



# NCACC Newsletter

Volume 5, Number 1 January 1978

## APPELLATE COURT ADMINISTRATION JOURNAL DUE FOR PUBLICATION IN FEBRUARY

For the past two months, the NCACC Publications Committee has been working to compile material for a magazine-style "prestige publication" which will be published early this year. The project is the first of its kind to be undertaken by the Conference.

Though we have regularly produced a publication since the organization's founding some five years ago, the Newsletter has always been primarily a means of reporting on matters relating to the conference and its business. The journal, however (it has not yet been given a formal title) will present substantive articles on topics relating to appellate court administration. Among the subjects to be treated are Outreach Programs (educating public, litigants and attorneys in the appellate process); Planning a caseload management program; appellate court statistics; and the "Kentucky Plan" (creation of a new appeals court.) Also featured will be reports on the workshops at the Fourth Annual Conference last August and a preview of the upcoming conference on Mackinac Island, Michigan.

Definite length has not as yet been determined, but it is expected that the journal will be 20-30 pages.

A wide distribution is planned, which will include appellate judges and clerks not belonging to NCACC in addition to the Conference Membership. If you are interested in making a contribution, you are encouraged to get in touch with Claire Whitaker, First Deputy Clerk, D.C. Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

## FALL EXECUTIVE COMMITTEE MEETING IN BOSTON COVERS A WIDE RANGE OF TOPICS

The meeting was called to order at 9:40 A.M. on November 11, 1977, by President Ron Dzierbicki. Present were Lewis Carter, Bill Young, Ed Suzuki, Claire Whitaker, Al Stevas, Morgan Thomas, John Wilkerson, Wil Kramer, Jean Kennett and Geoff Mort.

### Funding and Finance Committee Report:

On behalf of John Powers, Chairman of the Funding and Finance Committee, the Secretary read the report and there was a general discussion of the immediate recommendation of the report on investing

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John Wilkerson, Chairperson

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Robert St. Vrain, Chairperson

Publications  
Claire M. Whitaker, Chairperson

Resolutions  
Morgan Thomas, Chairperson

Site Selection  
Joline B. Williams, Chairperson

1978 Conference Arrangements  
George F. Westerman, Chairperson

1979 Conference Site  
Kevin A. Swanson, Chief Chairperson

in Time Deposit Certificates. After the discussion, the committee voted to authorize the secretariat to deposit up to \$4,000.00 in a "best yield possible" savings account for a period not to exceed three years.

President Dzierbicki suggested that the NCACC apply to the Appellate Judges Conference of the ABA for permission to administer our own portion of the LEAA grant used to fund the educational portion of the Annual Conference. The discussion which followed illustrated a degree of discontent with the manner in which these funds have been administered by the AJC for the Conference in the past; two specific and recurrent problems have been confusion regarding per diem limitations and delays in issuing reimbursement checks.

AJC liaison Chief Justice Cameron has indicated to Ron Dzierbicki that he thought our management of our own funds could be worked out and that if a request was made in time for the AJC to take up at their mid-winter meeting in February they would consider it.

John Wilkerson made the motion that the President apply to the AJC for authority to administer our share of the LEAA grant; it was passed unanimously.

#### Relations with other Court Administration Organizations

There was considerable discussion about the movement to bring about closer cooperation between court managers associations and what role NCACC should play in this. Ron then appointed our president, president-elect and chairman of Long Range Planning Committee to be the liaison with these other groups with the understanding that they will arrange for expenses from their own courts to cover travel costs to exploratory meetings with NACA, NATCA, COSCA and FCCA. (See "Footnotes and Miscellany", this issue.)

#### Appellate Judges Conference Liaison

Because this is a very important position, the committee agreed that the president-elect should also serve as AJC liaison. Al Stevas was thus appointed, and the hope was expressed that future administrations would follow this precedent.

#### ABA Affiliation

Ron Dzierbicki pointed out that since 1973 there has been discussion in the Conference about becoming affiliated with the JAD (ABA Judicial Administration Division). Ron indicated that he felt we were going to have to move that way and that before our next executive meeting he would get the details and check on options.

#### NCSC Advisory Council

National Center Secretariat Coordinator Geoff Mort reported that NCACC's request for a seat on the council had been granted.

Morgan Thomas moved that the President be named as official representative this year and that henceforth the policy be that the President to NCACC shall be the NCACC member of the Advisory Council of the National Center for State Courts.

The motion seconded and carried unanimously.

Reports on meetings of this kind will be made to the membership as part of the critique session of each annual conference.

#### Site Selection

The 1978 Conference plans are moving forward and much material will be going out on it. The 1979 Conference report was given by Wil Kramer as one of the host clerks from California. The committee in California had investigated four sites: Lake Tahoe, San Diego Monterey and San Francisco and it was the decision of the committee to recommend Monterey, 120 miles south of San Francisco. The recommended hotel at Monterey will probably be the Hyatt where single rates are \$39.00 to \$51.00 and double rates are \$49.00 to \$61.00, for room only.

Ron Dzierbicki said it was logical to hold the spring Executive Committee meeting in Monterey, the 1979 site on March 17th. For 1978 at Mackinac, Ron would report on the Williamsburg II conference and hoped to have a panel of participants from there as part of our program.

#### Resignation of Florence Peskoe

In October Florence Peskoe was appointed Deputy Administrative Director of the New Jersey Courts, and subsequently resigned as NCACC President-elect.

Bill Young made the motion that the Executive Committee, by a telephone call from Ron to Florence, reluctantly accept her resignation as president-elect, and express to her our sense of personal loss in no longer having her as an officer and to express also our appreciation for all the active and productive work she has done as a member of the Executive Committee.

The motion was seconded by Morgan Thomas and carried unanimously.

Article 5, §4 of our By-laws states that in case a vacancy occurs in the office of President or President-elect the next officer in order shall succeed. As such, Al Stevas, becomes president-elect and the position of vice-president becomes vacant.

Considerable discussion ensued, following which the committee decided that the position should not remain vacant until August.

Morgan Thomas then nominated J.O. Sentell to fill the unexpired term and Al Stevas seconded the motion.

The motion carried on vote of the Executive Committee with one abstention.

The nominating committee will make recommendations for both the offices of president-elect and vice president (1978-79 term)

at the Annual Conference this summer.

### 1978 Conference Education Agenda

Wil Kramer reported for the Education Committee that he had written to each member soliciting their ideas in an effort to develop the format somewhat earlier than in other years. There are twenty-three items.

Wil said there would be a rough agenda prepared which we could supplement from the twenty-three choices and from that his committee could line up a tentative program so the final decision could be made in March.

### FOOTNOTES AND MISCELLANY

#### Interorganizational Meeting

On January 7, President Ronald Dzierbicki and President-Elect Al Stevas met with officers and representatives of four national court administrator's organizations in Denver. Also participating were the Conference of State Court Administrators, National Association of Trial Court Administrators, Federal Court Clerks Association and National Association for Court Administration.

The session was held so that the various groups could explore a number of proposals for mutual cooperation and joint enterprises. The first hour of the meeting was spent simply exchanging basic information about the associations, their activities and purpose. Among the topics discussed were pooling resources to produce a combined publication, holding future annual conferences at a common site with a partially integrated program and cooperating on surveys and studies.

More specific proposals on the recommended joint projects will be developed in the coming months, and the representatives of the five organizations will seek to gauge the sentiments of their respective memberships toward improved relationships with other groups. Ron Dzierbicki and/or other NCACC representatives plan to attend the next interorganizational meeting to be held in Las Vegas this April. The participants in the January 7 session agreed that closer cooperation in at least some areas would undoubtedly be to the advantage of all the organizations involved.

#### Disclaimer

In the September issue of the NCACC Newsletter, it was reported that a motion made by Wilfried Kramer to the effect that "all proposals involving major policy changes to be presented for consideration at the annual meeting shall be presented to the president in writing at least thirty days prior to the meeting" had been defeated at the annual business meeting. This is not correct. Mr. Kramer's motion was successful by a 33-10 vote.

#### Howard Turner

NCACC member Howard G. Turner of Richmond, Virginia who retired

October 31 as clerk of the Supreme Court of Virginia after serving more than 25 years in that capacity, was presented an engraved silver tray by the Virginia State Bar and its Young Lawyers Conference in appreciation of his distinguished service to the bench and bar in Virginia. The presentation was made October 6 at a special admission ceremony conducted by the Supreme Court and the Young Lawyers Conference at the Hotel John Marshall in Richmond.

#### Appellate Justice Improvement Project

With the recent award of a \$450,000.00 LEAA grant, the National Center for State Courts has moved to the forefront of research in the area of appellate court improvement. The thirty-month effort is designed to produce significant improvements in the administration of appellate justice in state court systems throughout the country.

The project will form the core of a strategy for transferring and applying knowledge gained through earlier LEAA-funded projects in the appellate justice field, including the 1975 National Conference on Appellate Justice. The principal components of the project are:

1. Development and initial implementation, in at least four states, of demonstration programs designed to test the feasibility and effectiveness of major proposals for improving appellate court operations.
2. Collection and analysis of data on appellate court operations in 6-10 selected states (including all demonstration states), with particular attention to data on volume, delay times, caseload management procedures, and productivity.
3. Ongoing technical assistance to state appellate courts throughout the country, with respect to the full range of appellate problems--including on-site visits, responses to information requests, and dissemination of materials in the appellate justice field.
4. Creation and utilization of a special Advisory Task Force on Appellate Court Improvement, to provide guidance and assistance with respect to all aspects of the project.
5. Evaluation--through an outside contractor with experience in evaluation research methodology and substantive knowledge about appellate justice--of the effectiveness and impact of all aspects of the project, with particular attention to the effectiveness of the demonstration programs.

#### Basic Appellate Court Structure

Wilfried Kramer, Clerk of the California Third Appellate District Court and author of Outline of Basic Appellate Court Structure in the United States, is presently working on an updated version of his book. The 1975 edition was published for the

Conference by West Publishing Co. and is now included in the collections of many of the country's law schools. Mr. Kramer plans to complete and go to press with the 1978 edition later this year.