

National Conference of Appellate Court Clerks

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HYMAN W. GAMSO, PRESIDENT

NEWSLETTER

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A MESSAGE FROM THE PRESIDENT

One cannot assume the presidency of the National Conference of Appellate Court Clerks without being profoundly impressed with the great contributions to the organization's success made by our founders -- by J.O. Sentell, by John E. Powers, Ronald L. Dzierbicki, and Jean M. Kennett -- with whom I have been privileged to serve. They have given generously of their time and talents during our three formative years.

Equally dedicated and competent appellate court clerks have joined our ranks, and our membership today represents most of the leading appellate courts in the country. The results are evident in the recognition we have achieved, the fine programs we have sponsored, the studies now underway, and our continued growth.

Due to the rule of rotation, J.O. Sentell and Robert L. Conn are retiring from our executive committee. J.O. brought to the conference the spark of imagination and innovative planning so characteristic of the Alabama courts in recent years; he served as our first president and will continue, I am sure, as a vital force in our future growth. I shall rely upon him for aid and advice. Bob is a warm and good friend, whose judgment was most helpful in the deliberations of the executive committee. To succeed them as committee members are Mary Ann Hopkins and R.H. (Bill) Young, both of whom have already rendered substantial service to the conference. Mary Ann, as you all probably know by now, assumed complete responsibility for arrangements for the Second Annual Meeting in Flagstaff in July. Illness precluded my attendance at that meeting, but I have received many glowing reports of the smoothness and efficiency with which everything proceeded. And Bill has been most helpful, both as a member of the funding committee and as a lecturer at our seminars.

I am particularly pleased to welcome Ron Dzierbicki to the staff of officers. He has been a vital force in everything we have done, and his chairmanship of our education committee sets a high standard for future chairmen.

Frances Jones Mills, who retires as president but who remains a member of the executive committee, deserves our thanks for carrying the NCACC story to all parts of the country during her term in office.

And finally, my own personal thanks go to Morgan Thomas, president-elect, who pinch-hit for me in Flagstaff and who brings the lighter touch to our deliberations.

Our goal is to increase our knowledge and to advance the cause of appellate justice -- thereby enhancing our reputation -- and in this endeavor we are fortunate to have the support of a knowledgeable and interested membership.


Hyman W. Gamso, President

SECOND ANNUAL MEETING MARKS GROWTH OF CONFERENCE

The Second Annual Meeting of the National Conference of Appellate Court Clerks, held in Flagstaff, Arizona, July 16th-19th, was marked by a feeling on the part of those in attendance that a long road had been travelled -- and much accomplished -- since formation of the conference two years earlier. More clerks from more states attended this year's meeting, and a list of those in attendance is enclosed as a supplement to this Newsletter.

The meeting, which was held at Little America in Flagstaff, was officially called to order by President (now immediate past president) Frances Jones Mills at 9:10 a.m. on July 17th. Adoption of the minutes of the First Annual Meeting and of the treasurer's report was followed by the adoption of reports from the conference's several standing committees and by the adoption of resolutions of thanks to early supporters of the formation of the conference, to participants in the Flagstaff meeting, and to those responsible for the program.

Additional resolutions were passed to express support for more active participation on the part of clerks in the rule-making processes of appellate courts, and to authorize the president of the conference to appoint a committee to investigate the possibility of formulating a system of legal education in the primary, grammar, and secondary schools and colleges of the country and to explore the possibility of LEAA funding for such an effort.

The new officers of the conference, in accordance with the by-laws and with the report of the nominating committee are: Hyman W. Gamsco, executive officer and clerk of the Supreme Court of New York, Appellate Division, First Department, president; Morgan Thomas, clerk of the Court of Appeals of Georgia, president-elect; Ronald L. Dzierbicki, chief clerk of the Court of Appeals of Michigan, vice-president; and Jean M. Kennett, assistant clerk of the Supreme Judicial Court for Suffolk County (Boston), secretary-treasurer.

New members of the executive committee are Mary Ann Hopkins, chief deputy clerk of the Arizona Supreme Court; Frances Jones Mills; and R.H. (Bill) Young, clerk of the Idaho Supreme Court. They join Wilfried J. Kramer, clerk of the Court of Appeal, 3rd Appellate Division, California; John A. Parker, clerk of the Tennessee Supreme Court and Court of Appeal; Florence R. Peskoe, clerk of the Supreme Court of New Jersey; and John E. Powers, clerk of the Supreme Judicial Court for Suffolk County, all of whom were members of the executive committee last year.

One amendment to the conference by-laws was introduced and passed in the form of an addition to Article III, Paragraph 3. That paragraph now reads (addition underlined) as follows:

"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."

The meeting was adjourned at 10:20 a.m.

A full program of speakers, luncheon speakers, panel discussions, and workshops -- all on the subject "Appellate Courts in Operation" -- was capped by the annual banquet the evening of Thursday, July 17th, at which the moderator was the Hon. James Duke Cameron, chief justice of the Arizona Supreme Court, and the guest speaker was the Hon. Raul Castro, governor of the State of Arizona.

The workshop sessions, which took place Thursday afternoon, were headed by Wilfried J. Kramer; J.O. Sentell, clerk of the Alabama Supreme Court and first president of the conference; and Alexander L. Stevas, Esq., clerk of the District of Columbia Court of Appeals. Each workshop dealt with a variety of topics of interest to the clerks present, ranging from "methods used to expedite the filing of respondent's brief," "mechanics employed by court systems for indexing civil cases," "criteria used in deciding how a case should be expedited when the court wants it expedited," "methods used in working with court administrators," and "methods employed by other court systems to move cases after argument or submission," to staffing problems and budgetary constraints, educating attorneys and law clerks, monitoring cases, pre-screening categorizing, the problems of dual clerkships, the processing of prisoner mail and post-conviction remedies, the timely preparation of transcripts and filing of records, the definition of indigency as it relates to the appointment of counsel in criminal cases and to the waiver of filing fees in civil cases, and problems inherent in the retention of records.

Friday morning's seminar on bar admissions, moderated by Larry D. Donelson, deputy clerk of the Nebraska Supreme Court, was followed by a business meeting and a tour of the Grand Canyon.

A critique, review, and planning session Saturday morning was headed by Ronald L. Dzierbicki, chairman of this year's education committee, and geared to a discussion of possible topics for next year's meeting which will be held in Cooperstown, New York. (The last page of this Newsletter is a form on which readers may indicate suggestions for topics for next year's meeting; the form should be sent to Alexander L. Stevas, Esq., who is the new chairman of the education committee.)

In addition to a seminar on bar admissions, other possible topics for next year's meeting put forth at the critique session included computerization, its pitfalls and problems, and an examination of the clerk's office through the eyes of attorneys and judges. There was also some discussion of extending the workshop concept to include a plenary session subsequent to the workshop sessions in order to acquaint the full membership with the material covered in the individual workshops.

BACKGROUND ON STATE COURTS IMPROVEMENT ACT

The following information on the State Courts Improvement Act (H.R. 8967) has been extracted from the National Center for State Courts' "Washington Memorandum" with an eye to keeping appellate court clerks throughout the country posted on events bearing on the future operation of their courts --

"Rep. Peter W. Rodino, Jr., chairman of the House Judiciary Committee, introduced the State Courts Improvement Act on behalf of the Conference of Chief Justices at the end of July.

"In his introductory remarks, Mr. Rodino said the new bill 'is based on more than six years' experience of state and local courts with operations of the Law Enforcement Assistance Administration, and its state planning agencies, under the Omnibus Crime Control and Safe Streets Act of 1968.'"

" 'I am confident,' he said, 'that it will stimulate discussion of the issues central to the operation of the Federal government's most ambitious program to deal with crime.'

"The bill introduced by Mr. Rodino was drafted by the Conference of Chief Justices' special committee on Federal funding of the state courts and would amend the Safe Streets Act to provide the judiciary with at least 20 percent of the action funds appropriated by Congress for LEAA. It would also assure adequate representation of the judiciary on state criminal justice planning boards and assist the courts in expanding their internal planning capabilities.

"Mr. Rodino said 'there can be no question but that the state and local courts, which must handle some 95 percent of the nation's rapidly expanding criminal case load, are now in urgent need of help.' It is also apparent, he said, 'that the courts, given the constitutional doctrine of separation of powers, have unique problems under the Safe Streets Act, since they must appeal to state executive branch agencies in seeking Federal funds allocated to state criminal justice agencies.'

"Mr. Rodino described H.R. 8967 as 'an effort by state court officials to deal with their problems, insofar as they can, by correcting deficiencies they see after extensive experience with the Safe Streets Act.'"

Shortly after Mr. Rodino introduced the Chief Justices' bill in the House, President Ford's proposals for extending the authority of the Law Enforcement Assistance Administration were introduced in the Senate by Senators Roman L. Hruska (Nebraska) and John H. McClellan (Arkansas). The bill, S. 2212, is in the form of amendments to the Omnibus Crime Control and Safe Streets Act.

According to the "Washington Memorandum," two of the amendments directly affect the courts. Taken together they would appear, as promised by the President, to give new emphasis to court programs and broaden them to include civil as well as criminal matters, though they do not deal with the basic structural changes proposed by H.R. 8967.

The first administration amendment would add a new paragraph on courts to the list of purposes for which state block grant and national discretionary money can be spent. Since the language is general, referring only to "courts," it is possible that the amendment could be interpreted as authorizing civil as well as criminal court projects. In addition, it would authorize use of block grant funds for court planning.

The second proposed courts' amendment would specifically authorize LEAA's research arm to fund projects involving the "civil justice system." This provision,

according to Sen. Hruska, "recognizes that it is sometimes impossible to reform the criminal justice system without at the same time reforming the civil justice system."

According to the "Washington Memorandum," the administration bill, together with H.R. 8967, seem certain to assure a thorough discussion of court-LEAA issues when the House Judiciary Subcommittee on Crime begins oversight hearings on LEAA this year.

At their annual meetings in Hot Springs at the beginning of August, both the Conference of Chief Justices and the Conference of State Court Administrators passed resolutions of support for H.R. 8967. LEAA Administrator Richard W. Velde, who was a speaker at the meetings in Hot Springs, said that despite administration opposition to the earmarking of funds for the judiciary, judges and court administrators should make the best possible case for the State Courts Act. Velde pointed out that there is precedent for the provisions in the bill allocating 20 percent of LEAA's "action money" for the judicial branch and for giving the judiciary one-third of the membership on state criminal justice planning boards in a 1970 amendment to the LEAA Act which allocated 20 percent for corrections and in a law presently requiring that local elected officials be a majority on all local and regional planning bodies.

H.R. 8967 has been referred to the House Judiciary Committee, where it will come under the initial jurisdiction of the Subcommittee on Crime. The subcommittee plans to hold oversight hearings on LEAA later this year. Spokesmen for the judiciary are expected to testify at that time and help lay the background for adoption of H.R. 8967. Detailed consideration of specific bills, however, is not expected to begin until next year when the subcommittee will hold legislative hearings on bills amending and extending LEAA's authority under the Omnibus Crime Control and Safe Streets Act.

COMMITTEE OF BAR ADMISSIONS ADMINISTRATORS ELECTS OFFICERS

The newly-formed Committee of Bar Admissions Administrators held its first annual meeting in conjunction with the August meeting in Montreal of the American Bar Association.

Luella Dunn, clerk of the North Dakota Supreme Court, Mary Ann Hopkins, chief deputy clerk of the Arizona Supreme Court, and Florence R. Peskoe, clerk of the New Jersey Supreme Court -- all members of the NCACC -- attended the meeting at which the following officers were elected: James B. Tippin, Jr., chairman, executive director of the Florida Board of Bar Examiners; Anthony Nigro, chairman-elect, secretary of the Committee on Admissions of the District of Columbia Court of Appeals; Fred P. Parker III, secretary, executive director of the North Carolina Board of Law Examiners; and Kenneth D. McCloskey, treasurer, administrator of the Committee of Bar Examiners in California.

Members-at-large elected at the committee's meeting are Ellen E. Sterritt, executive secretary of the Massachusetts Board of Bar Examiners, and Mary Ann Hopkins,

With the exception of Ms. Sterritt, who will serve a two-year term, the other officers were elected for terms of one year.

LAWYERS CONFERENCE FORMED WITHIN JUDICIAL ADMINISTRATION DIVISION OF AMERICAN BAR ASSOCIATION

The August meeting in Montreal of the American Bar Association also saw the formation of a Lawyers Conference as a new unit within the Judicial Administration Division of the ABA. The conference was formed to serve as a conduit for the ideas of the judicial administration division's non-judge members. The ways and means by which lawyers, as opposed to judges, can improve the courts will be the main focus of the new unit, and NCACC members with ideas on this subject should get in touch with Florence R. Peskoe who is a member of the new unit's executive committee.

Officers of the 3300-member conference, elected at the meeting in Montreal, are: William B. West III, chairman, Dallas, Texas; Howard Stern, vice chairman, Paterson, New Jersey; and R. Stanley Lowe, secretary, Casper, Wyoming. Members of the executive committee, in addition to Florence Peskoe, are: Walter P. Armstrong, Jr., Memphis, Tennessee; James P. Economos, Chicago, Illinois; Jeanne S. Miller, New Haven, Indiana; Leon Segan, New York City; DeWitt Williams, Seattle, Washington; Jo-ann W. Grace, Los Angeles, California; and Jerome A. Hochberg, Washington, D.C.

Mr. West, Ms. Grace, and Mr. Hochberg will serve as conference delegates to the judicial administration council.

1975-76 COMMITTEE APPOINTMENTS ANNOUNCED

In order to conserve space, we are listing below the names only of those NCACC members who have been appointed by conference president Hyman W. Gamsso to serve on committees for the 1975-76 conference year. The addresses of various committee members may be obtained from either the committee chairmen (and their addresses are listed below) or from the NCACC's secretariat, the National Center for State Courts.

In making these appointments, Mr. Gamsso stated that he was "confident of each member's active and conscientious participation in the work of the committee," noting in addition that each member's suggestions for committee activities would be welcome by the chairman. By the same token, we would urge non-committee members to get in touch with committee members in their area or with the chairman of a particular committee if they have any ideas, suggestions, etc., for their consideration.

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Basic Principles of Law

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Florence R. Peskoe
Hazel M. Stevenson
Ervin J. Tuszynski
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Claire M. Whitaker
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John H. Wilkerson, Jr.

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Robert L. Conn
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Luella Dunn
 Jean M. Kennett
 Wilfried J. Kramer
 Frances Jones Mills
 Raymond E. Rhodes
 Charles B. Rodway, Jr.

INSTITUTE FOR COURT CLERKS HELD IN TENNESSEE

The College of Law of the University of Tennessee sponsored its second annual Institute for Court Clerks on the campus of the university in Knoxville August 3rd-8th. The one-week course, designed for clerks with responsibility for criminal cases, featured a curriculum that included instruction on the law of crimes, court records in criminal cases (misdemeanors and felonies), book-keeping, and public relations.

Using unique practice materials on Tennessee law, the institute was funded by the College of Law and the Tennessee Law Enforcement Planning Agency.

If readers of the Newsletter know of similar institutes in their states, they may be publicized in future issues of the Newsletter with an eye to encouraging participation in the formulation and execution of educational programs for clerks throughout the country.

Third Annual Meeting Questionnaire

What subjects would you like to see on the program for next year's third annual meeting in Cooperstown, New York?

Please send ideas and suggestions for subjects, speakers, demonstrations, etc., to me as soon as possible so that your wishes may be reflected by the program for your annual meeting.

Subjects:

Speakers:

Demonstrations:

Materials:

Please detach this page from the body of the Newsletter, fold it in thirds and staple it closed, and mail to:

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MEMBERS AND GUESTS IN ATTENDANCE
AT THE
SECOND ANNUAL MEETING OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
July 16-19, 1975
Flagstaff, Arizona

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NEVADA

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UNITED STATES SUPREME COURT

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U.S. Supreme Court Building
Washington, D.C. 20543

UNITED STATES COURT OF APPEALS