

National Conference of Appellate Court Clerks

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

President
Frances Jones Mills
Court of Appeals
The Capitol
Frankfort, Kentucky 40601
(502)564-4720

President-Elect
Hyman W. Gamsco
Supreme Court, Appellate Division
First Department
27 Madison Avenue
New York, New York 10010
(212)532-1000

Vice-President
Morgan Thomas
Court of Appeals
433 State Judicial Building
Atlanta, Georgia 30334
(404)656-3450

Secretary-Treasurer
Jean M. Kennett
Supreme Judicial Court
1404 Court House
Boston, Massachusetts 02108
(617)742-9250

Executive Committee
The Officers and
Robert L. Conn
Appellate Court, Fourth District
Supreme Court Building
Springfield, Illinois 62701
(217)782-2586

Ronald L. Dzierbicki
Court of Appeals
600 Washington Square Bldg.
Lansing, Michigan 48933
(517)373-0786

Wilfried J. Kramer
Court of Appeal, Third District
119 Library and Courts Bldg.
Sacramento, California 95814
(916)445-4677

John A. Parker
Tennessee Supreme Court Building
P. O. Box 444
Knoxville, Tennessee 37901
(615)525-5171

Florence R. Peskoe
Supreme Court
State House Annex
Trenton, New Jersey 08625
(609) 292-4837

John E. Powers
Supreme Judicial Court
1404 Court House
Boston, Massachusetts 02108
(617)227-9857

J. O. Sentell
Supreme Court
P. O. Box 157
Montgomery, Alabama 36104
(205)269-6901

NEWSLETTER

Volume 2, Number 3

May 1975

DETAILS ON SECOND ANNUAL MEETING SET FORTH

Plans for the NCACC's Second Annual Meeting, to be held at Little America in Flagstaff, Arizona, July 16th-19th, started falling into place at the March meeting of the executive committee and will be announced in detail in a mailing to be done in the near future by LSU's Institute of Continuing Legal Education.

In the meantime, though, it is known that the overall topic will be "Appellate Courts in Operation," a subject selected by consensus of the members in attendance at last year's annual meeting. Three of the conference sessions on this subject will be held in panel format, while one will be in the form of a workshop with discussion leaders (see following story). In addition, Hyman W. Gamsco, president-elect of the Conference and a representative of the NCACC at January's National Conference on Appellate Justice, will report, along with two other participants, on that meeting, which took place in San Diego, California.

The business meeting of the conference is scheduled for Friday morning, July 18th, from 9:00-11:00 a.m., and will be preceded by a breakfast meeting (8:00-9:00 a.m.) for those interested in formulating plans for a seminar on the handling of admissions to the bar. All members should plan to attend the business session, at which time new officers will be elected and a vote will be taken on a proposed amendment to the Bylaws (see story on page 3).

In addition to conference sessions, the business meeting, and a meeting of the executive committee (scheduled for Tuesday evening, July 15th), the program includes a number of social functions -- two luncheons, one banquet, and a trip to the Grand Canyon -- as well as a general critique and planning session scheduled for the morning of Saturday, July 19th, at which time the topic for next year's annual meeting will be selected. (The 1976 meeting will take place in upstate New York, at a site to be selected, towards the end of July.)

Mary Ann Hopkins, chief deputy clerk of the Arizona Supreme Court and co-chairperson of the NCACC site committee, has put together information on travel to Flagstaff which should be of interest to those planning to attend the meeting. Both Frontier and Cochise Airlines fly into Flagstaff, Frontier via Denver or Phoenix, and Cochise from Phoenix and Tucson. Both airlines have morning and afternoon flights to Flagstaff from those connecting cities. In addition, AMTRAK stops in Flagstaff on runs that originate in Chicago and Los Angeles. There is no limosine service at the Flagstaff airport, but Little America will send cars to the airport upon request by telephone. Both Hertz and Avis maintain rent-a-car services at the airport, and taxi service is also available with the fare to Little America running to approximately \$3.80.

In addition to the LSU mailing, which will include conference registration forms and Little America reservation forms, all NCACC members will shortly be receiving a questionnaire on basic appellate procedures from Wilfried J. Kramer, clerk of the Court of Appeal, Third District, in Sacramento, California, and a member of the Conference's executive committee, which should be filled out and returned to Mr. Kramer as promptly as possible. Publication of the results is anticipated in time for distribution at the annual meeting.

HELP NEEDED FOR ANNUAL MEETING

The educational program of the annual meeting will feature a workshop section designed with discussion leaders and reporters. A call has gone out from Ronald L. Dzierbicki, chief clerk of the Court of Appeals in Lansing, Michigan, and a member of the NCACC executive committee, for conference members with stenographic skills to volunteer as reporters. If you are willing to help out in this area, please get in touch with Mr. Dzierbicki as soon as possible. The address of his court is 600 Washington Square Building, Lansing, Michigan 48933, and his telephone number is: 517 - 373 - 0786.

Mr. Dzierbicki also reports that some materials relating to office procedures will be prepared for distribution at the annual meeting and requests that members using forms, cards, letters, etc., that might be of use or interest to other members please forward such materials to him for reproduction and distribution at the meeting.

NOMINATING COMMITTEE MEMBERS NAMED BY PRESIDENT MILLS

Article VI, Section 5, of the NCACC Bylaws provides that: "Not less than 60 days before the annual meeting a nominating committee of five members, at least one of whom must be an associate member, shall be appointed from the membership by the president, with the approval of the executive committee. At least 30 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 for unexpired terms. Other nominations for office may be made from the floor."

In accordance with the above quoted section of the Bylaws, President Frances Jones Mills has appointed the following members to serve on this year's nominating committee: J. O. Sentell, Alabama; John E. Hall, Illinois; Billie R. McCullough, Indiana; Deidre Becker, Ohio; Elizabeth McLaughlin, New Jersey; and Reba D. Mims, South Carolina.

Suggestions for nominees for Conference offices may be sent to any member of the committee.

PROPOSED AMENDMENT TO CONFERENCE BYLAWS

According to Article VII of the NCACC Bylaws, the Bylaws "may be amended at an annual meeting of the Conference by a majority vote of the members of the Conference present and voting, provided that each amendment to be considered shall have been submitted to the executive committee by delivery to the secretary-treasurer not later than April 1st of that year and provided that the text of each amendment to be considered shall have been included in the call for the annual meeting."

In accordance with the above procedure, the following proposed amendment to Article III, Section 3, of the Bylaws has been submitted by Hazel M. Stevenson, deputy clerk of the Vermont Supreme Court (underlining designates addition to this section): "An assistant clerk or deputy clerk of a court of last resort or intermediate appellate court shall be eligible to become an associate member upon recommendation of the clerk of his respective court. An associate member shall be eligible to hold office but may vote only when designated as an alternate by the Conference member from his court provided, however, if the clerk of his court is a non-member of the Conference, then the associate member shall be eligible to vote."

RECENT APPELLATE CHANGES IN THE STATES

As a follow-up to the National Conference on Appellate Justice, held in San Diego, California, in January, the National Center for State Courts has prepared the first of several proposed reports on recent appellate court developments around the country which have been brought to the Center's attention. These include the following:

- The New Jersey Supreme Court recently adopted a new rule to allow the Appellate Division of the New Jersey Superior Court to affirm a judgment of the trial court without a written opinion when certain conditions are met. A copy of the rule is available from the National Center upon request.
- The Wisconsin Supreme Court is supporting a constitutional amendment pending in the State Legislature to create an intermediate court of appeals. The new court would have appellate jurisdiction defined by the legislature, which could also create more than one appeals court district. In addition, the amendment changes other aspects of the Wisconsin judicial system. A copy of the proposed amendment is available from the National Center.
- The Kansas legislature has just approved formation of an intermediate court of appeals in that state, to begin operation on January 1, 1977.
- The Tennessee Supreme Court has created an advisory committee to draft entirely new rules of appellate practice.

- The Idaho Supreme Court has appointed a committee of district judges and attorneys to review completely its appellate rules and make extensive changes over the next year. The court also recently adopted several proposals which would enable it to supervise court reporters, measure elapsed time in the appeal process to identify sources of delay, assign a clerk to monitor filed cases, and allow the waiving of oral argument in routine cases. Further information about these ongoing projects may be obtained from William E. Benjamin, Director of Implementation Projects, National Center for State Courts, 1660 Lincoln, Denver, Colorado 80203. Information about other appellate court projects is welcomed and may be sent to the same address.

THE JOB MART

The following job opening was passed along to us by Ronald L. Dzierbicki, a member of the NCACC executive committee:

Research Staff Director for Appellate Court -- A position opening in July for director of a legal research staff serving a progressive 18-judge intermediate court. Responsibilities include recruitment, training, and supervision of a staff of five career commissioners, 30 recent law graduates, and secretarial personnel; review of the quality and quantity of staff work; and liaison with the judges and clerk of the court. Applicants should possess substantial legal research and writing experience and proven administrative ability. Salary: \$28,000 - \$34,000 in annual increments with comprehensive fringe benefits. Apply by sending resumé to: Judge Robert J. Danhof, Michigan Court of Appeals, 600 Washington Square Building, Lansing, Michigan 48933.

IDAHO STATE BAR INITIATES INSTITUTE ON APPELLATE PRACTICE

R. H. (Bill) Young, Jr., clerk of the Idaho Supreme Court, has furnished us with the following report on the Idaho State Bar's first Institute on Appellate Practice, which Mr. Young was instrumental in planning --

Although many bar associations throughout the country regularly produce educational programs on a variety of trial subjects, scant attention has been paid to attempts to educate lawyers to function on an appellate level. This is because most general practitioners, as well as trial specialists, seldom go before the Supreme Court. Still, no general practitioner can assume that he or she won't be called upon to perform this function at some time in connection with his or her practice.

It was with the above facts in mind, that the Idaho State Bar last February presented its first Institute on Appellate Practice, which was attended by 90 attorneys -- almost ten percent of the practicing bar in Idaho!

In formulating his part of the Institute program, Mr. Young used as a guide the questions most frequently asked of his office and the mistakes most often made by lawyers filing briefs with his court. He then prepared a comprehensive checklist to be used by attorneys having matters before his court, which was presented with examples of various papers regularly filed with the court.

The Institute's second participant was Michael Rodak, Jr., clerk of the United States Supreme Court. Although few practicing attorneys will ever have occasion to appear before the U.S. Supreme Court, Mr. Rodak provided those in attendance at the Institute in Boise with an inside view of the workings of that court, as well as with a comprehensive guide to the correct procedures in bringing matters before the highest court in the land.

A third speaker on the program, David Prager, associate justice of the Kansas Supreme Court, discussed appellate practice from the standpoint of the judiciary, providing attendees at the Institute with a broad-ranging list of "do's" and "don'ts" to be followed in arguing cases before such a court.

The Institute's fourth and final speaker was George M. Joseph, Jr., a Portland, Oregon, attorney who specializes in appellate practice and who presented a concise view of how, in his view, attorneys can be most effective in presenting their cases to appellate courts.

Comments on the Institute have been most favorable, and arrangements are now being made for Mr. Young to present his segment of the program before each of the seven local bar associations in the state. It is hoped that exposure to this program will enable lawyers in Idaho to bring their cases to the appellate level with greater speed and effectiveness.

#