



# THE DOCKET

News of the National Conference of Appellate Court Clerks

## READY TO GO!!

Ed Smith (MT)

I am pleased to report that all signs point to a great turnout for our annual meeting in Whitefish, August 7-13 at Grouse Mountain Lodge. Thank you for making your lodge reservations early. We have met our quota!

Registration will take place on Saturday afternoon from 3 to 5 p.m. and Sunday 10:00 a.m. until 12:00 noon at the Continental Divide Center. Sunday will be quite a full day with orientation for new members and families along with our annual business meeting. Professor Raymond Cross of the University of Montana School of Law will address us on Native American Law. Following afternoon activities, we will have our opening reception sponsored by the Bureau of National Affairs at the outdoor pavilion adjacent to the lodge. To complete our first day, we will have the NCACC slide show.

Monday is packed with a full educational program, followed by a beautiful evening with dinner and music by Tim Torgerson, a local singer and guitar player, at the Summit House restaurant on Big Mountain sponsored by Thomson Reuters.

Tuesday has an interesting program with emphasis on technology. I have arranged to have Tim Stanley, President of JUSTIA, address us on the topic of the Right to Know vs. the Right to Privacy. This program should have great relevance to us as we navigate the new world of electronic court records. The following companies are scheduled to take part in this year's NCACC vendor showcase; Thomson Reuters, LexisNexis, Bureau of National Affairs, LT Court Tech, Loislaw, and SUSTAIN Technologies. There will be a vendor lunch during this program. Please make sure to visit their booths on Tuesday and say "thanks" for their participation with the NCACC. Tuesday evening is your free one, so get ready to do some exploring around the Flathead Valley. Whitefish has some terrific restaurants and this might just be the time to check out one of these culinary delights! Check with me for a list of my favorites.

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### CALL FOR THE ANNUAL MEETING

President Susan S. Clary, through Secretary Trish Harrington, and pursuant to the provisions of Article V, Section 5, of the Bylaws, hereby issues the call for the annual meeting of the Conference of Appellate Court Clerks to be held at the Grouse Mountain Lodge, Whitefish, Montana, beginning Saturday, August 7, 2009, and continuing through Friday, August 13, 2009.

Respectfully submitted,  
Trish Harrington  
Secretary

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## THE DOCKET

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

President	Susan Clary (KY)
President Elect	Bill DeCicco (DC)
Vice-President	Marilyn May (AK)
Immed. Past President	Tom Hall (FL)
Secretary	Patricia Harrington (VA)
Treasurer	Irene Bizzoso (PA)

Executive Committee	Rex Renk (MT)
	Michael Richie (OK)
	Sherry Williamson (TX)
	Susan Festag (CO)
	Steve Kenyon (ID)
	Amy Reitz (OH)

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**HELP KEEP US INFORMED!!**



Ed Smith reminds us that **VERY** casual attire is requested for the closing banquet.

#### **To Remit NCACC Membership Dues:**

National Center of State Courts  
300 Newport Avenue  
Williamsburg, VA 23185



# THE PRESIDENT'S PAGE

**Susan Clary (KY)**

Thirty seven years ago our predecessors recognized that working together with other appellate court colleagues was essential to the well functioning of the court system, and they formed the NCACC and held its first conference. Now, as it was then, our conference allows us to share information so we may work more efficiently and effectively for our state court systems. Congratulations to this year's host, Ed Smith and to this year's program chair, Cynthia Rapp for planning a spectacular conference that provides us with quality educational opportunities and captures the spirit of the celebration of the centennial of Glacier National Park.

As I sit in the historic Courtroom of the Supreme Court of Kentucky and we celebrate the centennial of our Capitol, my thanks go out to NCACC's founders, including Frances Jones Mills of Kentucky, and to all of our leaders who have worked to keep NCACC relevant and strong. What a great year it has been. I am so appreciative of my relationship with the Executive Committee, many of whom have traveled at their own expense to our meetings this year. We have been cognizant of the financial difficulties of our states and have worked to allocate a record number of scholarships to our members while continuing to guard the financial security of the NCACC. We even shared some fun enjoying the beauty and hospitality of the Bluegrass state and the Naval Academy at Annapolis.

Thanks to Bill DeCicco for his advice and counsel this year, and to Marilyn May and Tom Hall for their insight and hard work. Thanks to Irene Bizzoso for her yeoman's work as Treasurer and for always answering all of my e-mails. Special recognition also goes to Trish Harrington, our faithful Secretary, whose talent at taking our ramblings during meetings and translating them into cogent statements in the minutes is truly awe-inspiring. Thanks also to the members of the Executive Committee; Susan Festag, Rex Renk, Amy Reitz, and Steve Kenyon. Special thanks to Mike Ritchie, the Vendor Chair for our Montana meeting, and to our "Historian," Sherry Williamson, for directing traffic on the Executive Committee.

Thanks also to all of our committee chairs and committee members for your contributions this year. I would say a few more "thank you's" but I will save them for the conference. Les and Brenda need to go to press. Thanks you two.

It is a privilege and honor to serve you as President. See you in Montana.

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After our morning educational program, we head to Glacier Park for our tour on the infamous Red Jammers of the Going to the Sun Highway and optional walk to Hidden Lake sponsored by LexisNexis. We'll return to Grouse Mountain for a barbecue at the outdoor pavilion.

Thursday morning, for those who can still walk, we'll have our fun run and walk with a course to be determined. We devote time today to ethics and problem solving, and conclude the program with the second half of our business meeting.

The evening is devoted to our banquet and awards, and our President, Susan Clary, has something up her sleeve, so look out! It will be an informal event, so casual attire is the standard to reflect our location. You can save space for all those wonderful gifts you plan to purchase for family and friends by not packing all those fancy clothes!

The conference concludes Friday morning with the critique breakfast. Comments gathered from this event help shape our future annual meetings and are appreciated.

I can't wait for you to experience Montana. We are ready to go!

# Facts, Fiction, & Foolishness

Leslie Steen (AR)

The annual conference has always been a family affair, and one of the truly rewarding experiences of the conference has been the opportunity to watch our children grow and develop relationships with them over the years. Many we have known as toddlers have become fine young adults. The following excerpts are reminders of why we love children and why we always bring them along with us.

An exasperated mother, whose son was always getting into mischief, finally asked him, "How do you expect to get into Heaven?" The boy thought it over and said, "Well, I'll run in and out and in and out and in and out and keep slamming the door until St. Peter says, "For Heaven's sake, Dylan, come in or stay out!"

One summer evening during a violent thunderstorm, a mother was tucking her son into bed. She was about to turn off the light when he asked with a tremor in his voice, "Mommy, will you sleep with me tonight?" The mother smiled and gave him a reassuring hug. "I can't dear," she said. "I have to sleep in Daddy's room." A long silence was broken at last by his shaky little voice, "The big sissy."

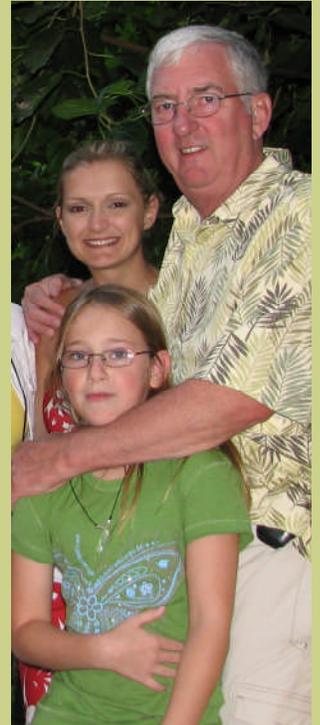
It was that time during the Sunday morning service for the children's sermon. All the children were invited to come forward. One little girl was wearing a particularly pretty dress and, as she sat down, the pastor leaned over and said, "That is a very pretty dress. Is it your Easter dress?" The little girl replied directly into the pastor's clip-on microphone, "Yes, and my mom says it's a b-tch to iron."

When I was six months pregnant with my third child, my three year old came into the room as I was preparing to get into the shower. She said, "Mommy, you are getting fat!" I replied, "Yes, honey, remember Mommy has a baby growing in her tummy." I know," she replied, "but what's growing in your butt?"

One day the first grade teacher was reading the story of Chicken Little to her class. She came to the part where Chicken Little warns the farmer. She read, ". . . and Chicken Little went up to the farmer and said, "The sky is falling!!" The teacher then asked the class, "And what do you think the farmer said?" One little girl raised her hand and said, "I think he said: 'Holy sh-t! A talking chicken!'"

A kindergarten pupil told his teacher he had found a cat but it was dead. "How do you know it was dead?" She asked him. "Because I p-ssed in its ear and didn't move," answered the child. "You did WHAT?" exclaimed the teacher. "You know," explained the boy, "I leaned over and went, 'Pssst!' and it didn't move."

Hopefully, these little tales have reminded you of some of the entertainment your children and others have provided you over the years. Please don't forget to bring them to Whitefish.



# NATIONAL CONFERENCE OF APPELLATE COURT CLERKS THIRTY-SIXTH ANNUAL MEETING

Sacramento, California  
Sunday, August 2, 2009  
to  
Thursday, August 6, 2009

## **Call to order:**

President Tom Hall (FL) called the Thirty-Sixty Annual Meeting of the National Conference of Appellate Court Clerks to order at 2:40 p.m. on Sunday, August 2, 2009. President Hall introduced David Beach (VA) as the parliamentarian for the meeting and Karyn Bowie of BNA as an invited guest.

## **Roll Call of States:**

Secretary Trish Harrington (VA) called the roll of states, recognizing each person registered and present. David Beach confirmed the presence of a quorum.

## **Approval of minutes:**

Deena Fawcett (CA) moved that the minutes be approved, Penny Miller (ND) seconded the motion. Motion carried.

## **Committee Reports**

**Contract Committee:** Bill DeCicco (DC) reminded the membership that this was a special committee created by President Hall this year. The committee reviewed the following contracts: Annapolis hotel contract, Chesapeake Bank contract (for Education Fund), National Center for State Courts contract, and Holiday Inn/Sacramento attrition provision.

**Bylaws Committee:** Norm Herring (DC) reported that the Bylaws Committee moved that the Contract Committee be made a standing committee. No second necessary for a committee recommendation. Action on the motion was deferred to the Thursday business meeting.

**Membership Committee:** Christie Cameron (NC) reported that the members of the committee were assigned certain states and personally contacted individuals being purged from the membership list, new members, and present members (to determine if any new clerks or deputy clerks had been hired in their state). The committee proposed a change in the bylaws, Article III, 1(d)2 Eligibility Upon Retirement or Termination as Court Employee as follows:

2. Eligibility Upon Retirement or Termination As Court Employee. Upon the retirement or termination of a regular member's service with an appellate court, should he or she accept employment with a public or private organization within the legal field, vendor, or other justice-related agency, he or she may not participate in the list-serve and may be excluded from any programs where the free exchange of information by regular members is inhibited due to the current employment of the retired member. A regular member of this Conference may continue as a member upon retirement or termination of his or her service with an appellate court without the noted limitations if not employed in the aforementioned capacities. A retired member shall not be eligible to hold office, except that the immediate past president may continue to serve as a member of the Executive Committee as provided in Article VII, Section 2(b), even though no longer serving with an appellate court.

Steve Lancaster (IN) made a motion that the rules be suspended in order for the membership to consider and vote on the bylaw change proposal without its publication. Sherry Williamson seconded the motion. Motion carried unanimously.

**Nominating Committee:** Trish Harrington (VA) reported that the following candidates were unanimously approved:

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Marilyn May (AK) as Vice President, Irene Bizzoso (PA) as Treasurer, and Susan Festag (CO), Steve Kenyon (ID), and Amy Reitz (OH) as Executive Committee members. President Hall asked if there were any nominations from the floor and there were none.

**Past Hosts Committee:** Chris Crow (LA) reported that the committee had updated the Host Handbook, is investigating long term contract proposals from certain hotels, and is gathering information from the 2005-2011 conference contracts in order to create some model contract language.

**Past Presidents Committee:** Steve Lancaster (IN) reported that the committee has drafted an updated Code of Professional Conduct. The membership will vote on whether to adopt the amendments at the Thursday meeting. Second, the committee has been working on establishing an archive for NCACC documents and photos. The Executive Committee has allotted \$500 for equipment and software to digitize the thousands of slides related to NCACC conferences. The committee will continue to work on this project and is considering setting aside time during future conferences for people to review the slides in order to properly label them.

**Performance Measures Committee:** Fritz Ohlrich (CA) referred the membership to the written report contained in the conference notebook.

**Pictorial Directory Committee:** Sherry Williamson (TX) requested that all members review the information for their listings and inform Kelly McNeely (LA) of any corrections. She also reported that the committee is considering ways in which the directory pages can be reduced and some information placed on the NCACC website instead.

**Program Committee:** Steve Kenyon (ID) reported that round table discussions would be held Tuesday through Thursday and the topics would be based upon a survey of the attending members.

**Convention Assistance Committee:** Rory Perry (WV) provided information about the hospitality suite and reported that members of the committee are available to provide answers to questions about the conference.

**Public Relations Committee:** Rex Renk (MT) reported that the committee was attempting to produce a white paper on e-filing. He announced that Wednesday's panel on the topic would be a resource for this purpose.

**Publications Committee:** Les Steen (AR) announced that all editions of The Docket had issued, the most recent one as an on-line document on the website. John Olivier (LA) suggested that members either forward the link or distribute hard copies of the publication to their judges/justices.

**Scholarship Committee:** Sandra Skinner (MO) reported that the guidelines and selection criteria for scholarships were updated this year. Members were reminded via The Docket and e-mail of the availability of scholarships for the conference. There were initially 8 applications; 2 were withdrawn, 1 was filed by an ineligible individual, and 5 were awarded.

**Technology Committee:** John Olivier (LA) announced that the committee was basically inactive this past year. This coming year the committee plans to review and suggest modifications to the relevant bylaws, make recommendations regarding archiving standards, assist with the e-filing white paper, consider making recommendations related to interactions between clerks and IT staff, and contribute articles to The Docket regarding technology issues.

**Awards Committee:** Marilyn May (AK) reported that the J.O. Sentell Award recipient would be announced at the banquet. There will be no Morgan Thomas award recipient this year.

**Campaign Committee:** Colette Bruggman (CA) reminded the membership that the committee has been working towards raising \$1 million for the Education Fund since May 2008. The campaign is soliciting funds from both the membership and philanthropic organizations. She reported that 100% of the Executive Committee members have pledged a total of \$44,900 toward the fund. She then introduced Michael Guillot, who stated that this year represented the worst

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decline in philanthropic giving since 1956. He also reported that such campaigns are expected to work from the inside out and membership contributions are necessary to generate support from foundations. The goal is not a dollar amount, but as close as possible to 100% participation from the membership. The reasons for endowing the Education Fund include ability to present high quality speakers and programs and provide scholarships so that more members can attend conferences. He announced that there is \$645,000 in pending requests to philanthropic organizations. The next steps include the present invitation to the membership to join the campaign, an invitation to other stakeholders to join, and solicitation of other foundations and organizations. Retired members, vendors, donors, and others will be contacted, as will organizations that were previously contacted, but did not respond or responded in the negative. Colette then discussed the commitment of the membership to the NCACC and requested that everyone participate in the campaign. President Hall discussed the fact that this is a member driven organization; therefore, participation by the membership is necessary to build the Education Fund. In addition, greater funding would permit Officers or Executive Committee members to attend other organizations' meetings, establish this organization as expert on appellate matters, and allow for the production of numerous white papers.

**Education Fund Committee:** Mike Richie (OK) reported that the fund is still in the early stages. This year it will address goals of the fund, scholarship programs, guidelines for funded speakers, and development of statistical standards for the program's success.

**Finance and Investments Committee/Treasurer's Report:** Marilyn May (AK) reported that a \$25,000 CD was moved from Chesapeake Bank to Ascencia due to a higher interest rate. The funds were placed in a 12 month CD in order to maintain flexibility in case the rates significantly increase in the next year. A written Treasurer's Report was distributed. Marilyn announced that due to the decrease in funds, the Executive Committee is considering raising the annual membership fee and the conference fee.

**Strategic Planning Committee:** Mike Richie (OK) reported that the committee was asked to consider whether the terms for the Executive Committee members should be increased from 2 years to 3 years, with 2 members elected each year. Although the majority of the committee members approved the change, serious concerns existed regarding this change. Therefore, the Executive Committee has tabled the matter.

**Site Selection Committee:** Bessie Decker (MD) announced that Charleston, South Carolina has been chosen as the site of the 2012 conference.

President Hall announced at 4:15 p.m. the adjournment of the meeting until Thursday at noon.

The Thirty-Sixth Annual Business Meeting resumed at noon on Thursday, August 6, 2009, with a call to order by President Hall. David Beach, the Parliamentarian, noted the presence of a quorum.

**Bylaws Committee:** Mike Richie (OK) called the question of making the Contract Committee a permanent committee. The motion of the Bylaws Committee carried unanimously.

**Membership Committee:** The motion by the committee to change the bylaws (Article III, 1(d)2) carried unanimously.

**Past Presidents Committee:** The proposed change in language to the Code of Conduct passed unanimously.

**Nominating Committee:** Ken deBlanc (LA) moved that the slate recommended by the committee be elected by acclamation. Joseph Lane (CA) seconded the motion. Motion carried unanimously.

**Resolutions and Memorials Committee:** Danielle Schott (LA) read the language for the resolutions and memorials outlined in the committee's written report.

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**Other Business:** President Hall informed the membership that vendors and other entities have requested the email addresses of members attending the conference and asked for discussion on that issue. Points made during the discussion included concern that the list might migrate to other people or groups, a question as to whether the vendor could send the email to the President and the President forward the email to the membership, and acknowledgement that the vendors contribute a great deal to the conference and this request is not unreasonable. President Hall asked for a show of hands for those who favored the option of the vendor sending the email just to the President for forwarding or providing the email addresses to the vendors for their use related to the conference and a significant majority voted for the latter option. President Hall stated that the Executive Committee will consider this matter, taking into account the straw vote of the membership attending the meeting.

**President's Report:** President Hall reported that the Contract Committee was established this year and provided great support to the Executive Committee. He also stated that he had hoped to hold a regional conference, but it was not feasible. President Hall noted that the amendments to the Code of Conduct were a priority he had established and the Past Presidents Committee studied the matter and made a recommendation concerning it. Finally, he reported that the Campaign Fund was proceeding as planned.

**Adoption of Committee Reports:** Steve Lancaster (IN) moved to accept all of the Committee Reports. Christie Cameron (NC) seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned at 12:40 p.m. on August 6, 2009.

[After adjournment, Rex Renk (MT), co-host with Ed Smith for the 2010 annual meeting, made a presentation on the conference in Whitefish, Montana.]

Respectfully submitted,  
Trish Harrington  
NCACC Secretary

## Financial Report

As of April 30, 2010 the NCACC portfolio consisted of:

Cash in Bank - Williamsburg	\$ 22,164.84
Ed Fund/campaign Money Market	13,878.88
CATO Money Market	20,766.46
Merrill Lynch Ready Assets	6,512.38
Chesapeake Bank	40,243.26
Ascencia CD (2.15% APY)	25,000.00
prepaids & advances	<u>6,732.22</u>

**TOTAL** \$ **135,297.82** of which \$61,578.18 is unrestricted.

As of April 30<sup>th</sup>, the NCACC has received \$4,225.00 in dues, \$6,711.00 in donations, and \$994.08 in reimbursements from a 2008 annual meeting overpayment, for a total of \$11,930.00 in income for 2010 (not including interest in the amounts of \$91.55 for the Ed Fund; \$6.85 from general funds).

In regards to the 2009 annual meeting in Sacramento, due to the efforts of Host Deena Fawcett, the meeting paid for itself including scholarship and program expenses and ended up clearing \$5,341.51.

Respectfully submitted,  
Irene M. Bizzoso (PA), Treasurer

