



# NCACC NEWSLETTER

Vol. 7, No. 5

July, 1981

## PRESIDENT'S MESSAGE

HERE I AM AGAIN!



THE TIME IS DRAWING NEAR -  
CONFERENCE TIME IS HERE! THE  
FINAL PROGRAM HAS REACHED YOU  
BY NOW. I HOPE THAT IT MEETS  
WITH YOUR APPROVAL. IF BY  
SOME CHANCE YOU HAVE NOT SENT  
YOUR REGISTRATION FORM IN,  
PLEASE DO SO NOW.

WONDERFUL WYOMING AWAITS  
YOU AND I. SEE YOU SOON!

MARYANN



ADDITIONAL INFORMATION ON ACTIVITIES  
JACKSON HOLE, WYOMING

We have received a letter from Betty Stone, Tour Desk Director at Snow King, with 1981 prices just published by the operators. Reservations can be made on your arrival at the resort, on an individual basis.

I. FLOAT TRIPS

- A. Scenic - Five hour 20 mile float with lunch, \$15.00 for adults, \$12.50 for children 14 and under; short three hour scenic for \$10.00 adults, and \$7.50 for children
- B. White Water - \$20.00 per person for adults and \$15.00 for children 17 and under.

II. HORSEBACK RIDING

- A. One hour \$7.00
- B. Two hours \$13.00

III. LIVE THEATRE

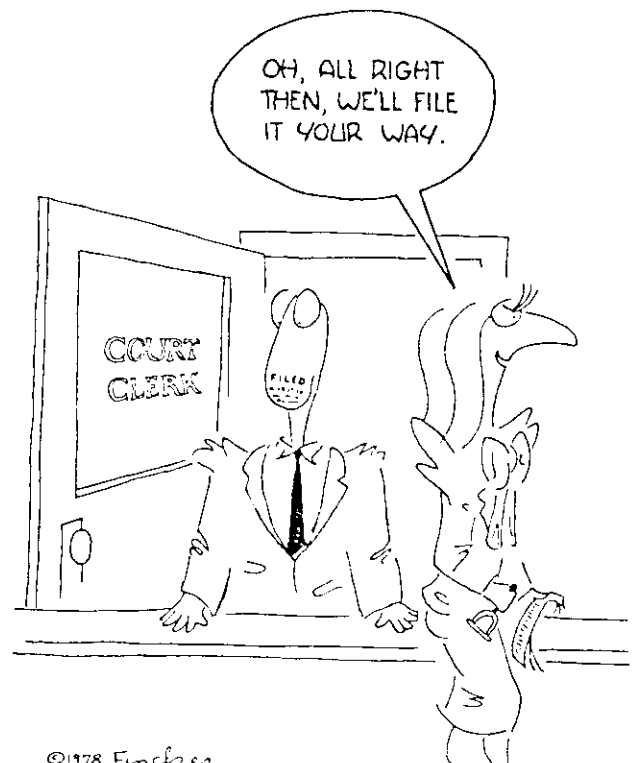
Three theatres playing at 8:00 - 8:30 p.m. each evening. The prices vary from \$5.00 to \$7.00 with children's rates available.

- IV. Reservations for a morning National Park Tour or an all day Yellowstone Tour may be made at the Tour Desk on arrival at Snow King. \*\*\*\*\*  
Yellowstone Tour \$38.60 - Grand Tetons \$23.60

Clothing For Jackson Hole

The weather in Jackson Hole during the month of August is usually dry and hot through the daytime with cool evenings. The type of clothing needed is mostly casual except for the banquet. A light sweater or jacket will be needed for evenings.

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In Louisville we had J. O.  
And other interesting things;



Like Col. Sanders who rose to fame  
On tasty chicken wings.



Flagstaff gave us many thrills  
Including President Frances Mills;



We took a tour and Maryann  
Guided us with mike in hand.



In Tarrytown we reached a Hy,  
And it was really great;



We had some well known visitors  
Including this advocate.



Bill was host at Coeur d'Alene  
While Morgan was the prexy;



There were many things of interest  
And some were sorta sexy.



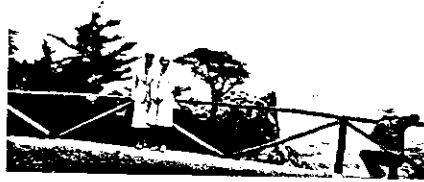
Things were grand at Mackinac  
And Ron was an excellent host;



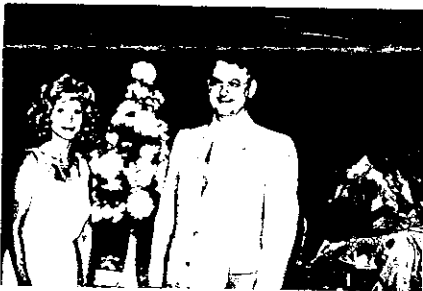
There was beauty there, and on the stair  
Luella seemed to be the most.



We had quite a stay in Monterey  
With Stevas by the sea;



There were many lovely things to see  
Including a lonely cypress tree.



We had loads of fun  
With Rhodes in the sun;  
Disney World's well worth the travel;



And no one is smarter  
Than ole Lewis Carter  
When he bangs away with the gavel.

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Prologue

Now the Tetons beckon  
And Maryann will lead us,  
Rita will greet us, and there are some  
Who will intellectually feed us.

See you at Jackson Hole

PROGRAM  
NCACC BUSINESS MEETING  
August 6, 1981

Meeting called to order.

1. ACA Review - Court Management Journal -  
Steering Committee for First National  
Symposium  
Claire M. Whitaker
2. By-Laws (Amendments)  
John C. Scott
3. Finance  
John J. Champagne
4. National Center for State Courts  
Reports  
Robert St. Vrain  
Frans J. Labranche, Jr.  
Questions
5. Long Range Planning and  
Professional Improvement  
Frans J. Labranche, Jr.
6. Membership  
Alexander L. Stevas
7. Nominations  
Lewis C. Carter
8. Program Planning  
Robert St. Vrain
9. Publication (Newsletter)  
Morgan Thomas
10. Site  
Luella Dunn
11. Resolutions  
John A. Parker
12. Any other business

AMENDMENTS TO THE BYLAWS OF THE NATIONAL CONFERENCE OF  
APPELLATE COURT CLERKS

To amend Article III as follows:

By adding a new paragraph 3 to read as follows:

3. Members shall only be eligible to serve in an elected office where they have been in good standing with the conference for the two years immediately preceding the election or appointment.

The old paragraph 3 becomes new paragraph 4, adding the underscored words and deleting the bracketed words:

4. Memberships are renewable by payment of annual dues. The annual dues shall be \$35.00 for regular members [,] and \$100 for sustaining members [payable in advance on or before July 1 of each year]. Dues are payable on or before July 1 of each year. A membership that has lapsed for non-payment of dues by July 1 of any year may be reinstated upon the payment of the dues for the immediate past year.

The following alternative was offered:

Old paragraph 3 becomes paragraph 4 with amendments (underscored words are added, and bracketed words are deleted):

4. Memberships are renewable by payment of annual dues. The annual dues shall be [~~\$35.00~~] \$50.00 for regular members, \$25.00 for members who have retired from service with an appellate court and \$100 for sustaining members [payable in advance on or before July 1 of each year]. Dues are payable on or before July 1 of each year. A membership that has lapsed for non-payment of dues by July 1 of any year may be reinstated without affecting a member's eligibility for office under paragraph three of this article upon the payment of the dues on or before September 1 of that year.

TO AMEND ARTICLE VI, SECTION 5, by adding the underscored words:

5. Not less than sixty days before the annual meeting a nominating committee of five members shall be appointed by the President with the approval of the Executive Committee. At least thirty days before the annual meeting, the Nominating Committee shall make and report to the members nominations for the offices of Vice-President, Secretary-Treasurer and members of the Executive Committee to succeed those individuals whose terms will expire at the close of the annual meeting, and to fill vacancies then existing or which may be created as a result of the nominating committee's report for unexpired terms. Other nominations for office may be made from the floor.

TO AMEND ARTICLE V, SECTION 4, by adding the underscored words:

4. In case a vacancy occurs in the office of President or President-Elect, the next officer in the order as stated in Section 3 of this article, shall succeed to such office and shall serve for the unexpired term and for the following year.

In case a vacancy occurs, after the annual business meeting, in the office of the Vice President or Secretary-Treasurer, the Executive Committee shall choose a successor who shall serve until the next annual business meeting.

TO AMEND ARTICLE VI, SECTION 1, by adding the underscored words:

The Executive Committee shall consist of the four officers, the immediate past president and six members of the Conference who shall serve for two years. Three of the six members of the Conference shall be elected at each annual meeting by a majority of the members present. In case a vacancy occurs after the annual business meeting among the six Conference members, the Executive Committee shall choose a successor who shall serve until the close of the next annual meeting. The successor so chosen shall be eligible at the next annual meeting for election to that or any other vacant position on the Executive Committee. No member elected to one of the six Conference positions on the Executive Committee shall be eligible for another term thereon until after the lapse of one year.

THE ABOVE AMENDMENTS WERE SUBMITTED BY THE BYLAWS COMMITTEE.

An alternative amendment to Article V, Section 4 was submitted by a member of the Bylaws Committee; however, it was not received by the Secretary-Treasurer until April 3, 1981. To consider this amendment, the membership will have to waive the requirement under Article VII of the bylaws that any amendment to the bylaws to be considered by the membership at the annual meeting must be delivered to the Secretary by April 1.

To Amend Article V, Section 4 by adding the underscored words:

4. In case a vacancy occurs in the office of President or President-Elect, the next officer in the order as stated in Section 3 of this article, shall succeed to such office and shall serve for the unexpired term and for the following year.

In case a vacancy occurs in the office of Vice-President or Secretary-Treasurer during the annual meeting, a successor shall be elected by a majority of the members present. When a vacancy occurs in either office at any other time, the Executive Committee shall choose a successor who shall serve until the next annual meeting.

THE ABOVE ARE ALL THE BYLAWS AMENDMENTS THAT  
WERE RECEIVED BY ME.

DOROTHY F. NORWOOD  
SECRETARY-TREASURER

JUNE 2, 1981



# National Conference of Appellate Court Clerks

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

June 10, 1981

**President**

Maryann Hopkins-Young  
Arizona Supreme Court  
201 West Wing  
State Capitol Building  
Phoenix, AZ 85007  
(602) 255-4536

Mrs. Maryann Hopkins-Young  
Arizona Supreme Court  
201 West Wing  
State Capitol Building  
Phoenix, AZ 85007

**President-Elect**

Robert St. Vrain  
U.S. Court of Appeals - Eighth Circuit  
1114 Market Street  
St. Louis, MO 63101  
(314) 425-5609

Dear Maryann:

**Vice-President**

Luella Dunn  
North Dakota Supreme Court  
State Capitol  
Bismarck, ND 58505  
(701) 224-2221

As agreed at the Executive Committee Meeting which was held in Boston, I will attempt to present my views on continued affiliation with the National Center for State Courts and on the question of increased charges for the services provided. I believe that our evaluation of NCAACC's relationship with the National Center should involve the following factors:

**Secretary-Treasurer**

Dorothy F. Norwood  
Alabama Supreme Court  
P.O. Box 157  
Montgomery, AL 36101  
(205) 832-8480

- 1) Secretariat services performed or desired and other potential services available;
- 2) Costs;
- 3) Alternate sources for secretariat and other services;
- 4) Liaison function of the National Center with various court related organizations.

**Executive Committee**

**Lewis C. Carter**

Kansas Supreme Court  
Kansas Judicial Center  
301 West 10th  
Topeka, KS 66612  
(913) 296-4376

- 1) Secretariat services performed or desired and other potential services available.

**John J. Champagne**

Temple of Justice  
Olympia, WA 98504  
(206) 753-5090

**Marilyn L. Graves**

Wisconsin Supreme Court  
Wisconsin Court of Appeals  
231 East State Capitol  
Madison, WI 53702  
(608) 256-1827

**Frans J. Labranche, Jr.**

Louisiana Supreme Court  
301 Loyola Avenue  
New Orleans, LA 70112  
(504) 568-5707

**John C. Scott**

Kentucky Supreme Court  
Kentucky Court of Appeals  
403 Wapping Street  
Frankfort, KY 40601  
(502) 564-7920

**Claire M. Whitaker**

District of Columbia Court  
of Appeals  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
(202) 638-2233

The National Center has provided secretariat services for our conference since the first meeting in Louisville in 1974. It is essentially the continuation of secretariat services as the basis of our relationship with the Center which we consider when discussing "affiliation" with the National Center. The secretariat function has involved basic record keeping, billing for annual dues, treasury services including disbursements, some mailings, and various staff services.

**Rita White**

Wyoming Supreme Court  
Supreme Court Building  
Cheyenne, WY 82001  
(307) 777-7315



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I realize that several, though not all, of the secretariat functions have been performed by members of the Conference at various times. This practice has evolved as a necessary cost-saving measure and has enabled the Conference to avoid near bankruptcy. While you and several of your predecessors have been able and willing to assume certain secretariat functions such arrangements may not always be available unless we make a condition precedent to the presidency a commitment to handle secretariat services. I doubt if I will be able to provide mail service during my tenure as president as both you and Lew Carter have done. I know that other members of the Conference have volunteered to help with mailing and possibly with other services but I question whether it is a good policy to become dependent on such make-shift arrangements.

We should consider the full range of secretariat services which are needed to run the Conference. In addition to the basics of dues collection, disbursements, mailings, updating membership lists, etc. it is important to be able to call a staff member at an organization such as the National Center and request help with a specific project or need. We may need information that is not readily available from other sources or we may want to learn of some recent development within another court system or within another court-related organization. We may need the names of some experts who can participate in our educational program. The National Center has been able to assist us with such projects on an ad hoc basis.

There are two (2) considerations which we should make regarding secretariat services: 1) how readily and competently can the basic (necessary) secretariat functions be performed if we sever ties with the National Center; and 2) who will perform the "hidden" or occasional duties that arise during the course of the year when we need to turn to someone with access to resources that we don't have individually.

2) Cost.

As with any service or product, we must assess the value of the service provided in terms of the cost charged. The present "controversy" with the National Center was triggered by their request for an additional contribution to help defray overhead expenses which have not been included in the charges for the secretariat services provided to our Conference.

There are two (2) questions which we should address regarding costs. 1) Are the basic charges by the Center reasonable for the services rendered? 2) Are we (NCACC) in a position and do we want to consider making a voluntary contribution to the National Center to help defray overhead expenses? These questions lead to

Mrs. Maryann Hopkins-Young

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a number of other related questions. Can someone else provide the same services to the Conference at substantially less cost? Is there not some advantage to all court-related organizations in having an umbrella organization such as the National Center available to provide a variety of services--research, central clearinghouse, staff support, etc.? Has the Conference benefited or suffered from our previous relationship with the National Center?

From my experience on the Executive Committee I do not believe that we have been overcharged for the services rendered by the National Center. While it may be true that certain services could be obtained at a lower cost from other sources it has been my impression that the costs assessed have been reasonable and it has been helpful to the Conference to have a secretariat service available to make sure that certain basic organizational functions were carried out especially as we matured as an organization.

In addition to basic secretariat services there is an advantage to our Conference and to other court-related organizations in having a central "clearinghouse" such as the National Center. If there are benefits to be derived from an "umbrella" organization then those separate organizations such as the National Conference of Appellate Court Clerks now have to make an additional commitment to offset the loss of LEAA funds.

NCACC should consider making a modest contribution to the Center based upon the financial position of the Conference.

3) Alternate sources for secretariat and other services.

It is not wise to jump off the pier until we know how deep the water is. While other alternatives have been mentioned no one within the Conference--to my knowledge--has done a detailed study of the availability of other sources for the secretariat function nor has anyone advanced a firm figure on the actual costs another entity might charge. Until we have hard data on the availability, reliability, extent of services to be provided and the costs, I think we should continue our affiliation with the National Center and be willing to extend some limited degree of financial support to the National Center beyond secretariat service charges if we can afford a modest contribution.

It is interesting to note that the Appellate Judges' Conference is seriously considering switching its affiliation from the American Bar Association. It may well be that we will find other alternatives as expensive or more expensive than the National Center.

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I am not opposed to examining the feasibility of using other alternatives but we should have solid information on any alternative organization before discussing a termination of our present arrangement with the National Center.

4) Liaison function of the National Center with various court-related organizations.

It may well be that the Conference can find an alternate source to perform basic secretariat duties. I believe, however, that we should also consider the value of non-secretariat services provided by an umbrella organization like the National Center. There is real danger to our Conference in isolating the appellate clerks from the other judicial and quasi-judicial organizations by disassociating our Conference from the National Center. I realize that there have been some unfortunate incidents in the past when we were not given the treatment or the recognition by the National Center which we thought we deserved. The answer to this problem is not to "take our marbles and go elsewhere" but to work to gain the status which we would like to have as an organization.

While we as appellate clerks should be proud of our accomplishments we must realize that to gain recognition and status we need exposure to other court-related groups. The National Center provides us with at least a limited vehicle for such exposure. I do not believe that this would be an opportune time to terminate our association with the National Center. I think that as a result of our on-going discussion with National Center representatives we have gained more recognition from the National Center hierarchy. By supporting the National Center during their time of need we stand to gain both stature and support in the future for the National Conference of Appellate Court Clerks.

I look forward to more discussion among the membership at our annual meeting this summer on this important issue.

Sincerely,



Robert St. Vrain  
Clerk of Court

RStV/lad

cc: Luella Dunn

POSITIVE REASONS  
FOR DISCONTINUING  
THE NATIONAL CENTER AS OUR SECRETARIAT

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I have been asked to state the case on why we should sever our secretariat relationship with the National Center for State Courts.

All of us are aware that with the demise of LEAA, The National Center was severely hurt in the funding area. At last year's annual conference we were first confronted by the Center's notice that we were being assessed \$15. per member and also that the state assessments were being increased. That state increase was substantial; however, even if paid by each state, it was not to affect the assessment to us.

When a number of us went to our Chief Justices and they made their feelings known; that the state assessment should benefit the NCACC just as it does COSCA; the approach of the Center changed to some degree. Their position is now that they will continue to support us, even, without our assessment as long as they can. Whereas, this is somewhat of a concession, it certainly is no continuing guarantee of support. Remember we pay the Center for all of the services they perform for us. These services are administrative and are not exclusively within the competence of the Center.

Other entities, individuals, organizations could perform the same services and possibly for a more reasonable charge. Some have already expressed an interest in doing so.

Another possibility may be paying one or more of our retired clerks to perform the services, particularly as resident agent and to file our tax return. This could well be of mutual advantage with a more personal interest being taken. We should, of course, have the alternative set up before making our move.

At the present time we do not appear to receive any significant advantage from using the Center. We are a small part of their operation.

Certainly any advantages we may receive are not substantial enough to justify us paying an assessment equal to half our dues.

The Center in the past has not given us much consideration; such as being represented on their board.

Only with the loss of LEAA funding did NCACC become of more interest to the Center.

It is unlikely many states will pay the increased assessment, this will create further problems for the Center. They will then have to increase their charge for services or level any assessment.

Whether the Center can put its fiscal house in order still remains to be seen. It appears reasonable that we not rely on their doing so.

To withdraw now could avoid a problem should we be forced to do so at a later date.

Keeping a rapport with COSCA, CCJ, NATCA, NCTP and NACA is certainly important, but is the Center really accomplishing this for us?

The Center has now changed their approach so often it is difficult to predict just what they will do next; is it reasonable to continue a relationship with this much uncertainty?

The Center has done a lot of good work, and this is not in any way meant to take away from any of their past efforts and accomplishments. However, as a matter of pure economics we cannot afford to continue our relationship with them, particularly when the administrative service they perform is not unique and is not free.

To pledge to support the Center financially, and that is what is involved if we continue with them, seems unsound. They have not in the past been our champion and it is not likely they ever will be.

Certainly we can go along for now with the Center, but will we be respected in the morning?

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Now to review the situation in verse:

LEAA's help has come and gone  
So then a Center assessment was born;

Some Clerks got mad and made a beef  
To no other than their Chief;

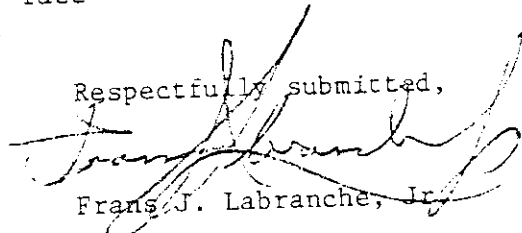
This is absurd some Chiefs did say  
NCACC is covered by the money we pay;

The Center heard the word from on high  
And decided to give NCACC another try;

It appears the Center's always got a reply  
So now is the time to say goodbye!

Let's not cut off our nose to spite our face  
But make our move when we have a place.

Respectfully submitted,

  
Frans J. Labranche, Jr.

Songs for Jackson Hole

\*\*\*\*\*

Here's To Maryann

Tune: I'm Looking Over A Four Leaf Clover

Lift up your voices, because our choice is  
A gal whom we all adore;  
She is a honey but much more than that,  
She gets a hit when she gets up to bat.  
No use complaining cause we're proclaiming  
We like Maryann and more,  
Lift up your voices because our choice is  
This gal whom we all adore.

\*\*\*\*\*

St. Vrain Is A Daisy

Tune: A Bicycle Built For Two

Robert, Robert, we're right proud of you,  
You're half crazy  
Trying to lead this crew;  
But we will stand behind you  
And constantly remind you  
You'll never hear jeers but only cheers  
For the wonderful job you do.

\*\*\*\*\*

Hi, Rita

Tune: When You Wore A Tulip

We're ready for Rita and nobody's sweeter  
She's really a darn good guy;  
She's real tough and ready, and so very steady,  
As our hostess she'll inspire.  
When we first spied her and stood there beside her  
We all said good times are rife;  
She will point out the features and strange Western creatures,\*  
And we'll have the time of our life.

\* Not a reference to Clay Robbins

From Morgan's Song Book, or Who's Got The Key?