



National Conference of Appellate Court Clerks

NCACC NEWSLETTER

DECEMBER, 1984



PRESIDENT'S MESSAGE

The very first item of business in this, my first President's Message, is to again express my thanks and appreciation for giving me the opportunity to serve as president of NCACC for 1984-85. It is my sincere desire to do the best possible job, thereby not dampening your trust.

WERE YOU A MISSING LINK IN SEATTLE!!

If for one reason or another you missed our Seattle conference this past August, then you truly missed a very informative educational experience, not to mention enjoyable social events. Dick Taylor and company did an outstanding job in showing us the beautiful northwest. On behalf of the membership and their respective spouses in attendance, Carla and I want to express everyone's appreciation to Dick and the Taylor family for a very memorable conference. A special thanks too to Kevin Swanson and his committee for our successful educational programs. John Wilkinson's administration has left us some big shoes to fill and the conference expresses appreciation for his efforts and accomplishments.

In coming into this position, I was informed by past presidents that the office consumes a substantial amount of time and requires a number of different activities. Fortunately, the conference and I are blessed with an excellent executive committee. I want to express my thanks for those who have accepted chairpersonships, as these individuals, along with the various standing committees (list attached), will handle the on-going work of our conference. Each of us possess a talent that the conference could use and for those who have contributed, we thank you. If you haven't contributed, please do so as it will surely improve the NCACC and you will feel more of a part of our organization.

The executive committee decided to return to a fall meeting. Accordingly, the said meeting was held at the National Center for State Courts at Williamsburg, Va. On Friday, November 2, Mary Taylor, our Secretariat Director at the National Center, arranged a full afternoon briefing and tour of the Center and its facilities. On Saturday we returned to the Center's board room for our executive committee meeting. The high points of this two day event will be discussed in the newsletter. Williamsburg is not the easiest place to get to, so a special thanks for the efforts the members of the executive committee made in attending this meeting. We all express our appreciation to Mary and Shelley for arranging our accommodations and the program at the Center. A special congratulation is extended to Mary as she was married late last month.

Effective communications is one of the most important ingredients in the success of any organization. As I stated at the banquet in Seattle, one of my priorities is to keep our membership informed of the activities of the conference. Please keep me posted on the direction you feel our organization should be headed.

MAY GOD BLESS EACH OF YOU.


John



Virginia State high court's ^{Did} clerk will retire

Allen L. Lucy will retire next week after 32 years with the Virginia Supreme Court, the last seven of which were as the court's clerk.

He will be succeeded by his chief deputy David B. Beach, 37.

Lucy, 67, took his first court job in 1939, not because of any particular interest in the law or the courts but because "at the end of the Depression, you never asked what kind of job it was or what it paid. If they offered, you took it."

Sitting in his comfortable office overlooking Capitol Square, Lucy reflected this week on his career and said, "It's hard to realize I've come this far."

After attending John Marshall High School and Smithdeal-Massey Business College, Lucy began in the old Richmond Law and Equity Courts doing clerical and secretarial work.

"I'd never been in a courtroom before; I was just out of school looking for what was available," he said.

In 1952, when Howard Turner was appointed clerk of the Virginia Supreme Court of Appeals, Lucy applied for and was given the newly created position of assistant clerk, which soon became the first deputy clerk's position in the court.

At that time, the clerk's office staff included Turner and Lucy, a typist, a mail room employee and a part-time librarian, Lucy said. Most of his work was typing and proofreading court records, he said.

Edward W. Hudgins was chief justice, the first of five Lucy would serve. Without hesitating, Lucy called off the names of the seven justices on that court.

On Nov. 1, 1977, Chief Justice Lawrence W. P'Anson appointed Lucy clerk of the court.

Earlier this month, the Virginia State Bar presented a silver tray to Lucy describing him as a "true



Staff photo

Allen L. Lucy

'True friend' to lawyers

friend," particularly to the state's young lawyers.

The court also honored Lucy with a special resolution noting his long tenure with the court while emphasizing "the dedication to duty, the sense of loyalty, the spirit of cooperation" he displayed.

The admiration and respect from court staff "speaks highly of your ability as an administrator," the resolution said.

Leaving the staff and the justices next Wednesday will be the hardest step in his career with the court, Lucy said.

"I won't be able to walk out and just shut the door behind me," he said. In retirement, Lucy said he intends to spend time with his family, to travel with his wife and to remain active in First Baptist Church of Richmond.



You will soon be receiving the request from Jean Kennett for information for our pictorial review. Please be prompt in completing the info and returning it to Jean.

Court News Roundup



Jean Kennett thanks everyone for their prompt response to her inquiry on meal allowances while traveling on Court business.

Jean will gladly furnish the results of her survey to anyone interested.

If something isn't done on meal allowance for Jean, the Boston Plan may beat the Cambridge Plan. (Editorial Comment)

A belated congratulations to Mary Taylor of the National Center, who is now Mrs. Mary Hogan. We all wish her and her husband many years of happiness.

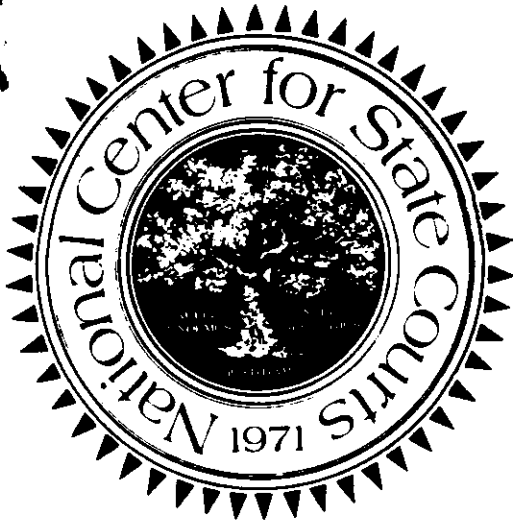
You can make more friends in two months by becoming interested in other people than you can in two years by trying to get people interested in you.

DALE CARNEGIE

A note of sympathy to Pam MacIntyre of Alaska, on the recent loss of her Father. May God grant him eternal joy and love.



We are happy to report that Marjorie Cambre of the Louisiana Fourth Circuit Court of Appeal is improving and regaining her strength. She has returned to work. She thanks you for your kind concern and many expressions of love. Please keep her in your prayers.



Your executive committee had a very interesting staff visit with the National Center on November 2, 1984. It was a full day program with presentations by key staff. It gave the executive committee a chance to observe the center at its home base and was a learning experience for both the committee and the center.

The brain is an organ that starts working the moment you get up in the morning and does not stop until you get into the office.

ROBERT FROST

David Lampen is still in the hunt. Please help him by sending any and all information you may have on Pro se matters, including manuals.

His address is:
Supreme Court and Ct. of Appeals of Alaska
303 N. Street
Anchorage, Ak. 99501

Al Herman succeeds Wil Kramer
as "Stat" Man that's
"Statistics" not "Static".
Thanks Wil for your years of
dedication and hard work.

The By-Laws committee is very busy, we should soon see some proposed By-Laws changes from them.

Some people raise their voices when they should reinforce their arguments.

Pay your dues, pay your Dues!! Just a reminder that dues should be paid promptly.



Legislative Action on Fixed Sentences Threatened by Impasse in Study Panel



The New York Times/Chester Higgins Jr.

Judge Betty Weinberg Ellerin, Joseph W. Bellacosa, center, chairman of the State Committee on Sentencing Guidelines, and Basil A. Paterson, co-chairman, at meeting. Robert M. Morgenthau, left, Manhattan District Attorney, conferred with an aide, Jerrold Neugarten.

A committee set up to draft a system of fixed sentences for criminals in New York State is sharply divided, and the dispute threatens to block any action on the issue by the State Legislature.

The committee is divided over how much authority judges should have to set aside predetermined sentences, an issue that has created a split between the state's judiciary and law enforcement officials.

The judges, led by Judge Betty Weinberg Ellerin, a committee member and the chief administrative judge for New York City, say judges are not "robots" and should have the authority to set aside fixed sentences in "extraordinary circumstances."

Prosecutors, led by another committee member, Robert M. Morgenthau, the Manhattan District Attorney, say that authority would nullify mandatory imprisonment laws and jeopardize public confidence.

Mr. Morgenthau called Judge Ellerin's position a "death wish" that would make it difficult for the plan to get through the Legislature. Governor Cuomo, Attorney General Robert Abrams and the State District Attorneys Association have warned the committee not to be "too soft."

The Legislature has charged the committee — the State Committee on Sentencing Guidelines — with drafting a detailed sentencing system within which judges, following specific guidelines, would impose fixed sentences. Its deadline is Jan. 15.

The chairman of the panel, Joseph W. Bellacosa, a professor at the Albany Law School, said the deadline might not be met. Even if it were, he said, the committee's work could become an "academic exercise" unless a consensus were reached among its members and among the public at large.

Legislative aides said that without a consensus on the committee and the support of the law enforcement community, the Legis-

lature would be unlikely to take any action on the sensitive issue.

At a meeting at the New York City Bar Association yesterday, little progress was made on that issue and several other questions. The

committee, in fact, agreed to reconsider several earlier decisions.

"They are at a stalemate," said Thomas Stoddard, legislative representative for the New York Civil Liberties Union.

Thomas A. Repetto, president of the Citizens Crime Committee, said afterward: "It's worse than the Titanic. At least on the Titanic they knew they had hit an iceberg."

The system, known as "determinate sentencing," has been adopted by at least eight states. President Reagan recently signed legislation establishing a commission to create a similar system for the Federal Government.

The system is intended to insure that criminals who have similar records and commit the same crime would receive similar sentences from all judges. The State Board of Parole's role in determining when felons can be released would be eliminated.

'Presumptive Sentences'

The committee has divided felonies into 12 categories of severity and devised a system to classify criminal records in six groups ranging from "none" to "extreme." Using research on the average sentences now meted out across the state, the panel plans to create a chart of "presumptive sentences" for each category of criminal and each category of crime.

The presumptive sentence would be a range of years within which a judge would pick a fixed term. If judges deviated from a presumptive sentence, ordering either a shorter sentence or a longer one, they would have to cite specific aggravating or mitigating factors. Both the defendant and the prosecutor could appeal.

Judges would be able to increase sentences by up to 50 percent above a presumptive sentence, but would have unlimited authority to reduce a sentence.

Avoiding Hypocrisy

Arthur L. Liman, a lawyer on the panel, said such discretion was needed to avoid "hypocrisy in which everyone, the court, the prosecutor and defense lawyer cooperate to circumvent" mandatory penalties. But William Hughes Mulligan, a former Federal appellate judge, told the committee yesterday that Judge Ellerin's position was inconsistent with determinate sentencing.

"The prospect of criminals being able to 'walk' in serious cases would destroy our very purpose," he said.

This month, at a law enforcement forum attended by Mr. Bellacosa, the committee's chairman, Mr. Cuomo warned the panel not to be "too soft" on criminals, and Attorney General Robert Abrams said he was "troubled" by steps that he said would reduce penalties.

"We want to rationalize the system," Mr. Cuomo said. "But we don't want to be too soft in the process."

Mr. Morgenthau complained that white-collar criminals would be treated too leniently under the plan. The committee has structured penalties so that violent crime is treated

most severely; as a result, white-collar crime and some drug crimes are treated less severely.

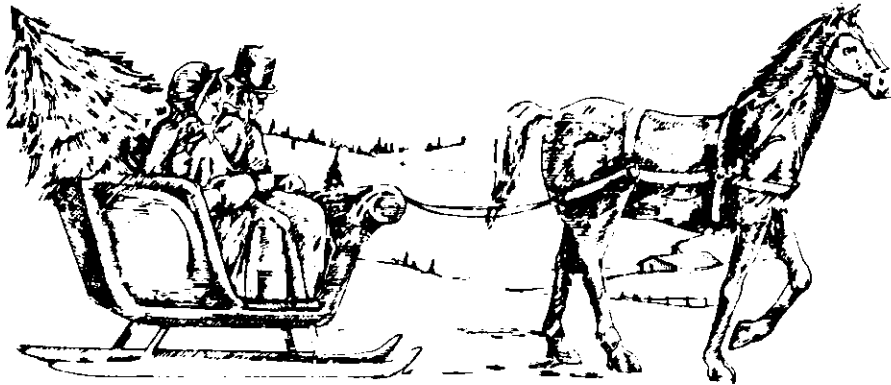
Power of Prosecutor

Civil liberties and church groups have warned that even with increased discretion for judges, the committee's work would tend to increase sentences, even for first-time offenders, further overcrowd the state's prisons and "exacerbate racial and economic disparities."

"If you limit the judge's discretion, you increase the power of the prosecutor," Mr. Stoddard said. appointed by Governor Cuomo, the legislative leaders and the chief judge of the Court of Appeals, is rethinking the basic components of the criminal justice system. Mr. Bellacosa says the dispute over judicial discretion is overshadowing the group's other work.

The committee staff is working on a compromise that it will present at the next meeting, but so far neither side has been willing to give way.

Judge Ellerin has threatened to put out a minority report if the panel overrules her position on judicial discretion. But Lawrence T. Kurlander, Mr. Cuomo's criminal justice advisor, said that without a change "you would lose the entire law enforcement community."



Mark your calendar before you forget.

1985 Annual Conference
Lexington, Ky.
August 4 - 9
Room Rate - \$57

1986 Annual Conference
Austin, Texas
August 3 - 8
Room Rate - \$70

If the \$70 room rate is a problem, please advise our President without delay.

State Courts Release New Publication

"Word Processing in the Courts," a new publication sponsored jointly by the National Center for State Courts and the Bureau of Justice Statistics, is an outgrowth of the Center's continuing interest in the development of court technology, according to Edward B. McConnell, executive director of the Center. The introduction of a word processing system in a court is often a crucial first step in automation, he said.

The new publication is addressed to courts of all sizes. In simple terms it explains, with diagrams and tables, the options open to judges and court administrators in choo-

ing a word processing system: the necessary basic hardware and software and the optional features available. It stresses the importance of a sound cost-benefit analysis and clear terms with the vendor selected. Alternatives are explained for managing the transition to the new word processing system; the proper preparation and training of staff is all-important, say the authors. In some courts, they state, manual systems may be sufficient, or may be successfully integrated with computerized systems.

The beginner in word processing will find a glossary of word processing terms. In the appendix is a detailed request-for-proposal used by the Rhode Island Court when it opened bids for a computerized information system encompassing word processing as the first step. A report of a visit to the court several years later describes how the system is working. There is also a spot survey of the systems being used in five other courts.

The National Center for State Courts is a nonprofit organization that studies issues surrounding state courts, disseminates the results of its research, and gives technical assistance aimed at court improvement. One of its current major initiatives is to apply technology to the courts.

"Word Processing in the Courts" may be obtained from the Publications Coordinator, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. The price is \$10.00, plus \$2.25 for postage and handling.



A CHRISTMAS JUDGMENT

T'was the night before Christmas
And all through the Court
Not an action was moving, not even a Tort

All the Judges were partying
As were their Law Clerks
All their cases were filed away in a bin
Except for those marked Bourbon & Gin

The Clerk's office was open
As it had been all day
For the Chief had said "I want it that way"

As I at my Desk, sat reading and writing
Suddenly there arose a great clatter,
I rushed from my desk to see what was the matter

There in our foyer stood this
Round little Lawyer
Surrounded by raindeer and in a red suit
He even had little black boots

He said, "I am here on behalf of a cause
I am a Lawyer and my name is S. Claus
I have two clients named Mary and Joe
and their problem is no place to go

"I'm filing for a Writ and a Mandamus as well
To get them a room in some nice hotel
For Mary is pregnant and doesn't feel well,
This court must act quickly and not delay
For Mary's baby is on Its way"

We filed and stamped everything as fast as we could
So our court could proceed as we knew they would

They rendered a Judgment with reasons as well
That Mary's baby could not be born in a hotel

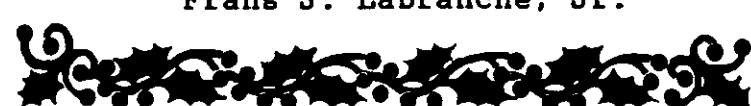
The law was clear and left no doubt,
It was something they could do nothing about

The Judgment was brief and this it did state:
"This action's prescribed, it's filed many years too late
That baby was born to Mary and Joe
And there's only one place He can now go

"Please open your hearts and let this babe in,
That's the only place He really came to win

"If you do what we say, we know He will stay,
He brings peace on earth
To all who Honor His Birth"

Frans J. Labranche, Jr.



1984 - 85
NCACC COMMITTEE ASSIGNMENTS

Awards

Reba Mimms - SC, Chairperson
Jean Kennett - MA
Yvonne Burnham - MS
Catherine Fox - ND
Ramsey Leathers, TN
Alan Lucy - VA
Clay Robbins - CA

Membership

Mary Elizabeth "Beth" McHaney - MA, Chair.
Ella Williams - MI
Cornelia G. Clark - WI
Frank J. Habershaw - FL
Thomas F. Lowe - TX
Pamela J. McIntire - AK
Ben Reedy - MN
Stanley LeMoine- LA

By-Laws

Joseph Fennessey - IL, Chair.
Alex Cummings - MD
Al Herman - DC
Keith M. Endo - NJ
Clyde L. Heath - FL
Joline Williams - GA
Diana Bentley - AR

Nominating

Lewis C. Carter - KS, Chairperson
John Wilkerson - AL, Ex Com L.
Bob St. Vrain - 8th Circuit
Marilyn Graves - WI
Loren Strotz - IL

Finance

Keith Richardson - IA, Chair.
Peggy Stevens, MO
John A. Cahill - NY
Dorothy Bellocq - LA
Alton L. Hawk - GA
Rosemary Moore - WA
Kenneth Wade - NE

Program

David Lampen - AK, Chairperson
Steve Townsend, NJ
Howard E. Friedman - MD
Richard Hoffman - DC
Juleann Hornyak - IL
George R. Miller - TX
Kevin Swanson - CA

Long Range Planning

Allen Cook, AZ, Chairperson
Jean Kennett - MA
Marjorie R. Cambre - LA
William S. Fulton, Jr. - Military
Carol Justis - OR
Betty McLaughlin - NJ
Steve Townsend - NJ
Peggy Stevens - MD
Al Herman - DC

Publication

Frans Labranche - LA, Chairperson
Martha Jean Coonrod - WY
Marlene Fay Lachman - PA
Hazel McClain - AL
Irving N. Selkin - NY
Reginald N. Shriver - WA
Judith Fountain - NV

Resolutions

John Parker - TN, Chairperson
Deirdre T. Becker - OH
Judy Cizmich - ID
C. R. Davenport - NV
Hazel Hallford - GA
Joe Henry - PA
Joe Lucchi - NY
Peter J. Fitzgerald - LA

Welcome/Hospitality

Ethel Harrison - MT, Chairperson
Franz Labranche - LA
Betty Fritz - AZ
Phyllis Neild - MT
Robert G. Esdale - AL
James W. Kelly - OH
Dorothy Norwood - AL
Rita White - WY
Francis J. Drumm, Jr. - CT.
Joanne Eckroth - ND

Site Selection

Glen Clark - AZ, Chairperson
Ella Williams - MI
Richard D. Taylor - WA
Troy Bennett - TX
Kenneth J. Deblanc - LA
Raymond E. Rhodes - FL
Dorothy Smith - SD
Mary Ellen Donaghy - ABA (Consultant)

Historian (Pictorial Directory)

Jean Kennett - MA - Chairperson
Morgan Thomas - GA
Ervin Tuszynski - CA
Ron Dzierbick - MI
Al Stevas - Supreme Court
John Parker - TN
Lu Dunn - ND
Mary Ann Hopkins-Young
John Powers - MA
Wil Kramer - CA
Charles Nelson - Consultant

Technology

Dan Haggerty - LA, Chairperson
Larry Gill - CA
G. Ronald Darlington - PA
Hank Henson - MI
Greg Wallace - NC
Thomas F. Simson - MD

NCAAC REPRESENTATIVE TO:

Court Management Journal - Al Herman - DC

Interorganizational Coordinating Committee - Jean Kennett - MD

ABA Standards - John Wilkerson - AL
Jill Engel - SD

National Conference on Court Delay Reduction - Steve Townsend - NJ

ACA Review Publication - Joline Williams - GA
Ronald L. Dzierbicki - MI
Allen Cook - AZ

SUPREME COURT OF LOUISIANA

In an effort to benefit from each others' experiences and efforts, please take a minute and answer the following questionnaire. Please attach your name and Court when returning. The results will be compiled and distributed to members. Please return to Dan Haggerty, Supreme Court of Louisiana, 301 Loyola Ave., New Orleans, LA 70112, no later than February 1, 1985.

AUTOMATION QUESTIONNAIRE

YES

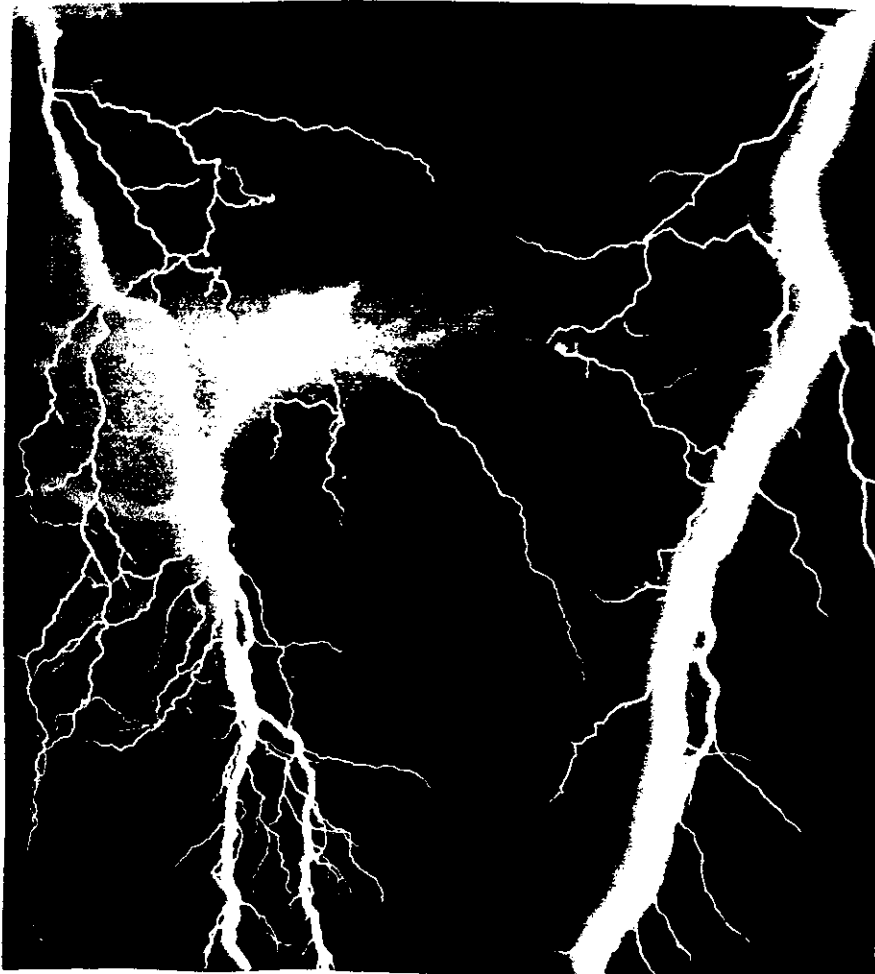
NO

- A. 1. Does your Court use a computer?
2. If no, has there been any interest in or expressed need for a computer?
3. If no, can you see any area in your court operation where a computer would be of value?
4. If yes, please identify specific areas, and your idea of how the computer would be of value.
- B. If your court presently is using a computer, please identify:
1. Multi terminal/printer with C.P.U. & disk storage
(Central Processing Unit)
2. P/Cs or stand alone D/P-W/P units networked together
3. P/Cs or stand along D/P-W-P units
- C. If your computer system has multi terminal printer, disk storage and C.P.U., is your system considered an "On Line System"?
- D. Please identify types of Application
1. Index:
- A. By Name
- B. By Docket Number
- C. By Intermediate Appellate Ct. Docket No.
- D. By District Court Docket
- E. By City Court Docket
- F. Other - Please Identify -
2. Attorney Rolls:
- A. Status
- B. Disciplinary Action
- C. Admission Date
- D. Elected Office - Judiciary Etc.
3. Lower Court Tracking (Ct. of Original Jurisdiction)
4. Intermediate Court of Appeals Tracking

YES

NO

5. Clerk's Office intake process
6. Conference Calendar
7. Oral Argument Calendar
8. Brief Tracking
9. Record Tracking
10. Fees, accounting info.
11. Clerk's Office output process
12. Other - Please identify



WHAT WOULD THIS DO TO YOUR "ON-LINE" COMPUTER INFORMATION SYSTEM? '