

News of the National Conference of Appellate Court Clarks

Volume 20

APRIL 1992

No. 4

RESERVATIONS

Make yours as soon as you receive the registration forms directly from the Hyatt Regency on Capitol Hill. They must be returned by $\underline{July\ 3}$.

Elsewhere in this newsletter you will read of the resignation of Dick Hoffman from the District of Columbia Court of Appeals and, thereby, from full NCACC membership. But fear not -- the standard bearing the insignia of host clerk has been picked up by Bill Fulton of the U. S. Army Court of Military Review. Bill will be ably assisted by Tom Granahan of the U. S. Court of Military Appeals, Leslie Gradet of the Court of Special Appeals of Maryland and Alex Cummings of the Court of Appeals of Maryland.

Joyce Goldsmith of Division Two of the Arizona Court of Appeals has been working closely with the Hyatt people. Joyce reports that the room rate, including taxes, will be approximately \$110 per night. The Hyatt will extend this special conference rate to the three days preceding the Conference and the three days following. The registration fee, payable to the Conference, probably will be \$110 also, with the rate for spouse and/or guest, \$55.

Contact your Senators and Representatives about receiving passes for White House tours, House and Senate Chambers tours and visits to the F. B. I. Do it NOW before they go back to their constituencies for the summer. Remember, NCACC dates are August 2 - 7, and passes are limite

Because of the wealth of things to see and do, no formal daytime activities have been planned (other than our usual 1/2 day-intothe-evening outing); but the evenings are another story! Star-spangled aptly describes what has been planned: a reception at the Supreme Court of the United States; a reception hosted by the National Conference of Bar Examiners, a Maryland crab feast, and other get togethers which will be detailed in the registration material you will be receiving in the very near future.

That material will also contain directions for reaching the hotel from the airport and a recommendation that you contact your Senators and Representatives for passes for the tours mentioned earlier. The number each legislator gets for any given day are limited.

A NOTE FROM THE PRESIDENT

It is always said for us to see friends leave the National Conference of Appellate Court Clerks whether it be for retirement plans or new career plans.

Last month we said goodbye to RICHARD HOFFMAN, Clerk, District of Columbia Court of Appeals, who has taken a new job in the judicial system; this month we say goodbye to JOHN M. GREACEN, Clerk of the U. S. Court of Appeals for the Fourth Circuit in Richmond, Virginia, who has taken a new job in the judicial system; and at the end of June we say goodbye to LUELLA DUNN, Clerk of the Supreme Court of North Dakota, president of NCACC in 1982-83, as she retires after many years of devoted service. We wish all of these distinguished former members well as they pursue new interests.

But, as I asked in an earlier newsletter, who will now step forward and replace the talents of these people during our 20th year and those to follow? Will you only watch and see who steps forward and gets more involved, or will YOU step forward and let others watch as YOU get more involved? Don't wait for others to make you a better clerk; be the catalyst for that yourself.

As its charge for the year, the Past Presidents' Committee has started the ball rolling by suggesting over 40 different slogans for our Conference. From that number, the Executive Committee selected four as being most worthy of your consideration.

PLEASE TURN TO PAGE 9

The Docket

News of the National Conference of Appellate Court Clerks

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Ismed. Past President
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Please submit items of personal or professional news to a regional reporter. Articles, latters and other submissionary be sent to the editorial office.

1412 Court House, Boston, Massachusetts 02108 Phome (617) 725-8055

DEADLINE FOR NEXT EDITION IS
JUNE 15

MOTTO, MOTTO, WHO'S GOT THE MOTTO?

The Past Presidents' Committee this year has been charged with finding a motto for our organization which will express our purpose and goals. The many suggestions, running the gamut from Latin phrases and exhortations to acronyms, have been whittled down to four by the Executive Committee. Don't be shy! Comment on these proposed mottos -- for or against:

PRIDE - PROFESSIONALISM - SERVICE

DEDICATED TO SERVICE

SERVICE, EDUCATION, EXCELLENCE

COMMITTED TO SERVICE

If you think the committees are still wide of the mark, send in one (or more) of your own. Send your comments and/or suggestions to: Peggy Stevens-McGraw, Clerk, Court of Appeals, Western District 1300 Oak Street, Kansas City, Missouri 64106.

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MEA CULPA, MEA CULPA, MEA CULPA

My apologies go to Ella Williams, newly appointed CHIEF CLERK of the Michigan Court of Appeals. In the last issue of this newsletter, her title appeared as "deputy" clerk. If this were a color publication, a picture of the red-faced editor would appear in this space.

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NEW APPOINTMENTS

Pennsylvania has a new Supreme Court clerk for the Western and Middle Districts. Carol Staab Stephaney has been appointed to the position which has been vacant for some time.

In New Hampshire Howard J. Zibel has been appointed to fill the vacancy left by the retirement of Ralph Wood. Howard had served the New Hampshire Supreme Court as deputy clerk.

These new clerks have been sent membership applications and informational material about NCACC and we hope that they will soon become our newest members.

IN MEMORIAM

We were saddened to learn of the death of ten year old Nick Wallace whose Dad, Greg is our good friend and a former NCACC member. Our deepest sympathy goes to Greg and Dora.

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COURT TECHNOLOGY SEMINAR

The recent court technology seminar in Dallas was relatively well attended by NCACC members thanks to the savvy scheduling of the spring Executive Committee meeting at the same time and place.

As with the past two technology seminars, there was such a vast array of sessions from which to choose, it was difficult not to feel frustrated at not being able to be in two (or more) places at once.

Of special interest were the courses which focused on the need for an ongoing, strategic, long range planning process which would outline steps to be taken now to prepare courts for the future. There was emphasis on the need to involve representatives of all those who would be affected including the public.

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FALL EXECUTIVE COMMITTEE MEETING

From our 1993 host and present chairman of the Public Relations Committee, comes the following report of the fall meeting of the Executive Committee.

"The officers and members of the Executive Committee held the first meeing on November 1st and 2nd, 1991, in Nashville, Tennessee, at the Sheraton Music City Hotel, which is the site of the 1993 Conference. The meeting was hosted by A. B. Neil, Jr., Clerk of the Supreme Court of Tennessee.

"For those who arrived early, golf was enjoyed by Ron Barrow, Jerrill Carter, Nancy Foley's husband, Philip, along with A. B.'s son, John, at the Springhouse Golf Course, which is a part of the Opryland Hotel Complex.

"That evening, after a reception at the Sheraton, the group attended the Nashville Now Show of TNN hosted by Ralph Emery. This is a live nationally televised program, and perhaps some of you may have seen it.

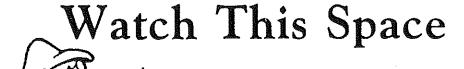
"The business meeting consumed all of Saturday. One item of business which the membership should be interested in is the names and addresses of the the location of the retired clerks who are members of the Conference. This should be most helpful to the Membership Committee as we certainly want to maintain their continued interest in the organization."

This is our first foray into the components of the "O.S.C.A.R." list of organizational qualities. Remember them from last time? Orientation, Systematization, Communication, Amplification, and Rewards. They are qualities that we need to nurture for a healthy and productive organization, but time to spend on them is easily lost in the daily battle against the urgent matters that we encounter at work.

Orientation is probably the most difficult of the five areas to discuss without getting preachy. It's also the most difficult to work through. That's so, if for no other reason, simply because it requires that we ponder the most basic questions of life. If we work on our individual orientation, we face questions like: Who am I? Why am I here? What do I contribute to my family, friends, the community? What do I want to do when I grow up? Why?

An organization's Orientation is made up of its bottom-line values. Don't mix up "bottom-line" here with profitability, particularly in a government setting. (We'll get to my favorite pair, efficiency and effectiveness, in later installments.) We do need to recognize, though, that Orientation relates directly to the effectiveness of the organization.

Have you heard the one about the lumberjacks working in the forest? The equipment was positioned properly, the supplies were all readily available, the mid-level supervisors had organized their workers into efficient tree-cutting and harvesting teams, and they were making wonderful progress. In fact, they were running ahead of schedule. During a break, the project supervisor decided to check the map. Found a slight problem: wrong forest! That's orientation.



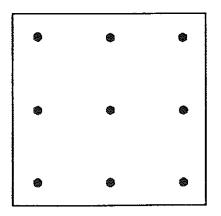




Last time, I proposed that orientation means "institutional values, what we believe in, what we are all about." It deals with purpose: which way we are going and why. If you are a disciple of Deming and his Total Quality Leadership (TQL) philosophy, our concept of Orientation would fall into the first of his principles: "Create constancy of purpose for improvement of product and service."

The TQLers' first task is to gather a steering group out of the organization, and brainstorm to determine what the business or organization should articulate as its mission statement and its vision of what the organization would be at its best.

And the first step in defining mission and vision? We have to understand where we're coming from -- our organizational values -- our orientation. What our mission is, as a person or as an organization, is firmly



oriented in the basic moral or behavioral values set out by our (parents, teachers,) founders or early leaders.

Courts have additional sources of organizational values (constitution) and mission (statutes). As a practical matter, a court's orientation may change over the years with the election or appointment of judges with differing philosophies, or even by having the process of election or appointment become more or less political. And, last but not least, courts have a role in changing organizational values by fiat when they reinterpret constitutional provisions that define rights and responsibilities of individuals or of government.

You know all of this, don't you?! I knew that you did! And now, you want to know where we are going with it. Humor me just a little longer.

Try this: take a pencil and put it on one of the nine dots in the pattern at the bottom of this page. Then connect the dots using only 4 straight lines, and do it without raising your pencil from the paper. Go ahead, give it a try before you read on!

Most of the people who try this puzzle can't solve it. They are frustrated because they allow their thoughts to be boxed in. We are taught so many limits and restrictions that we

tend to confine our imaginations instead of turning them loose.

Our orientation drives how we see ourselves and our organization. It shapes the way we do things as well as what we want to do and be. As you think about orientation, don't let your thoughts be "boxed in." We're not dealing with stare decisis here, and we're not bound by the way it has always been done or thought.

To be most effective, the process of defining your organizational orientation should be done by a cross-section of members, from top to bottom of the org chart and across divisional lines. If your entire organization is not involved, you can benefit from using this exercise in a work group or division, such as the Clerk's Office. It will be helpful to you, but the relationships between work groups are so intertwined that your efforts may not bear much fruit when confronted with the demands of those in the organization who have not been involved in developing your orientation, and are not aware of the systematizing necessary to support your properly oriented mission.

Brainstorm time! Think on these things, among any others your imagination can raise:

Why does our organization exist? What is its mission? Why? How many other missions does it have? Do they compliment each other?

What does our organization contribute? What need do we fulfill? What is our business? What value do we add to our "customers"?

Is our purpose to interpret the law, as presented by specific cases, in a manner that will validate the judicial process in each particular case and bring consistency and contemporary reality to the law in general?

To balance other branches of government? To provide a place for today's gladiators to use as an arena for combat?

To help people have lives? as employees? as "customers," whether attorneys or litigants?

And what is the Clerk's mission within the court?

OK. Now what should your orientation, mission, or purpose include that is not already in your list?

Can you reduce these thoughts to a mission statement for your organization? As Buck Rodgers, former vice president of IBM says, "The first thing you must do to become a great organization is spell out in writing your beliefs and purpose. Write a credo that will be a behavioral guide to every person in your company, from entry level positions to CEO."

W. Edwards Deming would ask, "How can you be constant to your purpose if you don't articulate what your purpose is"?

Your orientation, or values, might include integrity, quality, accountability, and consistency. It can be a list or a narrative, its shape is not important — its content is!

Be careful to distinguish between orientation/mission and objectives/goals. Objectives and goals are established to measure progress. Goals are often of longer range than objectives, and you may find "action plans" or tasks in that same family.

Your orientation or mission, on the other hand, is not time-related. It is ongoing, enduring, and lays out an ultimate vision that will stand for very long periods of time.

Why is this statement of mission important? A clear sense of mission can have a great influence on the attitudes that people display on the job. It has a critical relationship to the meaning of our work, as individuals and as groups, and how valuable we feel our contributions are to the organization.

When our mission is unfocused or obscured, our sense of teamwork is lost. Work groups or units pursue their own interests and compete for resources. Management is more likely to misallocate people, money, and assets.

Proper development of our mission is the foundation for all further analysis. Effectiveness of an organization is always measured against goals, and goals are designed to fulfill the mission. After all, how can we improve our operations or service if we aren't sure what to measure against?

(By the way, in case you didn't get it, this is the answer to the connect-the-nine-dots problem. It's okay to go outside the box.)



Next time, we will explore Systematization. Deming suggests that workers work within a system that is beyond their control. It is the system, not their individual skills, that determines how they perform. How well do we design the operational and logical integrity of our systems to accomplish our organizational mission?

Greg can be reached at 5809 Dutch Creek Dr. Raleigh, NC 27606-8603 (919) 362-4172

SCHOLARSHIP UPDATE

The Scholarship Committe at the spring meeting in Dall available. At the end of the and guidelines are reprinted

SCHOLARSHIP NO LONGER AVAILABLE

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WASHINGTON PROGRAM UPDATE

Nancy Turck Foley and her committee have been hard at work putting together a program that will be interesting and informative. Exclusive of breakfast, lunch and the time set aside for announcements, there are 17-1/2 hours of educational programming.

There will be a management skills presentation which will explore the methods and benefits of delegation of responsibilities; several workshops covering court house security, managing career and family, pro se litigants, ethics, bar admissions, a selfesteem program and other topics, with some being repeated so that you will have an opportunity to attend more than one; a formal presentation on ethics and the contemporary challenges we face; stress management in the workplace; press relations; the impact of the Americans with Disabilities Act; humor in the workplace; grant writing and other topics still in the discussion stage with possible presenters.

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CHANGE OF TREASURER FOR NCACC

Richard B. Hoffman, until recently the Treasurer of NCACC and Clerk of the District Columbia Court of Appeals, has accepted a new federal position and thus left vacant both of the positions aforementioned. Of most concern to us, of course, the the one of Treasurer of NCACC.

During the spring Executive Committee in Dallas, the Nominations Committee was pleased to report that R. Keith Richardson of Iowa, our immediate past treasurer, was willing to step back into that position and see us through until August 6, 1992, the date of the annual business meeting and election of officers.

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MORE NEWS FROM DALLAS

The site of the 1995 annual meeting of NCACC was chosen in Dallas after recommendation of the Site Selection Committee. No it is not going to be the Big D or the Big Easy, but lovely, old world (southwest style) San Antonio, Texas.

FIGURES AND FINANCES

At its Dallas meeting the Executive Committee voted that all funds over a base of \$20,000 in our Merrill, Lynch account be removed from it and reinvested in two separate amounts in CD's with a maturity period of between six and nine months.

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AWARDS AND ACCOLADES

The day-long Executive Committee in Dallas produced another news item: the 1992 choice by the Committee to receive the Morgan Thomas Award. Although no recommendation was made by the Awards Committee for a recipient this year, the Executive Committee voted to present the award to Winslow Christian, the first director of the National Center for State Courts. In that capacity, Winslow Christian, in 1972 invited several state supreme court clerks to come to Washington, D. C. to explore the possibility of forming an organization similar to the Appellate Judges Conference of the ABA. A year later, also in Washington, D. C., twenty-eight clerks and deputies from around the country met and organized the National Conference of Appellate Court Clerks. Winslow Christian's interest and support were the cornerstone and foundation for NCACC as we now know it.

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PATCHWORK, POTPOURRI OR CAJUN GUMBO

Take your pick. That's what this year's editions of this newsletter have resembled. As the Editor, I am the best person to judge and to make that statement. If at times, it has seemed that THE DOCKET has been a bit top heavy in information from Massachusetts that's because there has been very little coming in from the rest of the country, though my thanks go out to those of you who have sent items for me to use. I regret that Desktop Publishing is not part of the facilities available to me, nor for that matter is word processing, though it is coming over the horizon should I decide to volunteer to do this another year.

This is a volunteer job, to be done whenever you can fit it in between professional, family and personal commitments and obligations. It is an important job because it's the one way we have of keeping in touch and disseminating news and information that would otherwise have to wait (or be overlooked) until the annual meeting in August each year.

I urge you, if you have Desktop Publishing or some other means of giving the newsletter a professional appearance to give serious consideration to saying "yes" if you are asked to assume this position or to volunteer as I did. To those who, like me, do not have such technology available, contribute in some other way, especially with material for publication.

A Note from the President (continued)

However, I challenge each one of you not only to consider those four (they can be found elsewhere in this newsletter), but to submit other original suggestions for review. Although I personally like "SERVE, EDUCATE, EXCEL" which is a variation of one of the four noted, I'll bet in the final analysis I'll like one of your suggestions better. So how about stepping forward with your OWN ideas, expressions, and thoughts? In other words, CONTRIBUTE to the project.

It is what each of us CONTRIBUTES that will make our meeting in the nation's capitol this August the best ever. An excellent educational program awaits you; a find series of social activities including one at the Supreme Court of the United States is planned. It's a great place to visit and now is a fine time for you to contribute to NCACC.

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April 20, 1992

Dear Appellate Clerks:

One month ago I joined the Long Range Planning Office of the Administrative Office of United States Courts. Although many of us have been engaged in planning for our offices and courts for a long time, this is new in the federal courts. The office is new, it is working for a new committee of the Judicial Conference of the United States, and, all in all, it's a very exciting time to be working in this area.

What I regret is that it couldn't have come at a worse time for my involvement in the NCACC. I understand that Keith Richardson has agreed to take up the treasurer's job; you all know that there is no one better and I thank him for his willingness to reshoulder a burden from which he reasonably thought he had been honorably discharged.

Bill Fulton has been most generous in picking up the chore of hosting this summer's annual meeting. Many arrangements had been initiated, but you all are aware of how much is involved in bringing an annual meeting off successfully. I have promised Bill to help him out and I hope to persuade other resident members of what might be called the local "over-the-hill" gang of appellate clerks "at large" to help out, too, in making this August's gathering an extra special one.

I look forward to seeing you all then and in the future.

Cordially.

Richard B. Hoffman



National Conference of Appellate Court Clerks

Secretariat National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185 (804) 253-2000

SCHOLARSHIP ASSISTANCE

GUIDELINES

- A. Pursuant to Article VII, Section 5, of the Bylaws, the Scholarship Committee shall consist of three members appointed by the Executive Committee. In addition, the members shall serve for a term of one year. They may be reappointed. The President shall designate the Chairman.
- B. Scholarships shall be awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend due to limitations in Court funding.
- C. The Committee shall recommend to the Executive Committee the award up to \$3,750 in scholarships annually. No individual scholarship may exceed \$750. Of the total amount awarded to each recipient, no more than \$500 may be allocated to travel expenses and no more than \$375 may be allocated for hotel accommodations (a maximum of \$75/night for no more than five nights). Each award shall specify the amounts allocated by type.
- D. Scholarship funds shall not be applied to pay the registration fee for the annual meeting or to defray the cost of membership in the NCACC.
- E. The membership shall receive annual notice of the availability of scholarship funds. Interested members shall obtain application materials from the National Center for State Courts (NCSC) as Secretariat of the NCACC. Applications shall be filed with the NCSC no later than February 22nd of each year. The NCSC shall forward copies of all applications to the Scholarship Committee for its consideration.
- F. Applicants shall be responsible for presenting the Scholarship Committee with reasonable estimates of the cost of travel. Reimbursement for air or rail transportation shall be based on "coach" or reduced fares. Travel by automobile shall be reimbursed for the direct distance between the applicant's home and the meeting site (round trip) at the per mile rate set by the federal government for business travel by government employees (currently \$.24 per mile).
- G. The Scholarship Committee shall review all applications in the light of the criteria set forth in these Guidelines. Supplemental information may be required from applicants should the Committee deem it appropriate. The Scholarship Committee shall report its conclusions and recommendations in respect of all applications to the Executive Committee through the President by March 1st. Recommendations that are not unanimous shall be identified as such.

At its spring meeting, the Executive Committee shall designate, in its discretion and consistent with these Guidelines, those who are to be offered scholarships and the amounts to be received, allocated by type of assistance. The Executive Committee shall not be required to expend all budgeted funds or to award the maximum number of scholarships.

- H. The Secretary shall, within two weeks of the meeting of the Executive Committee, notify each applicant in writing in respect of the action taken by the Committee. Copies of the correspondence shall be forwarded to the President and the Treasurer.
- I. Successful applicants shall be informed of the amount of their award and of the allocation of the funds by type. Further, the notice shall provide that the Treasurer will direct the applicant's reimbursement to the extent of the award after the conclusion of the annual meeting on receipt of satisfactory evidence of the payment of the covered expenses and the applicant's attendance at the educational portion of the annual meeting.
- J. No applicant shall receive more than two scholarships in any four-year period.
- K. Members of the Executive Committee and the Scholarship Committee shall not be eligible for a scholarship award.

L. SCHOLARSHIP ASSISTANCE - SELECTION CRITERIA

The actions of the Scholarship Committee and the Executive Committee, in respect of scholarships, full or partial, shall be based on an evaluation of the following criteria:

- 1. Membership in the NCACC in good standing. (Failure to meet this requirement shall result in the automatic rejection of the application.)
- 2. The amount of Court funding available for the applicant's attendance at the annual meeting. (Applicants who have no funding available shall have a preference over those who are eligible for partial or full funding.)
- 3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC. (This includes programs such as ICM seminars and meetings of other professional organizations. Applicants who have had no opportunity to participate in educational programs at court expense shall have a preference over those who have.)
- 4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding. (Applicants whose office receives no funding will have a preference over those who have one or more fellow workers attending the NCACC meeting at their Court's expense.)

- 5. The nature of the applicant's position. (To the extent practicable, scholarships shall be awarded to a mix of clerks, deputy clerks, and other eligible members of the NCACC.)
- 6. The location of the applicant's court. (To the extent possible, scholarships shall be awarded to individuals in a manner that reflects the geographical diversity of the organization.)
- 7. Whether the applicant has previously received a scholarship award. (Applicants who have never received assistance shall have a preference over those who have.)
- 8. Whether an employee of the applicant's court has previously received a scholarship award. (Applicants from courts who have never received a scholarship shall have a preference over those who have.)

ADOPTED: December 2, 1989

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

APPLICATION FOR ANNUAL MEETING SCHOLARSHIP ASSISTANCE

| (Note to Applicants: Instructions and selection | Please complete the entir criteria are on the rever | | |
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| Approved: 12/2/89 | | | |

National Center for State Courts 300 Newport Avenue Williamsburg, VA 23187-8798



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