

# The Docket

News of the  
National Conference of Appellate Court Clerks

Vol. 17

June 1990

No. 4

## Arizona Hosts Seventeenth Annual Meeting in Tucson

All year long, we have been teasing you and telling you of the great educational program and the exciting social events planned for our Seventeenth Annual Meeting, August 5 - 10, at the Sheraton Tucson El Conquistador. It is now upon us!

If you haven't made your reservations and travel arrangements by now, you'd better get on the phone. This is a conference you won't want to miss!

High desert Tucson -- you won't believe the breathtaking beauty of the scenery. Activities, as in past years, are designed to display the finest aspects of the area and its culture. The highlights include an evening at "Old Tucson," supported by West Publishing Company, and a trip to the Kitt Peak National Observatory, followed by a Mexican Fiesta, supported by Mead Data Central. Our guests will enjoy shopping in Nogales, Mexico, and touring the Arizona Sonora Desert Museum.

The hotel offers us all the amenities: swimming, tennis, volleyball, horseback riding, jeep excursions, and, naturally, golf!

Let's not neglect our educational program, the true highlight of the week. Deirdre Ahr and her

Program Committee have arranged a diverse and practical lineup of sessions.

Gilbert Skinner will teach us about Managing our Problem Employees (of course you have at least one, everyone does!). We have a new round of ethical studies by our Illinois experts, John O'Malley, Jim Grogan, and Cynthia Kelly; planning sessions for ourselves and our Conference; a panel discussion on the evolution [revolution?] of our ways of administering the appellate caseload, led by Judge Burton Scott of the Wisconsin Court of Appeals; and short seminars covering the waterfront (perhaps that's the wrong word to use in Tucson).

Seminars will include Issues and Procedures in Intermediate Appellate Courts and in Courts of Last Resort, Disaster Preparedness, using Electronic Transmissions (FAX) for filing and other business; and Long Range Planning for Clerks.

### Call for the Annual Meeting

PRESIDENT ENGEL, through SECRETARY WILLIAMS, AND PURSUANT TO THE PROVISIONS OF ARTICLE IX, SECTION 1, OF THE BY-LAWS, HEREBY ISSUES HER CALL FOR THE ANNUAL MEETING OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS, TO BE HELD AT EL CONQUISTADOR IN TUCSON, ARIZONA, FROM SUNDAY, AUGUST 5 THROUGH FRIDAY, AUGUST 10, 1990.

THE PRESIDENT'S CALL FOR THE ANNUAL MEETING INCLUDES THE TEXT OF THE PROPOSED AMENDMENTS TO THE BY-LAWS, WHICH ARE FORWARDED WITH THIS NOTICE.

Respectfully submitted,  
ELLA D. WILLIAMS  
SECRETARY

You have already received the brochures and registration information, so you know all the ins and outs! Be there for our Seventeenth Annual Meeting and experience the synergism of our Conference as we meet in Tucson!

*From The President's Desk*  
Gloria J. Engel

And the days dwindle down -- to a precious few. An appropriate time, then, to reflect for a moment on the past year's challenges and accomplishments.

The Conference has been well served by its dedicated committees. Committee Chairs and members alike have worked diligently and have contributed so much to the betterment of NCACC.

The vitality of NCACC is a reflection of its membership--now nearly 200 strong. I have belonged to few organizations in which there is such enthusiastic and broad participation by the members. NCACC is relatively young, and yet it has become well recognized and respected in the judicial field.

During the past year we have worked to forge stronger professional relationships with other judicial organizations, and we continue to promote projects that enhance the professional image of Appellate Court Clerks.


NCACC has been extremely fortunate over the years to have had the support--both financially and professionally-- of the Appellate Judges Conference of the ABA. It has also been our good fortune to work with Assistant Program Director, Sandy Roos.

The National Center for State Courts continues to provide excellent secretariat services for NCACC. Shelley Rockwell serves as our liaison and does an outstanding job.

Our recent association with Institute for Court management has been mutually beneficial. The appellate court programs we cosponsored in 1989 and again this spring have been well received and well attended. A special thank-you to Director Harvey Solomon and to Bob Roper, who coordinated these programs.

We continue to enjoy the company and support of our Associate and sustaining members. They enrich our lives and share our pleasure.

Most importantly, I want to express my sincere thank you to the Officers and members of the Executive Committee, the Committee chairs, and to each member of NCACC. Your cooperation and support during this past year has been generous and unfailing. Thank you for the privilege of serving as President. I am deeply honored.

Only one thing will make this year more rewarding, and that is to be able to express my appreciation to each of you personally. PLEASE COME TO TUCSON! Deirdre Ahr and her committee have an excellent educational program put together, and Joyce, Glen and Noel will make sure that everyone has a wonderful time. 

## The Docket

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

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

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## LCTF and ICM Present Two Workshops on Appellate Delay Reduction

CHICAGO, IL -- The Lawyers Conference Task Force on Reduction of Litigation Cost and Delay of the American Bar Association (LCTF) and the Institute for Court Management will co-sponsor two workshops for appellate courts interested in implementing delay reduction programs. The first will be held on October 22-24, 1990, in Annapolis, MD, and the other January 24-26, 1991, in San Diego, CA.

Lecture and hands-on exercises in data collection, change agency, project

management, and techniques to eliminate backlog and delay will enable workshop participants to initiate their own program following the workshop.

Courts invited to attend will be requested to send five-member teams representing various groups in the appellate process, including judges, legal and administrative staff, and lawyers. Funds will be available to defray a portion of the travel costs. The workshops will feature Dale Lefever, a noted court consultant; LCTF

Chair and retired Supreme Court Justice, Vernon R. Pearson; staff of the Task Force and the National Center for State Courts, and appellate judges and staff from the appellate project pilot courts that have worked with the LCTF in establishing similar programs since 1988. Follow-up technical assistance will be provided. Interested courts should contact Rita Novak, Assistant Project Director, American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611 (312) 988-5686. 

## Appeals "Writ" Out of Supreme Court's Jurisdiction


Christine Fallon, Association of Reporters of Judicial Decisions

WASHINGTON, DC -- This Term, the media has focused a great deal of attention on the reduced number of cases that the U. S. Supreme Court has scheduled for argument. In fact, while it is anticipated that the Court will docket a record number of cases this Term, 19 additional cases could have been scheduled during the March and April sessions. Is this reduction really the result of a conspiracy among the justices, who hope to exit Washington before the temperature reaches ninety degrees? Or is it part of some fiendish plot concocted by attorneys to petition for review only in boring cases? Or could it be that the reduction of cases available for argument is being caused, at least in part, by the implementation of a 1988 law that virtually eliminated the Court's mandatory jurisdiction?

Yes, along with campaigning for reelection and investigating a series of scandals, Congress has passed Public Law 100-352, 102 Stat. 662, which requires that [U.S. Supreme] Court review of virtually all judgments entered after September 26, 1988, be by writ of certiorari. The statute eliminated the most common grounds for appeals: repealing 28 U.S.C. §§ 1252, 1254(2), and 1257(1) and (2), which permitted appeals from state and federal

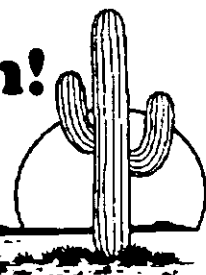
court judgments involving the constitutionality of state and federal laws. It also deleted many obscure appeals provisions, such as appeals of right from certified matter under the Federal Insecticide, Fungicide, and Rodenticide Act. Appeals continue to be authorized from interlocutory or permanent injunctions in any civil action, suit, or proceeding required by Congress to be heard before a three-judge district court. And direct review may also be authorized by some specific statutes, such as the recently enacted Flag Protection Act of 1989.

The purposes of the new law include simplifying procedures before, and reducing the burden caused by appeals on, the Court. One need not look far to see that the Court's

procedures have been simplified. Its rules, amended effective January 1, 1990, replaced seven rules on docketing appeals with one. Fewer appeals docketed also eases a disproportionate burden on the Court's resources. Unlike petitions for certiorari, an appeal is an exercise of a right to the Court's jurisdiction. Even summary disposals are rulings on the appeals' merits. Thus, the Court must spend valuable time to determine not only whether plenary review should be granted, but also the precise basis for each denial. And, the lower courts, which must interpret the precedential value of summary denials, regardless of their clarity, should benefit from a reduction in their number. 

# Think Tucson!

## August 5 - 10, 1990



## Connecticut Examines Delays in Briefing

The Connecticut Appellate Court's study of causes for delay in appellate briefs resulted in changes to method for processing motions to extend time. Examining a number of cases, the Court concluded that extensions were most often sought because of heavy workloads in the public defender's office in criminal cases and pending motions for articulation in civil cases. The motion for articulation requires the trial court to state reasons for the decision and must be filed after the appeal.

The Court instructed the Clerk's Office to categorize all reasons for extensions of time, the amount of time requested, and the amount of time granted. This procedure is designed to bring the practice of granting extensions in line with the court rule which requires showing "extraordinary cause." *LD*

## Wisconsin Revises Internal Operating Procedures to Include Incremental Time Standard

The Wisconsin Court of Appeals recently added a 45-day standard from filing last brief to submission to a panel on its internal operating procedures. Those procedures already set a standard of 40 days from submission to decision in routine cases and 70 days for complex cases.

Increasing numbers of cases, requiring the court to assume the law-making function of appellate review, place increased demands upon the court. A new judge, who will begin on August 1, 1990, has been added to the court. *LD*

## Multiple Priorities How to stay on a roll when you're pulled in three directions at once

*Reprinted with permission from EXECUTIVE STRATEGIES,  
published by the National Institute of Business Management,  
1328 Broadway, New York, NY 10001*

The ability to juggle three or four high-priority projects successfully is a "must have" managerial skill. But too many managers don't analyze the career benefits they can gain from its judicious use.

Start by slotting your projects into "urgency" categories; then decide how you can get the greatest benefit out of the completion process. *A few guidelines:*

### ■ Study each project; then assign a priority.

- A. *High importance, high urgency.* Tackle these top-priority projects first.
- B. *High importance, low urgency.* Set deadlines for completion, and get these projects worked into your daily routine.
- C. *Low importance, high urgency.* Find quick, efficient ways to get this work done without much personal involvement, i.e., delegate it to a "can-do" aide.
- D. *Low importance, low urgency.* This is busy work, such as filing. *Approaches.* Stack it up and do it in one half hour every week; get somebody else to do it; don't do it at all.

### ■ Build efficient systems to shuffle these important career chips.

● *Make a career-benefits assessment of all projects.* Look at each assignment before you delegate it or take it on yourself. What are its potential career payoffs?

*Consider.* If you successfully complete the project, will it reinforce

the image you are trying to build? Will it pull your career off track?

*Example:* If you're trying to become your company's top salesperson, there's not much point in overseeing the installation of new computers to monitor sales.

● *Stay focused.* Remember that showing diversity in tangential areas may make you feel great, but it probably won't help your career.

● *Delegate to the right people -- in the right groupings.* Take a few minutes to jot down the attributes of each person to whom you delegate work.

*Consider:* Specific strengths, skills, interests, the ability to meet deadlines. Delegate responsibilities that allow people to reach their own goals and you'll build commitment and get high-quality work.

When giving an assignment to a group of people, pay particular attention to group dynamics. Build groups in which there is uniformity of approach and ability -- and some competitiveness among the members. Tension will generally produce better results.

● *Divide assignments into small units with their own deadlines.* Rather than setting a final deadline when you expect to receive the completed job, establish dates when you expect to receive different phases of the project for review.

This lets you correct work while it is in progress, produces more uniform results (workers don't get stuck on preliminaries for weeks and then make a final rush to complete the job) and is a near-guarantee that you will make the deadline. *LD*

**A**h, yes! A clean desk, indeed. Last issue I chronicled my manic compulsive drive for order and cleanliness.

People peer into my office in wonder. From all sides, I hear compliments about how nice a place I have. But I'm here to tell you that a clean desk is not all it's cracked up to be. Folks who used to wander by my office and cluck sympathetically at all of the work I had to do, now seem to think I am just twiddling my thumbs, waiting for them to come in and chat. I toyed with the idea of setting up a couple of fake piles of papers to fool them, but decided that nicely modulated bluntness would be more effective. It was.

Another thing I learned right off the bat was that I needed a system of knowing what I had to do and what needed to be done first. Before I cleaned off my desk, I tried the system with the seven folders reported last month in *The Docket*. It didn't work as well as I'd hoped. A "deadline folder" could include things due today or in a month. It also overlapped with the "quickie folder" and the "priority folder." I had a lot of trouble finding things since I wasn't sure which folder they might be lurking within.

I read books like *If You Haven't Got the Time To Do It Right, When Will You Find the Time to Do It Over?* by Jeffery Mayer. He suggests making a master list of things to do on a yellow notepad. As you clean up, Mayer says, you should make an inventory of all your unfinished work and ongoing projects. It is a continuous list and, contrary to many other commentators' suggestions, Mayer says it should not be prioritized. List all your items of work and strike through them one by one as they are completed.

"Good idea," I thought. But the problem was that the neat stuff kept getting done and the hard things were left on the list. I mean, given a choice between going to the beach to teach a CLE block on appellate rules and finalizing last year's statistical report, which would you do? (There is no *right* answer to that question, but if your answer is "statistics," keep it to yourself.)

Some of the books touted prioritizing everything, but I found myself doing more prioritizing than doing. That was probably my biggest complaint with computerized "To-Do" lists: you *had* to give each item a priority, and it would push all the others down a notch. Just remember evaluation forms for our programs and how much trou-

## Out of the Gutter

Greg Wallace



ble it is to decide whether the speaker is a "7" or an "8"; then try to figure out where setting September's calendar of arguments fits in a prioritized list of 86 chores and projects. It's overkill!

What I really needed was a way of grouping things in a meaningful way. I had used the A-B-C system -- the "A" stack on the desktop for high priority, the "B" folder for things I ought to do, and the "C" drawer purgatory before trashing (or filing) the papers. Then, you could move things from A to B, or from C to B, or whatever. That didn't work well, because at night (or sometime) those same little gremlins who turn up your car radio while your car is parked, creep into your office and drag all your papers out onto your desk surface.

But since the concept is decent and we humans tend to relate well to concepts in threes, I decided to forge my own system. I use a notebook, but a legal pad would do just fine, I guess. There are three sections of "to-dos" in the notebook, each with its very own file folder in my desk's file drawer to hold any papers associated with the entries: *Critical Priority* -- if these things aren't done today (or at worst tomorrow), I stand to be fired or lose the love and/or respect of those whose affections and opinions I value. *Priority* -- if these aren't done within a week, I stand to be fired or lose the love and/or respect of those whose affections and opinions I value.


*Anytime* -- chores, projects, ideas, and other things I'd like to do or must do, but they are more than a week away from being priorities.

My first section has only a couple of things on the page. If I finish them, I cross them off. It's a real gut-level satisfaction! But I don't feel compelled to move other

things up to fill out the page. This isn't supposed to be a list of my top 10 projects or anything, and it's perfectly all right to do lower priority items early. First thing each day and last thing in the evening, I review the three sections, crossing off, adding, and moving things around. What is really nice is that I can look over my sheets and see that if I want to take the afternoon off, I can do it with no feelings of remorse whatsoever, because I have finished all my important and urgent matters.

Add monthly calendars for appointments and deadlines, a section of pages organized by person I associate with (on which I jot down any questions to ask or things to tell them just so I won't forget when we speak), a section of pages organized by major project (not for deadlines, but for ideas which percolate out at odd times of the day or night), a section of pages to use for meeting notes (then anything for a person, project or deadline is copied to the appropriate place afterwards; the meeting notes page is stored in a file folder for the group which met), and a set of alphabetical addresses and phone numbers.

I don't restrict my book to purely work-related activities. It has become a consolidated record of my life. Lord knows, if something happens to my book, I might as well just go on vacation! But it's really working well! My desk remains clean with only an "in box," my book, and whatever things I'm using. Before leaving, I set out the first thing I want to do in the morning so I'm ready to go.

I'm becoming so efficient, I'm doing the work of two people! Now I have to teach myself how to delegate better! 

## Committee Reports

### Awards and Memorials Committee

A full report regarding the J. O. Sentell Award and the Morgan Thomas Award will be made at the annual conference. The report of the Awards and Memorials Committee was presented to the Executive Committee at its meeting in April. The report was approved, as presented.

The committee has prepared a Memorial to the late Sue Gordon, Clerk of the Supreme Court of Mississippi. The memorial will be read at the Annual Meeting in Tucson and then presented to the family of Sue Gordon.

*Marilyn L. Graves, WI, Chairperson, Frank Habershaw, FL, Clyde Heath, FL, Juleann Hornyak, IL, Sandra Skinner, MO, Dorothy Smith, ND*

### ByLaws Committee

The following amendments to the Bylaws are proposed by the Bylaws Committee. The amendments have been submitted to the Executive Committee, and are published in *The Docket* in preparation for the annual business meeting, pursuant to Article IX, Section 1.

While a number of amendments are proposed throughout the Bylaws, the overwhelming majority of substantive changes are to Article VII, dealing with committees. This is in response to last year's combined report of the Long-Range Planning and Implementation Committees. **Note that Article VII is set out twice.** The two versions differ in their treatment of standing committees. One version provides for multi-year terms for some members of long-term and regular standing committees, the other version does not.

Proposed additions to the Bylaws are shaded, proposed deletions are lined through. Comments on the proposed amendments accompany the text in boxes.

Because of the large number of amendments, you are urged to familiarize yourself with them prior to the business meeting. [Ed. Note: The full text of the ByLaws as they now exist was published in Vol. 17, No. 1, of *The Docket*, the October 1989 issue.]

*Respectfully submitted, David Beach, VA, Chairperson; Nancy Foley, MA; Elaine Goldsmith, NY; Marlene Lachman, PA; Reba Mims, SC; Greg Wallace, NC; and Robert Wilson, CA.*

### PROPOSED AMENDMENTS TO BYLAWS OF THE NATIONAL CONFERENCE 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 any~~ federal, state, commonwealth, or District of Columbia court system, and in the court systems of 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.

*stylistic changes*

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 2.b. ~~Section 1~~, even though no longer serving with an appellate court.

*stylistic change in punctuation;  
reflects renumbering of Article VII*

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 the member is in good standing.

*Gender-neutral consistency*

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 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~~ of 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.

*lower case for consistency with other references in bylaws; typographical correction*

#### 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 times and places 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.

*Grammatical consistency*

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 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. Unless specific provisions otherwise are made herein, the President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chair for each committee.

*New Section 2 sets out the Presidential appointment powers. Remaining sections of Article are renumbered with no substantive changes.*

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

#### FIRST VERSION

#### ARTICLE VII Committees

1. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive Committee, standing committees, select committees and special committees.

*Section 1 tries to embody the spirit of the LRP/I report.*

#### 2. The Executive Committee.

*Section 2 rearranged with no substantive changes.*

a. 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.

*Formerly Article VII, Section 3.*

b. 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.

*Formerly Article VII, Section 1.*

3. Standing Committees.

a. Standing committees are constituted to perform a continuing function of the Conference. They may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner. Standing committees shall consist of no more than nine members, including the Chair and any ex-officio members, and shall operate pursuant to guidelines adopted by the Executive Committee. The term of a Chair of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chair, or upon its own initiative, may remove a member of a standing committee for good cause.

*Provisions for creating and terminating committees are per Robert's Rules.*

*This section formalizes*

*the Committee Operating Guidelines.*

*Max number of members set out to avoid stacking committees.*

*Chair's term only one year for any standing committee.*

*Last sentence provides safety valve if there is a "dud" committee member.*

b. Standing committees of the Conference shall be classified as follows:

(1) Long-term Committees. Long-term committees are those standing committees that require extraordinary continuity of membership due to the ongoing nature of their work or the special interests, talents, or experience

desirable in their members. No less than one nor more than three members of each long-term committee shall be appointed for two-year or three-year terms. All other appointments or reappointments to long-term committees, other than to fill an unexpired term, shall be for one year.

*The LRP/I report puts regular committees at a 2-year split membership. Therefore, longer terms must be required for committees requiring greater continuity. This section provides for continuity without unduly limiting Presidential flexibility.*

*The following new committee descriptions come essentially from the Committee Operational Guidelines.*

(a) The Bylaws Committee shall consider amendments to these Bylaws and shall make written report to the Executive Committee each year by April first.

(b) The Long-Range Planning & Implementation Committee shall recommend to the Executive Committee plans with positive impact on Conference Purposes and steps needed to implement the plans. The Vice-President of the Conference shall serve ex-officio on this committee.

(c) The Publications Committee shall inform the membership of the activities of the Conference and provide information to enhance the professionalism of appellate court clerks and their offices. The Committee shall publish an NCACC newsletter at least quarterly and shall oversee the production of a Directory of Appellate Court Clerks.

(2) Regular Committees. Regular committees are those standing committees that, by their nature or activities, require no extraordinary continuity of membership. No less than two nor more than four members of each regular committee shall be appointed or reappointed annually for two-year terms. All other appointments or reappointments to long-term committees, other than to fill an unexpired term, shall be for one year.

*As with long-term committees, provides both for continuity and flexibility.*

*The following committee descriptions also come out of the Committee Operational Guidelines, without being overly precise in a way that would restrict the committees' activities within their subject area.*

(a) The Convention Assistance Committee shall provide practical guidance, advice and assistance to Clerks who are hosts to upcoming annual meetings.

(b) The Membership Committee shall solicit new members and distribute information about the Conference and its activities to new or prospective members.



(c) The Program Committee shall organize and present an educational program at the annual meeting of the Conference to further the objectives of the Conference and to enhance the skill and knowledge of appellate court clerks.

(d) The Public Relations Committee shall gather news items promoting Conference members and their accomplishments for publication in professional journals and local newspapers.

(e) 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.~~

*Formerly Article VII, Section 5.*

*Stricken language replaced by the general statement about operational guidelines in ¶ 3.a.*

(f) The Site Selection Committee shall solicit potential hosts for future annual meetings, evaluate invitations from states, and make appropriate recommendations to the Executive Committee.

(3) Short-term Committees. Short-term committees are those standing committees which complete their task within one Conference year. Members of short-term committees shall be appointed or reappointed for one-year terms.

(a) The Awards Committee may recommend to the Executive Committee nominees for the J. O. Sentell Award and Morgan Thomas Award.

(b) The Resolutions and Memorials Committee shall prepare appropriate resolutions for adoption by the Conference as formal expressions of its will and intent, and shall prepare and arrange memorials for deceased members.

*Formerly Awards and Memorials Committee and Resolutions Committee.*

*"Resolutions and Memorials" seems to be a more natural grouping.*

(c) The Nominating Committee. 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 nomina-

tions. 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.

*Formerly Article VII, Section 3.*

*No substantive change, just moved it around.*

4. Select Committees. Select committees are constituted to perform a continuing function of the Conference; however, unlike standing committees, select committees are made up of members specified in these Bylaws or appointed by other than the President. Select Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner. Select committees shall operate pursuant to guidelines adopted by the Executive Committee.

*Select committees are those with a special membership by experience or other credentials, though operated in most respects like a standing committee.*

a. The Past-Presidents' Committee shall be composed of all living past-Presidents of the Conference. The Past-Presidents' Committee assists the President and Executive Committee as needed.

b. 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.

*Formerly Article VII, Section 4.*

5. Special Committees. ~~The Conference or the Executive Committee may authorize the creation of such additional committees as are necessary to accomplish the purposes of the Conference. Special committees may be constituted by the Conference, the President or the Executive Committee, as the need arises, to carry out a specified task in furtherance of the purposes of the Conference. Members of such committees shall be appointed by the President, unless stated otherwise in these Bylaws. At the completion of the task, or the presentation of the special committee's final report to the Conference, the special committee automatically ceases to exist.~~

*Formerly Article VII, Section 6. This is the catchall for other committees. Upon finishing the task assigned, the special committees cease to exist.*

## SECOND VERSION

### ARTICLE VII Committees

1. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive Committee, standing committees, select committees and special committees.

*Section 1 tries to embody the spirit of the LRP/I report.*

#### 2. The Executive Committee.

*Section 2 rearranged with no substantive changes.*

a. 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.

*Formerly Article VII, Section 3.*

b. 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.

*Formerly Article VII, Section 1.*

3. Standing Committees. Standing committees are constituted to perform a continuing function of the Conference. They may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner. Standing committees shall consist of no more than nine members, including the Chair and any ex-officio members, and shall operate pursuant to guidelines adopted

by the Executive Committee. The term of a Chair of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chair, or upon its own initiative, may remove a member of a standing committee for good cause.

*Provisions for creating and terminating committees are per Robert's Rules.*

*This section formalizes the  
Committee Operating Guidelines.*

*Max number of members set out to avoid  
stacking committees.*

*Chair's term only one year for any standing committee.*

*Last sentence provides safety valve  
if there is a "dud" committee member.*

a. The Awards Committee may recommend to the Executive Committee nominees for the J. O. Sentell Award and Morgan Thomas Award.

b. The Bylaws Committee shall consider amendments to these Bylaws and shall make written report to the Executive Committee each year by April first.

c. The Convention Assistance Committee shall provide practical guidance, advice and assistance to Clerks who are hosts to upcoming annual meetings.

d. The Long-Range Planning & Implementation Committee shall recommend to the Executive Committee plans with positive impact on Conference Purposes and steps needed to implement the plans. The Vice-President of the Conference shall serve ex-officio on this committee.

e. The Membership Committee shall solicit new members and distribute information about the Conference and its activities to new or prospective members.

f. The Nominating Committee. 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.

*Formerly Article VII, Section 3.*

*No substantive change, just moved it around.*

g. The Program Committee shall organize and present an educational program at the annual meeting of the Conference to further the objectives of the Conference and to enhance the skill and knowledge of appellate court clerks.

h. The Public Relations Committee shall gather news items promoting Conference members and their accomplishments for publication in professional journals and local newspapers.

i. The Publications Committee shall inform the membership of the activities of the Conference and provide information to enhance the professionalism of appellate court clerks and their offices. The Committee shall publish an NCACC newsletter at least quarterly and shall oversee the production of a Directory of Appellate Court Clerks.

j. The Resolutions and Memorials Committee shall prepare appropriate resolutions for adoption by the Conference as formal expressions of its will and intent, and shall prepare and arrange memorials for deceased members.

*Formerly Resolutions Committee.*

*"Resolutions and Memorials" seems to be a more natural grouping.*

k. 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.

*Formerly Article VII, Section 5.*

*Stricken language replaced by the general statement about operational guidelines in ¶ 3.a.*

l. The Site Selection Committee shall solicit potential hosts for future annual meetings, evaluate invitations from states, and make appropriate recommendations to the Executive Committee.

4. Select Committees. Select committees are constituted to perform a continuing function of the Conference; however, unlike standing committees, select committees are made up of members specified in these Bylaws or appointed by other than the President. Select Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner. Select committees shall operate pursuant to guidelines adopted by the Executive Committee.

*Select committees are those with a special membership by experience or other credentials, though operated in most respects like a standing committee.*

a. The Past-Presidents' Committee shall be composed of all living past-Presidents of the Conference. The Past-

Presidents' Committee assists the President and Executive Committee as needed.

b. 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.

*Formerly Article VII, Section 4.*

5. Special Committees. The Conference or the Executive Committee may authorize the creation of such additional committees as are necessary to accomplish the purposes of the Conference. Special committees may be constituted by the Conference, the President or the Executive Committee, as the need arises, to carry out a specified task in furtherance of the purposes of the Conference. Members of such committees shall be appointed by the President, unless stated otherwise in these Bylaws. At the completion of the task, or the presentation of the special committee's final report to the Conference, the special committee automatically ceases to exist.

*Formerly Article VII, Section 6.*

*This is the catchall for other committees. Upon finishing the task assigned, the special committees cease to exist.*

## 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 Committee and adopted by the Executive Committee.

*Stylistic change for consistency.*

**ARTICLE IX**  
**Secretaries Secretariat**

*Stylistic change.*

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.

*Stylistic change.*

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. If requested by the National Center for State Courts, 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 performing Secretariat functions such as, but not limited to, printing, photocopying, and mailing materials to the membership.

*The change to the first line of section 4 reflects the fact that currently we are not required to pay this fee.*

*Other changes are stylistic.*

### **Finance and Investment Committees**

The reports of the Finance and Investment Committees will be made at the Annual Business Meeting in Tucson, in order to include end of year figures in those reports.

*Keith Richardson, IA, Treasurer, Chair. Finance Committee members: Lew Carter, KS; Alex Cummings, MD; John Wilkerson, AL; Ed Smith, MT; and Fred Grittner, MN. Investment Committee members: Lew Carter, KS; and Clyde Davis, SC.*

### **Long Range Planning and Implementation Committee**

The Planning and Implementation Committee met on Friday, February 23, 1990, at the National Center for State Courts in Williamsburg, Virginia. All Committee members were present--Patricia Davis (VA), William Fulton (Army), Leslie Gradet (MD), John Greacen (4th Cir.), Richard Hoffman (DC), Peggy McGraw (MO), John Scott (KY), Ella Williams (MI), and Joline Williams (GA)--in addition to the undersigned.

The committee first took note of some trends that can affect appellate courts and their clerks in the 21st century. These included the increasing size of some appellate courts, proliferation of pro se litigants, possible changes in the form of transcripts, electronic filing of papers, improved communications within the court and among Judges, electronic dissemination of decisions, and development of NCACC model procedures.

We then turned to consideration of some long range planning factors for NCACC:

- 1) To ameliorate the burden on active clerks and provide continuity, should not NCACC seek a permanent volunteer publisher and editor for its newsletter, perhaps from among retired clerks of court?
- 2) Should NCACC seek to become financially independent as a hedge against possible reduced ABA-funding and also if necessary to eliminate any perceived conflict-of-interest problems arising from reliance on gratuities from firms doing business with the courts, such as West Publishing Company and Head Data Central?
- 3) Should not NCACC seek to enhance the Clerk's ability as a trainer of his/her staff, trial court clerks, and the appellate bar, by the production of model procedures, staff manuals, and video/audio tapes?
- 4) Should not a mechanism be developed for seeking funding for specific projects from the State Justice Institute?

The above are long range goals as to which the committee seeks guidance from the Executive Committee.

meanwhile, the committee concurs in Peggy McGraw's executive committee document entitled "Objectives Identified by Long-Range Planning/Implementation Committee(s) which Can Be Accomplished without By-Laws Changes." (Copy Attached)

Reviewing, and in some cases expanding upon, last year's report, the committee noted the following:

- a. Committee chairs could benefit from general guidelines for effective committee operation published as part of the current committee guidance manual.
- b. The possible production of audio tapes of specific ICM units of instruction should be explored.
- c. NCACC members attending ICM courses (either on their own or sent by NCACC for the purpose) should be tasked to evaluate ICM courses in detail for the benefit of other potential clerk attendees.

d. Liaison should be established with the Institute of Judicial Administration with a view to securing the participation of the clerk of an appropriate appellate court at each of its annual advanced and intermediate appellate judge seminars.

Additional possible short or intermediate range goals could be identified with the aid of a questionnaire to clerks designed to obtain the following information:

- 1) What is your preferred time frame for our annual meeting?
- 2) In what activities or programs are you or have you been engaged aimed at teaching appellate practice and procedure to the bar?
- 3) In what activities or programs are you engaged or have you been engaged with a view to educating trial court clerks in matters relevant to the appellate courts?
- 4) In what ways, if any, are you or your office involved in administration of the bar, such as the disciplinary process or administration of a client security fund? (Reference new ABA guidelines on discipline)
- 5) What is the clerk's role in lawyer probation and rehabilitation following drug impaired unethical conduct?

The responses may point to areas to which our educational programs and committee efforts should give emphasis.

For part of our meeting we had the advantage of having Ed McConnell join us. He was a good sounding board on many of our ideas and in particular was quite candid in discussing the possibility of placing an appellate court clerk on the National Center Board. A procedure has been developed and will be discussed with the Executive Committee by the chairman of this committee by which to put an appellate court clerk on the National Center Board.

Long range planning needs to focus on the 21st century. The long range planning committee recommends that this committee meet face to face at least once a year. An effort should be made to allow most committees to be constituted prior to the annual meeting so that they could meet during the Annual Conference. To do this, the President-Elect would have to have at her/his disposal the information and authority to make the necessary appointments prior to the Annual Meeting. (See committee guidelines from 1989 report)

In concluding our report we remind everyone this is long range planning. As appropriate, the Executive Committee and membership should consider how, when, and if these plans can be brought to completion.

*Respectfully submitted, Frans J. Labranche, Jr., Chairman*

*Objectives Identified by Long Range Planning Implementation Committee Which Can Be Accomplished Without By-Law Changes*

**Objective 1 - Improving the Productivity of Committees.**

Prepare questionnaire asking members to indicate the committees on which they would like to serve. This questionnaire

could be sent out with the dues statement and also distributed at the annual meeting. This questionnaire would also solicit suggestions on new committees needed.

This objective can be implemented by the President and additions to the Membership Committee guidelines.

**Objective 2. - Improving the Newsletter.**

1. Designate regional correspondents.
2. Designate a review editor to screen other publications for articles of interest to clerks
3. Designate someone (law teacher or appellate judge suggested) to screen cases for cases of interest to clerks.
4. Publish series of articles on each of rules of code of ethics for clerks and one on each of the standards for appellate clerks.
5. Dedicate an issue to a particular topic of interest to clerks. Articles may be solicited from members and speakers at annual meetings.

This objective can be implemented by additions to the guidelines of the Publications Committee.

**Objective 3. - Improving Interorganizational Relations.**

1. Avoid scheduling annual meeting to conflict with that of another court-oriented group.
2. Invite representatives of other organizations to attend annual meeting and assign an escort to each representative.
3. Assign a representative to attend meetings of other organizations when invited.
4. Exchange newsletters with other organizations and encourage cross-contribution of articles.
5. Public Relations Committee should send news releases of our professional activities to other organizations.
6. Invite representatives of other organizations to address our organization.
7. Work toward attaining the appointment of an appellate court clerk to the Board of Directors of the National Center for State Courts.
8. Use questionnaire for Pictorial Directory to identify members who hold membership in other organizations to identify potential liaisons to other organizations.
9. Create a new Interorganizational Liaison Committee to oversee the accomplishment of this objective.

This objective may be accomplished by: President and Executive Committee Nos. 1, 2, 3, 6, 7, 9; adding to Committee guidelines Nos. 4, 5, 6, and 8; the membership at an annual business meeting No. 9.

**Objective 4. - Develop On-Call Consultant Teams to Assist Clerks.**

Create a committee to develop a technical assistance program which would include a comprehensive checklist for use in evaluating the performance of a clerk's office, standard operating procedures for assistance visits, and identifying team members and other resources within our organization.

This objective may be accomplished by the Executive Committee or the membership at an annual meeting creating a committee for this purpose and appointment of a committee by the President. (Consultant Program Committee.)

Objective 5. - *Improve the Quality of Appellate Advocacy.*

1. Formulate a questionnaire to determine the nature and extent of members' participation in education of their Bars.
2. Include information on bar education programs in the annual or mid-year educational programs.
3. Establish contact with Association of Continuing Legal Education Administrators and the National Association of State Judicial Educators.
4. Establish an Appellate Practice Committee.

This objective may be accomplished by the Executive Committee or the membership at an annual meeting creating a committee to accomplish the above goals. Also, No. 2 in the guidelines for the Educational Program committee.

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### Membership Committee

The addition of more than 48 new members since our August 1989 meeting brings our total membership to approximately 224, a 27% increase over last year and a 46% increase over FY 1987-88. The names of our new members are published in each issue of *The Docket* in the People, Places and Things section.

We welcome each and every new member and look forward to your active participation in the NCACC!

*Respectfully submitted, Ron Barrow, CA, Chair; Ella Williams, MI; Jerrill Carter, WY; Ellie Valecko, PA; Mary Beth McHaney, MO; Marlene Lachman, PA*

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### Nominations Committee

The Nominations Committee reports its slate of nominees for the Conference Year 1990-1991.

One who is elected NCACC Vice President succeeds in office to President Elect and President. The Committee's nominee this year for the office of Vice-President is **J. Gregory Wallace**, Clerk of the Supreme Court of North Carolina.

Prior to his appointment as Clerk, Greg was an Assistant Attorney General, State of North Carolina, 1980-1981; Chairman of the Legal Department, North Carolina Justice Academy, 1978-1980; and Instructor of Political Science, United States Naval Academy, 1976-1978.

Greg earned his Law degree from the University of North Carolina School of Law, Chapel Hill, NC, in 1973, and a BA in Political Science from Marshall University, Huntington, WV, in 1970. He is a member of the bars of North Carolina, the U.S. Court of Military Appeals, and the U.S. Supreme Court.

He is a member of the North Carolina Bar Association and serves on its Appellate Rules Study Committee, Appellate Survey Committee, and Technology Committee. Greg is President of the PTA at his childrens' school, Treasurer of several local civic

groups, and a Commander in the United States Naval Reserve, assigned as Executive Officer of a reserve unit attached to the Office of the Judge Advocate General in Washington specializing in management and operations issues.

A member of our Conference since 1982, Greg has served on our Executive Committee, 1987-1989; as Chair of the Publications Committee, 1989-present, Program Committee, 1988-1989, and Long-Range Planning Committee, 1987-1988. He has been an active member of the ByLaws Committee, 1989-present, Program Committee, 1987-1988 and 1989-present, Publications Committee, 1987-1988, Technology Committee, 1984-1987, and Long-Range Planning Committee, 1986-1987. He has appeared on our Conference Program for the past three years.

The Committee's nominee for Secretary, a two-year term, is **Ella Williams**, Deputy Clerk of the Michigan Court of Appeals in Detroit, and the incumbent.

Ella was born in Frostproof, FL, which may have prepared her for the winters in Detroit. She graduated from Florida A & M University with a BS in Business Education and has worked in the office of the Clerk of the Michigan Court of Appeals since 1965. Ella was appointed Deputy Clerk of the Court of Appeals in April, 1975. She is active in the NCACC and in church and civic organizations.

Nominees for seats on the Executive Committee to replace Ron D. Barrow, CA, David B. Beach, VA, and Joline B. Williams, GA, are: Deirdre O. Ahr, MO; Nancy Turck Foley, MA; and Robert N. Wilson, CA.

**Deirdre O'Meara Ahr** is the Clerk of the Missouri Court of Appeals, Eastern District, in St. Louis. She has been an NCACC member since 1985, serving on the Program Committee and as its 1990 Chair. She will be the Host Clerk for our 1991 meeting in St. Louis.

Deirdre has recently been nominated to the Board of Directors of the American Judicature Society, beginning her term in August of this year. She is Treasurer of the Bar Association of Metropolitan St. Louis and a member of the Board of Governors of the St. Louis Bar Foundation and the Board of Directors of the Women Lawyers Association of Greater St. Louis.

Deirdre is a *cum laude* graduate of Trinity College, Washington, DC, has a Masters of Education from Virginia Commonwealth University, and a Juris Doctor from the University of Missouri - Columbia. She has previously served as a Research Attorney for the Supreme Court of Missouri and General Counsel for the Missouri Judicial Finance Commission. She is listed in both Who's Who of American Women and Who's Who in American Law.

**Nancy Turck Foley** has been Clerk of the Massachusetts Appeals Court since 1985. A Massachusetts native, she has served with the Court since its creation in 1972, first as budget officer, then as office manager, and from 1978 to 1985 as assistant clerk.

Nancy attended law school while working at the Court, earning her J.D. from Suffolk University Law School in 1978. She earned her B.S. from Boston State College in 1974.

Admitted to the bar in 1978, Nancy is a member of a large number of professional organizations, including the American Bar Association, the Massachusetts Bar Association, the Women's Bar Association, the Commonwealth Appellate Attorneys' Action Program, and the NCACC. A former member of the board of editors of the Massachusetts Lawyers Weekly, she has co-authored a number of publications for practitioners, and is a frequent speaker at various bar functions.

**Robert N. Wilson**, Clerk, California Court of Appeal, Second Appellate District, Los Angeles, has been Clerk since 1987. Bob has served his court for twenty six years, rising through the ranks from Deputy Clerk through Chief Deputy Clerk and Chief Deputy Clerk II. Bob has the unusual experience for an appellate court clerk of having also served as a County/Superior Court Clerk in LA County.

A native of Missouri, Bob attended Claremont Men's College in Los Angeles County, California.

*John C. Scott, KY, Chairman; Peggy McGraw, MO; Troy Bennett, TX; Keith Richardson, LA; Carol Justis, OR; and Frank Drumm, CT.*

## **Publications Committee**

The Publications Committee presented revisions to its Committee Operating Guidelines to the Executive Committee at its Fall Meeting.

Changes were intended to implement recommendations of the Long Range Planning Committee adopted by the members at last year's Annual Business Meeting.

### **Purposes and Objectives**

The purposes of the Publications Committee are to keep the membership informed of the activities of the organization and to bring new developments in particular jurisdictions to the attention of the entire membership. The objectives are, therefore, to promote the growth and vitality of the NCACC and to provide information that can be used to enhance the professionalism of appellate court clerks and their offices.

### **Committee Organization**

The composition of the Committee should represent the geographical areas of the country, and Committee members should serve as regional reporters for the NCACC's newsletter. The Committee should attempt to include members from the federal court and military court systems, or, alternatively, should solicit participation from Conference members within those systems as correspondents to the newsletter.

### **Committee Operations**

I. The primary instrument of the Committee in attaining its goals and objectives is the NCACC newsletter. The newsletter is the Conference's primary method of communication with and among the members. It is also the most visible part of the organization to prospective members and the court management community, affecting their impression of the Conference and its activities.

A. The Chairman of the Committee acts as the overall managing editor of the newsletter. Members of the Committee may be assigned responsibility for obtaining material from their regions or subject-matter areas for each issue, or may be assigned an entire issue to edit.

B. A minimum of four newsletter issues per year should be distributed according to the following schedule: October 15, January 15, April 15, and June 15.

C. When possible, the issues should follow a general outline to aid in the preparation and editing of material. In general, the quarterly issues are intended to cover the following matters:

#### **October**

- a. Summaries of Annual Meeting recently concluded
- b. New Committee membership appointments
- c. Reference to upcoming Annual Meeting

#### **January**

- a. Summary of tentative educational program for upcoming Annual Meeting
- b. Reports on fall Executive Committee meeting (details on Committee reports to be included)
- c. Special articles on office innovations
- d. Information about midyear educational seminar, if one is planned for the year.

#### **April**

- a. Detailed description of programs (educational and social) and activities for upcoming Annual Meeting [N.B. Educational program may still be tentative due to timing of Executive Committee meeting.]. Registration information.
- b. Bylaws Committee report and recommendations
- c. Special articles on office innovations
- d. Summary of Executive Committee activities and agenda for spring meeting.

#### **June**

- a. Final promotion for upcoming Annual Conference.
- b. Reports on Committee activities.
- c. Report on Spring Executive Committee Meeting.
- d. Official call to the annual meeting, publication of minutes of last annual meeting, publication of financial report, and publication of amendments proposed to Bylaws.

D. The committee may author appropriate articles for the newsletter or may solicit submissions from NCACC members or from persons active or interested in appellate court issues. The committee may reprint articles, in whole or in part, appearing in other publications, after receiving the necessary permission for such reprinting.

E. The materials and articles collected by the committee members and correspondents should be submitted to the editor



of the issue at least 30 days prior to the publication date of the newsletter to permit retyping and editing, formatting, and printing.

F. Production and mailing of the Newsletter may be accomplished through the National Center for State Courts, if the jurisdiction of the committee chair is unwilling or unable to absorb the cost.

II. In addition to the Newsletter, the Publications Committee should oversee the production of a Directory of Appellate Court Clerks. This directory should cover all courts and clerks, regardless of membership in the NCACC. It is intended to be published each fall. This directory is designed to serve as a handy supplement to the detailed Pictorial Directory that is produced periodically by the Conference with the assistance of West Publishing Company. The Committee Chair may undertake the Pictorial Directory personally, or may delegate the task to another Committee member or volunteer.

A. To update the Directory, a copy of the relevant portion of the current directory should be mailed to the Clerk of each state Supreme Court and to the clerks of the federal courts. Those clerks should be asked to make any corrections, deletions, or additions. The revisions should be incorporated into the new directory and new mailing labels produced.

B. All changes discovered during the updating process should be brought to the attention of the National Center for State Courts as Secretariat for the NCACC.

C. The revised Directory should be distributed in November or December. Production and mailing of the Directory may be accomplished through the National Center for State Courts, if the jurisdiction of the committee chair is unwilling or unable to absorb the cost.

*Greg Wallace, NC, Chair; Penny Miller, ND; Joyce Goldsmith, AZ; Keith Endo, NJ; Steve Kelly, CA; John Wilkerson, AL; and Pat Davis, VA.*

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### **Publicity Committee**

Still no membership news has been reported to the Committee.

The questionnaire as to media and court agencies to be notified in the event of anything to be publicized has been sent to the members who did not complete and return it last year. Twelve more have been returned, making a total of 54. These will be passed on to next year's chairperson.

The Docket editor has been requested to print in each issue a brief reminder to members to notify this Committee of any newsworthy recognitions, honors, etc.

Suggested guidelines for this Committee have been prepared and mailed to President Engel.

*Joline B. Williams, GA, Chairman; Pat Davis, VA; Elaine Goldsmith, NY; Noel Dessaint, AZ; Bob St. Vrain, MO; and Fred Griltner, MN.*

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### **Site Selection Committee**

The Site Selection Committee had several invitations from which to choose for the 1993 conference. Those sites are: Nashville, Tennessee; San Diego, California; Anaheim, California; Fort Worth, Texas; and San Antonio, Texas.

In selecting a site, it was recognized that any of the sites would be excellent as far as the variety of lodging available to the Host Clerk, as well as travel access. Additionally, recent conferences have been held in a variety of locations, allowing the committee the flexibility of not being limited to a particular geographic area.

A check with the prospective hosts affirmed that there are no impediments to extending the invitation to host a conference beyond the 1993 conference, and that they are willing to extend the invitation.

The majority of the committee favored Nashville, Tennessee, as a first choice.

The committee has no recommended changes for the guidelines for the Site Selection Committee.

*Respectfully submitted, Joyce A. Goldsmith, AZ, Chairperson; Kenneth J. deBlanc, LA; Thomas Lowe, TX; Sandra Skinner, MO; and Mary Jane Smart, TX.*

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### **Scholarship Committee**

Two Scholarship Committees operated during this Conference Year. The first was an *ad hoc* committee, chaired by Steve Townsend, NJ, which included members Juleann Hornyak, IL; John Scott, KY; Beth McHaney, MO; Bob Liston, CA; and Kevin Swanson, CA. The *ad hoc* committee was charged with implementing the Conference's Scholarship Program by developing committee operating guidelines and an application form and process. The Executive Committee approved the work of the *ad hoc* committee at its Fall Meeting, and the smaller Scholarship Committee began its work of screening applications for financial assistance to attend the Tucson Annual Meeting.

Scholarship applications were mailed to members in December of 1989 and five applications have been received. To date, the Executive Committee has approved scholarship awards to three Conference members.

*Kevin Swanson, CA, Chair; Beth McHaney, MO; and John Scott, KY.*



# MINUTES OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS SIXTEENTH ANNUAL MEETING THURSDAY, AUGUST 10, 1989, 1:30 p.m. CHARLESTON, S.C.

The Sixteenth annual meeting was called to order by President Glen W. Clark.

It was moved by John Scott that the minutes of the Fifteenth annual meeting (1988) be approved. The motion carried and the minutes were approved.

President Clark called for committee reports which were given as follows:

## FINANCIAL AND INVESTMENT REPORT

Treasurer Richardson reported that the conference had approximately \$80,000. His report included reviewing the exhibits attached to his report previously given to the membership. The exhibits were as follows: Ex. 1 - a comparative statement of revenues, expenditures and changes in fund balances; Ex. 2 - comparative balance sheets for 6-30-89 and 6-30-88; Ex. 3 - budget results for fiscal year 1989; Ex. 4 - Proposed operating budget for the year ending 6-30-89; Ex. 5 - Comparative financial reports for conferences in 1986, 1987 and 1988; Ex. 6 - Proposed budget for the annual conference in Charleston.

Treasurer Richardson also reported on the status of investments as follows: the conference earned \$5,405.99 in interest. Ex. 7 attached to the finance report showed \$20,070.94 in Merrill Lynch Ready Assets earning 9.17%; \$25,000 in a CD which matures in November, 1989, and May, 1990, earned 8.6% and 9.5%. The report shows \$4,930.42 cash in the bank.

It was moved by Robert Wilson that the report be accepted. The motion was carried.

## SITE SELECTION

The President announced that the site selection committee recommended Washington, D.C., as the conference site for 1992 at the Executive Committee meeting in March. The committee approved that recommendation.

## AWARDS AND MEMORIALS

Chair of the Awards and Memorials Committee, David Lampen, reported that the committee had made a recommendation to the Executive Committee for the J. O. Sentell Award and that recommendation had been

approved. The committee also recommended to the Executive Committee the establishment of a Morgan Thomas Award. He explained that the J. O. Sentell Award has traditionally been for participating members of our organization who have given special services and made special efforts to the organization. He further explained that the Morgan Thomas Award will go to persons not eligible for the J. O. Sentell Award; it is a special award and will be given on an irregular basis.

The committee also prepared memorials for Paul Mims who passed on April 15, 1989; for Ervin Tuszynski who passed on April 17, 1989; and for Reginald Shriver who passed on November 2, 1988. The memorials for the above persons were read aloud by David Lampen.

## RESOLUTIONS

Lewis Carter presented Memorial Resolutions for Paul Mims, Ervin Tuszynski and Reginald Shriver.

Lewis Carter also read resolutions recognizing the efforts of the following persons in planning and hosting a successful Sixteenth Annual Meeting:

The first resolution honored Reba Mims and the Court of Appeals Staff and Clyde Davis and the Supreme Court staff.

The second resolution honored West Publishing Company and Charles and Lyn Nelson and John Smith; Mead Data Corporation and John and Jennifer Hilgeman; Bureau of National Affairs and Jane Sanchez; The South Carolina Judicial Department and Gedeney Howe, owner of the Calhoun Mansion.

The third resolution honored J. Gregory Wallace, chairperson of the program committee, its members individually and collectively and all of the speakers who contributed to the success of the Conference.

It was moved by Tommy Lowe to accept the awards and memorials and resolutions as given. The motion was seconded and carried.

## MEMBERSHIP

The President thanked Ron Barrow and his membership committee for 23 new mem-

bers. He pointed out that only three new members replaced former members.

## LONG RANGE PLANNING AND IMPLEMENTATION OF GOALS REPORT

A joint report was made by Committee Chairs Frans Labranche and William Fulton. Frans reported that both committees met jointly in Williamsburg in advance of the Executive Committee meeting in March. The focus was to improve and enhance the professionalism of the organization and individual members. The Committee recommendations were as follows:

Objective 1 - Improve Productivity of NCACC committees.

### Special Committees

- (a) Awards and Memorials - should be comprised of J. O. Sentell recipients.
- (b) Long Range Planning - need continuing continuity (more than two years).
- (c) Convention Assistance - consist of past hosts
- (d) Finance and Investment
- (e) Resolutions
- (f) Past Presidents

Long Range Committees - Need longer continuity than a year or two

- (a) Publications
- (b) Bylaws
- (c) Public Relations

### Short-term Committees

Nominating committee - members could be changed yearly.

### Regular Committees

membership; program; scholarship; site selection and statistics. Stagger the membership (appoint half the membership for a two year term each year).

Objective 2. - Improving the Newsletter

Objective 3 - Interorganizational Relations

Recommend forming a new Interorganizational Liaison committee.

*(continued on next page)*

### Annual Conference Minutes, continued

#### Objective 4 - On Call Consultant Team

Team available to help new clerks and clerks in new areas within the courts.

#### Objective 5 - Improve Quality of Appellate Advocacy

Upon completion of the report, Brian Smith moved to accept the report of the committee and its recommendations and refer to the Executive Committee for implementation. The motion was seconded. After discussion, a vote was taken on the motion by a show of hands. The vote was 33 in favor and 10 against. Motion Carried.

### BYLAWS COMMITTEE REPORT

Committee Chair McGraw reported recommendations had been approved by the Executive Committee.

Article V, Sec. 3 - to delete language no longer needed.

(; provided, however, that the Treasurer shall be elected to a three-year term in the year this amendment takes effect).

It was moved by Joline Williams to accept the change. The motion was seconded and carried.

#### Article VI, Sec. 3

Before the amendment could be made, it was necessary to waive the bylaws. It was moved by John Wilkerson to waive the bylaws. The motion was seconded and carried.

Article VI, Sec. 3 should read as follows:

The presiding officer shall have a vote in all matters coming before the Executive Committee and in all matters are the annual business meeting of the Conference (1) if 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, Sec. 4. Member Wallace suggested a stylistic change of adding (,) after tie.

Robert Wilson moved to adopt the amendment with the stylistic change. The motion was seconded and carried.

### NOMINATIONS

After the nominations report was given by Tommy Lowe, President Clark stated that the committee had recommended David Lampen for Vice-President. By consensus the recommendation was adopted. Robert Wilson moved that the nominations be closed. David

Lampen was elected Vice-President by acclamation.

President Clark indicated that the committee had recommended Keith Richardson as Treasurer. By consensus the recommendation was adopted. Robert Wilson moved that the nominations be closed. Keith Richardson was elected Treasurer by acclamation.

President Clark indicated that the committee had recommended Clyde Davis of South Carolina, Joyce Goldsmith of Arizona and Marilyn Graves of Wisconsin as members of the Executive Committee. By consensus the recommendations were adopted. Robert Wilson moved that the nominations be closed. Clyde Davis, Joyce Goldsmith and Marilyn Graves were elected to two year terms on the Executive Committee by acclamation.

### PAST PRESIDENTS REPORT

Past President Stephen Townsend requested all Past Presidents to send their papers to the National Center for the NCACC archives.

### NEW BUSINESS

President Clark called for new business and announced that Frans Labranche had recommended Vincent Ambrosia as a sustaining member. The President advised that Mr. Ambrosia is the owner of Office Automation Consultants and has actively supported the conference for a number of years. He was on program in Boston in 1982. Because the recommendation was not made earlier, it was moved by John Wilkerson to waive the 30 day notice requirement rule. The motion was seconded and carried.

Frans Labranche moved to accept Vincent Ambrosia as a sustaining member. The motion was seconded and carried.

David Lampen then moved that the 30 day notice requirement be waived to accept Francis Bremson as a sustaining member. The motion was seconded and carried.

David Lampen then moved that Francis Bremson be accepted as a sustaining member. The motion was seconded and carried.

Elaine Goldsmith raised the question of changing the date of the annual meeting to accommodate members who wish to attend other conferences. It was pointed out that the membership had been polled before and the

first week of August was chosen as the best time.

After discussion, the President referred the matter to the Executive Committee for consideration.


David Lampen reported that he had been asked by COSCA to set up an appellate statistics subcommittee. He has been asked to look into the following: (1) ways to help in improving and developing generic terms; (2) look at flow charts of appellate procedures and (3) establish better communication.

David informed the membership that Kevin Swanson of California and John Toliver of Louisiana are members of his committee.

President Clark announced that the joint meeting NCACC had with the National Center Appellate Court Administration Committee and ICM last spring in San Diego was successful. The National Center and ICM would like another meeting and the Executive Committee has approved the same.

Greg Wallace requested all critique sheets be returned to him.

There being no further business, Robert Wilson moved to adjourn the Sixteenth Annual Meeting of the National Conference of Appellate Court Clerks. The meeting was adjourned at 3:15 p.m.

Respectfully submitted,  
Ella Williams, Secretary 

## Ralph's Observation

**It is a mistake  
to allow  
any mechanical  
object to realize  
that you are in  
a hurry.**

## People, Places, and Things



### New Members

The Executive Committee reports **fourteen** new members since our last edition. We welcome, in alphabetical order:

**Ronald A. Albiston**, Deputy Clerk, California Court of Appeal, 2nd Appellate District, Division Six

**Mick Arreola**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Norman Batteate**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Gay E. Bents**, Deputy Clerk, California Court of Appeal, 2nd Appellate District, Division Six

**James Campbell**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Lori Ann Capozzi**, Deputy Clerk, California Court of Appeal, 6th Appellate District

**Clair L. Diepenbrock**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Susan Graham**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Walter G. Harper**, Deputy Clerk, California Court of Appeal, 1st Appellate District

**Dane I. Hernandez**, Deputy Clerk, California Court of Appeal, 4th Appellate District, Division III

**Jeanine Anne Hugunin**, Deputy Clerk, California Court of Appeal, 2nd Appellate District, Division Six

**Julie M. Kochian**, Deputy Clerk, California Court of Appeal, 1st Appellate District


**Joyce A. Nohavec**, Deputy Clerk, California Court of Appeal, 4th Appellate District, Division III

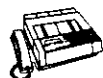
**Mary Louise Urena**, Deputy Clerk, California Court of Appeal, 4th Appellate District, Division III

he related to them, and ran the advertisement without authorization.

In a blistering letter to the company, Greg wrote, "I am seriously troubled that without my consent, my name, office, and Court have been used in your national advertising campaign. I did not, and would not . . . give consent to the use of my name, reputation, office, and Court for commercial advertising purposes."

Calera responded with a letter from its Vice President of Product Marketing, which concludes, "On behalf of Calera, I apologize for the unauthorized use of the quotation. I am aware of the unfortunate situation that its use may have put you and the Court in. Calera is committed to fair and honest business practices and will rectify our processes so that this situation does not occur again."

It is true that Greg is investigating ways to capture the North Carolina Reports into computer format, but the project is barely underway and no meaningful results are yet available. With his tongue planted firmly in cheek, Greg estimated that the ad probably netted Calera a six-figure increase in sales for the month. 



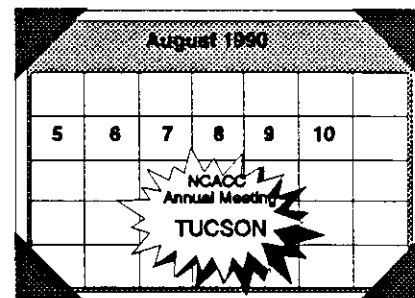
### FAX Numbers

**Peggy McGraw**, Missouri Court of Appeals, Western District, change of number (816) 647-6136



### Miscellany

You may have seen **Greg Wallace's** name and Court cited in an advertisement by Calera Recognition Systems and run in PC Magazine and others in May. Seems that Calera and its advertising agent had interviewed Greg, took some liberties with the facts



## Be a Leader

### Leadership is not anchored in your DNA, but is something you can learn

Reprinted with permission from EXECUTIVE STRATEGIES,  
published by the National Institute of Business Management,  
1328 Broadway, New York, NY 10001

Leadership is not an exclusive club. The traits that are the raw materials of leadership can be acquired. Cultivate them with energy, and there is nothing holding you back from becoming a leader.

- **Goals.** Leaders have a clear vision of positive things they want to accomplish, and the passion and fortitude to carry on through setbacks that would stop other people cold.

- **Communicative skills.** Not all leaders are eloquent public speakers or accomplished writers. But they have found ways to communicate their goals clearly to others - sometimes simply by pursuing their ambitions with visible energy.

- **Self-development.** Leaders work hard to cultivate their native skills and abilities. They face up to their shortcomings and work tirelessly to overcome them.

- **Positive outlook.** Leaders strive to do good for everyone. In this way, they continually widen their base of support.

- **Self-control.** Leaders are not exempt from human emotions, but they master them rather than allowing themselves to be

mastered. *Consider.* Churchill was enraged by Germany's bombing of Great Britain, but he channeled his anger into positive action.

- **Trustworthiness.** Leaders are honest, mature, self-respectful and respectful of others. They honor their promises and commitments, and never misrepresent themselves.


- **Bravery.** All leaders fight long and hard to attain their goals and ambitions. But they also know when it is wasteful to engage in petty struggles or to pursue a victory that no longer promises significant rewards.

- **Accessibility.** Leaders are able to interact with people in an honest, unaffected way.

- **Political awareness.** Leaders are receptive to other people's ideas, but are not easily duped. They forge links with others who share their standards or goals, stay in charge and avoid unnecessary danger.

- **Willingness to empower.** Leaders enable worthy people to accomplish their own goals -- to learn, make progress and increase their influence.

- **Resilience.** Leaders are not afraid to fail in the pursuit of their goals, and they see positive benefits in setbacks.

- **Follow-through.** Leaders don't let goals degenerate into pipe dreams. They seek appropriate arenas to battle for their goals, and never rest until their visions become realities. 

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## ATTENTION: All Tucson-Bound Clerks!

We are collecting all potential ethics "scenarios" you would like to have discussed by our panel of ethicists from Illinois during our Annual Educational Meeting in Tucson.

Please forward any problems, questions, or scenarios AS SOON AS POSSIBLE to:

Deirdre Ahr  
Clerk  
Missouri Court of Appeals  
111 N. 7th Street  
St. Louis, MO 63101  
(FAX) (314) 444-6964

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Hon. Leslie D. Grader  
Clerk, Court of Special Appeals  
361 Rowe Boulevard  
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ADDRESS CORRECTION REQUESTED

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The Docket