



# The Docket

News of the  
National Conference of Appellate Court Clerks

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No. 2

## Tucson Will Host Seventeenth Annual Meeting

If you happened upon the Copper Bowl New Year's Eve ("The last football game of the decade!"), you were treated to scenes not only from Tucson and the breathtaking area around it, but of our host hotel, El Conquistador, and its facilities. It seems N. C. State's football team stayed there and tried their hand at some of the golfing and horseback riding which were offered.

Deirdre Ahr, our Program Chair, tells us that Gilbert Skinner, a leading consultant in human resource management and lecturer for the Institute of Court Management, will present a full-day program on *Dealing with Problem Employees*, where he will discuss analyzing and solving performance problems, strategies for preventing or minimizing problem employees, and utilization of outside self-help programs, such as substance abuse and mental or physical wellness programs. We hope to kick off the Tucson meeting with this session, so be sure to make your travel arrangements accordingly.

Back by popular demand will be John O'Malley and James Grogan, from the Illinois Attorney Registration and Disciplinary Commission, to follow up on their lively, valuable Charleston session on ethics. And for those of us who are interested in long-range planning and development in our professional life, the nationally-known consulting firm of Hildebrandt is developing a session on just that. Add to these program treats a panel discussion on Judge-Clerk relations and a variety of break-out sessions and it looks like another well-rounded and compelling program!

Joyce Goldsmith, our Host Clerk, reports plans for social events are proceeding famously. Last issue, we previewed "Old Tucson," a complete old west town of soundstages and movie sets. Planned events also include a step back in time to Bisbee, Arizona.

"Nestled in the ravines and gullies of the Mule Mountain Valley is the picturesque town of Bisbee, the county seat of historic Cochise County. Once a thriving mining town about 90 miles southeast of Tucson, Bisbee's present claims are in historic preservation and as a fledgling artists' colony.

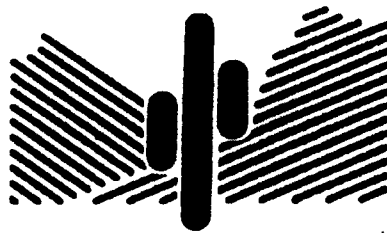
"For the motorist driving south on US 80, Bisbee emerges from the open countryside after a 1,400-foot drive through Mule Pass Tunnel. Hillside staircases, steep streets and long, sloping walkways throughout the town are reminiscent of San Francisco.

"From the turn of the century, Bisbee was synonymous with mining, until Phelps Dodge Mines were closed in 1975. It was estimated that \$6.1 billion dollars worth of gold, silver, lead, zinc and copper had been extracted, making the work in Bisbee one of the largest mining valuations in the world.

"The mines continue to play an important part of the town's economy as one of its many attractions. Retired miners guide visitors through the Queen Mine after they've been equipped with rain slickers and hard hats. The miners tell fascinating stories about blasting through rock and dealing with the dark, cold and dampness of their trade. The open Lavender Pit Mine offers drama in another sense. An 11-mile narrated bus tour passes the copper dumping areas and the leaching plant, ending in a breathtaking overlook on the edge of this man-made gorge.

"The Copper Queen Hotel was built in 1902 and was considered the finest hotel between El Paso and Los Angeles. Renovated to its original grandeur, it continues to be a popular stop for food and lodging.

*(continued on page 9)*



*From The President's Desk*  
Gloria J. Engel

And a new DECADE begins! Can the 90's possibly hold events in store for us of such worldwide significance as those we experienced in the 80's? I wonder. . .

The Executive Committee held its fall meeting in St. Louis early in December. It was a busy and productive session. One of the accomplishments of that meeting was approval of the Guidelines for the Scholarship Program. Each of you will have received notice that applications for scholarships for our 1990 Annual Meeting are available. A special thank you for a splendid job in getting the Scholarship Program "off the ground" goes to the Ad Hoc Scholarship Committee, chaired by Steve Townsend and composed of members Kevin Swanson, Juleann Hornyak, John Scott, Mary Beth McHaney, and Bob Liston. Bylaw VII(5) provides that the Scholarship Committee shall be limited to three members appointed by the Executive Committee. The three members of the permanent Scholarship committee were appointed as follows: Kevin Swanson (Chair), Mary Beth McHaney, and John Scott.

Another significant product of the Executive committee meeting was approval of the program for the second annual Appellate Court seminar co-sponsored by NCACC and the Institute for Court Management. It will be held in New Orleans in March. The first seminar in San Diego last-year was "SRO." So don't be disappointed -- send in your reservation now. In depth information on the seminar appears elsewhere in this issue. (Note the special discount for NCACC members!)

In October we received notice from the ABA that The Honorable Burton Scott, a Judge on the Wisconsin Court of Appeals, has been appointed by the Appellate Judges Conference as liaison to NCACC. Those of you who attended our annual meeting in Helena in 1988 will remember Judge Scott's participation in the program. His in-depth knowledge of the procedural aspects of the appellate process and his obvious interest in developing and promoting programs to alleviate backlogs and establish time standards for disposition of cases make him an excellent choice to serve in the capacity of liaison. We welcome Judge Scott's participation in the coming year.

During our meeting in St. Louis, Deirdre Ahr gave us a comprehensive report of events and activities that will be available in St. Louis for our 1991 Annual Meeting. The only problem is one of selection. It will be very difficult to narrow the choices from the extensive list of outstanding options available. St. Louis is a lovely city -- one the whole family can enjoy.

To each of you, Best Wishes for health and happiness in this New Year and New Decade. May you find fulfillment both personally and professionally. *LE*

**The Docket**

News of the  
**National Conference of Appellate Court Clerks**

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

P. O. Box 2170, Raleigh, NC 27602  
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## Larry L. Sipes to be new president of the National Center for State Courts

WILLIAMSBURG, VA--December 4, 1989--Virginia Chief Justice Harry L. Carrico, chairman of the board of directors of the National Center for State Courts (NCSC), announced today that Larry L. Sipes has been selected to replace current NCSC president Edward B. McConnell upon McConnell's retirement next spring.


Since 1986, Sipes has been a special master for the Marin County (California) Superior Court, where he oversees the administration of the \$450 million Buck Trust. Previously, he spent thirteen years as regional director of NCSC's Western Regional Office in San Francisco. In that position he planned,

coordinated, and supervised court improvement projects in 16 western states. He also directed several NCSC national research projects focused on reducing court delay.

Before joining NCSC in 1973, Sipes directed the Chief Justice's Select Committee on Trial Court Delay for California (1971-72) and was staff director of the 80-member California Constitution Revision Commission. He also spent several years in the private practice of law and was as an assistant U.S. attorney in California.

Sipes received an A.B. (magna cum laude, Phi Beta Kappa) in political science

from the University of Southern California and a J.D. (cum laude, order of the Coif, law review) from the New York University School of Law, where he was a Root-Tilden Scholar. He has received NCSC's Distinguished Service Award and the National Conference of Metropolitan Courts' Justice Tom C. Clark Award for outstanding contributions to judicial administration.

The National Center for State Courts is a nonprofit organization serving the needs of the nation's state courts through research, education and training, information exchange, and direct assistance. It has headquarters in Williamsburg, VA. 

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## Massachusetts Adopts Rule on Audio-Visual Evidence

BOSTON, MA -- October 23, 1989 --

The Supreme Judicial Court has promulgated an amendment to the Massachusetts Rule of Civil Procedure on audio-visual evidence. The new Rule 30A(m) authorizes the use of audio-visual testimony of expert witnesses and treating physicians at trial, regardless of whether the witness is available to testify in person, unless the court otherwise orders. Adoption of the amendment makes

Massachusetts one of the few jurisdictions in the United States with such a rule.

The rule was drafted and recommended to the Court by its Standing Advisory Committee on the Rules of Civil Procedure which spent almost two years in preparing it. A major reason for the Committee's support of the rule is the expectation that it will assist the courts in meeting the requirements of time standards by assuring that expert testimony is available, on

video tape if not in person, at the time scheduled for trial. Many lawyers and judges believe that a major reason for the granting of continuances has been the unavailability of expert witnesses on the day set for trial. The rule should eliminate a major reason for continuances; encourage intelligent settlement, since the lawyers will know in advance about the testimony of experts available for trial; and aid physicians and other experts in more predictably scheduling their time. 

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## Open Competition for Original Papers

In conjunction with the Second National Conference on Court Management, original, previously unpublished papers are invited which fall within the scope of any of these themes:

The identification, preparation, selection, education and succession of judicial branch leaders (judges and managers) and improving their effectiveness within judicial systems.

The changing roles and relationships of judicial branch leaders (judges and managers) in court system administration and ways to develop productive relationships between them.


Public responsibility for judicial system support and the accountability of judicial branch leaders (judges and managers) to the public for their stewardship of the court system.

The effect of the rapidly changing nature of our society on the courts and the resulting changes in the court environment that may influence court management.

FIRST PRIZE \$1,500.00  
SECOND PRIZE \$500.00  
THIRD PRIZE \$250.00

The deadline for submission is March 1, 1990

Papers should be a maximum of 50 double-spaced pages, excluding notes, on 8 1/2 x 11 inch paper, typed on one side. Recommend that papers conform to the Chicago Manual of Style and that endnotes be placed at the end of the paper. Papers will not be returned and the conference has exclusive publication rights.

Please submit an original plus two copies to:  
Conference Coordinator  
2nd National Conference on Court Management  
National Center for State Courts  
300 Newport Avenue  
Williamsburg, Virginia 23187-8798 

## An Interview With President Gloria J. Engel

By Penny Miller, Chief Deputy Clerk,  
North Dakota Supreme Court

Gloria J. Engel has been serving as NCACC President since August 1989. As a relatively new member of our Conference, it was with enthusiasm that I accepted the assignment of interviewing "Jill" for *The Docket*. It was an excellent opportunity for me to get to know our current NCACC President as well as the present Clerk of the Supreme Court of South Dakota.

I hope the following edited interview will give you the opportunity to get to know our President.

Q. Can you give us a review of your professional background?

A. I started my career with the Supreme Court of South Dakota as Secretary to the Chief Justice. In 1973 I was appointed Deputy Clerk and have been the Clerk of the Supreme Court since February 1977. I have been a member of NCACC since 1978.

I am a 1983 Graduate Fellow of the Institute for Court Management. I have been a guest lecturer at the South Dakota School of Law; served on the faculty of the State Bar Continuing Legal Education Program; and served on the faculty of the Institute for Court Management. I am a Judicial Associate of the ABA and a member of the American Judicature Society.

Q. What are your goals during your term as President?

A. An important goal during my term as President will be to forge stronger professional relationships with other judicial organizations, such as the National Center for State Courts and the associations of Court Administrators and Staff Attorneys. Another area of primary focus will be to continue to promote projects that enhance the professional image of Appellate Court Clerks. One of those projects has been our co-sponsorship with the Institute for Court Management of an appellate court seminar. The first program was held in the spring of 1989. It was a great success. The second one is scheduled for March of 1990.

Q. Do you see the role of Appellate Court Clerks changing significantly within the next decade?

A. The 1980's saw an explosion of technology. Appellate Court Clerks will need to understand and utilize much of that technology to more efficiently and effectively manage their Courts.

Q. What is the most significant thing that has impacted the profession over the last decade?


A. Again, I would say technology. Gone from almost every court are the enormous docket books and journals (along with the visors and quill pens). Judicial systems for the most part were not in the forefront of embracing new technological systems. Nonetheless, as the decade of the 80's progressed, technology in the form of word processors and computers found

its way into almost every court. Specialized programs for nearly every court function are now on the market, and courts are finding them invaluable.

Q. What are your concerns for the future of NCACC and the profession?

A. NCACC is a vital, participatory organization. It is the active participation of its membership that creates the vitality. We must strive to continue the practices that have resulted in the transformation of a fledgling organization to one of well-respected recognition in the judicial field.

It is evident that Jill is "vitaly interested in our system of justice," and finds her career fulfilling. However, she does have outside interests as well which include her two sons and daughter, Shawn, Stephen and Heather, playing bridge, reading, playing golf (although, she admits, poorly), and traveling.

For those of you who have not had the pleasure of meeting Jill, make an effort to talk with her if you are planning to attend the appellate court seminar in New Orleans in March or the NCACC Annual Meeting in Tucson, Arizona, in March. I am sure you will agree that she is a kind, caring, and intelligent person .... one who is highly respected by her colleagues, and a wonderful representative of appellate court clerks. 

# Think Tucson!

August 5 - 10, 1990



## With All Deliberate Speed

by Henry Koltys

Reprinted from "With All Deliberate Speed," by Henry Koltys, published in the December 15, 1989, edition of *The Lawyer's PC*, by permission of Shepards/McGraw-Hill, Inc. Copyright 1989 by Shepards/McGraw-Hill, Inc. Further reproduction of any kind is strictly prohibited.

By this time next year the Electronic Dissemination of Opinions (EDO) projects for the U.S. Supreme Court and the U.S. Courts of Appeals should be completed. The public will have access to full-text opinions, orders and rulings in *electronic form* as soon as they are released through each court's bulletin board system (BBS). Hopefully, the U.S. District Courts will be online shortly thereafter.

To conduct full-text searches now, a hard copy must be obtained directly from the court and either scanned or typed into the computer.

Why, one might ask, are the EDO projects significant to those in the legal profession who are not computer hackers? Regardless of whether one deals with federal issues - and most of us do, from time to time - the project may be important for any one of several reasons:

- 1) It means immediate access to *all* recent federal opinions, orders, rulings, dockets, etc.
- 2) It means you can avoid paying the charges of legal databases such as WESTLAW and LEXIS.
- 3) It means you can capture the opinions and store them on a hard drive (eventually on CD-ROM) in order to have a low-cost library for future legal research.
- 4) It means you can search online (or offline), using the latest search and retrieval tools with macros and search commands tailored to suit your practice and your needs.
- 5) Federal opinions often are considered persuasive (as opposed to mandatory) primary authority in state courts.
- 6) The state courts often follow the lead of the federal courts when dealing with similar substantive or procedural issues.
- 7) State courts now are placing opinions, rulings and dockets online. While New York, Michigan, North Carolina and several other states may be taking the lead, before long all states will offer this service.

Such a library could grow quickly since, according to the Administrative Office of the U.S. Courts, the federal courts dispose of more than 250,000 cases each year. According to Robert S. Willard, director of government markets for Mead Data Central (provider of LEXIS), more than 1,500 full-text opinions per

month are received from the U.S. Courts of Appeals.

The use of unpublished opinions always has been an issue of contention, since some court rules do not permit the citation of unpublished opinions as authority. But when the floodgates of electronic opinions are opened, the debate most likely will be renewed with even greater vigor. Since current plans do not include a subject matter index for the bulletin boards but only the docket number or caption of the case, it will be essential to use ZyIndex or a similar application with text-searching capability to search the downloaded files for relevant cases and issues.

### *Pilot Projects Began Last December*

The person in charge of the EDO project for the U.S. Courts of Appeals, Chief Judge Richard Bilby of the U.S. District Court for Arizona, gave his approval to West Publishing Company (provider of WESTLAW) and Mead in December 1988 to commence pilot projects. Mead wired the third and 10th circuits, while West wired the fifth and the 11th circuits. Working independently, each designed its own software in less than one month and, by February 1989, each system was up and transmitting data to each respective publisher, who forwarded the data to the other.

In a September meeting, closed to the public, representatives of the two firms met with Judge Bilby to report on the status of their projects and to coordinate phase two of the overall project: using Mead's software, to send the data from the third, fifth, 10th and 11th circuits through the third circuit, back to Mead and West and the participating circuits. The target date for the start of phase two was October 15, 1989, but the public will not have direct access to those opinions until an unspecified time in the future.

Recently, Judge Bilby asked two other organizations to set up pilot projects using MCI Mail: Lawyer's Coop in the sixth circuit and Tax Analysts (not-for-profit) in the federal and D.C. circuits.

The availability of opinions directly from the court's computers for the past six months is

a great benefit to Mead and West, since normally each must transform the opinions from hard-copy form into electronic form using an optical character reader, which scans at the rate of one page per minute.

Judge Bilby stated that West and Mead do not have a monopoly on the public domain data, since the public can access the data via AT&T E-Mail. However, West's manager of government contracts, Michael J. Whetstone, said West would not make the data available to the public, since the company merely is conducting a "test" of its system. Mead, on the other hand, has set up "shared folders" from which an AT&T customer may access the public domain data from Mead's two circuits.

### *Independent Projects*

Several U.S. courts of appeals are working on EDO projects that are independent of Judge Bilby. The ninth circuit, with the assistance of the Federal Judicial Center (FJC), set up its own BBS that can receive or transmit calls. From last January 1, when it became operational, until September 1 the BBS made available more than 1,100 opinions, orders and other important documents. The 400 organizations that access the BBS keep it busy three hours each work day, resulting in more than 5,000 transmissions since January. The board's access number in San Francisco is (415) 556-3075.

The most frequent calls received are from the U.S. government (mostly the Justice Department) (25 percent), law firms (25 percent), law schools and libraries (10 percent), not-for-profit organizations (10 percent), legal journals and newspapers (10 percent) and legal publishers (five percent). The use by legal publishers may be somewhat misleading, since West and Mead are privileged in that they receive the transmissions automatically, without initiating a request.

The public recently obtained access to opinions of the seventh circuit through the BBS of the American Bar Association, ABA/net. For a \$50 initial fee and a \$20-per-month minimum, ABA/net members can access those

*(continued on next page)*

opinions for \$18 per hour (\$8 off-peak). The public soon will be able to download opinions from the BBS in the fourth circuit, which is being installed with the help of the FJC and is modeled after the ninth circuit's BBS.

Unfortunately, the Supreme Court EDO project is not moving "with all deliberate speed." The reasons are less than clear. As with the U.S. courts of appeals' EDO project, the goal of the Supreme Court's EDO project is for one source to provide immediate and simultaneous access to public and private entities. After several preliminary meetings with publishers, wire services, government entities and not-for-profit organizations, 14 proposals were submitted to the court; all were rejected.

A consortium has been organized, consisting of entities who are interested in the court's EDO project. The latest meeting took place in September, and it was agreed the ABA would assume the role of secretariat. Bylaws were passed establishing two distinct classes of members: those willing to share in any development cost and those only interested in public access. Additionally, two steering committees were formed, one to address the financial and business aspects and the other to address the technical computer aspect of the project. The court is drafting a request for proposal that was expected to be given to interested parties this fall.

According to sources, in getting the Supreme Court system up and transmitting data to the public, problems arise partly because of security issues, partly because of the court's desire to interface the public access system with its existing system, and partly because public access to opinions in electronic form is not high on the court's agenda.

By this time next year, by using a PC with a modem and communications software, the public should be able to dial into bulletin board systems around the country and retrieve the latest full-text opinions, rulings, orders and dockets from the U.S. courts of appeals and, with any luck, the Supreme Court. *L*

**The Fifth Rule:**  
**You have taken**  
**yourself too**  
**seriously.**

# Out of the Gutter

Greg Wallace



**W**ell, sure, it's a cute picture -- has that old legal flavor, like *Rumpole of the Bailey* and all that -- but why on earth is this part called "Out of the Gutter?"

It is **not** named after the street gutter following one of the social functions at an annual meeting, though it is reminiscent of the way *some* unnamed-but-we-know-who-we-are-don't-we clerk-type persons must have felt on at least one occasion in recent memory. Instead, it's another play on words (like the p's and q's?).

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**Maybe the Clerk's Office  
is the "gutter"  
of the appellate court!**

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In printing lingo (*Aw, geeze, there he goes again.*), the gutter is the white space in the middle, where the pages are held together. The part of the hard-bound book of case reports that cracks when you open it up all the way, the part of the slip opinions where the saddle-stitched staples can sometimes be seen, and the part of this newsletter where the side-stitched staples are just a little

too close to the words on occasion. And it struck me that maybe the Clerk's Office is the "gutter" of the appellate court.

A slight detour for effect. Here, in its essence, is the severe weather policy for our court, sent out by my Chief during a recent ice storm while no one else was in the building but him, some of my staff, and me:

1. Do not come to work unless you can do so safely.
2. Let your boss know if you cannot be here.
3. The Clerk's office should be open....

Sure, he allowed as how I should notify him if none of my people or I could get in, but the message was loud and clear! If anybody's going to be here, it'll be the Clerk's Office!

We often are the public's perception of the appellate court; and we surely are a large part of the bar's impression of the court's efficiency, helpfulness, receptivity, and friendliness.

So, maybe the Clerk's office *is* the "gutter" of the appellate court. On one hand, like the gutter of the street, all the loose trash no one knows what to do with or wants in their office any longer ends up you-know-where for "filing." And on the other hand, like the gutter of this newsletter or the printed materials our courts put out, the Clerk's office is the part of the court that holds things together. *L*

## Committee Activities

### Awards Committee

The Awards Committee is seeking nominations for the 1990 J. O. Sentell Award.

The Executive Committee created this annual award in 1979 to recognize distinguished service rendered by a member of the NCACC who has contributed in a substantial way to the objectives of the Conference. The first J. O. Sentell Award was presented in 1979.

J. O. Sentell Award recipients to date have been:

- 1979 - J. O. Sentell
- 1980 - Ronald L. Dzierbicki
- 1981 - Wilfried J. Kramer
- 1982 - Morgan Thomas
- 1983 - Lewis Carter
- 1984 - Mary Ann Hopkins-Young
- 1985 - Alexander L. Stevas
- 1986 - Luella Dunn
- 1987 - Jean M. Kennett
- 1988 - John C. Scott
- 1989 - Joline B. Williams

Please complete the Nomination Form found elsewhere in this issue and return it, on or before March 1, 1990, to Marilyn L. Graves, Clerk of Supreme Court, P. O. Box 1688, Madison, WI 53701-1688.

### Long-Range Planning Committee

The Long Range Planning Committee will have its second annual mid-year meeting in Williamsburg, February 23-24, 1990.

### Membership Committee

The NCACC Pictorial Directory is on its way to West Publishing Company. John Smith will prepare proofs of the information in several alternative formats and return the samples to the Executive Committee for selection at the spring meeting in New Orleans.

The Directories should be available later this year. Ron Barrow, Chair.

### Nominations Committee

The Executive Committee has approved the use of *The Docket* to solicit your suggestions for officers and executive committee members for possible nomination during our annual meeting this year in Tucson.

Those persons whose two (2) year terms as members of the executive committee will expire are: Ron D. Barrow, CA, David B. Beach, VA, and Joline B. Williams, GA. These members *are not* eligible to *return* as executive committee members for one year, but *are* eligible for officers' vacancies.

As usual, we need to fill the office of Vice-President, and, this year, we need also to fill the office of Secretary. Ella Williams, MI, is completing a two-year term as Secretary. Our Bylaws permit the Secretary to succeed in office for an additional term.

Please use the nominations form found elsewhere in this issue to give the nominating committee the benefit of your suggestions. Return the form, not later than May 1, 1990, to John C. Scott, Clerk of Supreme Court, New Capitol Building, Room 209, Frankfort, KY 40601.

### Publications Committee

The handy-dandy *Directory of Appellate Court Clerks* hit the streets this month, thanks primarily to Steve Townsend, who (exhibiting masochistic tendencies) **volunteered** to continue the editing and production of the valuable and usable pocket-size listing of all appellate court clerks, members or not. This edition contains FAX numbers known to us by deadline for the Directory. Look for it and use it! Greg Wallace, Chair.

### Scholarship Committee

The three-member Scholarship Committee, appointed by the Executive Committee to review applications and recommend scholarship awards for the Annual Meeting in Tucson, consists of Kevin Swanson, Chair, and members Mary Beth McHaney and John Scott. A special mailing containing the guidelines, selection criteria, and application forms went out to the Conference membership in December. If you are interested in applying for a scholarship to the Tucson meeting and have not already done so, it is now too late, but watch for information about applying for the 1991 scholarships to St. Louis. Kevin Swanson, Chair.

### Special ICM/NCACC Seminar Planning Committee

New Orleans, Louisiana, 25-28 March, 1990, *Appellate Court Project Management*. Following the unprecedented success of the Appellate Court Administration course in San Diego last spring, the upcoming course promises continued valuable information and training.

The faculty will be familiar to Conference attendees: Dale Lefever of the University of Michigan, a popular repeat performer at our own Annual Meetings; Bob Roper, Senior Staff Associate at ICM, who, aside from his expertise in information management and executive development, is well-known for his use of *Far Side* cartoons to illustrate his talks in pertinent ways; and Frans Labranche, Clerk of the Louisiana Supreme Court and one of the most recognizable figures in the NCACC, who has managed his court through a series of forward-thinking projects of interest to all clerks and administrators.

Brochures have been sent to all NCACC members. This will be a good one! REGISTER EARLY TO ENSURE YOUR PLACE! Glen Clark, Chair. ✍

**MINUTES OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
SIXTEENTH ANNUAL MEETING  
THURSDAY, AUGUST 10, 1989, 1:30 p.m.  
CHARLESTON, S.C.**

The Sixteenth annual meeting was called to order by President Glen W. Clark.

It was moved by John Scott that the minutes of the Fifteenth annual meeting (1988) be approved. The motion carried and the minutes were approved.

President Clark called for committee reports which were given as follows:

#### **FINANCIAL AND INVESTMENT REPORT**

Treasurer Richardson reported that the conference had approximately \$80,000. His report included reviewing the exhibits attached to his report previously given to the membership. The exhibits were as follows: Ex. 1 - a comparative statement of revenues, expenditures and changes in fund balances; Ex. 2 - comparative balance sheets for 6-30-89 and 6-30-88; Ex. 3 - budget results for fiscal year 1989; Ex. 4 - Proposed operating budget for the year ending 6-30-89; Ex. 5 - Comparative financial reports for conferences in 1986, 1987 and 1988; Ex. 6 - Proposed budget for the annual conference in Charleston.

Treasurer Richardson also reported on the status of investments as follows: the conference earned \$5,405.99 in interest. Ex. 7 attached to the finance report showed \$20,070.94 in Merrill Lynch Ready Assets earning 9.17%; \$25,000 in a CD which matures in November, 1989, and May, 1990, earned 8.6% and 9.5%. The report shows \$4,930.42 cash in the bank.

It was moved by Robert Wilson that the report be accepted. The motion was carried.

#### **SITE SELECTION**

The President announced that the site selection committee recommended Washington, D.C., as the conference site for 1992 at the Executive Committee meeting in March. The committee approved that recommendation.

#### **AWARDS AND MEMORIALS**

Chair of the Awards and Memorials Committee, David Lampen, reported that the committee had made a recommendation to the Executive Committee for the J. O. Sentell Award and that recommendation had been approved. The committee also recommended to the Executive Committee the establishment of a Morgan Thomas Award. He explained that

the J. O. Sentell Award has traditionally been for participating members of our organization who have given special services and made special efforts to the organization. He further explained that the Morgan Thomas Award will go to persons not eligible for the J. O. Sentell Award; it is a special award and will be given on an irregular basis.

The committee also prepared memorials for Paul Mims who passed on April 15, 1989; for Ervin Tuszyński who passed on April 17, 1989; and for Reginald Shriver who passed on November 2, 1988. The memorials for the above persons were read aloud by David Lampen.

#### **RESOLUTIONS**

Lewis Carter presented Memorial Resolutions for Paul Mims, Ervin Tuszyński and Reginald Shriver.

Lewis Carter also read resolutions recognizing the efforts of the following persons in planning and hosting a successful Sixteenth Annual Meeting:

The first resolution honored Reba Mims and the Court of Appeals Staff and Clyde Davis and the Supreme Court staff.

The second resolution honored West Publishing Company and Charles and Lyn Nelson and John Smith; Mead Data Corporation and John and Jennifer Hilgeman; Bureau of National Affairs and Jane Sanchez; The South Carolina Judicial Department and Gedney Howe, owner of the Calhoun Mansion.

The third resolution honored J. Gregory Wallace, chairperson of the program committee, its members individually and collectively and all of the speakers who contributed to the success of the Conference.

It was moved by Tommy Lowe to accept the awards and memorials and resolutions as given. The motion was seconded and carried.

#### **MEMBERSHIP**

The President thanked Ron Barrow and his membership committee for 23 new members. He pointed out that only three new members replaced former members.

#### **LONG RANGE PLANNING AND IMPLEMENTATION OF GOALS REPORT**

A Joint report was made by Committee Chairs Frans Labranche and William Fulton. Frans reported that both committees met jointly in Williamsburg in advance of the Executive Committee meeting in March. The focus was to improve and enhance the professionalism of the organization and individual members. The Committee recommendations were as follows:

Objective 1 - Improve Productivity of NCACC committees.

#### **Special Committees**

- (a) Awards and Memorials - should be comprised of J. O. Sentell recipients.
- (b) Long Range Planning - need continuing continuity (more than two years).
- (c) Convention Assistance - consist of past hosts
- (d) Finance and Investment
- (e) Resolutions
- (f) Past Presidents

Long Range Committees - Need longer continuity than a year or two

- (a) Publications
- (b) Bylaws
- (c) Public Relations

#### **Short-term Committees**

Nominating committee - members could be changed yearly.

#### **Regular Committees**

membership; program; scholarship; site selection and statistics. Stagger the membership (appoint half the membership for a two year term each year).

Objective 2. - Improving the Newsletter

#### **Objective 3 - Interorganizational Relations**

Recommend forming a new Interorganizational Liaison committee.

#### **Objective 4 - On Call Consultant Team**

Team available to help new clerks and clerks in new areas within the courts.

*(continued on next page)*



### Annual Conference Minutes, continued

#### Objective 5 - Improve Quality of Appellate Advocacy

Upon completion of the report, Brian Smith moved to accept the report of the committee and its recommendations and refer to the Executive Committee for implementation. The motion was seconded. After discussion, a vote was taken on the motion by a show of hands. The vote was 33 in favor and 10 against. Motion Carried.

### BYLAWS COMMITTEE REPORT

Committee Chair McGraw reported recommendations had been approved by the Executive Committee.

Article V, Sec. 3 - to delete language no longer needed.

(; provided, however, that the Treasurer shall be elected to a three-year term in the year this amendment takes effect).

It was moved by Joline Williams to accept the change. The motion was seconded and carried.

Article VI, Sec. 3

Before the amendment could be made, it was necessary to waive the bylaws. It was moved by John Wilkerson to waive the bylaws. The motion was seconded and carried.

Article VI, Sec. 3 should read as follows:

The presiding officer shall have a vote in all matters coming before the Executive Committee and in all matters are the annual business meeting of the Conference (1) if a vote is by written ballot or (2) when necessary to decide a tie, non-written vote by the members present and eligible to vote pursuant to Article IV, Sec.4. Member Wallace suggested a stylistic change of adding (,) after tie.

Robert Wilson moved to adopt the amendment with the stylistic change. The motion was seconded and carried.

### NOMINATIONS

After the nominations report was given by Tommy Lowe, President Clark stated that the committee had recommended David Lampen for Vice-President. By consensus the recommendation was adopted. Robert Wilson moved that the nominations be closed. David Lampen was elected Vice-President by acclamation.

President Clark indicated that the committee had recommended Keith Richardson as Treasurer. By consensus the recommendation was adopted. Robert Wilson moved that the

nominations be closed. Keith Richardson was elected Treasurer by acclamation.

President Clark indicated that the committee had recommended Clyde Davis of South Carolina, Joyce Goldsmith of Arizona and Marilyn Graves of Wisconsin as members of the Executive Committee. By consensus the recommendations were adopted. Robert Wilson moved that the nominations be closed. Clyde Davis, Joyce Goldsmith and Marilyn Graves were elected to two year terms on the Executive Committee by acclamation.

### PAST PRESIDENTS REPORT

Past President Stephen Townsend requested all Past Presidents to send their papers to the National Center for the NCACC archives.

### NEW BUSINESS

President Clark called for new business and announced that Frans Labranche had recommended Vincent Ambrosia as a sustaining member. The President advised that Mr. Ambrosia is the owner of Office Automation Consultants and has actively supported the conference for a number of years. He was on program in Boston in 1982. Because the recommendation was not made earlier, it was moved by John Wilkerson to waive the 30 day notice requirement rule. The motion was seconded and carried.

Frans Labranche moved to accept Vincent Ambrosia as a sustaining member. The motion was seconded and carried.

David Lampen then moved that the 30 day notice requirement be waived to accept Francis Bremson as a sustaining member. The motion was seconded and carried.

David Lampen then moved that Francis Bremson be accepted as a sustaining member. The motion was seconded and carried.

Elaine Goldsmith raised the question of changing the date of the annual meeting to accommodate members who wish to attend other conferences. It was pointed out that the membership had been polled before and the first week of August was chosen as the best time.

After discussion, the President referred the matter to the Executive Committee for consideration.


David Lampen reported that he had been asked by COSCA to set up an appellate statistics subcommittee. He has been asked to look into the following: (1) ways to help in improving and developing generic terms; (2) look at flow charts of appellate procedures and (3) establish better communication.

David informed the membership that Kevin Swanson of California and John Toliver of Louisiana are members of his committee.

President Clark announced that the joint meeting NCACC had with the National Center Appellate Court Administration Committee and ICM last spring in San Diego was successful. The National Center and ICM would like another meeting and the Executive Committee has approved the same.

Greg Wallace requested all critique sheets be returned to him.

There being no further business, Robert Wilson moved to adjourn the Sixteenth Annual Meeting of the National Conference of Appellate Court Clerks. The meeting was adjourned at 3:15 p.m.

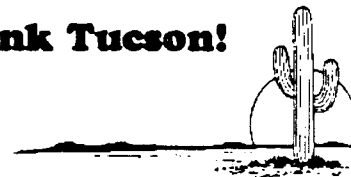
Respectfully submitted,  
Ella Williams, Secretary 


### Tucson Will Host 17th Annual Meeting, continued from page 1

"Two boomtown-days neighborhoods have restored buildings. Brewery Gulch was the social center of free-spending miners and 'friendly ladies' where saloons and gambling houses provided entertainment. Main Street stores, restaurants and hotels provided services for the rest of the townsfolk.

Each year, the quality and memorability of our Annual Conferences improve. Make plans to join us, and

### Think Tucson!



Portions reprinted by permission, Metropolitan Tucson Convention & Visitors Bureau, from December, 1989, issue of "Tucson." 

## People, Places, and Things



### Births

Frans Labranche, Clerk of the Louisiana Supreme Court is pleased to announce the birth of his third grandson, Edwin Charles Gonzales IV. "Charlie" was born November 6, 1989, and weighed in at 7lb, 13 oz.

John and Jenny Hilgeman, he of Mead Data Corporation, are excited to announce the arrival of a *daughter!* Laura Marie will provide counterpoint to her two brothers, Jack and Peter. Born November 11, 1989, she weighed a petite 6lb, 4oz, and was 20 1/2 inches long/tall.

Some of our longer-term members may remember Mary Hogan Taylor, who served our organization as our helper at the National Center for State Courts. We are told that she has given birth to a daughter, Darien, in October, 1989.

at least one plan to carry them out. We will miss her. Our thoughts and prayers are with her husband, Dale, and her family.



### Awards

Commander J. Gregory Wallace, JAGC, USNR, of Raleigh, North Carolina, was awarded the Navy Commendation Medal in ceremonies in Raleigh on December 2, 1989.

The Secretary of the Navy, in the citation for the award, praised Wallace for his outstanding contribution to the Navy, and in particular for his work in creating a comprehensive computer application program for the management of Navy and Federal claims. Wallace was credited in the citation with saving the government thousands of dollars and hundreds of manhours per year through the claims program.

Wallace is Executive Officer of the Naval Reserve Law Volunteer Training Unit in Raleigh. He is Clerk of the Supreme Court of North Carolina.

**John T. Adams**, Clerk of the Supreme Court of Texas

**Courtland Crocker**, Deputy Clerk of the Supreme Court of Texas

**Hortencia Damian**, Deputy Clerk of the Supreme Court of Texas

**Kathy Gillis**, Deputy Clerk of the Supreme Court of Mississippi

**Jan Knippel**, Chief Accountant of the Supreme Court of Texas

**Louise Livingston**, Assistant Clerk of the Alabama Supreme Court

**Blanca E. Morin**, Deputy Clerk of the Supreme Court of Texas

**Michael C. Murphey**, Deputy Clerk of the Supreme Court of Texas

**Steven Jay Newman**, First Deputy Clerk, D.C. Court of Appeals

**Barry E. Pickett**, Deputy Clerk of the Supreme Court of Texas



### Miscellany

Ron Barrow, Clerk of the California Court of Appeal, First Appellate District, in San Francisco, reports that his office, staff, and family have come through the great earthquake unscathed. Though half of the State Building, in which his court is housed, was condemned as unsafe following the quake, the personnel moves which followed affected only five of his judges and a few staff members, but not his office.

But, "Our file room went like a stack of dominoes," said Michael Yerly, Clerk of the Sixth Appellate District in San Jose, nearer the epicenter. "Drawers came out of the desks and a big



### Deaths

It was with shock and sorrow that we learned of the untimely death of Sue Gordon, Clerk of the Mississippi Supreme Court, who died of a heart attack in her office on November 16, 1989. Though a member of the NCACC for only a few years, Sue became quickly known as a fine administrator, a lobbyist *par excellence*, an "accomplisher," and a lovely gentlewoman. In a short time, Sue brought her court into the front ranks of automation and efficiency. She was always full of good ideas and



### New Members

The Executive Committee reports **ten** new members since our Charleston Conference. We welcome, in alphabetical order:

bookcase fell over. No one was hurt, but it took three days to dig out." No structural damage was done to the building, but sheet rock walls were damaged and they are just now getting back to normal.

Dave Cole, formerly Clerk of the Arizona Supreme Court, who parlayed his credentials as a clerk to become a judge of the superior court, Maricopa County, Arizona, a couple of years ago, called to crow about Arizona's Copper Bowl victory over N. C. State. He sends his regards to all -- says he misses us -- and promises to be in Tucson to renew old friendships and make some new ones!




## FAX Numbers

(not found in Dec. 1989 Directory)

**Luella Dunn**, North Dakota Supreme Court, (701) 224-3000 (make sure it's addressed, this is a general State government FAX)

**Gloria J. Engel**, South Dakota Supreme Court, (605) 773-3686

**Marilyn Graves**, Wisconsin Supreme Court, (608) 267-0640 

**MAD:**  
Affected with a high  
degree of intellectual  
independence.



## Courthouse Grins

*Got some funny stories? Maybe you had to be there? How about sharing them with the Conference. Who knows, maybe Reader's Digest will pick them up and put them in "Life in these United States" -- or, maybe not.*

It was a hard-fought appeal contesting liability for major flaws in the construction of an office building. The plaintiff decided to punch home his point about how grossly shabby was the work of the defendant contractor, and closed his oral argument with "As we remember, even Justice Holmes' dog could distinguish between being kicked and being tripped over."

The attorney for the defendant contractor couldn't let that get by without reply, he began his argument by saying, "Holmes' dog may know whether he's been kicked or tripped over, but he wouldn't know whether the trip was negligence or gross negligence." The Chief Justice, from the bench commented, "Oh, Holmes' dog probably would!"


Next it was the building owner's turn. Not wanting to be left out of the canine repartee, his lawyer started by claiming, "Holmes' dog wouldn't even *know* us -- we weren't even there!"

But the plaintiff, in rebuttal, had the last word, saying, "... but Holmes' dog would've bitten the Owner if he knew he hired the person who kicked him! "

No decision yet in the appeal, and nothing at all heard from Holmes' dog!  
-- Greg Wallace, Supreme Court of North Carolina (November 1989)

And here's one from the record of a case:

Q: Mr. Hanby, why did you abandon your wife?

A: Because of her relationship with her power mower. [Should read paramour. It's that Southern drawl, I guess!] 

# BON VOYAGE TRAVEL

ASK MR. FOSTER ASSOCIATE

November 16, 1989

To: N.C.A.C.C. Participant.

We would like to introduce ourselves as the official Travel Agent of the 1990 National Conference of Appellate Court Clerks' Convention to be held in Tucson, ARizona August 5 - 10, 1990.

For discount fares of 40% off standard coach fares or 5% off the lowest applicable fare, call 1-800-327-7215. Tell them that you are with the N.C.A.C.C. conference and all your transportation arrangements to Tucson will be handled promptly.

Tucson International Airport is served by most major carriers, and convenient links for all others can be made through Phoenix. The airport is approximately 18 miles from the hotel or a 45 minute drive.

Early bookings are advised as special low fare seats are limited. At the time of your ticket issuance your name will be put into a drawing for a free airline ticket. The drawing will be held at one of the events during the 1990 convention.

If any of you would like to go to the Grand Canyon before or after the convention, we will be happy to arrange that for you. When you phone our 1-800 number to make your reservations, please have ready the following information:

Name	Frequent Flyer Numbers
Address, City, State, Zip	Form of payment
Special meals	Seat preference

The above information will help us to serve you better. We look forward to working with you within the next year.

Sincerely yours,

BON VOYAGE TRAVEL  
  
Edith Cohen, Travel Consultant

Please return this J. O. Sentell Award Nomination  
by March 1, 1990, to:

Marilyn L. Graves  
Clerk of Supreme Court  
P. O. Box 1688  
Madison, WI 53701-1688

(clip here)



EXECUTIVE COMMITTEE (2-year terms)

Name:

State:

Qualifications:

Name:

State:

Qualifications:

Name:

State:

Qualifications:

National Conference of Appellate Court Clerks  
1990 J. O. Sentell Award Nomination Form

Name of Nominee:

State of Nominee:

Reasons for Nomination:

(clip here)

National Conference of Appellate Court Clerks  
Recommendations to Nominations Committee

Please return this form by May 1, 1990, to

John C. Scott, Clerk  
Supreme Court of Kentucky  
New Capitol Bldg.  
Frankfort, KY 40601

VICE-PRESIDENT (succeeds to President-Elect and President)

Name:

State:

Qualifications:

SECRETARY (2-year term)

Name:

State:

Qualifications: