

# National Conference of Appellate Court Clerks

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Secretariat: National Center for State Courts, 1660 Lincoln Street, Suite 200, Denver, Colorado 80203 (303) 892-1261

## NEWSLETTER

Volume 3, Number 3

July 1976

### PRESIDENT'S MESSAGE

We are indebted to Al Stevas and his Educational Committee for providing us with an unusually stimulating, fruitful and varied program for the Annual Meeting in Tarrytown, New York, August 1-5, 1976.

The program, covering areas of importance in meeting the vast increase in litigation in our courts, will present papers by leading judges, law professors and appellate clerks. They are all especially knowledgeable and interesting speakers. These sessions will be followed by carefully organized workshops on office operations, geared to the special needs and problems of appellate courts of every tier.

In the past, programs on appellate practice and writings on appellate courts and their procedures have generally neglected an important area of administration which concerns many of the nation's appellate clerks--the matter of attorney admission and disciplinary procedures.

The mounting pressure of college graduates for admission to law school has brought a concomitant increase in the number of law students taking the bar examinations and of applications for admission to the bar. This has imposed a heavy burden on our appellate staffs and has required the adoption of novel procedures by the courts. At the same time, we have seen a proliferation of programs for the practice of law--by law students, by civil rights and legal services groups, by legal consultants, by pro haec vice admission, and by other plans. Added to this is the increasing use of "paralegals" in law offices and in the various agencies affiliated with the practice of law.

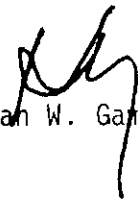
The Annual Meeting session of Monday afternoon, August 2, takes on greater significance in light of these recent developments. This high level program will be moderated by Larry Donelson of the Nebraska Supreme Court, and will be addressed by Chief Justice Cameron of Arizona and Anthony Nigro, President-elect of the National Committee of Bar Admission Administrators.

By programs such as this, our Annual Meeting will fill the gap which other seminars on appellate court practice have failed to recognize. All appellate clerks, whether or not presently handling admission and disciplinary matters, will find this session of interest and importance.

Other sessions will cover the ever present problem of getting the transcript and expediting the appeal; modern record keeping and technological procedures; proposed standards for appellate courts; and a general business meeting.

Add to this, addresses by Chief Justice Heflin, Archibald Cox and Professor Hazard, and the exciting social programs provided by a meeting site in the lower Hudson Valley, close to New York City.

We'll be seeing you August 1 in Tarrytown--in the heart of legendary Rip Van Winkle-Sleepy Hollow country.



Hyman W. Ganso

#### SLEEPY HOLLOW COUNTRY

Tuesday afternoon of NCACC's conference week has been left open so that attendees wishing to do so can explore the surrounding Sleepy Hollow Country. This part of New York State was first settled in the early seventeenth century by the Dutch, and abounds with interesting old structures dating from that period.

Located only a short distance from the Hilton Inn is the famous Lyndhurst estate, now a property of the National Trust for Historic Preservation. Lyndhurst was built in the early 1800s for the mayor of New York, and was later owned as a summer home by financier Jay Gould. Lyndhurst is a Gothic Revival castle complete with turrets, marble walls, stained glass windows and vaulted ceilings. Visitors are also free to stroll about the elaborately landscaped grounds.

Three "Sleepy Hollow restorations" are also within close proximity to Tarrytown. Van Cortland Manor is three centuries old and is considered one of the most authentic restorations of pre-Revolutionary America. Revolutionary War hero Pierre Van Cortland lived here and entertained Lafayette and Ben Franklin, among others, in the manor house. Philipsburg Manor dates from roughly the same period and was in the early 1700's the center of the 90,000 acre estate of the Philipse family. The Philipses were strong backers of the British during the Revolution and in recognition of this support their land was confiscated and broken up after the war.

Sunnyside Mansion was built considerably later than the other two. It is best known as the home of America's first great literary figure, Washington Irving. Irving lived in the gabled stone house while writing many of his best known works, and played host to some of the literary giants of the nineteenth century.

The Hudson Valley tours mentioned in the conference program will almost certainly include visits to these four old manors. Afficionados of architecture and American history should find these attractions particularly intriguing.

## TARRYTOWN CONFERENCE TO FEATURE MAJOR PERSONAGES IN JUDICIAL ADMINISTRATION

*Four distinguished gentlemen, all of whom are important figures in the courts field, will be featured as speakers at the Third Annual Meeting in Tarrytown. Below are brief background sketches of each speaker.*

ARCHIBALD COX, a leading authority on constitutional law and labor law, is the Samuel Williston Professor of Law at Harvard University.

Professor Cox was Royall Professor of Law at Harvard from 1958 to 1961, when he left the faculty to become Solicitor General of the United States. Under Presidents Kennedy and Johnson, Professor Cox represented the Federal Government in cases before the Supreme Court until 1965 when he returned to Harvard as the Williston Professor.

Born in Plainfield, New Jersey, in 1912, he received the A.B. (1934) and LL.B. (1937) degrees from Harvard. He spent a year as law clerk to Judge Learned Hand of the United States Circuit Court of Appeals.

Professor Cox joined the Harvard Faculty of Law in 1945, was appointed Professor of Law the following year, and Royall Professor of Law in 1958.

In May 1973, Professor Cox became the first Watergate Special Prosecutor. He set up the Watergate Special Prosecution Force and directed its activities until October 1973 when he was dismissed by President Nixon for refusing to forgo resort to the courts in his effort to obtain evidence concerning allegations of criminal misconduct in the executive offices of the President.

In 1974-75, Professor Cox spent his sabattical leave at the University of Cambridge as the visiting Pitt Professor of American History and institutions.

He is a member of the American Academy of Arts and Sciences and various professional organizations.

Professor Cox is married and lives in Wayland, Massachusetts.

GEOFFREY C. HAZARD, JR. has taught at Yale Law School since 1971. Professor Hazard is one of the country's leading authorities on judicial administration. He was born in 1929 and received his B.A. from Swarthmore College in 1953 and his LL.B. from Columbia University in 1954. He worked for several years in a Portland, Oregon, law firm and also held a staff position with the Oregon Legislature. Professor Hazard taught at the University of California at Berkeley and the University of Chicago before joining the faculty of Yale Law School.

HOWELL T. HEFLIN is Chief Justice of the Supreme Court of Alabama. He earned his B.S. degree from Birmingham South College and his LL.B. from the University of Alabama. Chief Justice Heflin is past president of the Alabama State Bar and the Alabama Trial Lawyers Association. A former faculty member at the University of Alabama Law School, he presently serves on the Board of Directors of the National Center for State Courts.

JAMES D. HOPKINS is a Justice in the Appellate Division of the Supreme Court of New York. A former county judge, he received both his B.A. and LL.B. degrees from Columbia University. Justice Hopkins is a former chairman of the Judicial Section of the New York Bar Association and currently is chairman of the Executive Council of the Appellate Judges Conference. He is the author of numerous law review articles.

## FOOTNOTES AND MISCELLANY

NCACC Visitor

Mr. Charles Heaney, NCACC member and Chief Clerk of the New York Supreme Court in Brooklyn, visited the National Center for State Courts in late April. Mr. Heaney was in Denver to attend a workshop at the Institute for Court Management, of which he is a graduate. He was given a tour of the Center's offices and library and met with secretariat liaison Geoffrey Mort and Standards and Goals specialist George Morgan.

1977 Conference

The Fourth Annual Meeting of NCACC will take place at the North Shore Motor Hotel in Coeur d'Alene, Idaho. The exact dates for the 1977 Conference will be announced at the Tarrytown meeting, though tentative plans still call for the first week in August.

Appellate Clerks Roster

The National Center for State Courts will soon begin compiling a comprehensive roster of all appellate court clerks in the United States based upon the responses to Claire Whitaker's recent membership drive. Though it is by no means certain, NCSC will attempt to have the rosters printed in time for distribution in Tarrytown. If this proves impossible, they will be mailed out later in the summer.

## THE JOB MART

Court Administrator to manage and direct the administrative activities of the county court system in Jackson County, Michigan. Bachelors Degree with education in Management or Administration and/or prior experience in court administration. Salary: \$20,000 to \$24,000, commensurate with experience. Send resume to Judge James G. Fleming; 312 South Jackson Street; Jackson, Michigan 49201. An Equal Opportunity Employer. There is no specific deadline, but the court would like to fill this vacancy immediately.

Research Director for Allegheny County Court of Common Pleas. Will supervise a professional staff of four in development and planning of computerized court information systems. Responsible for preparation of periodic and special statistical reports summarizing and analyzing court processes. Qualifications include two years of administrative or supervisory experience; training and experience as an analyst including training in understanding and applying statistics probability theory; knowledge of capabilities and limitations of automated data processing; bachelors degree, preferably related to information sciences. Post-graduate school training, and experience with information systems preferred. Salary \$15,000 to \$17,000. Send resume and salary history and requirements to Grenville K. Hayes, Deputy Court Administrator, 734 City-County Building, Pittsburgh, Pennsylvania 15219.

Judicial Education Director to plan, organize, interpret and administer the Missouri judicial education program pursuant to the policies decided by the Judicial Training Committee of the Missouri Judicial Conference. Education program components include orientation courses for new trial judges; programs for judges of courts with special jurisdiction, including juvenile, traffic, small claims, municipal; the Missouri College for Trial Judges; annual educational programs for court administrators and other court support staff; and coordinating attendance by judicial personnel at out-of-state training sessions. Develop and update training materials and handbooks. Additional supervision of special projects applicable to court services as assigned, e.g., small claims court study.

This director develops, arranges, coordinates and evaluates education conferences at various locations within the state. Assists in the selection and coordination of faculty and consultants. Coordinates attendance at out-of-state education institutions. Develops and assists in the development of judicial handbooks, bench books and manuals and supervises the updating of such materials.

Required education and experience include thorough knowledge of basic principles of professional education; working knowledge of current principles and practices in judicial education and developments in the field as well as in adult education and continuing legal education. Ability to speak and write effectively; analyze and evaluate programs; coordinate diverse groups and volunteer faculty; plan and conduct institutes and conferences; organize, direct, and supervise the professional and technical work of others. A graduate degree in education, law or judicial administration and three years experience in education, law or judicial administration; or a satisfactory equivalent combination of experience and training.

Starting salary: \$14,000-17,500, depending on qualifications. Send resume to Jane A. Hess; Assistant State Courts Administrator; Supreme Court Building; Jefferson City, Missouri 65101.

Director of Judicial Records The Circuit Court of Jackson County, Missouri, seeks a highly qualified professional manager for the position of Director of Judicial Records (formerly Circuit Clerk's Office). Court is held in Kansas City and Independence and is composed of 17 judges and 1 commissioner.

Desire a person with extensive administrative experience, preferably in an established court system. A degree in law or public, business or judicial administration desirable; however, educational requirements may be waived for suitable applicant with lengthy and broad background in court work. Should have skills in planning, organizing, training, directing and performing administrative functions. Knowledge of legal records, rules and statutes pertaining to the operation of the court helpful.

Reports directly to Court Administrator. Responsibilities include the supervision of 62 employees involved in establishing and maintaining records and files. Performs related and other duties as directed. Salary open and will be commensurate with experience and qualifications.

Send resume including salary requirements to Jerry T. Williams; Director of Personnel; Court Administrator's Office; Room 303D, Jackson County Courthouse; 415 East 12th Street; Kansas City, Missouri 64106.

## NOMINEES FOR 1976-77

NCACC members recently received in the mail the nominating committee's slate of nominees for NCACC office for the year beginning in August 1976. We had hoped to print brief biographical sketches of each of the eight individuals in this issue of the newsletter, but publication deadlines made this impossible. Therefore, we have chosen to include those biographies which we have received; the persons whose biosketches do not appear are listed first.

## Executive Committee

John E. Powers  
Clerk  
Supreme Judicial Court  
Boston, Massachusetts

Claire Whitaker  
First Deputy Clerk  
District of Columbia Court of Appeals  
Washington, D. C.

## Vice President

Florence Peskoe was born in Newark, January 21, 1930. She attended school in Irvington. She is a 1951 graduate of Wellesley College, Wellesley, Massachusetts, where she was a National Merit Scholar, and a 1968 graduate of Rutgers Law School where she received the American Jurisprudence Award in contracts. She was admitted to the bar in 1968.

She was with the Urban Research Project at Rutgers Law School as legal assistant from 1968 until 1970 and served also as consultant to the New Jersey Criminal Law Revision Commission. In April 1970, Mrs. Peskoe was appointed chief of legal research in the Administrative Office of the Courts and served until September 1972, when she was designated acting clerk of the Supreme Court. In November 1972, she was appointed secretary to the Committee on Character by the Supreme Court. On September 13, 1973, she was appointed clerk of the Supreme Court.

She has been a member of the executive committee of the National Conference of Appellate Court Clerks since 1973 and is on the executive committee of the Lawyers' Conference, Judicial Administration Division, ABA, and the Joint Committee on Judicial/Attorney Discipline of the ABA.

She is a member of the American, New Jersey and Monmouth County Bar Associations.

She is married to Lloyd F. Peskoe, a graduate of Harvard University and its Graduate School of Business, who heads an automotive parts and equipment distributing firm. The Peskoes, who have three children, reside at 30 The Enclosure, Colts Neck.

## Secretary Treasurer

Jean M. Kennett came to the courts in Massachusetts in January 1960 as a secretary in the office of the Chief Justice of the Superior Court (the Massachusetts trial court). Prior to coming to the court, she had been a secretary in the private sector for twelve years after her graduation from the Katharine Gibbs School.

In 1964, Ms. Kennett transferred to the Supreme Judicial Court and was secretary to the Clerk of the Full Bench until coming to the Supreme Judicial Court for Suffolk County as third assistant clerk in 1972. In 1975, she was promoted to second assistant clerk.

Massachusetts statutes do not require clerks of court to be attorneys, but because of Ms. Kennett's interest in the law, she has taken many courses at Suffolk University Law School.

### Executive Committee

Wilfried J. Kramer, Clerk of the California Court of Appeal, Third Appellate District, was born April 8, 1928, in Royal Oak, Michigan. His parents had emigrated to this country from Germany in 1925. The family moved to Sacramento, California, in 1937 where he graduated from local schools. He married Zerita Johnson in 1949. The Kramers have four children. Wilfried Kramer first was employed by the Court of Appeal as bailiff in 1953 and promoted to Deputy Clerk in 1955. In 1964, he was appointed as Clerk of the Court of Appeal.

In addition to serving as a member of the Executive and Educational Committees of the National Conference of Appellate Court Clerks, he has served as a consultant to the National Center for State Courts in its study of the clerical functions of the Idaho Supreme Court. He is the author of the recent book *Outline of Basic Appellate Court Structure in the United States*.

Edward K. Suzuki, Chief Clerk of the Supreme Court of Hawaii, was born and educated in Hawaii and graduated from Honolulu Business College. He served in the U. S. Army during 1945 and 1946.

Mr. Suzuki began service with the Judiciary Department of the State of Hawaii in 1952. He has served as bailiff, documents clerk, and deputy clerk, prior to his present position of chief clerk which he has held since 1971. He has been a member of the National Conference of Appellate Court Clerks since 1974, attending the First Annual Meeting held in Louisville, Kentucky, in 1974 and the Second Annual Meeting held in Flagstaff, Arizona, last year. He was appointed by President Hyman W. Ganso to the Funding Committee to serve for the 1975-1976 conference year.

John Alfred Parker, 59, an organizer and charter member of the NCACC, is presently serving on the Executive Committee. He is a native of Knoxville, Tennessee, and a graduate of the University of Tennessee and its College of Law. He served 25 years in the FBI as a special agent and supervisor, retiring in 1967 to accept his current position as Clerk of the Tennessee Supreme Court, Court of Appeals and Court of Criminal Appeals for the Eastern Division of Tennessee, at Knoxville.

John is a licensed attorney, a member of the Tennessee Bar Association and the Knoxville Bar Association, is a past president of the Knoxville Sertoma Club and is presently the president of the Sons of the Revolution (Tennessee Society)--in addition to being active in other civic, church, fraternal and community activities including membership on the Greater Knoxville American Revolution Bicentennial Commission.

John and his wife Lois have three married daughters and four grandsons. Their farm home on Parker Drive near Knoxville stands on a fifth-generation homestead tract where John enjoys gardening and has fruit trees. Traveling and house-boating head their list of hobbies and both are avid fans of the University of Tennessee "Volunteers" football and basketball teams. They are members of Eastminster Presbyterian Church, where John is an Elder. They have attended all NCACC conventions to date.

R. H. (Bill) Young was born in Twin Falls, Idaho. He graduated from the College of Idaho in Caldwell, Idaho, in 1938 and from George Washington Law School in 1947. During World War II, Mr. Young was incarcerated in a Japanese concentration camp in Japan for nearly four years.

For twenty years he served in the Idaho State Legislature (1948-1968) during which time he was Speaker of the House for two terms. After moving to the Senate in 1956, he served one term as President Pro Tem of the Senate.

A row crop farmer at Parma, Idaho, for 14 years, Mr. Young grew such crops as sugar beets, onions, potatoes, garlic, onion seed and carrot seed. He also practiced law in Nampa, Idaho, for ten years and since January 1, 1971, he has been clerk of the Idaho Supreme Court

## NEW JERSEY'S AUTOMATIC DOCKETING SYSTEM

Phase I of the New Jersey Appellate Division Automatic Docketing and Caseflow Management Computer System has been in operation for a year now and plans for Phase II are moving forward.

The system has been very successful and has provided benefits not previously anticipated. The running of dual systems in reverse flow was a complex problem but with the full cooperation and interest by all concerned it was accomplished. It is anticipated that the new term beginning in September, should be much smoother as we will be operating one system having dropped all manual docketing and record keeping.

We have been delighted to demonstrate our new system to many distinguished persons such as Judges Li and Ali of South Korea and Pakistan; Ronald Dzierbicki, Clerk of the Court of Appeals; Judges Robert Danoff and James Maher, Michigan; Thomas Abraham, Clerk, and staff of the Appellate Session Superior Court, Connecticut; William Popp and Richard Hoffman, National Center for State Courts, Boston, Massachusetts; as well as Jane Hess from the State of Missouri and others.

I am looking forward to our conference in August and I hope to be able to discuss our new computer system with you at that time.

--Florence Peskoe

### MEETING PUBLIC CRITICISM

*This is the second installment of our reprint of the booklet "Meeting Criticism of Bench and Courts" by the ABA Task Force on Courts and the Public.*

*What Group Should Answer the Particular Criticism?*

1. In a few cases a judge may properly and adequately defend himself.
2. In other cases, if the problem is local the local bar association should reply.
3. In still other cases the state bar association should reply. Among the occasions when this might be appropriate would be these:
  - a. When the object of the criticism is so highly placed that high-level reply is appropriate.
  - b. When the criticism is directed to a particular judge but the attack is really upon some other statewide or multiregional element of the system of justice (grand jury, etc.).
  - c. When the controversy offers an opportunity to inform the public about some important aspect of the administration of justice, e.g., factors in sentencing, etc.
4. An organization of judges may be the appropriate group to answer under some circumstances.

While more than one answer may be warranted, it could be helpful if the people who might answer would confer between or among themselves. However, delay may make any reply useless. It may be better to have two replies than none.

*Who Acts As Spokesman?*

The president of the Bar Association is usually the best spokesman. If he or she is not available then another officer or member should be designated to handle such matters.



There might be an unusual circumstance in which someone else could speak with more force or authority on behalf of the bar than could the president.

Regardless of who speaks, the reply may be drafted by someone else. Perhaps the size of the organization will require that it be drafted by someone else.

The person or persons authorized to speak should be clearly designated so there will be no delay because no one is certain who should speak. Prompt reply is usually essential.

*Who Gives Him or Her Authority to Speak?*

The basic questions of whether someone should be authorized to speak, when and who should speak, should be decided by the policymaking body of the organization.

The authority should be in writing.

The authority should clearly indicate the policy of the organization.

The authority should state who should decide what criticism should be answered. The need for prompt reply usually dictates that no long time should be required to decide that question. At least one bar association gives that authority to the president who must have the concurrence of one other officer or board member.

If the authority is limited (the president can reply by press conference or on TV if upon checking with one other officer or board member both concur that a reply is required) it should not be exceeded. If publication of a pamphlet would be the best reply, authority (and money) to publish should be obtained.

*What Does He or She Do or Say?*

A prompt, concise reply in a form easily used by newsmen will obtain better and more accurate coverage. Delay can mean the matter is no longer news. Or it can renew a criticism now forgotten. Brevity is a virtue but the necessary explanation should not be sacrificed for brevity.

Any reply should bear in mind the goal. Are you trying to explain? To justify? To create a proper climate for the administration of justice? To obtain legislative change?

DO NOT attempt to discredit the critic; that is, attack the competence, good faith, other motives or associates of the critic.

DO NOT over-react.

DO NOT defend the indefensible.

*To Whom Does He or She Say It?*

Usually the reply should be directed to the same audience as, or a larger audience than the original criticism.

PRESS RELEASE. A clear statement, important part first so if it is cut the important part will still be contained. Disseminate well before deadline to at least same outlets as carried criticism.

PRESS CONFERENCE. Notify all media outlets so no one is slighted. Arrange for adequate space and phones to accommodate needs of those covering the conference.

TV OR RADIO TALK SHOW. No judge should undertake this on a commercially-sponsored show.

EDITORIAL OPPORTUNITY. Radio stations, TV stations, even some newspapers encourage or allow guest editorials.

OTHER. As available or appropriate.

Remember, the frequency of the repetition of the reply should attempt to match that of the criticism.

*How Soon Should the Reply Be Made?*

As soon as possible. The same day, one or two days later. Make it a "one-day wonder."

A delayed reply may simply republish a stale and forgotten criticism.

It may be buried or bungled or not even published because the item is no longer news.

BUT be careful. A fast answer without adequate facts may be worse than no answer.

*How Can the Effectiveness of the Reply Be Measured?*

Usually it can't be measured. Surveys are costly. The satisfaction of some comments, of making the effort, may have to suffice.

*Have Such Things Been Done and If So by Whom or What Organizations?*

YES.

THE LAKE COUNTY (IND.) BAR ASSOCIATION has adopted a policy, has made replies.

THE LOS ANGELES COUNTY (CAL.) BAR ASSOCIATION has a policy authorizing reply and has followed the practice for years of replying when appropriate to criticism of courts and judges.

THE CONFERENCE OF CALIFORNIA JUDGES (a voluntary organization of appellate and trial court of record judges in California, about 900 members) has a policy for response to criticism.

Without doubt other bar associations have defended federal and state court judges. Their experience would be a welcome addition to this publication.

#### LATE REGISTRATION FOR ANNUAL MEETING

NCACC members who have not yet made reservations for the Third Annual Meeting in Tarrytown may still do so. Although NCACC's block of reserved rooms will be held only until July 18, the Tarrytown Hilton Inn indicates that it is highly likely that rooms will be available right up to August 1. If you have not mailed in your yellow hotel reservation card but think you would like to attend, you need only call Alan Villaverdi of the Hilton Inn at (914) 631-5700 by July 31 to reserve a room. Be sure to specify that you are with the NCACC Conference so that you can take advantage of special conference rates.