon.

On Sunday evening we will once again be treated to the opening reception sponsored by BNA followed by the Morgan Thomas Slide Show. A post show hospitality room will be open in the Hood River Suite for any NCACC night owls.

Monday at noon, President Richardson has a "Silver Secret" planned. It is too early to spill the beans but expect a truly memorable event. Monday evening we will be hosted by The West Group for an outdoor dining extravaganza followed by a Native American cultural presentation of music, dancing and story telling at the outdoor Skamania amphitheater. This is sure to be a fascinating evening for

members and guests of all ages. The glorious setting, regional foods and beverages, and cultural entertainment will whisk us all back in time to the Great Exploration of Lewis and Clark which traveled directly in front of the lodge.

On late Tuesday afternoon members and guests can cruise the mighty Columbia River on the Columbia Gorge Sternwheeler, a replica paddle wheeler from the days when such vessels traveled the waterway carrying passengers and cargo to Portland and beyond to the Pacific Ocean. Following the cruise we will be treated to a barbecue dinner on Thunder Island, which lies next to the Columbia Sternwheelers dock at Cascade Locks, Oregon. Lexis-Nexis is our host for this event.

"... start packing . . . for a Silver Anniversary journey on the new and improved Oregon Trail!"

A fun walk/run is scheduled for Wednesday morning. The course will wind through the forest and meadows of the Bureau of Land Management land upon which Skamania sits. Bring sweatshirts because although afternoons will be sunny and warm, mornings will be cold and dry. **Guaranteed!!**

However, there may be more opportunities for members and guests to experience a unique sporting extravaganza. As fate would have it, the Nike World Masters Games will be held at Hood River, Oregon, in the heart of the Gorge, twenty minutes from the lodge. So for those who have never seen world class wind surfing competition you may want to head for one of the several viewing beaches then onto Hood River to one of many excellent restaurants for dinner early Wednesday evening.

At this point President Keith Richardson has not yet accepted Past-President Marilyn Graves' challenge to a wind surfing race, but Ken deBlanc has agreed to act as referee for

(Continued on page 5)



EXECUTIVE COMMITTEE MAPPING THE FUTURE OF NCACC DURING SPRING EXECUTIVE COMMITTEE MEETING PHOENIX, ARIZONA

SUBMITTED BY: CAROL GILLIAM GREEN (KS),
NCACC SECRETARY

HIGHLIGHTS OF SPRING EXECUTIVE COMMITTEE MEETING

The Executive Committee met on Saturday, March 21, in Phoenix, Arizona, thanks to the tenacity of Kathleen Kempley and her staff in locating hotel and meeting rooms during a popular spring break week.

♦ Scott Crampton, the 1998 Conference Host, detailed social plans for the conference scheduled at Skamania Lodge from August 8 through 14. Group as well as guest activities are planned. The room block is filling quickly, and everyone is encouraged to make reservations as soon as possible. Contact Skamania Lodge at 1-800-221-7117.

♦ Investments were reviewed, and a current fund balance of \$104,968.65 was noted.

♦ Two new members have joined the

NCACC since August 1997, Rebecca Oates and Sherry Williamson. A subcommittee has been appointed and is working on the design and draft of a professional brochure.

♦ The update of the Kramer book, Basic Appellate Court Structures and Procedures, is in final review. Copies will be mailed to the membership as soon as they are available.

♦ Nominations to be presented to the membership in 1998 include: Vice-President, Michael J. Yerly (CA); Secretary, Carol Gilliam Green (KS); and Executive Committee Members Peter J. Fitzgerald (LA), Martin H. Brownstein (NY), and Sandra L. Skinner (MO).

♦ The Long Range Planning Committee met on Friday, March 20, in Phoenix, and presented to the Executive Committee a recommendation for the third and final plenary session on long range planning.

(Continued on page 10)

Spring Report of Program Committee (Continued from page 7)

Appellate Mediation

Ashley Ahearn, (Nancy Foley's successor -congratulation Ashley) Clerk of the Court of Appeal, Commonwealth of Massachusetts, Scott Crampton, Oregon Supreme Court Director of Management Services, and Donna Gebhart, Appellate Court Mediator, Florida Court of Appeal, First District.

(Runs concurrently with)

Death Penalty Cases

Christie Speir Cameron, Clerk of the North Carolina Supreme Court and William K. Suter, Clerk of the United States Supreme Court.

Racial Gender, Cultural and Other Issues of Diversity - Ending Bias

Jacob Herring of Cultural Changes Inc.

Interviewing

How to hire and retain the best. John Wheeler, Clerk of the Florida Court of Appeal, First District.

ETHICS and The Clerk's Office

Michael Howlett. All un-ethical behavior is un-professional; not all un-professional behavior is un-ethical. Examples and discussion.

COLLOQUIUM

(Covering)

Intern Programs

Bench - Bar meetings

Life After Retirement

SCHOLARSHIP APPLICATION DEADLINE EXTENDED UNTIL **JULY 15, 1998**

SEND APPLICATIONS TO:

SHELLY ROCKWELL

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

C/O NATIONAL CENTER FOR STATE COURTS

300 NEWPORT AVENUE

WILLIAMSBURG, VA 23185

SCHOLARSHIP APPLICATION FORM INCLUDED AS INSERT IN THIS ISSUE

Social Schedule (Continued from page 4)

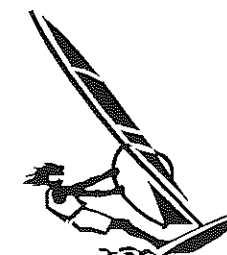
the duel. So, stay tuned for a NCACC Sports Center update on The Challenge of 1998!!

I anticipate that the Richardson supporters will line the Washington (north) side of the river and that the Graves supporters will line the Oregon side (south). Undoubtedly, Mr. deBlanc will be stationed in mid-channel on the race committee boat clad in a double breasted white blazer and Greek yachting cap.

Golf and Tennis Tournaments have been scheduled for Thursday afternoon. For those of you who prefer more nature orientated activities there will be a group walk (emphasis on walk not hike!) along Oneonta Gorge to Horsetail Falls. Truly adventurous soles (i.e. teenagers and young at heart) may choose to forgo the trail and wade up the creek to the falls. The water is cold (remember the snow melt from the top of Mount Hood flows down to the river!) but the experience is unsurpassed and you will be rewarded with an opportunity to float in the pools beneath the waterfalls. So bring old sneakers and thick skin for that option.

The NCACC Silver Anniversary banquet is scheduled for Thursday evening followed by a hospitality room in the Hood River Suite.

More information to follow in the next issue, but for now, get planning and start packing the wagons and boats for a Silver Anniversary journey on the new and improved Oregon Trail!



SPRING UPDATE FROM THE PROGRAM COMMITTEE

SUBMITTED BY: JOSEPH LANE (CA), CHAIR

This year's program is shaping up and includes a luncheon with guest speakers and a night session. Registration begins on Saturday and continues on Sunday with the first part of the Business meeting on Sunday afternoon and the second part on Thursday.

Presenters range from far and wide; Mike Howlett is a former judge and currently practices law in Chicago. He's spoken at the Conference of Chief Justices and the National Appellate Attorneys Conference. Noreen Sharp, is also an attorney and known nationally for her work with the Arizona Courts. Academia is represented by Professor P. Murrel who has worked with the Federal Judicial Center, the National Conference of Juvenile and Family Court Judges, the Texas Center for Legal Ethics and Professionalism, and the Conference of Chief Justices to name a few. Jacob Herring, from Oakland California, is a management consultant who works with Fortune 100 companies and recently consulted with the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts. Chief Judge Walter T. Cox, with the United States Court of Appeal for the Armed Forces, is going to join with past and present members of the NCACC in making presentations as well as participating in the conference.

The only problem that remains is fitting in all the session in the short week we have available. (Well that's just more work for the program committee members.)

(Continued on page 7)

FILING BY FAX, NOT A FRIVOLOUS MATTER

APRIL 1998

FOR NCACC, THE DOCKET

BY

CAROL R. FLANGO, RESEARCH
ASSOCIATE
NATIONAL CENTER FOR STATE
COURTS

Facsimile transmission, or "fax" machines are commonplace in most workplaces. This technology permits a duplicate of a document to be transmitted from one machine to another. This development has become accepted in many court environments, where faxes are used for everything from ordering lunch to filing appeals. Courts frequently fax both jail commitment and release orders to facilitate the efficient movement of prisoners between and from correctional facilities. Faxing of domestic violence protection orders, particularly when the victim has sought refuge in a shelter, is another accepted application.

This low-cost technology is also changing the way

Court Accepts Fax Filings	An Original Must Follow
Alabama - Civil	Yes
Alabama - Criminal	Yes
California - 4 Dist.	Yes
Florida - COLR	Yes
Florida - 1 Dist.	Yes
Georgia - COLR	Yes
Idaho - COLR/IAC	-
Illinois* - COLR	Yes
Illinois - 5 Dist.	Yes
Iowa - COLR/IAC	Yes
Kansas - COLR/IAC	No
Louisiana* - COLR	-
Louisiana* - 2 Dist.	No
Louisiana - 3 Dist.	Yes
Massachusetts - COLR	Yes
Michigan - COLR	-
Mississippi - COLR/IAC	-
Missouri - COLR	-
Missouri - Eastern	No
Missouri - Western	No
Missouri - Southern	No
Montana - COLR	Yes
Nebraska - COLR	No
North Carolina* - COLR	Yes
North Dakota - COLR	Yes
New Jersey - COLR	No
New Mexico - COLR/IAC	No
New York - 4 Dep.	Yes
Ohio - COLR	No
Pennsylvania - COLR	No
Pennsylvania - Commonwealth	-
Rhode Island - COLR	-
South Carolina - COLR	Yes
South Dakota - COLR	Yes
*Texas - 1 Dist.	Yes
Texas - 5 Dist.	Yes
Texas - 9 Dist.	Yes
Utah - COLR	-
Washington - COLR	No
Washington - 2 Dist.	No
West Virginia - COLR	-
Wisconsin - COLR/IAC	-
Wyoming - COLR	Yes
US Circuit: DC, 3, 4, 7, 8, 10, 12, 13, 14	Yes
U.S. Army	-
US Air Force	Yes
US Veterans Appeal	No

*Accepts fax filings for emergencies.
- No Response

most appellate courts operate and, opens up the potential to do much, much more. It is very commonly used for filing appeals. In essence, faxing replaces "overnight" delivery and courier services because it is faster and less expensive, and benefits can be significant for all parties. The courts improve their customer services by extending the hours and days filings can be made. Attorneys decrease their overnight mailing costs and gain additional time to prepare filings, plus the time allowed for responses may decrease.

Thirty-one states and several federal courts currently allow routine fax filings in their appellate courts. Another handful of courts (Louisiana, North Carolina and Illinois) allows faxes for emergencies such as, death penalty cases. More than half of the courts that permit filing by fax (55 percent) require an original document to follow the fax; many do not accept faxed signatures. Faxes may also serve opposing parties, or be used for court service of orders and opinions on counsel. To make fax filing manageable, several appellate courts place limitation on the number of pages.

As helpful as this new technology is, it opens up new concerns. Who is responsible, for example, if a court's

Filing by Fax (Continued from page 6)

machine is out of paper or its telephone lines malfunction? Appellate courts that accommodate fax filings have adopted court rules and procedures authorizing them. In addition to the issues of original signatures, submission of original documents, filing times, and fees, all eventualities must be considered. Delaware resolved the issue of original signatures simply by enacting legislation accepting facsimile signatures (6 Del.C. 9-409). Maine has resolved the problem similarly (31 M.R.S. 413). Montana permits filings by fax, but requires receipt of the original document within five business days. If the court does not receive the original within that period, the filing is treated as void. (Mont. Code Anno., Ch.21, Rule 20).¹

In 1997 the National Center for State Courts (NCSC) under a grant from the State Justice Institute, SJI-96-20F-B-227, and with the assistance of the NCACC leadership sent a survey to each appellate court requesting technological information for appellate courts. This survey included courts' policies for accepting filings by fax. The results of the survey, relating to faxes, are presented here. This list can serve as a starting point for courts to contact for more information on fax technology. (The National Conference of Appellate Court Clerks also did a similar survey for the same year. Findings from the two surveys on appellate courts' use of faxes do not significantly differ.)

¹ A Non-Technical Guide to Information Technology in Courts, SCT Government Systems, September, 1997, p. 9.

.....
 : Results of the NCSC survey will be published in the new :
 : handbook, "Appellate Procedures in State and Federal :
 : Courts" forthcoming in late spring of 1998. One section :
 : of the new book will highlight new technological devel- :
 : opments, such as the use of faxes, in the appellate :
 : courts. Other topics will include: the use of Case :
 : Management Information Systems, management of ap- :
 : pellate court records, providing information electroni- :
 : cally, and the location of appellate courts' web pages. :
 :
 :

Program Committee Report (Continued from page 5)

The program consists of:

Who's Who and What's New in Legal Publishing

Updates from BNA, Lexis and West Group.

What the Future Holds for Courts
The National Center for State Courts.

Education for Development and Leadership

Patricia H. Murrell, director of the Center for the Study of Higher Education, Department of Leadership at the University of Memphis.

Computer Training Labs..

West Group and the National Center for State Courts will be hosting.

Access to Justice and Pro Pers

Noreen Sharp, Director, Access to Court Services Programs for the Superior Court of Arizona, Maricopa County.

Technology

Jim McMillan of the National Center for State Courts.

Legal Issues in Cyberspace

Chief Judge Walter T. Cox III, of the United States Court of Appeal for the Armed Forces.

Long Range Planning

Implementation and action plan development for: Increasing access to the Courts; Increasing the involvement of the NCACC with the National Center for State Courts and other national court organizations to work more closely together on major issues that cut across association boundaries to improve services to the public; Technology; Future Educational Programs designed to address specific needs and problems; and Increased involvement within the NCACC.

(Continued on page 8)