

The Docket

News of the
National Conference of Appellate Court Clerks

Vol. 17

October 1989

No. 1

Charleston still Beautiful after Hugo's beating

By SHARON OVERTON
Staff Writer, The News and Observer

CHARLESTON, S.C. - In the days after Hurricane Hugo hit this grand old city, a grim perception grew that the historic district --literally a national treasure -- lay in ruins.

National Guardsmen stood at every street corner, M-16 rifles held across their chests, guarding gaping storefronts and checking credentials. The streets were a mosaic of broken glass and shattered slate, which had flown from windows and rooftops.

Downtown Charleston looked more like downtown Beirut, according to many residents.

But two weeks later, the trees have been pulled away, major boulevards have been cleared and a different picture is emerging. Charleston, as thousands of visitors each year have come to know it, is still there. It is still beautiful, still haughty and refined. But it has taken a beating.

On Meeting Street, the city's center of commerce, businessmen stroll by now-crowded cafes, an occasional bulldozer or military vehicle rumbles by, and truckloads of construction and utility crews have replaced busloads of tourists.

Conspicuously absent is the clatter of horses' hooves over cobblestones. The carriage rides that are a popular Charleston attraction have been halted by order of the city, as have all tours.

The Charleston Carriage Co., one of the companies that provides the rides, was reduced to a pile of rubble, although the horses were saved. The City Market, an open-air plaza that extends for four blocks, was badly flooded but not destroyed as some early reports indicated.

Nevertheless, historic Charleston looks to be in surprisingly good shape. All but about 35 of the 3,500 buildings in the historic peninsula city still stand. Many of the structures that

collapsed were unsound before the storm, says Charles Edwin Chase, city architect and preservation officer.

About 370 historically significant buildings suffered some structural damage, especially to roofs. Virtually no building escaped damage from water or flying debris, says Mr. Chase, whose 1895 Victorian house was crumbled by the storm.

Charleston's main historic district is a much smaller area that lies south of Calhoun Street, and is bordered by the Ashley and Cooper rivers. Here are brick houses that predate the Revolutionary War and, along the Battery, antebellum pastel mansions built to catch the river breezes. These homes largely withstood Hugo's fury, as they have wars, earthquakes and other disasters.

Buildings can be repaired, residents say. But the hundreds of trees lost to Hugo cannot be replaced.

Gone are many of the stately live oaks, magnolias and twisting crape myrtles that shaded gardens and piazzas.

It will be another growing season before anyone knows whether the trees will survive, Mr. Chase says. It will be much longer before Charleston feels like itself again.



"What we've lost more than anything right now is a sense of setting," he says. "There is a whole generation that will not see Charleston the way it was before Hugo."

[According to Reba Mims, the Host Clerk for the NCACC Conference this past August, the Mills House was not damaged and the Calhoun Mansion survived intact. "With all the misery and suffering," Reba says, "the wonderful thing is that so many people came to the rescue. We appreciate so much the love and concern showed to us by so many."]

Reprinted by permission of The News and Observer of Raleigh, N.C.

FROM THE PRESIDENT'S DESK

Gloria J. Engel

The recent news of the devastation wrought by Hurricane Hugo to the Charleston, South Carolina, area is sad indeed. Just two months ago most of us were enjoying the beauty of that lovely city and the gracious hospitality of our South Carolinian hosts, Reba Mims and Clyde Davis.

Elsewhere in this issue you will find a list of the Committee memberships. If you have not been appointed to a committee, it is not too late. Please let me know your areas of interest, and we will put you to work on a committee.

You will recall that while in Charleston, a questionnaire on increasing membership dues and/or registration fees was distributed to the membership. Forty-five members completed and returned the questionnaire. The results are as follows:

1. Does your court pay all or part of your annual membership dues for NCACC? Thirty members indicated that all of their dues were paid by their courts. Fifteen members indicated that none of their dues were paid by their courts.
2. Does your court pay all or part of your registration fee for the annual educational meeting in August? Forty members indicated that all of their registration fees were paid by their courts. Five members indicated that none of their registrations fees were paid by their courts.
3. Do you believe that an increase in registration fees from the \$75 we have held for the past five years to a figure in the \$100 - \$125 range would have an adverse effect on your attendance at future annual meetings? Three members indicated that it would have an adverse effect. Thirty-nine members indicated that it would not have an adverse effect. Three members did not respond to that question.

The need to raise the registration fee to more realistically reflect actual costs is one that the Executive Committee will be considering at our fall meeting.

Plans are also underway to co-sponsor a second Appellate Court program with the Institute for Court Management in the spring of 1990. Watch for an announcement of this program in our next issue. Our first such joint effort in the spring of 1989 was very successful; in fact, applicants were turned away.

NCACC is a vital, growing organization. The Executive Committee you have elected is an excellent one. Together we will work diligently to promote the best interests of NCACC. Thank you once again for your vote of confidence.

The Docket

News of the
National Conference of Appellate Court Clerks

President	Gloria J. Engel (SD)
President-Elect	Peggy S. McGraw (MO)
Vice-President	David A. Lampen, Sr. (AK)
Immed. Past-President	Glen D. Clark (AZ)
Secretary	Ella Williams (MI)
Treasurer	R. Keith Richardson (IA)
Executive Committee	Ron D. Barrow (CA) David B. Beach (VA) Clyde N. Davis, Jr. (SC) Joyce A. Goldsmith (AZ) Marilyn L. Graves (WI) Joline B. Williams (GA)

Editor J. Gregory Wallace (NC)

Regional Reporters

Northeast	Keith M. Endo 609-984-7787 (ME, NH, VT, MA, RI, CT, NY, PA, NJ)
Mideast	Patricia G. Davis 804-371-8428 (DE, MD, DC, VA, NC, WV, OH, KY, TN, IN, IL)
South	John Wilkerson 205-261-4093 (SC, GA, FL, AL, MS, AR, LA)
Midwest	Penny Barry 701-224-2221 (MI, WI, MN, IA, ND, SD, NB, WY, MT)
Southwest	Joyce A. Goldsmith 602-628-1999 (KS, OK, TX, CO, NM, AZ)
Farwest	Steve Kelly 619-237-6558 (ID, UT, WA, OR, NV, CA, AK, HI)

Please submit items of personal or professional news to a regional reporter. Articles, letters and other submissions may be sent to the editorial office.

P. O. Box 2170, Raleigh, NC 27602.
Phone (919) 733-3723. FAX (919) 733-0105.

Conference Elects New Officers

The Conference elected a new Vice-President and three Executive Committee members and re-elected its Treasurer at the Annual Business meeting in Charleston, SC. David A. Lampen, Sr., Clerk of the Supreme Court and Court of Appeals of Alaska will serve as Vice-President for the 1989-90 conference year and will succeed to the offices of President-Elect and President of the NCACC.

R. Keith Richardson, Clerk of the Supreme Court and Court of Appeals of Iowa, Treasurer since 1986 was reelected

to a two-year term. The post also involves chairing the Finance and Investment Committees.

Executive Committee members elected for two-year terms were Clyde N. Davis, Jr., Clerk of the Supreme Court of South Carolina; Joyce A. Goldsmith, Clerk of the Arizona Court of Appeals, Division Two; and Marilyn L. Graves, Clerk of the Supreme Court and Court of Appeals of Wisconsin. They succeed Francis J. Drumm, Jr., Juleann Hornyak, and J. Gregory Wallace, whose terms expired.

Only Two Bylaws Amended During Annual Meeting

Two housekeeping amendments to the Conference Bylaws were adopted at the Annual Business Meeting in Charleston.

Deleted was the proviso to Article V, Section 3, which had been adopted in 1986 to smooth the transition into staggered terms for the Secretary and Treasurer.

Changes made to Article VI, Section 3, to were designed to clarify the voting authority of the Presiding Officer. The amended text reads as follows:

3. The Presiding Officer shall have a vote in all matters coming before the Executive Committee and in all matters at the annual business meeting of the Conference if: (1) a vote is by written ballot or (2) when necessary to decide a tie, non-written vote by the members present and eligible to vote pursuant to Article IV, Section 4.

The full text of the NCACC Bylaws appears later in this issue, beginning at page 11.

In Memoriam

The National Conference of Appellate Court Clerks
sadly notes the April 15, 1989, passing of

PAUL MIMS,

husband of Reba D. Mims,
Clerk of the Court of Appeals of South Carolina

We hold special memories of his friendship and happy companionship at conference functions. We offer thanks for his longtime support of our conference, as given tangible evidence through the Conference President's gavel that he carved from the desk of the Clerk of the South Carolina Supreme Court.

We take this opportunity to memorialize our respect and deep affection for Paul and extend our deepest sympathy to his widow, Reba D. Mims, his family and friends.

Dated this 10th day of August, 1989,
in Charleston, South Carolina

For The Conference:
Glen D. Clark, President

Attest:
Ella Williams, Secretary

In Memoriam

The National Conference of Appellate Court Clerks
sadly notes the November 2, 1988, passing of

REGINALD N. SHRIVER,

Clerk of the Supreme Court of the State of Washington.

A faithful member of the Conference, his quiet presence will be sorely missed by all of us who knew him.

We take this opportunity to memorialize our respect and affection for Reginald and to extend our deepest sympathy to his widow, Naomi Shriver, and family, his friends, court and coworkers.

Dated this 10th day of August, 1989,
in Charleston, South Carolina

For The Conference:
Glen D. Clark, President

Attest:
Ella Williams, Secretary

President Engel Appoints 1989-90 NCACC Committees

AWARDS AND MEMORIALS

Solicit nominations, recommend a nominee, and procure the award for the J. O. Sentell Award; and prepare and arrange memorials for deceased members.

Marilyn Graves, Chair
Dorothy Smith
Frank Habershaw
Juleann Hornyak
Clyde Heath
Sandra Skinner

BYLAWS

Receive and consider amendments to the Conference's Bylaws received from the membership, the Executive Committee or on the Committee's own initiative and make written recommendations to the Executive Committee by April 1st.

David Beach, Chair
Marlene Lachman
Elaine Goldsmith
Robert Wilson
Nancy Foley
Greg Wallace
Reba Mims

CONVENTION ASSISTANCE

Provide practical guidance, advice and assistance to Clerks who are hosts to upcoming Annual Conferences.

Reba Mims, Chair
A. B. Neil
Frank Drumm
Frans Labranche
Dick Hoffman
George Miller
Jean Kennett

FINANCE

Assists the Treasurer in preparing the Conference's yearly budget and financial reports and in giving an overview of receipt and disbursement of all monies flowing through the Conference's accounts.

Keith Richardson, Chair
Lew Carter
Alex Cummings
John Wilkerson
Ed Smith
Fred Grittner

INVESTMENT

Consists of the Treasurer and two members of the Conference appointed by the

Executive Committee; recommends investments to the Executive Committee.

Keith Richardson, Chair
Lew Carter
Clyde Davis

MEMBERSHIP

Solicits new members by mailings and other contact; prepares and distributes packets of information to those requesting membership information and to new members.

Ron Barrow, Chair
Ella Williams
Jerrill Carter
Ellie Valecko
Mary Beth McHaney
Marlene Lachman

NOMINATING

Five members charged to solicit recommendations and prepare a slate of nominations for the office of Vice-President and for expiring Executive Committee memberships.

John Scott, Chair
Peggy McGraw
Troy Bennett
Keith Richardson
Carol Justis
Frank Drumm

PLANNING AND IMPLEMENTATION

Solicit and evaluate ideas and proposals from the committee and from the membership at large. Recommend to Executive Committee plans with positive impact on Conference purposes and steps needed to implement the plans.

Frans Labranche, Chair
Ella Williams
Dick Hoffman
Bill Fulton
John Scott
Peggy McGraw
John Greacen
Pat Davis
Leslie Gradet

PROGRAM

Organize and present an educational program to further the objectives of the Conference: improve the skill and knowledge required of appellate court clerks and their staff, promote and improve appellate court administration, and

improve the operation of offices of appellate court clerks.

Dierdre Ahr, Chair
David Beach
Jean Kennett
Joline Williams
Greg Wallace
Marilyn Graves
Joyce Goldsmith

PUBLIC RELATIONS

Solicit news items about Conference members for publication in *The Docket* and other professional publications and, conversely, supply news items of note about Conference members to their local newspapers.

Joline Williams, Chair
Pat Davis
Elaine Goldsmith
Noel Dessaint
Bob St. Vrain
Fred Grittner

PUBLICATIONS

Inform the membership of the activities of the Conference and bring new developments in particular jurisdictions to the attention of the entire membership; promote the growth and vitality of the NCACC and provide information to enhance the professionalism of appellate court clerks and their offices. Prepare and distribute a minimum of four issues of *The Docket*, the newsletter of the NCACC during the year.

Greg Wallace, Chair
Penny Barry
Joyce Goldsmith
Keith Endo
Steve Kelly
John Wilkerson
Pat Davis

RESOLUTIONS

Prepare appropriate resolutions for adoption by the Conference as formal expressions of the opinion, will or intent of the assembled group.

Lew Carter, Chair
Bob Wilson
Louise B. Livingston
Noel Dessaint
Ed Smith

SCHOLARSHIP

Evaluate applications from Conference members for scholarship assistance to attend the Annual Educational Meeting. Recommend to the Executive Committee the number and amount of scholarship awards, within the guidelines in the Conference ByLaws.

Steve Townsend, Chair
Juleann Hornyak
John Scott
Mary Beth McHaney
Bob Liston
Kevin Swanson

SITE SELECTION

Solicit potential hosts for future annual conference meetings; evaluate invitations from states, visit sites under serious consideration, and make appropriate recommendations to the Executive Committee.

Joyce Goldsmith, Chair
Sandra Skinner
Mary Jane Smart
Tommy Lowe
Ken deBlanc

STATISTICS

Gather statistical data from members to compile into reports of comparative case management, salaries, automation of clerks' offices, etc.

David Lampen, Chair
Carol Justis
Hank Henson
Brian Smith
John Adams
Marty Brownstein

PAST PRESIDENTS

Composed of all living past Presidents of the Conference. Assists President and Executive Committee as needed.

Glen Clark, Chair
Steve Townsend
Frans Labranche
Jean Kennett
John Scott
John Wilkerson
Lou Dunn
Lew Carter
Ron Dzierbicki

SPECIAL ICM/NCACC SEMINAR PLANNING

Glen Clark, Chair
Peggy McGraw
Jean Kennett

The Judge Whose Clerk Would Not Agree

From Remarks by The Honorable Alexander Sanders
Chief Judge of the South Carolina Court of Appeals
16th Annual Meeting of the National Conference of Appellate Court Clerks
Charleston, South Carolina, August 10, 1989.

The judge's name was Sir Richard Wright and he presided in the Chancery Court of England during the reign of King James II. No matter what Sir Richard said, his clerk would not agree.

"Good News," Sir Richard might say to his clerk, "I have today received an invitation to accompany the renowned sportsman, Sir Isaac Walton, on a Fishing Expedition to the bonnie highlands of the Scots."

"Bad News," his clerk would reply, "not only is Sir Isaac an infamous plagiarist, but he is without doubt the unluckiest man in all of England. Your reputation will surely be destroyed by association with such a rogue, and what's more you will doubtless catch no fish."

(As a matter of fact, Sir Isaac Walton, in his famous book, The Compleat Angler, did largely parrot, if not outright plagiarize, an earlier work on fishing published in 1496. Moreover, he was without dispute one of the least fortunate people who ever lived. During the course of his life there occurred the Gunpowder Plot, the Civil War, the

execution of Charles I, the Great Plague, and the Great Fire of London. Sir Isaac, himself, was left an orphan at two. His wife died after they had been married for fourteen years and all seven of their children perished in infancy. Apparently, his involvement with fishing was sufficient to sustain him through all of this. Therein lies a lesson which we will save for another day.)

In any event, Sir Richard's clerk would not agree. And he did not confine his disagreement to any particular kinds of statements by Sir Richard. He disagreed with everything Sir Richard said.

"Bad news," Sir Richard might say, "Sir Francis Bacon, the Lord Chancellor himself has been arrested by the King and flung into the bloody tower."

"Good news," his clerk would reply. "Everyone knows Sir Francis has been on the take for years. Now, at least, he won't be inflicting on you judges any more of those bizarre legal doctrines which he invents to decide cases in favor of litigants who have bribed him."

(In fact, although he was otherwise one of the great judges of all time, Sir

Francis Bacon was convicted of taking bribes when he was the Lord Chancellor, and he was the inventor of many obscure and complex legal doctrines, including the doctrine of proximate cause which has confused judges ever since, even a judge here in this very room.) As usual, Sir Richard's clerk was right again.

And so, the disagreement of his clerk continued without waiver, but to no practical result except perhaps the great distress of Sir Richard.

Then one day, Sir Richard said to his clerk, "Good news! King James has today suspended all the laws of Parliament having to do with any established religion and declared that all of his subjects shall henceforth be permitted unlimited leave to meet and serve God in their own manner and way." The month was May; the year was 1688. Sir Richard was elated. After all, what more could a good Englishman ask of his King than the freedom of worship as he saw fit? Despite his past experience, he felt sure his clerk would, for once, agree. How could this be anything but "Good News?" How, indeed.

(continued on next page)

Think Tucson!

August 1990



Clerk Would Not Agree, continued

"Bad news," his clerk said. "Any freedom granted at the will and pleasure of the King can be as easily withdrawn. This is obviously no more than a political ploy by a despotic monarch to usurp the legitimate powers of Parliament and gain absolute control of England. If the King can suspend the laws of England for a good purpose on this occasion, what is to prevent him from suspending them for a bad purpose on another occasion?"

Well, the more Sir Richard thought about what his clerk had said, the more he saw the point. (*This often happened, but Sir Richard never told his clerk for fear he would change his mind. And, for quite obvious reasons, Sir Richard never told anyone else, either.*) So, when the English Bishops were later indicted and charged with seditious libel for daring to question the authority of the King in his pronouncement, guess who was designated to preside over their trial? You guessed it: none other than Sir Richard Wright, the judge whose clerk would not agree.

King James, not one to take any chances, did his best to stack the deck. He not only appointed the judge to preside over the trial, he also chose the jurors, all of whom were affiliated with the King in one way or another. One juror, for example, Michael Arnold, was the Royal Brewmaster, the source of the King's beer and ale.

Thus the proceedings began. The counsel for the King opened by explaining that the purpose of the trial was not really for determination of the guilt or innocence of the Bishops -- their guilt, he explained, was a foregone conclusion. It was an open and shut case against them. The purpose of the trial was, rather, he said, for the public vindication of the King's honor. He then proceeded to prove beyond doubt that the Bishops had, in fact, done those things which would make them guilty of the crime charged.

Then it was the Bishops' turn. Predictably, they put forth a desperate effort. The King, the Bishops argued,

had no right to suspend the laws passed by Parliament, so they had merely questioned an authority which did not exist. The Bishops asked, therefore, that they be allowed to appeal directly to the inherent power of the jury to review the legality of law, a defense called jury nullification. A defense so controversial that few, if any, judges would allow it under any circumstances. A defense which would either win for the Bishops their case, or lose for Sir Richard his life -- approximately the same result which would obtain for a judge who allowed this defense in South Carolina today.

**He remembered
what his clerk
had said so elo-
quently, and
remembered also
that his clerk had
always been right**

But Sir Richard did not do what most judges would have done. Remembering what his clerk had said so eloquently, and remembering also that this clerk had always been right, Sir Richard did a remarkable thing: he allowed the defense of jury nullification to be pleaded and argued to the jury.

Needless to say, King James was outraged and moved quickly to repair whatever damage had been done and to further insure a proper result in the case. The trial, which began at 7 in the morning, lasted 15 hours. The jurors were then locked up to decide their verdict. By order of the King, they were not allowed food or drink (not even water) or toilet facilities during the trial.

He was sure they would blame this on the Bishops. He planned to deal more directly with Sir Richard once the guilty verdict was returned and his honor was vindicated.

Most jurors quickly agreed to a verdict. But Brewmaster Arnold waived indecisively. About 4 in the morning, Sir Richard sent in water so that the jurors could wash. They drank it instead.

At 10 a.m., the jury returned to the Courtroom. Their 27 hour ordeal clearly showed on their faces. Their soiled garments stank. They were led into the jury box. Sir Richard, doubtless with that ultimate apprehension of a man with his neck literally in the noose, called upon the jury for the verdict.

"Do you find the defendants guilty of the misdemeanors whereof they are impeached, or not guilty?"

The foreman's name was Sir Roger Langley. He was a nobleman and confere of King James. His loyalty to the King was unquestioned. Sir Roger rose and looked Sir Richard squarely in the eye. "Not guilty," he said. All the jury then joined in a chorus: "Yes, not guilty," they said. Even Brewmaster Arnold said, "Not guilty."

What I have told you so far might be called embellished, but what happened next is history. As Casey Stengel used to say, "You can check the books."

Sir Richard Wright did not lose his life. Instead, he became one of the most venerated judges in all of history.

King James, having been refused the vindication of his honor, fled England never to return. A constitutional monarchy was established under the joint reign of his daughter Mary, Princess of Orange, and her husband, William, Prince of Orange. Before being permitted succession to the throne, the new King and Queen were required to sign a document entitled the *Declaration of Rights*.

(continued on next page)

Clerk Would Not Agree, continued

The Declaration guaranteed, among other things, the right to religious freedom, and reaffirmed the independence of the judiciary and the right to trial by jury. It has been termed one of the essential forerunners of our Declaration of Independence and our Bill of Rights.

Thus, the overthrow of an absolute monarch, a new form of government and the guarantee of individual liberties, all came about without the bloodshed which racked the rest of the world during this period. No military action was necessary for the revolution in England as was the case in France, Russia and America. Instead, revolution was brought about by the decision of a judge -- a judge whose clerk would not agree.

Perhaps this is too simplistic an explanation for what occurred, but then again, perhaps it is not. So with this in mind, I urge you to speak to your judges not just of things -- planes and trains and cars and boats, houses and cabins and condos -- not just of people -- plaintiffs and defendants and appellants and respondents, husbands and wives and children -- but speak to them of ideas: truth and justice and beauty and equality. Ideas all of us -- not just judges -- judge by in our lives.

And maybe, just maybe, you will change the course of history -- or, then again, maybe not.

* * *

Our system of justice could not function at all without your efficient devotion to your duties. In very real and meaningful ways, you form the foundation of our system of justice.

For this reason, I hope that you take the time to contribute your ideas, as well as your industry and integrity, so that I can continue to take vicarious pride in my association with our system of justice, however brief and insignificant my association with it may be.

Out of the Gutter

Greg Wallace



Whoever thought I'd take the job of Editor without seizing the opportunity to editorialize here and there, doesn't know me very well. This issue is brought to you by the letters P and Q! (Sesame Street?!)

When someone says, "Mind your p's and q's," it usually means "be careful of what you do or say." Rumor has it that the saying originated in British pubs, where it

**so the p on the
type looked like a
q, and the q
looked like a p**

meant "mind your pints and quarts" so that you wouldn't be gypped by the bartender when the time came to settle up. But to a printer, "Mind your p's and q's" is a warning to watch that the small letter p and the small letter q are not mixed up.

Back when I was a youngster, I started out my gainful employment as an apprentice in an old-fashioned print shop. We used hot-lead linotypes and hand-set type. The letters on the hand-set type faces were raised and were backwards (or reversed, if you prefer) when you looked at the metal blocks; so the p on the type looked like a q, and the q looked like a p. When they were printed, the impression on the paper righted itself and they looked like themselves again.

But, you can see how easy it might be for a printer to confuse the p and the q. And if you turned the p upside down, the shape would look like the letter d. And if you turned the q upside down, the shape would look like the letter b. Just think what you could do to the duck's call; it might puack, duack, or buack instead of quack, a frightening thought indeed!

Today, I don't worry much about finding the right piece of type, and my spell-checker will usually help me print the words I meant to print. So, minding my p's and q's this year with *The Docket* means that I will try to emphasize professionalism and quality -- I'll seek your participation and quotes, your ponderings and quips -- and I will try real hard not to be pedantic or quixotic!

Joline Williams Presented J. O. Sentell Award

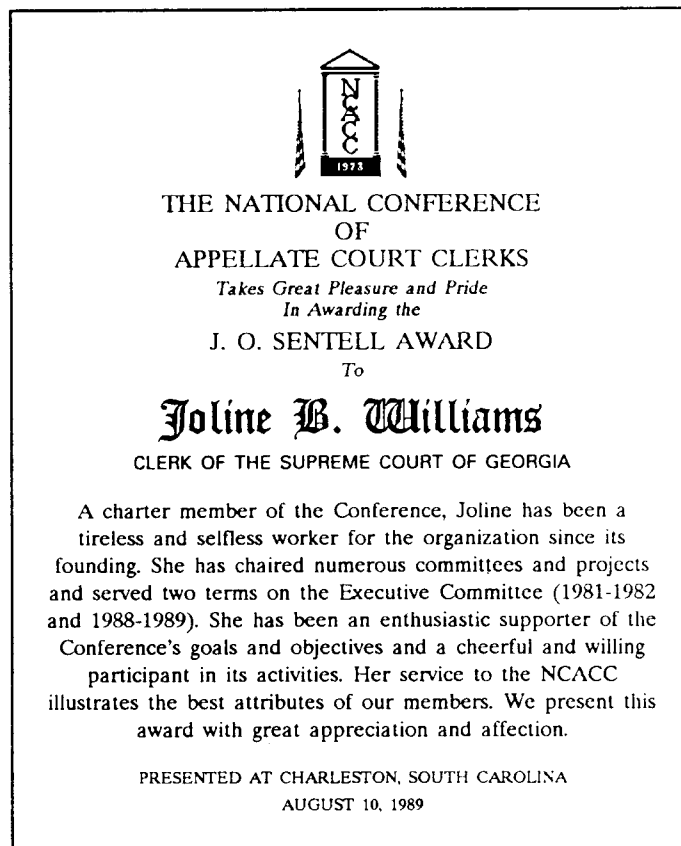
"What am I doing up here on the dais?" Joline wanted to know.

and her fellow clerks. The award, itself, best describes her worthiness and the reasons we honor her:

The Thursday evening banquet closing the NCACC Annual Conference in Charleston saw a head table made up of Chief Judge and Mrs. Alexander Sanders of the South Carolina Court of Appeals, outgoing NCACC President Glen Clark of Arizona, incoming NCACC President Jill Engel of South Dakota, Host Clerk Reba Mims of the South Carolina Court of Appeals, Co-Host Clerk Clyde Davis and his wife, Rose, of the South Carolina Supreme Court, Program Chair Greg Wallace of North Carolina, incoming NCACC President-Elect Peggy McGraw and her husband, Lee, of Missouri, Dave Lampen, incoming NCACC Vice-President, of Alaska, and Joline Williams of Georgia.

Shortly into the first course, Joline turned to Greg and said, "I can understand why everyone else is up here, but what am I doing up here on the dais?" Greg (knowing full well the true reason) reckoned that since he was "batching" it at the Conference, Joline must be his date. That seemed to satisfy her curiosity until the critical moment when Glen announced that she was the recipient of the J. O. Sentell Award, the prestigious service award named for one of the principal founders of the Conference.

In typical Joline fashion, she alone in the great hall believed that she was unworthy of the honor. She has been an important part of the bedrock and blossoming of the NCACC since it was formed -- always there and always ready to do whatever was needed for the good of the Conference



2nd National Conference on Court Management Set for September 1990

The Pointe at Tapatio Cliffs in Phoenix is in award-winning mountainside resort offering spectacular views of the Valley of the Sun. From September 10 to 13, 1990, it will be home to the Second National Conference on Court Management.

This four-day conference will follow up and build upon the first National Symposium on Court Management held in San Diego in 1981. It will assist judges and court managers lead their courts well into the twenty-first century by considering questions such as:

How can we best identify, select, educate, and prepare judicial branch leaders?

What kinds of changes are taking place in the relationships between judges and managers and how can these relationships be made most productive?

What is the public's responsibility for judicial system support and how can it be improved?

(continued on next page)

OPEN COMPETITION FOR ORIGINAL PAPERS

In conjunction with the
Second National Conference On Court Management

Original, previously unpublished papers are invited which fall within the scope of any of these themes:

The identification, preparation, selection, education and succession of judicial branch leaders (judges and managers) and improving their effectiveness within judicial systems.

The changing roles and relationships of judicial branch leaders (judges and managers) in court system administration and ways to develop productive relationships between them.

Public responsibility for judicial system support and the accountability of judicial branch leaders (judges and managers) to the public for their stewardship of the court system.

The effect of the rapidly changing nature of our society on the courts and the resulting changes in the court environment that may influence court management.

FIRST PRIZE \$1,500.00

SECOND PRIZE \$500.00

THIRD PRIZE \$250.00

The deadline for submission is March 1, 1990

Papers should be a maximum of 50 double-spaced pages, excluding notes, on 8 1/2 x 11 inch paper, typed on one side. Recommend that papers conform to the Chicago Manual of Style and that endnotes be placed at the end of the paper. Papers will not be returned and the conference has exclusive publication rights. Please submit an original plus two copies to:

Conference Coordinator
Second National Conference on Court Management
National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23187-8798

2nd National Conference, continued

How can the public be assured of judicial branch leaders' accountability for their stewardship of the courts?

How will the rapidly changing nature of society affect court management?

What is court management's agenda for the future?

The conference will feature Nationally-known writers, speakers, and discussion leaders from court management and other disciplines. A large exhibit of the latest court technology will allow court leaders to view state-of-the-art court automation products and to talk directly with the vendors who supply them.

The conference is being held in conjunction with the National Association for Court Management's annual meeting and will also mark the 20th Anniversary of the Institute for Court Management of the National Center for State Courts.

The Twenty-first Century is only ten years away. Plan for it now by attending this important four-day conference. For more information, contact the Registration Coordinator, National Conference on Court Management, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23187-8798 or call (804) 253-2000.

In Memoriam

The National Conference of Appellate Court Clerks
sadly notes the April 17, 1989, passing of

ERVIN J. TUSZYNSKI,

Retired Clerk of the Court of Appeals,
Fourth Appellate District of California.

A faithful member of the conference even in retirement, we will sorely miss his joyful and outgoing personality and active support of our conference.

We take this opportunity to memorialize our affection and respect for Erv and to extend our deepest sympathy to his widow, Louise Tuszynski, and his family, friends and court.

Dated this 10th day of August, 1989,
in Charleston, South Carolina

For The Conference:
Glen D. Clark, President

Attest:
Ella Williams, Secretary

Committee Activities

Membership Committee

Compilation of the NCACC Pictorial Directory is underway! If you did not take the opportunity to have your portrait made in Charleston, please send a good quality black & white print to Ron Barrow, Court of Appeal, First District, 350 McAllister Street, 5154 State Building, San Francisco, CA 94102. It also has become apparent that some of our members do not appear on the National Center's listing and that the member lists used for mailings and publications differ according to the source of the list. If your address on this newsletter is incorrect, please contact Greg Wallace, who will forward corrections to Ron. Ron Barrow, Chair.

Program Committee

The results are in from the Charleston evaluation questionnaires and they are providing the 1990 Program Committee with plenty of food for thought as we anticipate next year's meeting in Tucson. You indicated that you were interested in sessions on personnel management, including interpersonal dynamics and dealing with troubled employees, in particular; a continuation of the well-received ethics session we enjoyed in Charleston; public speaking and public relations, delay reduction, comparative court organization; operating manuals; judge-clerk relations, and media relations. A mix of group sessions and break-out sessions also received favorable comment.

In addition to the above ideas, we are going to be exploring the topic of professional life after the appellate court, which for strategic purposes will be billed only as Long Range Planning for Court Clerks.

As the Committee begins its work, we would appreciate hearing from anyone who has further ideas for other topics or ideas for speakers for the topics we are presently considering. My address is Missouri Court of Appeals, 111 N. 7th Street, St. Louis, MO 63101; Telephone: (314) 444-6968; FAX: (314) 444-6964. I look forward to hearing from you soon. Deirdre Ahr, Chair.

Publicity Committee

A publicity committee was created last year in an effort to publicize the many outstanding activities and honors of our members. It got off to a great start: a questionnaire seeking information regarding the agencies and media to which such information should be circulated was sent to all returned it! BUT, not one single item of news was reported to the committee the entire year!

This year's committee will be mailing the questionnaire to those who did not respond and to new members. Please fill it out and return it as indicated on the form -- and do make note of the name of at least one committee member, so that you will know where to send the information the next time you have something noteworthy. Jolene Williams, Chair.

Publications Committee

The Annual Business Meeting in Charleston saw the adoption of recommendations to enhance the quality of the Conference's newsletter. One of the specific goals was to designate regional reporters. This we have done, as you will see in the masthead on page 2. Please make note of your regional reporter and share items of personal news, news of your court, opinions or new rules adopted by your court which might be of interest to our membership, professional books or articles we could highlight or excerpt. The quality of our Conference's newsletter depends entirely upon *OUR* creativity and contributions. Be a part of it! Greg Wallace, Chair.

Scholarship Committee

This year will actually see two Scholarship Committees: The current, six-member committee will report to the fall Executive Committee meeting its recommendations to refine the scholarship guidelines, develop selection criteria, and design a scholarship application form. The Executive Committee will then appoint a three-member Scholarship Committee to review applications and recommend scholarship awards for the Annual Meeting in Tucson. A special mailing containing the guidelines, selection criteria, and application forms will go out to the Conference membership after the fall Executive Committee meeting. Plans now are for applications to be returned to the National Center in Williamsburg, VA, for forwarding to the selection committee, with an application deadline in late January. Steve Townsend, Chair.

Special ICM/NCACC Seminar Planning Committee

Following the resounding success of last spring's joint ICM/NCACC seminar on Appellate Court Administration in San Diego, both organizations are anxious to have another go at it. The dates for planning purposes are 25-28 March, 1990, with the program and city to be announced soon. Glen Clark, Chair.

BYLAWS
OF
THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
(as amended through August 10, 1989)

ARTICLE I
Name

The name of this organization is the National Conference of Appellate Court Clerks.

ARTICLE II
Objects

The objects of this Conference are: to improve the skill and knowledge required of those performing the duties of appellate court clerks by conferences, seminars or other educational programs; to promote and improve the contribution of the offices of appellate court clerks within the area of affective court administration; to maintain facilities for the collection and dissemination of information and ideas with regard to the operation and improvement of the offices of appellate court clerks.

ARTICLE III
Members

1. Regular membership shall be open to all clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts in the federal, state, commonwealth, District of Columbia, and the United States territories and possessions court systems. Associate membership shall be open to any individual serving as a clerk, assistant clerk, deputy clerk, or similar position bearing a different title in any appellate court system not eligible for regular membership. Sustaining membership shall be open to any individual, unit of government, corporation, association, or organization upon invitation of the Executive Committee provided that thirty days prior to the invitation the Executive Committee has referred the name of any such individual, unit of government, corporation, association, or organization to the general membership for consideration and comment.

2. A regular member of this Conference may continue as a member upon termination of his or her service with an appellate court, but 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 1, even though no longer serving with an appellate court.

3. Regular members shall be eligible to serve in an elected office only when they have been in good standing with the Conference for the two years immediately preceding the election or appointment. This shall not apply to a member who has been in the Conference less than two years, as long as he is in good standing.

4. Memberships are renewable by payment of annual dues. The annual dues shall be \$50.00 for regular members, \$25.00 for associate members and members who have retired or resigned from service with an Appellate Court, and \$100.00 for sustaining members. Dues are payable on or before July 1 of each year, and a year shall begin on July 1 and end on June 30. Dues for those who join the Conference for the first time after an annual meeting shall be payable with the membership application; provided, however, that said dues shall be applied to the full year that begins the following first of July. A membership that has lapsed for non-payment of dues by July or the current year may be reinstated without affecting a member's eligibility for office under Section 3 of this Article, if payment of dues is made prior to the commencement of the annual business meeting.

ARTICLE IV
Meetings and Voting

1. The annual business meeting and all seminars or other educational programs of the Conference shall be held at such times and places as may be fixed by the Executive Committee.

2. Special meetings may be held at such time and place as may be designated by the Executive Committee. Except in cases of emergency, at least ten days notice shall be given to members of special meetings.

3. Thirty-five regular members of the Conference at the annual business meeting or any called meeting of the full Conference shall constitute a quorum.

4. All matters coming before any meeting of the Conference shall be determined by a majority vote of the members present and entitled to vote. Subject to Article III, Section 2, regular members who are in good standing through the payment of dues pursuant to Article III, Section 4, shall be entitled to vote. Associate members and sustaining members shall not be entitled to vote.

ARTICLE V *Officers*

1. The officers of the Conference shall be President, President-Elect, Vice-President, Secretary and Treasurer.

2. The officers shall serve until the close of the annual business meeting following that in which they have been elected or succeeded to the office pursuant to Section 3 of this Article, except that the Secretary and the Treasurer shall serve for two years.

3. The President-Elect shall succeed to the office of the President at the expiration of the term as President-Elect. The Vice-President shall succeed to the office of President-Elect at the expiration of the term as Vice-President. At each annual business meeting, the Vice-President shall be elected by a vote of a majority of members present at the meeting and entitled to vote; the Secretary and the Treasurer shall be elected for two-year terms, the Secretary in even-numbered years and the Treasurer in odd-numbered years. The Treasurer and the Secretary shall be eligible for reelection.

4. In case a vacancy occurs in the office of President or President-Elect, the next officer in the order of succession 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, the Secretary, or the Treasurer, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. If the vacancy filled is that of the Vice-President, this shall be an interim appointment and an election shall be held at the next annual business meeting for the offices of President-Elect and Vice-President. If the vacancy filled is that of the Secretary or the Treasurer an election shall be held to fill the unexpired term, if any.

5. The Secretary shall be responsible for the taking of the minutes of the Executive Committee and the annual business meeting or any called meeting and for distributing them to the Executive Committee and the National Center for State Courts. The minutes of the annual business meeting shall be mailed to the members of the Conference with the call of the next annual business or any called business meeting of the annual Conference; this requirement may be met by publication in the NCACC newsletter. The Secretary shall be responsible for overseeing the billing of every member of the Conference for annual dues no later than March 1 of each year, the issuance of membership cards to all members upon payment of their dues, and the maintenance of a list of all members in good standing.

6. The Treasurer shall be responsible for overseeing the receipt by the National Center for State Courts of all dues and all other monies paid to the Conference. The Treasurer shall serve as the chairperson of an Investment Committee. The Treasurer shall be responsible for furnishing all members with

a financial report by the annual business meeting each year; this requirement may be met by publishing the financial report in the NCACC newsletter.

ARTICLE VI *Office of the President*

1. The President shall serve as the chief executive officer and shall preside at all meetings of the Conference and its Executive Committee. In the absence of the President, the President-Elect shall preside.

2. Two weeks prior to each meeting of the Executive Committee, the President shall prepare and distribute an agenda to all officers and members involved. The agenda should be a clear and reasonably explicit list of the topics to be discussed and should be accompanied by necessary and pertinent supporting materials.

3. The Presiding Officer shall have a vote in all matters coming before the Executive Committee and in all matters at the annual business meeting of the Conference if: (1) a vote is by written ballot or (2) when necessary to decide a tie, non-written vote by the members present and eligible to vote pursuant to Article IV, Section 4.

4. The President shall serve a term of one year as Past-President following the conclusion of the term of office as President of the Conference.

5. Two years after the conclusion of a person's term as President, this person shall be eligible for election to any office in the Conference.

6. The President shall serve as the official representative of the Conference when attending meetings that relate to the business of the Conference. With the approval of the Executive Committee, the reasonable expenses incurred in connection with attending such meetings shall be borne by the Conference. The President may designate a Conference member as the representative of the Conference. Expenses incurred by such a designee shall be paid in the same manner as those of the President.

7. Unless specifically enumerated, nothing in this Bylaw shall be construed to limit the authority of the President to perform such tasks as may be reasonably necessary to promote the goals and objectives of the Conference.

ARTICLE VII *Committees*

1. The Executive Committee shall consist of the five officers, the immediate past President who shall serve for one year, and six members of the Conference who shall each serve for two years. Three members of the Conference shall be

elected in even-numbered years and three shall be elected in odd-numbered, years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six Conference members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six Conference positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.

2. The Executive Committee is the Board of Directors. It shall direct the affairs of the Conference and shall meet annually prior to the annual business meeting of the Conference and at other times at the call of the President or seven members of the Committee. All matters before the Executive Committee shall be determined by a majority vote of those present. Seven members of the Executive Committee shall constitute a quorum. The Executive Committee shall decide any question raised on the interpretation and application of these Bylaws.

3. At least six months before the annual business meeting, a Nominating Committee of at least five members shall be appointed by the President with the approval of the Executive Committee. At least thirty days before the annual business 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 business meeting; and fill other Executive Committee vacancies then existing or vacancies that may be created as a result of the Nominating Committee's nominations. Nominations made for anticipated vacancies shall be specified as such in the Nominating Committee's report. Other nominations may be made from the floor at the annual business meeting. Each nominee shall be introduced and given an opportunity to make brief comments, if desired. The Nominating Committee shall have its report available to new members of the Conference at least forty-eight hours before the annual business meeting.

4. The Investment Committee shall consist of the Treasurer and two members appointed by the Executive Committee. The Investment Committee shall recommend investments to the Executive Committee. The Treasurer shall be responsible for the investment of funds as the Executive Committee deems proper.

5. The Scholarship committee shall consist of three members appointed by the Executive Committee. The Scholarship Committee shall recommend recipients of scholarships to the Executive Committee. The Committee shall operate pursuant to guidelines to be adopted by the Executive Committee.

6. The Conference or the Executive Committee may authorize the creation of such additional committees as are necessary to accomplish the purposes of the Conference. Members of such committees shall be appointed by the President, unless stated otherwise in these Bylaws.

ARTICLE VIII *Host Clerk*

1. A host clerk shall have the obligation to establish a separate financial account for registration fees and any other incoming funds for the annual meeting. The account may be reviewed by the Treasurer at any time. The host clerk shall prepare, with the assistance of the Treasurer, a detailed budget and accounting of income and expenses that relate to the management of the annual meeting. The financial statements shall be made a part of the reports by the Treasurer to the Executive Committee.

2. Other responsibilities shall be assumed by the host clerk as provided in the procedures developed by the Committee on Convention Assistance.

ARTICLE IX *Secretaries*

1. The National Center for State Courts shall serve as the Secretariat of the Conference. It shall issue bills for annual dues to all members no later than March 1 of each year, distribute membership cards to all members in good standing, and maintain a list of all members. It shall also serve as the repository for the minutes and other records of the Conference.

2. The National Center for State Courts shall receive and maintain the general revenues of the Conference, subject to the directions of the Executive Committee. The National Center for State Courts is authorized to pay the expenses of the Conference submitted to it, provided that the prior written or oral approval of the President or Treasurer has been received.

3. The National Center for State Courts shall maintain all financial records of this Conference in accordance with accepted accounting practices. It shall report to the Executive Committee annually on the results of all audits of those records.

4. The Conference shall, on or about January 1 of each year, transmit to the National Center for State Courts the sum of \$5.00 for each member of the Conference who is in good standing, up to a maximum of 150 regular members. The National Center for State Courts shall not otherwise charge the Conference for staff time expended on Secretariat work. The National Center for State Courts shall, however, be entitled to reimbursement for reasonable expenses incurred in perform-

ing Secretariat functions such as, but not limited to, printing, photocopying, and mailing materials to the membership.

ARTICLE X *Dissolution Clause*

Upon the dissolution of the corporation, the Executive Committee shall, after paying or making provision for the payment of all of the liability of the corporation, dispose of all assets of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable or educational purposes, as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provision of any future United States Internal Revenue Law), as the Executive Committee/Board of Directors shall determine.

ARTICLE XI *Amendments*

1. These Bylaws may be amended at the annual business meeting of the Conference by a majority vote of the members

of the Conference present and entitled to vote, provided that each amendment to be considered shall have been submitted to the Executive Committee by mailing (postmarked) to the Secretary not later than April first of that year. The text of each amendment to be considered shall be included in the call for the annual business meeting; this requirement may be met by publication in the NCACC newsletter.

2. Notwithstanding the foregoing provision, amendments to the Bylaws submitted after April first may be considered by the membership at the annual business meeting provided that the membership consents to a suspension of the provisions of Article XI, Section 1, by a vote of seventy-five percent (75%) of the members then present and entitled to vote, and provided further that the quorum requirements of Article IV have been met.

3. Amendments to these Bylaws become effective on the adjournment of the annual business meeting of the Conference at which the amendments are adopted unless an earlier time is specified by the Conference at the time an amendment is adopted.

Suggestions for Amendments to these Bylaws
should be submitted to:

David B. Beach
ByLaws Committee Chair
Supreme Court of Virginia
Supreme Court Building
Richmond, VA 23219

Closing notes about the Charleston Conference

Old Tucson Beckons Us

Hardly have we returned from Charleston and we are hearing about Tucson from Joyce Goldsmith, our host for the 1990 Annual Meeting!

We still remember Charleston's charm: shagging (the indigenous dance of the Carolina beaches), shopping, and ships; walking on the Battery and wandering through the City Market; the clatter of horses pulling carriages, and the chatter of our group in the meeting sessions. And the food! Low Country cuisine in its highest form!

Sweet Reba Mims, in her typically gracious way, wants to thank everyone for coming and to thank so many in the Conference and in South Carolina for their generous help in putting on the Annual Meeting. She claims she couldn't have done it without the assistance.

I am also very grateful for the ideas and undertakings of my Program Committee and to all those who volunteered (or were volunteered) to take on leadership roles for the seminars and for major segments of the general program sessions.

So, now it is Joyce Goldsmith's turn to host us in Tucson and Deirdre Ahr is in the barrel as Program Chair. Please jump right in if Deirdre calls you to help out. Less than two dozen of us know the panic of organizing the program for this Conference and, I assure you, it's a humbling experience at times, and she will need us to lean on.

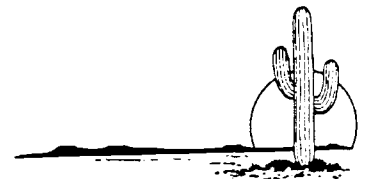
Tucson is a beautiful city. High desert country, mountains jutting into the skies all around. Saguaro cacti, road-runners (the bird, natch!), coyotes (would you expect it any other way?), eagles, and all manner of desert flora and fauna. Our Executive Committee sojourn there in November of 1988 was an unforgettable experience! *El Conquistador* is a beautiful venue with nine holes of marvelous desert golf on site, tennis, pool, horses, jeep rides, and lovely rooms!

Joyce sends these words to begin tantalizing us:

"Start studying the script, pull out and dust off the boots, the hat and other western garb for a good time in Arizona. One of the attractions sure to whet your appetite is old Tucson. Arizona's Hollywood in the Desert was constructed in 1939 for the filming of *Arizona*. Designed to resemble Tucson in the 1860's, Old Tucson continues to be popular for filming and attracts thousands of visitors each year, being second in popularity in Arizona only to the Grand Canyon. In addition to restaurants, shops, live gunfights and a plethora of movie memorabilia, Old Tucson houses a fantastic gun museum with more than 1,000 historic weapons."

It's not too early to

Think Tucson!



The 90-90 Rule

**The first ninety percent
of a project
takes ninety percent
of the time,
and the last ten percent
takes the other ninety percent.**

More Fax Numbers

John C. Scott, Supreme Court of Kentucky
(502) 564-5491

John C. Scott, Kentucky Court of Appeals
(502) 564-6795

Sue Gordon, Supreme Court of Mississippi
(601) 359-2407

Selected Reading

Information Technology Calls For New Management Strategies

The October 1989 issue of *PCComputing* magazine includes an article entitled "Under New Management," written by Professor Gareth Morgan, of Toronto's York University, and Wayne Tebb, a management consultant from British Columbia. Their premise is that the waxing of the information age and the waning of the machine age calls for entirely new management strategies. Here are some excerpts from their thoughts.

With personal computers and other new information technologies, people can do old things better and faster. More importantly, they can do completely new things in fresh, unexpected ways. Above all, these changes place new demands on managerial competence and require a new managerial mindset:

Information is now as critical a resource as land, labor, and capital -- if not more critical.

Hierarchical organization is too slow and cumbersome for a richly connected world.

Learning has become an essential business function -- perhaps the only one that can lend organizations a continuing competitive advantage.

Forcing new technology into the old organizational model doesn't work. Companies have to develop approaches that permit information technology to make its full contribution. They must support flexibility and speed in decision making and action.

Information-intensive environments call for a weblike alternative to the traditional pyramid. In this type of environment, decisions must be understood and acted upon by the most appropriate person, regardless of his position within the structure.

Change -- sometimes incremental, sometimes cataclysmic -- is now the norm, and managers have to adjust their values accordingly. Today, learning and adaptability are no longer luxuries. The continuing ability to learn may be the only way an organization can sustain a competitive advantage.

"Compare the bureaucratic pyramid to a spider's web," Morgan and Tebb say, "as information technology continues to penetrate the workplace, you and your computer are much more likely to form part of a web, actively spinning new connections with others, than to rest as a fixed block in the pyramid."

PCComputing is published by Ziff-Davis Publishing Company, P. O. Box 58229, Boulder, CO 80321-8229. (800) 365-2770. Monthly, \$24.97/yr, \$6/back issue

Hon. Leslie D. Gradet
Clerk, Court of Special Appeals
361 Rowe Boulevard
Annapolis, MD 21401

ADDRESS CORRECTION REQUESTED

Newletter of the NCACC
J. Gregory Wallace, Editor
P. O. Box 2170
Raleigh, NC 27602-2170

The Docket