



National Conference of Appellate Court Clerks

# **NCACC NEWSLETTER**

JULY, 1984



## **Editorial Note**

*Just thought we would give you a little variety to liven up the summer and get you in a good frame of mind for Seattle. Please write and give us your frame size.*

## President's Column

Let me share some personal remarks as well as list some of our ongoing activities and points of interest.

Annual Conference time. My personal thanks to Kevin Swanson and the program committee for the excellent blend and balance in our educational program. Management methods and techniques, technology innovations and application, and future clerk role and function are all current issues vital to our staying on top of our tasks. Likewise, my personal thanks to Dick Taylor and John Champaigne for the veritable banquet of events arranged for us during our stay. I am grateful for the hard work of these friends.

Functioning Committees. My personal thanks to all the committees of our organization. Leadership by all the chairmen has been tremendous. While hesitating to name anyone without naming all, thanks George Miller for continuing your work on site selection while your son is recuperating from a tragic motorcycle wreck.

Executive Committee. Your executive committee has functioned well this year. All were active, involved and supportive. I'll mention some of their proposals later in this column.

Our liaison have performed their tasks efficiently. Our thanks to Mary Taylor of the NCSC and Mary Ellen Donaghy of the ABA. Mary Ellen's new address is elsewhere in this issue.

New Members. Our new members include Diana Bentley - Arizona, Keith Endo - New Jersey, Robert Esdale - Alabama, Stanley LeMoine - Louisiana, Rosemary Moore - Washington, Phyllis Nield - Montana, Bev Reedy - Minnesota, and Kenneth Wade - Nebraska. For all of us, let me welcome you to the NCACC. We look forward to meeting you personally, and hope it will be this summer. I'll even volunteer John Scott, our incoming president, as a person you can contact for committee assignments you may desire. Bet John can find a place of participation for each of you.

Policy matters. The executive committee has addressed several policy matters which will be brought before our membership this summer. One deals with the central staff attorney proposed amendments to the ABA standards relating to appellate courts. We will have an update of this issue. Secondly, the committee has addressed the issue whether to propose the office of treasurer for the conference. This, too, will come before you this summer. Lastly, the committee will bring you a proposal for corporate membership in the NCACC. All in all, the business meeting will be interesting to attend.

Let me conclude by stating what a personal pleasure it has been to serve our organization this year. Like the rest of you, this organization is especially dear to me because of its unique role of gathering peers from across our country. My professional life has benefited, but for me the best part of NCACC is the vast network of friendships participation in NCACC has made possible.

See ya'll in Seattle.

JOHN WILKERSON

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# Court News Roundup

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MAKE YOUR TRAVEL PLANS NOW TO SEATTLE AND SAVE!

Super Saver fares to Seattle are not as plentiful as in the past so finalize your travel plans now. If you're not able to get a Super Saver, there is another alternative. The ABA has made arrangements with Delta AirLines so that you can get a 30% discount off the regular coach fare. Call this special toll free number 800/241-6760 (in Georgia 800/282-8536) for further information.

## CONTINUING LEGAL EDUCATION CREDIT

Did you know that you could get credit for attending the Annual Seminar? Thirteen (13) states (Alabama, Colorado, Georgia, Idaho, Iowa, Minnesota, Montana, Nevada, North Dakota, South Carolina, Washington, Wisconsin, Wyoming) currently mandate that attorneys participate in certified continuing legal education courses to maintain their license. Application has been made to the accrediting agencies in these states to certify the Seattle program. See Mary Ellen Donaghy, Staff Director of the Appellate Judges Conference, during the Seminar. She will have the necessary forms you need to get the credit you deserve.



Ants stretch when they wake up.

TO ALL NCACC MEMBERS:

Pursuant to interest expressed last year in seeing annual reports and brochures prepared by the various courts, a display table is planned for Seattle.

For use in this display, would you please send to me or bring to Seattle, whichever is more convenient, copies of any such publications relating to your court?

If you prefer to send them in advance, my address is 506 State Judicial Building, Atlanta, Georgia 30334.

Thanks,

Joline Williams



The act of snapping one's fingers has a name. It is called a *filip*.

"The best mirror is a friend's eye." — Gaelic proverb

NOTICE RE PROPOSED SUSTAINING MEMBER:

The officers and Board have approved and are submitting Mead Data Central for consideration by the membership as a sustaining member of the National Conference of Appellate Court Clerks.

This will be voted on at the annual meeting on August 9, 1984, in Seattle.

John Wilkerson, President

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

CODE OF PROFESSIONAL CONDUCT

- Canon I An Appellate Court Clerk Should Maintain the Highest Standard of Conduct in the Performance of His or Her Duties.
- Canon II An Appellate Court Clerk Should Avoid Impropriety or Appearance of Impropriety in All His or Her Activities.
- Canon III An Appellate Court Clerk Should Perform the Duties of His or Her Office Impartially and Diligently.
- Canon IV An Appellate Court Clerk Should Engage in Activities to Improve the Law, The Legal System and the Administration of Justice.
- Canon V An Appellate Court Clerk Should Regulate His or Her Outside Activities to Minimize the Risk of Conflict with Court Related Duties.
- Canon VI An Appellate Court Clerk Should Avoid Political Activities Which may Give the Appearance of Bias or Impropriety.
- Canon VII An Appellate Court Clerk Should Seek to Improve His or Her Professional Competence and That of His or Her Staff.
- Canon VIII An Appellate Court Clerk Should Not Engage in Discrimination Based on Race, Sex, Religion or Political Affiliation.

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
CODE OF PROFESSIONAL CONDUCT

PREFACE

This code of professional conduct as adopted by the National Conference of Appellate Court Clerks on August 11, 1983, at its annual meeting in New Orleans, Louisiana.

PREAMBLE

The National Conference of Appellate Court Clerks, mindful that the character and conduct of an appellate court clerk should never be objects of indifference, and that declared ethical standards should become habits of life, adopts these principles which should govern the personal practice of appellate court clerks. The administration of justice requires adherence by appellate court clerks to the highest ideals of personal and official conduct.

The office of appellate court clerk casts upon the incumbent duties in respect to his conduct which concern his relation to the state, its inhabitants, and all who come in contact with him or her. The National Conference of Appellate Court Clerks adopts this Code of Professional Conduct as a proper guide and reminder for appellate court clerks in the United States and as an indication what the people have a right to expect from them. The provisions of this Code should be construed and applied to further these objectives.

Where any state or federal statutory requirements or court rules and policies address the same areas, they will take precedence over this code.

CANON I

An Appellate Court Clerk Should Maintain the Highest Standard of Professional Conduct in the Performance of His or Her Duties.

An independent and honorable judiciary is indispensable to justice in our society. Appellate court clerks participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity, impartiality and independence of the judiciary may be advanced.

CANON II

An Appellate Court Clerk Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities.

(A) An appellate court clerk should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(B) An appellate court clerk should not allow family, social, or other relationships to influence his or her official conduct or the conduct of his or her office. He or she should not lend the prestige of his or her office to advance the private interests of others; nor should he or she convey or permit others to convey the impression that they are in a special position to influence him or her.

### CANON III

#### An Appellate Court Clerk Should Perform the Duties of His or Her Office Impartially and Diligently.

(A) An appellate court clerk should be patient, dignified and courteous to litigants, lawyers, and others with whom he or she deals in his or her official capacity, and should require similar conduct by his or her staff and others subject to his or her direction and control.

(B) An appellate court clerk should exercise great care and discretion in initiating or considering ex parte or other communications concerning a pending or impending proceeding.

(C) An appellate court clerk should not disclose to any unauthorized person or persons any confidential information concerning authorship of pending opinions, internal calendar memos, internal discussions relating to pending decisions, content of proposed opinions, or any other information designated by the court as confidential.

(D) An appellate court clerk should abstain from public comment on the merits of a pending or impending proceeding in any court, and should require similar abstention on the part of all court personnel subject to the clerk's direction and control. This subsection does not prohibit clerks from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(E) An appellate court clerk should support the reputation and integrity of the judicial system and, since statements of an appellate court clerk may carry a great deal of weight with the public, should not make derogatory comments that would undermine public confidence in or promote disrespect for the judicial system.

(F) An appellate court clerk should maintain the files and other records of the court in a conscientious and accurate manner and continue to develop policies and procedures for reducing time delay and improving efficiency of the appellate process.

(G) An appellate court clerk should diligently discharge his or her responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the responsibilities of other courts and court officials.

(H) An appellate court clerk should require his staff and other personnel subject to his direction and control to observe the standards of fidelity and diligence that apply to him or her.

#### CANON IV

##### An Appellate Court Clerk Should Engage in Activities to Improve the Law, The Legal System and The Administration of Justice.

(A) An appellate court clerk should encourage dialogue between his office and bar associations, legal secretary associations, trial court clerks associations and court reporters in an effort to promote better understanding of the court's processes. He or she may participate in or conduct educational seminars for the benefit of those doing business with his office.

(B) An appellate court clerk should be alert to the need for improvements in the rules, court procedures and administrative functions of his court and offer suggestions for appropriate changes and improvement of the appellate process.

#### CANON V

##### An Appellate Court Clerk Should Regulate His or Her Outside Activities to Minimize Risk of Conflict With Court Related Duties.

(A) Avocational Activities. An appellate court clerk may write, lecture, teach, and speak on any subject, and engage in the arts, sports and other social and recreational activities, so long as such avocational activities do not take undue advantage of his position as clerk, detract from the dignity of his or her office or interfere with the performance of his or her official duties.

(B) Civic and Charitable Activities. An appellate court clerk may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of his or her duties. He or she may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable fraternal, or civic organization except that an appellate court clerk should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before his or her court or will be regularly engaged in adversary proceedings in any court.

(C) Financial Activities.

(1) An appellate court clerk should refrain from financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the proper performance of his or her administrative duties, or exploit his or her position.



(2) Subject to the requirements of subsection (1), an appellate court clerk may hold and manage investments, including real estate, and engage in other remunerative activities, but should not participate in nor permit his or her name to be used in connection with any business venture or commercial advertising program, with or without compensation, in such a way as would justify a reasonable inference that the power or prestige of his or her office is being utilized to promote a business or commercial product.

(3) An appellate court clerk should not accept any remuneration, gift, bequest, favor, or loan that is made with the intent to influence or that creates an appearance of influencing him or her in the exercise of court related duties.

(4) The provisions of section 3 are not applicable to campaign contributions for elected clerks.

#### CANON VI

##### An Appellate Court Clerk Should Avoid Political Activities Which May Give the Appearance of Bias or Impropriety.

An appellate court clerk is entitled to entertain his or her personal views on political questions. He or she is not required to surrender his or her rights or opinions as a citizen. He or she should avoid political activity which may give rise to a suspicion of bias or impropriety in any matter pending or impending before his or her court.

#### CANON VII

##### An Appellate Court Clerk Should Seek to Improve His or Her Professional Competence and That of His or Her Staff.

(A) An appellate court clerk should seek to improve his or her professional competence and that of his or her staff, by participating in educational programs and seminars such as those provided by the Conference, reading profession-related materials, and attending and participating in other activities likely to enhance the level of competence of the Clerk and his or her staff.

(B) He or she should participate actively in the exchange of ideas for rule change and improvement in appellate court programs and procedures with clerks of other appellate courts in the United States.

CANON VIII

An Appellate Court Clerk Should Not Engage in Discrimination Based On Race, Sex, Religion or Political Affiliation.

(A) An appellate court clerk should not discriminate based on race, sex, religion or political affiliation in his or her dealings with attorneys, secretaries, para-legals, court reporters, or others doing business with the court or in his or her hiring practices.

(B) An appellate court clerk should not discriminate in hiring or promotion of personnel based on sexual or other favors.



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SUPREME COURT CLERK

SUPREME COURT BUILDING  
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CLERK OF THE COURT  
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NCACC NEWSLETTER

Long-Range Planning

The Committee has been involved in evaluating the standards that have been proposed by the staff attorneys organization for incorporation into the ABA Standards Relating to Appellate Court. Most of the members have reservations about the case management responsibilities delineated in the proposed commentary. (John Wilkerson, on behalf of the Executive Committee, conveyed this concern and others in a response to the staff attorneys about their proposed standards.)

Presently, the Committee is planning to present to the members in Seattle the question of whether the NCACC should draft standards of its own.

MORGAN THOMAS  
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MARIETTA, GEORGIA 30064

## The Post Operative View

I had an urge  
To write a dirge  
And complain about my lot;  
But with a happy glow  
My heart said "no"  
Because of the friends I've got.  
Though my tummy was sore  
There were flowers galore  
Along with your notes and your prayers;  
And with each letter  
I felt a lot better  
Knowing that each of you cares.  
So, instead of a dirge  
I'm now on the verge  
Of giving real thanks for your love;  
You're a wonderful crew  
I'll always think of you  
As truly a gift from above.

Morgan



Lloyds of London, the best known of insurance underwriters, does not write life insurance.



Only one U.S. President has held a Ph.D. degree — Woodrow Wilson.

THE MARIETTA DAILY JOURNAL



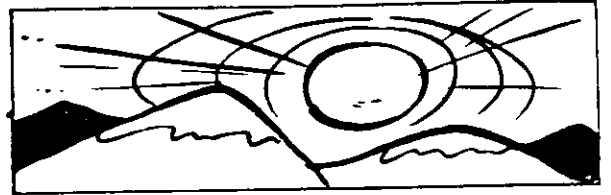
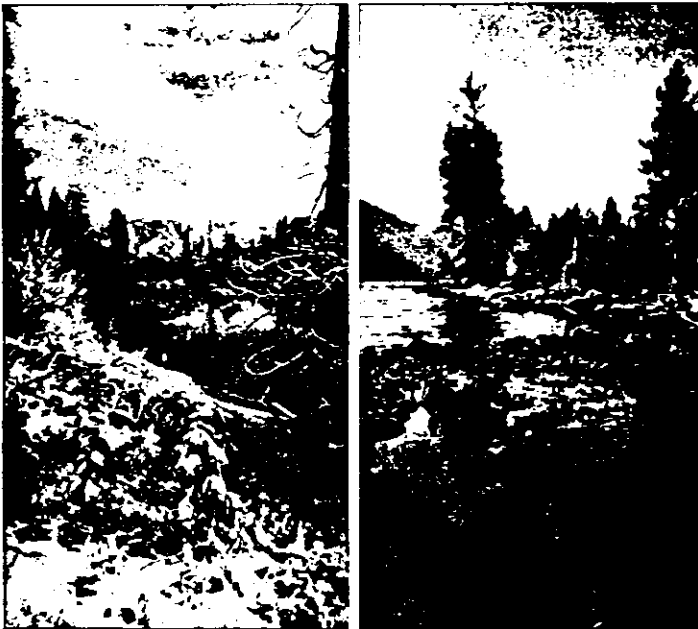
**Bill  
Kinney**

Journal Columnist

**OUT-PUNNED:** When retired Marietta builder **Bayard Cole** dropped by Kennestone Hospital to visit **Morgan Thomas**, Cobb emcee-deluxe and retired clerk of the Georgia Court of Appeals, Cole "outpunned" even Thomas. Said Cole to Thomas, who had a major part of his colon removed. "How do you feel now that you're a semi-colon?"

Beautiful

# Washington



Because the air at the end of the day is generally dustier than it is at the beginning of the day, the setting sun usually appears redder than the rising sun.

HERE  
WE  
COME



People in the 16th century believed they could predict the future by throwing dirt into the air and "reading" the patterns it made when it fell.