

The Docket



News of the National Conference of Appellate Court Clerks

VOL. 20

January 1992

NO. 3

IN THIS ISSUE :

People, Places, and Things

Notes from
the editor

Organizing the Program

AND

DEADLINE FOR FILING SCHOLARSHIP APPLICATIONS

APPLICATIONS FOR NCACC SCHOLARSHIPS
FOR THE 1992 CONFERENCE MUST BE
SUBMITTED NO LATER THAN FEBRUARY 22,
1992. AN APPLICATION FORM AND THE
SCHOLARSHIP GUIDELINES COMMENCE AT
PAGE 9 IN THIS EDITION OF THE DOCKET.

Notes from the editor

There is no formal message from Kevin Swanson, NCACC President, for this issue, but he has asked me to pass on one or two reminders.

Elsewhere in this issue you will find forms for scholarship applications and for your recommendations to the Nominating Committee. Both of these forms provide you with opportunities: one perhaps to make it possible for you to attend the annual meetig in DC in August, and one to make your choices for vacancies among officers and Executive Committee known to the Nominating Committee.

Perhaps a special comment on the work of the Nominating Committee is in order at this time. The Nominating Committee is charged with presenting to the Executive Committee its nominations for qualified members to fill existing or up-coming vacancies. To do that responsibly, each Nominating Committee almost from the beginning has asked the membership for recommendations. These recommendations are not binding on the Committee, but are given great deference. Sadly, over the past few years only a small percentage of the membership has submitted recommendations. Perhaps you know someone with unique qualities for a particular position; perhaps you would like to serve, but feel you haven't been a member of NCACC long enough. Now's your chance. Fill in those forms and get them back to Reba Mims, NOW!

And, while the subject of illing out forms is still fresh in our minds, Kevin has asked that when you receive questionnaires in the mail from other NCACC members or from the National Center for State Courts which seek information of a very particular nature, please take the few minutes needed to fill them out and send them back as quickly as possible. Remember, you too may have a questionnaire to send out some day!

Thank you all.

Jean Kennett
EDITOR

The Docket

News of the National Conference of Appellate Court Clerks

President	Kevin Swanson (CA)
President-Elect	Joyce Goldsmith (AZ)
Vice President	Ron D. Barrow (CA)
Immed. Past President	Peggy McGraw (MO)
Secretary	Ella Williams (MI)
Treasurer	Richard B. Hoffman (DC)
Assistant Treasurer (one year term)	R. Keith Richardson (IA)
Executive Committee	Deirdre O. Ahr (MO) Nancy Turck Foley (MA) Cornelia G. Clark (WI) A. B. Neil (TN) Jerrill D. Carter (WY) Thomas Lowe (TX)
Editor	Jean M. Kennett (MA)
<u>Regional Reporters</u>	
Northeast	Emille Cox (609) 292-4693 (ME, NH, VT, MA, RI, CT, NY, NJ)
Mideast	Mary Ann Dix (614) 466 5227 (PA, DE, MD, DC, VA, WV, OH, KY, IN)
South	Frans LaBranche (504) 568-5707 (TN, NC, SC, GA, FL, AL, MS, LA)
Midwest	Penny Miller (701) 224-2221 (IL, MI, WI, MN, IA, ND, SD, NB)
Southwest	Troy Bennett (512) 463-1551 (MO, AR, KS, OK, TX, CO, NM)
Farwest	Glen Clark (602) 542-4821 (AZ, UT, NV, CA)
Northwest	Yvonne Anderson (907) 264-0608 (AK, HI, WA, OR, ID, MT, WY)

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

1412 Court House, Boston, Massachusetts 02108
Phone (617) 725-8055

From Frans LaBranche comes the following bit of good South Louisiana humor. Frans received permission to reprint this letter from Attorney J. Burton Willis of St. Martinsville, LA, former law clerk to Judge Porterie who was a practicing attorney when this letter was addressed to him by a Louisiana defense attorney back in 1917.



JUST FOR FUN!

Dear Mr. Porterie:

You have a claim of Camille Neck's for \$100 value of a cow killed by train (I should have said alleged value) upon which you offer to take \$75 in settlement. Mr. Quick, the Company's claim agent, is very much distressed by your figures. He wants to settle with your client without suit, if possible, but can never on earth obtain authority to pay \$75. He strained himself to the point of exhaustion by offering \$35, has lost his nerve, dropped out of the betting and wants me to jump in the imminent, deadly breach and offer you \$50. This I now do, simply in the way of a compromise, for the railroad company, in making this offer does not acknowledge liability. I say to you, confidentially, of course, that the animal in question undoubtedly committed suicide. The statements furnished me show that she hid behind a cattle-guard fence, evidently by design and quietly awaited the approach of the train in order to leap in front of it and end her life. What her thoughts must have been as she thus calmly waited for death, we will not inquire. The subject is too painful. There must have been some powerful motive that actuated her in taking this dreadful course. Possibly she was afflicted with some incurable disease and saw only a future of suffering. Possibly, again, she suffered from the pangs of unrequited love; or, it may be she sacrificed her virtue to the blandishments of some scoundrelly young bull of the neighborhood and could not survive the disgrace of exposure.

Now if you will take \$50 I will see to it that this secret of her suicide will be sacredly guarded. If you decline it and the case is aired in the Courts, her family will be dishonored and her memory stained, and for this, your client will be answerable.

But there is a practical side on this matter which may appeal to Mr. Neck if he is not susceptible to the appeals of sentiment. It is this: If he will take \$50 he will get it now. If he sues and obtains a judgment, say for double this amount, when and how will he obtain payment. He cannot issue execution, for the railroad is in the hands of receivers. He must await action by a Federal Court. These courts move leisurely. You don't know the height and the depth and the length and the breadth of the word "leisure," unless you have had dealings with a Federal Court. If your client insists on a \$100 his grandchildren may enjoy disbursing it. If he takes \$50 now, there is no telling how much it will yield if judiciously invested in cotton futures. Or, if he is not of a speculative turn, let him buy a heifer or two and he will have a herd of milk cows before any judgment he may secure will be collectible.

Think of these things, dear friend, and let me hear from you.

People, Places, and Things

RETIREMENT

On December 31, 1991, Robert N. Wilson, retired as Clerk of the Court of Appeal, Second Appellate District, Los Angeles California. Bob's retirement from what has been called "the busiest state appeals court in the country" came at the end of forty years in the California court system. Judges of his court and Clerk's office personnel all gave Bob high marks for his professionalism and dedication. Bob's retirement as Clerk also meant his retirement from the Executive Committee of NCACC and his fellow members will miss him.

APPOINTMENTS

Ella Williams, NCACC's superb secretary, has been appointed Chief Deputy Clerk of the Michigan Court of Appeals. Congratulations to Ella, and to the Justice of the Court of Appeals for selecting someone so eminently qualified. Ella's main base of operations will continue to be her office in Detroit, but she will spend some time each month in Lansing and Grand Rapids.

Joseph A. Lane, has been appointed Clerk, Court of Appeal, Second Appellate District, Los Angeles, California. Joseph succeeds Bob Wilson. Joseph joined the court in September, 1979 and had served as Chief Deputy Clerk since July, 1987. Joseph was born in Burbank, California, and is a graduate of California State University at Northridge. He is married to Kathleen O'Kane and they have two children, Peter, 9, and Allison, 8. Congratulations, Joseph.

Cornelia G. Clark, Chief Deputy Clerk of the Wisconsin Supreme Court and Court of Appeals will succeed Robert N. Wilson on the NCACC Executive Committee. Acting on the recommendation of the Nominating Committee, the Executive Committee appointed Cornelia at its fall meeting in Nashville. Cornelia has been in the Wisconsin court system since 1976. She served as the Judicial Assistant in the Director of State Court's office prior to being appointed Deputy Clerk of the Supreme Court and Court of Appeal in August, 1980 and Chief Deputy Clerk in 1991. Congratulations, Cornelia.

Carry on

ANNIVERSARY

The Massachusetts Supreme Judicial Court will begin year-long observances of its 300th anniversary during the autumn of 1992. In preparation for these events and to assist with them the Supreme Judicial Court Historical Society has been formed. Jean Kennett, Clerk of the Supreme Judicial Court, has been asked to serve the Society as a member of its Advisory Board.

BACK TO SCHOOL

EL ESPANOL EL TRIBUNAL (Spanish in the Courtroom) is a course offered by the Massachusetts Trial Court for up to twelve court employees from any department of the court system. Participating from the appellate sector have been Ashley Brown Ahearn of the Appeals Court, Jean Kennett and L. Holliey White of the Supreme Judicial Court.

COMMENTS AND OPINIONS

Did you send yours to John Greacen? Remember, just about Christmas you received a copy of proposed changes to the NCACC Code of Professional Conduct with a request that you consider them and send along any comments or opinions you had. The Special Committee on the Code of Professional Conduct for Appellate Court Clerks would like to receive your comments by February 3. Please send them, if you haven't already, to: Hon. John M. Greacen, Clerk, U. S. Court of Appeals for the 4th Circuit, 10th & Main Streets, Richmond, VA 23219. Even if they are a bit late, they are sure to be appreciated.

STAY HEALTHY

From a Boston area hospital newsletter comes news of a new occupational hazard: Sick Building Syndrome. This is a reference to illnesses and ailments caused by inadequate ventilation, irritating substances in the air causing skin diseases, poorly placed or poorly adjusted work stations, inadequate or improper lighting. Look around you; maybe that headache would go away if you opened the window.

And another healthcare newsletter advises that writing out your feelings helps relieve stress and makes you feel better. Why not start a journal?

. . . . more

MEMORY LANE

Anyone who can remember the first annual meeting in Louisville in 1974 can remember with what awe most of us viewed the computers on display for use in clerk's offices. "Word processing" was not a term used in those days for what we were trying to do. Since that far away time, the current Editor of The Docket, Jean Kennett, has tried to get an automated system in her office. By the time you read this, the millenium will have arrived. Using Bull hardware, UNIX-based and application software called Forecourt developed for the Massachusetts trial courts and now specially adapted by the developers for appellate use, the Massachusetts Supreme Judicial Court enters the mainstream.

However, knowing full well there is, as the saying goes, many a slip twixt the cup and the lip, the cartoon reproduced below will be prominently displayed in Jean's office.



WASHINGTON, D. C. PROGRAM

Nancy Turck Foley, Program Chairman, reports that she and her committee have made great progress in putting together an interesting and stimulating program. More news on this in the next issue of The Docket.

DEADLINE

The next issue of The Docket should be out by the end of April. Please forward your contributions to the Editor or your regional reporter by April 6, 1992.

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

NOMINATIONS FORM

1. For the Office of Vice President (1 year term)
(Office presently held by Ron D. Barrow)

Nominee:

Qualifications: (Your reasons for nominating this person)

2. For the Office of Secretary (2 year term)
(Office presently held by Ella Williams)
(Eligible for reelection)

Nominee:

Qualifications: (Your reasons for nominating this person)

3. For Member of the Executive Committee (2 year term)
(Office presently held by Deirdre O. Ahr)

Nominee:

Qualifications: (Your reasons for nominating this person)

4. For Member of the Executive Committee (2 year term)
(Office presently held by Nancy Turck Foley)

Nominee:

Qualifications: (Your reasons for nominating this person)

5. For Member of the Executive Committee (2 year term)
(Office presently held by Cornelia G. Clark)
(Cornelia is serving an unexpired term and is eligible
for reelection)

Nominee:

Qualifications: (Your reasons for nominating this person)

Name: _____ (optional) Date: _____

SEND TO: Reba G. Mims, Clerk, South Carolina Court of Appeals
P. O. Box 11629, Columbia, South Carolina 29211

SCHOLARSHIP ***** SCHOLARSHIP ***** SCHOLARSHIP

APPLICATION INSTRUCTIONS

A. FILE YOUR COMPLETED APPLICATION BY February 22, 1992.

B. SEND THE APPLICATION TO:

Ms. Shelly Rockwell
National Conference of Appellate Court Clerks
c/o National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

C. THE FOLLOWING ARE THE SELECTION CRITERIA FOR THE AWARD OF SCHOLARSHIPS AS CONTAINED IN GUIDELINE "L" OF THE SCHOLARSHIP COMMITTEE:

1. Membership in the NCACC in good standing (a prerequisite for applying);
2. The amount of Court funding available for the applicant's attendance at the annual meeting;
3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC;
4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding;
5. The nature of the applicant's position;
6. The location of the applicant's court;
7. Whether the applicant has previously received a scholarship award; and
8. Whether any employee of the applicant's court has previously received a scholarship award.

THE APPLICATION APPEARS ON THE REVERSE OF THIS PAGE. GUIDELINES, AS ADOPTED DECEMBER 2, 1989, FOLLOW THE APPLICATION.

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

APPLICATION FOR ANNUAL MEETING SCHOLARSHIP ASSISTANCE

(Note to Applicants: Please complete the entire application. Print or type all answers. Instructions and selection criteria are on the reverse side of this application.)

FUNDING REQUESTED FOR THE ANNUAL MEETING TO BE HELD _____, 19____, at _____.

NAME: _____

ADDRESS: _____ (Street) _____ (Municipality) _____ (State) _____ (Zip)

TELEPHONE NUMBER: () - _____

POSITION HELD: _____

NCACC MEMBER IN GOOD STANDING? Yes ___ No ___

NO. OTHER NCACC MEMBERS EMPLOYED BY YOUR COURT: _____ NO. PLANNING TO ATTEND ANNUAL MEETING: _____

FUNDING AVAILABLE FROM YOUR COURT FOR YOUR ATTENDANCE AT ANNUAL MEETING: None _____

Partial ___ (Estimated Travel \$ _____ Lodging/Food \$ _____ and Other \$ _____)

TOTAL FUNDING AVAILABLE FROM YOUR COURT FOR ATTENDANCE AT ANNUAL MEETING BY OTHER NCACC MEMBERS IN YOUR OFFICE:

(Estimated Travel \$ _____ Lodging/Food \$ _____ and Other \$ _____)

WILL YOUR COURT HAVE FUNDED THE ATTENDANCE OF NCACC MEMBERS FROM YOUR OFFICE TO OTHER EDUCATIONAL PROGRAMS DURING THE TWELVE MONTHS PRECEDING THE ANNUAL MEETING FOR WHICH SCHOLARSHIP ASSISTANCE IS SOUGHT? Yes ___ No ___ IF "YES", PLEASE IDENTIFY THE PROGRAM(S) AND THE TOTAL AMOUNT OF FUNDING MADE AVAILABLE:

HAVE YOU OR ANY OTHER EMPLOYEE OF YOUR OFFICE EVER RECEIVED A SCHOLARSHIP FROM THE NCACC? Yes ___ No ___

IF "YES", PLEASE LIST THE YEAR(S) RECEIVED: _____

PLEASE LIST THE AMOUNT OF SCHOLARSHIP ASSISTANCE SOUGHT. UNDER "TRAVEL", YOU MUST LIST THE ESTIMATED COST OF "COACH" OR REDUCED FARE TICKETS FOR AIR OR RAIL USE, WHERE APPLICABLE. THOSE WHO SEEK AUTOMOBILE EXPENSES WILL BE REIMBURSED ON A "PER MILE" BASIS. PLEASE LIST THE ROUND TRIP MILEAGE FROM YOUR HOME TO THE MEETING SITE. THE "PER MILE" RATE WILL BE SET BY THE EXECUTIVE COMMITTEE. LODGING EXPENSES MAY BE ALLOWED UP TO \$75.00 FOR A MAXIMUM OF FIVE NIGHTS. PLEASE NOTE THAT NOT MORE THAN \$750.00 MAY BE AWARDED ON ANY SINGLE SCHOLARSHIP. SCHOLARSHIP FUNDS ARE NOT AVAILABLE TO DEFRAY COSTS OF MEMBERSHIP IN THE NCACC, THE ANNUAL MEETING REGISTRATION FEE, OR FOOD.

TRAVEL: Airfare \$ _____ LODGING: _____ nights @ \$ _____ per night=
Rail \$ _____ \$ _____
Automobile _____ miles

YOU MAY USE THE FOLLOWING TO MAKE ANY STATEMENT OR COMMENTS YOU CARE TO IN SUPPORT OF YOUR APPLICATION. (Feel free to continue on a separate piece of paper if necessary.)

I HEREBY CERTIFY THAT THE FOREGOING ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ACKNOWLEDGE AN OBLIGATION TO KEEP THE NCACC APPRISED OF ANY CHANGES IN MY FUNDING STATUS THAT MIGHT AFFECT MY ELIGIBILITY FOR SCHOLARSHIP ASSISTANCE. I UNDERSTAND THAT MY ATTENDANCE AT ALL EDUCATIONAL PROGRAMS IS REQUIRED SHOULD I RECEIVE SCHOLARSHIP ASSISTANCE.

DATED: _____ SIGNATURE OF APPLICANT: _____

Approved: 12/2/89



National Conference of Appellate Court Clerks

Secretariat: National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185 (804) 253-2000

SCHOLARSHIP ASSISTANCE

GUIDELINES

A. Pursuant to Article VII, Section 5, of the Bylaws, the Scholarship Committee shall consist of three members appointed by the Executive Committee. In addition, the members shall serve for a term of one year. They may be reappointed. The President shall designate the Chairman.

B. Scholarships shall be awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend due to limitations in Court funding.

C. The Committee shall recommend to the Executive Committee the award up to \$3,750 in scholarships annually. No individual scholarship may exceed \$750. Of the total amount awarded to each recipient, no more than \$500 may be allocated to travel expenses and no more than \$375 may be allocated for hotel accommodations (a maximum of \$75/night for no more than five nights). Each award shall specify the amounts allocated by type.

D. Scholarship funds shall not be applied to pay the registration fee for the annual meeting or to defray the cost of membership in the NCACC.

E. The membership shall receive annual notice of the availability of scholarship funds. Interested members shall obtain application materials from the National Center for State Courts (NCSC) as Secretariat of the NCACC. Applications shall be filed with the NCSC no later than February 22nd of each year. The NCSC shall forward copies of all applications to the Scholarship Committee for its consideration.

F. Applicants shall be responsible for presenting the Scholarship Committee with reasonable estimates of the cost of travel. Reimbursement for air or rail transportation shall be based on "coach" or reduced fares. Travel by automobile shall be reimbursed for the direct distance between the applicant's home and the meeting site (round trip) at the per mile rate set by the federal government for business travel by government employees (currently \$.24 per mile).

G. The Scholarship Committee shall review all applications in the light of the criteria set forth in these Guidelines. Supplemental information may be required from applicants should the Committee deem it appropriate. The Scholarship Committee shall report its conclusions and recommendations in respect of all applications to the Executive Committee through the President by March 1st. Recommendations that are not unanimous shall be identified as such.

At its spring meeting, the Executive Committee shall designate, in its discretion and consistent with these Guidelines, those who are to be offered scholarships and the amounts to be received, allocated by type of assistance. The Executive Committee shall not be required to expend all budgeted funds or to award the maximum number of scholarships.

H. The Secretary shall, within two weeks of the meeting of the Executive Committee, notify each applicant in writing in respect of the action taken by the Committee. Copies of the correspondence shall be forwarded to the President and the Treasurer.

I. Successful applicants shall be informed of the amount of their award and of the allocation of the funds by type. Further, the notice shall provide that the Treasurer will direct the applicant's reimbursement to the extent of the award after the conclusion of the annual meeting on receipt of satisfactory evidence of the payment of the covered expenses and the applicant's attendance at the educational portion of the annual meeting.

J. No applicant shall receive more than two scholarships in any four-year period.

K. Members of the Executive Committee and the Scholarship Committee shall not be eligible for a scholarship award.

L. SCHOLARSHIP ASSISTANCE - SELECTION CRITERIA

The actions of the Scholarship Committee and the Executive Committee, in respect of scholarships, full or partial, shall be based on an evaluation of the following criteria:

1. Membership in the NCACC in good standing. (Failure to meet this requirement shall result in the automatic rejection of the application.)

2. The amount of Court funding available for the applicant's attendance at the annual meeting. (Applicants who have no funding available shall have a preference over those who are eligible for partial or full funding.)

3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC. (This includes programs such as ICM seminars and meetings of other professional organizations. Applicants who have had no opportunity to participate in educational programs at court expense shall have a preference over those who have.)

4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding. (Applicants whose office receives no funding will have a preference over those who have one or more fellow workers attending the NCACC meeting at their Court's expense.)

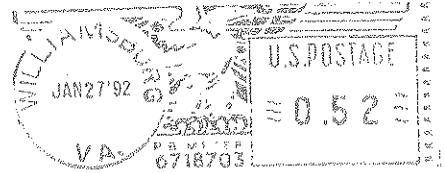
5. The nature of the applicant's position. (To the extent practicable, scholarships shall be awarded to a mix of clerks, deputy clerks, and other eligible members of the NCACC.)

6. The location of the applicant's court. (To the extent possible, scholarships shall be awarded to individuals in a manner that reflects the geographical diversity of the organization.)

7. Whether the applicant has previously received a scholarship award. (Applicants who have never received assistance shall have a preference over those who have.)

8. Whether an employee of the applicant's court has previously received a scholarship award. (Applicants from courts who have never received a scholarship shall have a preference over those who have.)

ADOPTED: December 2, 1989



THE DOCKET
Newsletter of the NCACC
JEAN M KENNETT Editor
1412 COURT HOUSE
BOSTON MA 02108

800955 NC
LESLIE D GRADET, ESQUIRE
COURT OF SPECIAL APPEALS
361 ROWE BOULEVARD
ANNAPOLIS MD 21401

WILLIAMSBURG VA
JAN 27 1992
U.S. POSTAGE
0.52
6718703