

# The Docket



News of the National Conference of Appellate Court Clerks

Volume 20

JUNE, 1992

No. 5

## CALL FOR THE ANNUAL MEETING

President Kevin Swanson, through Secretary Williams, and pursuant to the provisions of Article Five, Section Five, of the By-laws, hereby issues his call for the annual meeting of the National Conference of Appellate Court Clerks to be held at the Hyatt Regency on Capitol Hill, Washington, D. C., beginning Sunday, August 2, 1992, and continuing through Friday, August 7, 1992.

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 Williams  
Secretary

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## PRESIDENT'S MESSAGE

The heart and soul of the work of our Conference is found in its annual meeting. It is no coincidence that the annual meeting of our 20th year as a professional organization is in Washington, D.C., for it was here that the idea of our Conference was first spawned by the first Executive Director of the National Center for State Courts, Honorable Winslow Christian.

Many people have worked very, very hard to make this year's meeting a special success: Dick Hoffman started but was unable to continue as host clerk, but Bill Fulton has impressed everyone with his untiring efforts as successor to Dick; Leslie Gradet and Alex Cummings in Maryland; Joyce Goldsmith in Arizona; Keith Richardson in Iowa; Nancy Foley in Boston; Bill Suter at the U. S. Supreme Court and so many, many more have coordinated the flow of messages and discussions about the challenges that have surfaced concerning the planning of this annual meeting.

All YOU have to do is attend. After a great educational program and tours and receptions you may be listening to a former member of the country's highest court at Thursday's banquet. Because the meeting is special and planned for YOU, it will be worth a special effort from you to be there.

RECEIVED  
CLERK OF APPELLATE COURTS OF MD  
92 JUN 26 AM 9:56  
L.D. GRADET, CLERK

## Notes from the editor

Thursday, June 25, the Dakota Ballroom of the Radisson Inn will be the scene of Lu Dunn's retirement dinner. Best wishes from all of us, Lu. North Dakota will find it hard to fill your shoes.

Other shoes hard to fill will be Joline Williams of Georgia, who leaves the Georgia Supreme Court this summer. We expect to see you in Washington just the same. Joline.

And Rose M. Alderete is retiring as Clerk of the New Mexico Supreme Court, but staying on as a bar examiner.

Our deep sympathy goes to Jill Engel whose mother passed away on May 20, 1992.

Mildred Williamson called from Pennsylvania to say that the last issue mistakenly announced the appointment of Carol Stephany as Clerk of the Supreme Court. Everyone knows that Pennsylvania has a Prothonotary -- and the Editor should have known that it is Charles W. Johns, Esquire who was appointed in 1991 as the Prothonotary of the Pennsylvania Supreme Court.

Joyce Goldsmith reminds us that dress in the District of Columbia tends to be formal: Coats and ties, gentlemen and casual evening wear, ladies especially for our evening at the U. S. Supreme Court.

## The Docket

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

President	Kevin Swanson (CA)
President-Elect	Joyce Goldsmith (AZ)
Vice President	Ron D. Barrow (CA)
Immed. Past President	Peggy McGraw (MD)
Secretary	Ella Williams (MI)
Treasurer	Richard B. Hoffman (DC)
Assistant Treasurer (one year term)	R. Keith Richardson (LA)
Executive Committee	Deirdre O. Ahr (MO) Nancy Turck Foley (MA) Cornelia G. Clark (WI) A. B. Neil (TN) Jerrill D. Carter (WY) Thomas Love (TX)
Editor	Jean M. Kennett (MA)
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South	Frans LaBranche (504) 568-5707 (TN, NC, SC, GA, FL, AL, MS, LA)
Midwest	Penny Miller (701) 224-2221 (IL, MI, WI, MN, IA, ND, SD, NB)
Southwest	Troy Bennett (512) 463-1551 (MO, AR, KS, OK, TX, CO, NM)
Farwest	Glen Clark (602) 542-4821 (AZ, UT, NV, CA)
Northwest	Yvonne Anderson (907) 264-0608 (AK, HI, WA, OR, ID, MT, WY)

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

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

NOMINATIONS

At the Executive Committee in Dallas in March, 1992, the Nominating Committee's report was submitted and the following are the nominations for the various offices with brief biographical sketches for your consideration.

VICE-PRESIDENT - One Year Term (automatically succeeding to President-Ele.

ELLA WILLIAMS - Chief Clerk of the Michigan Court of Appeals. Ella is a graduate of Florida A & M University with a Bachelor of Science degree in Business Education. She holds several certificates for completion of courses sponsored by the Michigan Judicial Institute and by the Institute of Court Management. Ella has served as a faculty member for the Michigan Trial Lawyers Association, Michigan Judicial Institute and the Legal Administrators of Michigan. Her professional memberships include the National Center for State Courts, the American Judicature Society and our own Conference which she has served as Secretary for several years. Ella's civic affiliations are the National Association for the Advancement of Colored People, Florida A & M University Alumni Association and Elliottorian Business Women's Association.

SECRETARY - Two Year Term

NANCY TURCK FOLEY - Clerk of the Appeals Court of Massachusetts. A member of the Massachusetts Appeals Court since its inception in 1972, Nancy began as the Court's budget and personnel officer, working her way to the position of Clerk while completing college and law school at night. A member of the Bar of Massachusetts since 1978, she is very active in bar educational programs. Nancy has also been active in NCACC, having twice chaired the Membership Committee, and is presently serving on the Executive Committee and chairing the 1992 Educational Program Committee. She is married to Philip J. Foley, a partner in the Boston law firm of Cornell & Gollub. An avid horsewoman, she also enjoys tennis, running and hearing about Philip's golf.

EXECUTIVE COMMITTEE - Two Year Term

CORNELIA G. CLARK - Chief Deputy Clerk of the Wisconsin Supreme Court and Court of Appeals. Cornelia has been filling the unexpired term of Bob Wilson for the last few months and is now eligible for her own term. Cornelia has been in the Wisconsin court system since 1976. She served as the Judicial Assistant in the Director of State Court's office prior to being appointed Deputy Clerk of the Supreme Court and Court of Appeal in August, 1980 and Chief Deputy Clerk in 1991.

**BECAUSE OF LATE DEVELOPMENTS, A  
SCHOLARSHIP FOR THE 1992 ANNUAL  
MEETING IS AVAILABLE. PLEASE CALL  
GLORIA ENGEL IMMEDIATELY AT (605)  
773-3511 TO RECEIVE AN APPLICATION.**

## NOMINATIONS (Continued)

EXECUTIVE COMMITTEE - Two Year Term

PATRICIA G. DAVIS - Clerk of the Court of Appeals of Virginia. Pat was appointed Clerk of her court July 1, 1989. Prior to becoming clerk, she served as chief deputy clerk for the Court of Appeals and Supreme Court of Virginia, which then had a combined clerk's office. She also served as law clerk to Virginia Supreme Court Justice John Charles Thomas, and as a staff attorney to that Court. Pat received a B. A. in English from Randolph-Macon College and a J. D. from Washington & Lee University. She is a member of Omicron Delta Kappa. Pat is married and has two sons; Chris, 4, and Ben, three months.

EXECUTIVE COMMITTEE - Two Year Term

WILLIAM S. FULTON, JR. - Clerk of the U. S. Army Court of Military Review. Bill has been a member of NCACC since 1983. He is a former commandant of the Army Judge Advocate General's School, a former judge of the Army Court of Military Review, a retired colonel, and is serving the Judge Advocate General's Corps as Honorary Colonel of the JAGC Regiment. He is admitted to practice in the courts currently served by NCACC members William K. Suter, Thomas F. Granahan, Keith Richardson, Rose Marie Alderete, Francis X. Gindhart, and former member David A. Lampen, Sr., none of whom have agreed to vote for him.

TREASURER

R. KEITH RICHARDSON - Clerk of the Iowa Supreme Court since 1974. Keith joined the Conference in 1975 and has attended all but one of the annual meetings. He was elected treasurer of the Conference in 1986 and reelected to a second term in 1989. Keith is a member of the Iowa Society of Certified Public Accountants and the American Institute of Certified Public Accountants.

N.B. When Dick Hoffman resigned from his Court position, he also left NCACC's Treasurer's spot vacant. Keith, who had been serving as a co-treasurer, graciously agreed to serve as Treasurer through the business meeting on August 6, 1992. He has also agreed to be the candidate for Treasurer for the remainder of Dick's term, August, 1993.

\* \* \* \* \*

Another important part of our business meeting each year is the consideration of By-laws changes. This year is no exception. In your registration packet at Washington you will receive a copy of the By-laws that show proposed changes. However, you should give thought to those changes now. On the next page you will find the By-laws Committee's proposed changes excerpted for your consideration.

The membership will consider also the adoption of both a table of contents and an index to the By-laws as well as other cosmetic features along with the following substantive By-laws changes:

Article III, section 1(b): Add the language: "The spouse of a deceased active member may continue membership of the Conference as an associate member."

Article III, section 3: Add the underlined language to the first sentence: "Regular members who have dropped membership in the Conference for at least one year, shall be eligible to serve in an elected office only when they have again been in good standing with the Conference for the two years immediately preceding the election or appointment."

Article VI, Section 1: Strike the language of the second sentence: "In the absence of the President, the President-Elect shall preside. . ."

Article VI, section 9: Add this new section:

"Absence of Officers.

(a). Absence of President. In the absence of the President the President-Elect shall preside.

(b). Absence of President and President-Elect. In the absence of the President and President-Elect the Vice-President shall preside.

(c). Absence of the President, President-Elect and Vice-President. In the absence of the President, President-Elect and Vice President the most immediate past president in attendance shall preside."

Article VII, section 3 (f): Strike the following language: "In the event that the President, President-Elect and Vice-President are all three absent from the conference, the most immediate past president in attendance will chair the Conference until new officers have been elected."

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In-coming President Joyce Goldsmith reminds us all to become more active in the Conference by serving on the committee(s) of our choice. Committee sign-up sheets will be passed around daily at the annual meeting so volunteer!!

EDUCATIONAL PROGRAM AUGUST 1992<sup>1</sup>MONDAY, AUGUST 3RD

8:30 AM Welcome, Business & Social Announcements

8:45 - 12:00 PM EMPOWERMENT: A management skills presentation addressing the methods and benefits of delegation of responsibilities (3 hours with one 15 minute break)

Speaker: Professor Dieter Schaupp  
School of Management  
West Virginia University

12:00 - 1:00 PM Lunch

WORKSHOPSChoice of One Each Hour

1:00 2:00 PM

Court House Security

Presented by the U.S. Marshal's Office stressing new, creative and inexpensive methods for courthouse security

Positive Self-Programming

Presented by:  
Ann Ladd, Ph.D.

A self-esteem workshop

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<sup>1</sup>Exclusive of breakfast, lunch and announcements, program has 17½ hours of educational programming

2:00 - 3:00 PM

Court House Security

Managing Career & Family in the 90's

Repeated

Presented by:

Ann Ladd, Ph.D.

Balancing two jobs, a career and family.

3:00 - 4:00 PM

Pro Se Litigants

Minding Courts Into The 21st Century

Bar Admissions

Presented by:

Michael Yerly and Joseph Lane

Scope: to be announced

Presented by:

Judge John Shepherd

Presentation and discussion format

Presented by:

National Conference of Bar Examiners

Scope: for Clerks who are responsible for Bar Admissions

4:00 PM

Adjournment

TUESDAY, AUGUST 4TH

8:40 AM

Announcements

8:45 - 11:00 AM

ETHICS: Contemporary Challenges in Legal Ethics

Speaker: Rev. Robert Drinan, SJ, Professor, Georgetown University Law Center

(2 hours with one 15 minute break)

11:00 - 12:00 PM

**BUSINESS TRENDS: How They Impact the Courts (1 hour)**

Speaker: Prof. Jill Kasle, George Washington University Law School

12:00 - 1:00 PM

Lunch

1:00 - 3:45 PM

**STRESS MANAGEMENT IN THE WORKPLACE**

Identifying stress areas and planning personal stress management strategies.

Speaker: Ann Ladd, Ph.D., Workplace Health Systems,  
Washington, D.C.

(2½ hours with one 15 minute break)

3:45 PM

Adjournment

**WEDNESDAY, AUGUST 5TH**

8:40 AM

Announcements

8:45 - 10:30 AM

**IMPACT OF THE DISABILITY ACT**

Purpose, Applicability & Implementation

Speakers: Bobby Silverstein, Select Education Subcommittee  
Philip Breen, Legal Advisor to the Office on the Americans  
with Disabilities Act, Department of Justice

(2 hours with one 15 minute break)

10:35 - 10:45 AM

Break

10:45 - 12:00 PM

PRESS RELATIONS

Panel format: Toni House, Public Information Officer for the Supreme Court, Moderator

Potential Panelists: Tony Mauro, USA Today  
Linda Greenhouse, New York Times  
Carl Stern, NBC News  
Ruth Marcus, Washington Post  
Dick Carelli, Senior Writer, Associated Press

(1¼ hours)

12:00 PM

Adjournment

THURSDAY, AUGUST 6TH

8:55 AM

Announcements

9:00 - 11:15 AM

HUMOR IN THE WORKPLACE

The proper introduction of humor into the office environment

Speaker: Margie Wood, Unlimited Options,  
The Humor Project, Inc.  
New York

(2½ hours with one 15 minute break)

11:15 - 12:00 PM

GRANT WRITING

Speaker: Dick Van Diuzend  
SJI, Washington, D.C.

12:00 - 1:00 PM

Lunch

1:00 - 3:00 PM                    BUSINESS MEETING

3:00 PM                            Adjournment

FRIDAY, AUGUST 7TH

8:00 - 10:00 AM                  Critique and Breakfast

10:00 AM                          Sine Die

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Joseph Lane and Michael Yerly of the Sixth District Court of Appeals in San Jose, California, are asking for contributions from NCACC members for their presentation and workshop on Monday, August 3. If you have a "How-To Manual" for pro se litigants, they would appreciate receiving a copy BEFORE they leave for Washington. If you have any prepared material for pro se litigants to send them or just drop them a line and let them know how you handle such matters, they will be happy to receive whatever you have. Send it to them at the Sixth District Court of Appeals, 333 West Santa Clara, Suite 1060, San Jose, California 95113.

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The critique session on Friday is important. Even more important if you can't attend that is completing the evaluation forms that are distributed each year. Not only do they help the next year's program committee, they are vital to our continued support from the Appellate Judges' Conference of the American Bar Association. Be sure to complete yours before you leave Washington if at all possible.

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The minutes of last year's business meeting follow. It might be helpful to have them with you at this year's annual business meeting on Thursday, August sixth.

MINUTES OF  
NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
EIGHTEENTH ANNUAL MEETING  
THURSDAY, AUGUST 8, 1991  
ST. LOUIS, MO

The Eighteenth Annual Meeting was called to order by President McGraw at 1:30 p.m. The President then acknowledged correspondence from Marlene Lachman, Barbara Holman, Clyde Davis, Al Stevas and Charlie Nelson and announced the availability of Clerk's position at the Michigan Court of Appeals.

Upon calling for the reading of the minutes of the Seventeenth Annual Meeting, Past President Engel moved to waive the reading of the minutes. The motion was seconded and carried. Frans LaBranche then moved to approve the minutes as submitted. The motion was seconded and carried.

President McGraw called for Committee Reports as follows:  
CODE OF PROFESSIONAL CONDUCT

Chair Hornyak reported that the Committee was charged with looking at the NCACC Code and more specifically that portion regarding gratuities. The Committee agreed that the acceptance of hospitality extended by private service providers, including West Publishing, Mead Data and the Bureau of National Affairs to all members of the National Conference of Appellate Court Clerks and their guests at the annual meeting does not create a conflict of interest or the appearance of impropriety for clerks who choose to accept the hospitality. The Committee members agree

that paragraph (C) of Canon II begin: "Under the standards on private service providers adopted by the Appellate Judges Conference of the American Bar Association...."

The Committee is also of the opinion that the word "should" in the model code is more suitable than the mandatory "shall" language due to the membership diversity. Proposed changes will be submitted at the next annual meeting for approval.

#### FINANCE AND INVESTMENT REPORT

Treasurer Richardson advised that the Conference continues to be in good financial shape. The report contained seven exhibits as follows:

Ex. 1 - Comparative Statement of Revenues, Expenditures and Changes in Fund Balance for the Fiscal Year ending June 30th. The fund balance has an increase of about \$6,000. Membership dues increased by \$1,500.

Ex. 2 - Comparative Balance Sheet - As of June 30, 1991, a balance of \$104,464.96.

Ex. 3 - Operating Budget for the Fiscal Year ending June 30, 1991.

Ex. 4 - Proposed operating Budget for the Fiscal Year ending June 30, 1992.

Ex. 5 - Comparative Financial Report for Annual Conferences for 1988, 1989 and 1990.

The report showed a return of over \$6,100 to the Conference from the Tucson Annual Meeting.

The amount awarded for scholarships for 1990 totalled \$2,427.38. Contributions were made by West Publishing, Mead Data, Bureau of National Affairs as well as the Appellate Judges Conference.

Ex. 6 - Proposed Budget for the 1991 Conference

Ex. 7 - Investment Committee Report

Treasurer Richardson reported \$7,535.30 earned in interest. The Conference has \$25,989.56 in the Merrill Lynch Ready Assets Account earning 5.33%. The Conference has three \$25,000 Certificates of Deposits maturing on different dates. Those accounts earn 8.25%, 6.85% and 8.25%. There is \$3,475.40 cash in the bank earning 4.65%.

Treasurer Richardson further reported that the Executive Committee agreed to capping the fund balance at \$100,000. Funds above that amount may be used for travel for the Executive Committee members and for travel for special committee meetings. He further advised that \$5,900 had been paid for the annual meeting, the past president's breakfast and for a gift for the immediate past president. He noted that additional monies may be given to future hosts if the need arises.

Treasurer Richardson urged the conference to be careful not to lose or abuse the financial security that has been gained.

After a brief discussion, it was moved by Stephen Townsend to accept the reports of the Finance and Investment Committee as submitted. The motion was seconded and carried.

#### BYLAWS COMMITTEE REPORT

Chair Wilson reported the following proposed changes:

- (1) Added a Table of Contents
- (2) Article 3 - stylistic changes only
- (3) Article 6, Sec. 2 - stylistic changes only

Article 6, Sec. 5 - addition made to make provisions for vacancies as follows: "In the event of a vacancy in the office of past president, the Executive Committee shall fill the vacancy by the appointment of a past president to fill the unexpired term.

Article 7 - stylistic adding names to titles to each section except d and f. (d) proposed changing name of Long Range Planning Committee to Strategic Planning and Implementation Committee. (f) Extended to cover situation of vacancies in the office of vice-president and president-elect. "In the event the office of vice-president becomes vacant, the nominating committee shall submit nominations for the office of president-elect and vice-president. In the event the offices of president-elect and vice-president both become vacant at the same time, the nominating committee shall submit nominations for the offices of president, president-elect and vice-president. In the event that the president, president-elect and vice-president are all three absent from the Conference, the most immediate past president in attendance will chair the meeting of the Conference until new officers have been elected."

(4) Article 8, Sec. 2 - changed shall to may and deleted "and adopted by the Executive Committee.

(5) Article 9, changed all reference to National Center for State Courts to simply state "secretariat".

Chair Wilson then moved to accept the report in total except ones that members wished withdrawn. The motion was seconded and carried.

The following Articles were withdrawn: 7, Sec. 3(d) and 3(f); 8; 9 and 6, Sec. 5.

Upon discussion of Article 6, Sec. 5, it was moved by Chair Wilson to approve as submitted. The motion was seconded and carried with three dissents.

It was moved by Chair Wilson to approve Article 7, 3(d) as submitted. The motion was seconded and after discussion defeated.

It was moved by Chair Wilson to approve Article 7, 3(f), the motion was seconded and discussion followed. Stephen Townsend then moved to amend Article 7, 3(f) by striking "at the same time" in the second sentence of the added portion. The motion was seconded and carried.

It was then moved by Chair Wilson to approve Article 7, Sec. 3(f) as amended. The motion was seconded and carried.

Opposition to Article 8 was withdrawn and Chair Wilson moved to adopt as originally submitted. The motion was seconded and carried.

Chair Wilson moved to adopt Article 9 as proposed. The motion was seconded and defeated.

#### CONVENTION ASSISTANCE REPORT

Chair Goldsmith reported that the Committee recommended and the Executive Committee approved that future hosts forward the actual contract to the President who will sign in his/her

official capacity or authorize the host clerk to sign in his/her capacity as host. The Executive Committee further approved a recommendation that "any solicitations must not exceed court or other guidelines governing conduct of court employees."

#### MEMBERSHIP COMMITTEE REPORT

Chair Foley reported that the Conference gained ten additional members. She further suggested that the new committee be charged with updating the membership list with correct addresses.

#### LONG RANGE PLANNING COMMITTEE REPORT

Chair LaBranche reported that the Committee developed a survey form for the membership to assist in developing an on-call peer review and assistance team. The survey is being done to assess the expertise and needs of the Conference. He requested the membership to complete the survey form to help identify those persons that can be of assistance to other members.

#### PUBLIC RELATIONS COMMITTEE REPORT

Chair Williams reported that no information was given the committee for dissemination.

#### PUBLICATIONS COMMITTEE REPORT

President McGraw informed the membership that she and her staff published the "Docket" after the resignation of Greg Wallace. She further noted her willingness to assist in the publication of the "Docket" in the future but could not act as its editor.

President McGraw thanked the Program Committee for an outstanding program.

## RESOLUTIONS

Chair McHaney submitted and read the following Resolutions:

The first honored Robert D. St. Vrain, David A. Lampen, Gregory J. Wallace and Marlene F. Lachman for their contributions to the Conference throughout their membership of the National Conference of Appellate Court Clerks.

The second honored Keith Richardson, Treasurer of the National Conference of Appellate Court Clerks for a period of five years beginning in August, 1986 and continuing through the meeting of August, 1991.

The third honored Marilyn L. Graves, Chair of the Program Committee, its members individually and collectively, and all of the speakers who contributed to the success of the conference.

The fourth honored Deirdre O. Ahr for the performance of a difficult task in such an exemplary manner in coordinating and presenting an outstanding program consisting of entertainment, accommodations and refreshments.

The fifth recognized the contributions of the following for a successful conference: West Publishing Company and John Smith, Donna Bergsgaard and Michael Whetstone; Mead Data Central and Fran Bremson; Bureau of National Affairs and Jane Sanchez; St. Louis Bar Foundation and the Bar Association of Metropolitan St. Louis; St. Louis Daily Record; and all others who contributed so generously to the hospitality enjoyed by the conferees and their families visiting the great state of Missouri.

It was moved by Beth McHaney to adopt the Resolutions. The motion was seconded and carried.

## SCHOLARSHIP COMMITTEE REPORT

Chair Swanson reported that no timely applications for scholarships were received. Thereafter, the April Newsletter carried a special advertisement advising that late applications would be accepted. As a result, five applications were received and considered in the order received. Two applications were withdrawn before recommendations were considered by the Executive Committee. Recommendations were made and the Executive Committee granted the remaining three applications.

Chair Swanson further pointed out the obligation of awardees to attend all meetings of the Conference and advised that attendance is monitored by the Scholarship Committee members. He further informed the membership that the Scholarship Committee may recommend sanctions for failure to attend all meetings for scholarship recipients.

## STATISTICS COMMITTEE REPORT

Due to the absence of the Chair, no report was submitted.

## NOMINATIONS COMMITTEE REPORT

Chair Townsend reported the unusual circumstances put before the Nominating Committee with the resignation of the president-elect and vice-president. He explained the procedures used and moved that the report be accepted. The motion was seconded and carried. The following nominations were made:

Vice-President to become President - Kevin Swanson. It was moved by Nancy Foley to close the nominations. The motion was seconded and carried. It was then moved by Frans LaBranche that the nominee be approved by acclamation. The motion was seconded and carried.

Vice-President to become President-elect - Joyce Goldsmith.

It was moved by Robert Wilson to close the nominations. The motion was seconded and carried. It was then moved by Frans LaBranche that the nominee be approved by acclamation. The motion was seconded and carried.

Treasurer - Richard Hoffman - It was moved by Glen Clark to close the nominations. The motion was seconded and carried. It was then moved by Frans LaBranche that the nominee be approved by acclamation. The motion was seconded and carried.

Executive Committee Members - Jerrill Carter of Wisconsin, Tommy Lowe of Texas and A. B. Neil, Jr. of Tennessee. It was moved by Bert Montague that the nominations be closed. The motion was seconded and carried. It was then moved by Frans LaBranche that the nominees be approved by acclamation. The motion was seconded and carried.

#### SITE SELECTION COMMITTEE REPORT

Chair Engel reported that the Committee recommended and the Executive Committee approved San Diego, California as the site for the 1994 Conference. Chair Engel further reported that invitations were received to host future conferences from Texas (possibly San Antonio) and New Orleans. She informed the membership that financing should not keep an individual from hosting a conference. She advised that if a perspective host cannot raise funds because of ethical or other considerations, the Executive Committee is willing to offer financial assistance in hosting a conference.

Upon completion of committee reports, President McGraw informed the membership that the Executive Committee had again requested a clerk to be placed on the Board of Directors of the National Center for State Courts. She advised that there is support from appellate judges that sit on the Committee.

#### NEW BUSINESS

Host Ahr reported that she had been advised by Marriott security that there was damage in the hospitality suite to the dining table and possibly the TV and requested authorization to obtain funds from the treasurer to pay for said damages after an investigation. After discussion, it was moved by Gloria Engel that, after the investigation and after Deirdre Ahr is satisfied that the conference members are responsible for the damage, she be authorized to submit a bill for payment for the damages. The motion was seconded and carried.

#### CONFERENCE FOR 1992

Richard Hoffman reported that the conference will be held August 2-9, 1992 in Washington, DC. The conference will be held at the Hyatt Regency - Capitol Hill. The room costs will be between \$95 to \$98 per night.

Upon completion of the business, it was moved by Tommy Lowe to adjourn at 3:00 p.m. The motion was seconded and carried.

Respectfully submitted

Ella Williams  
Secretary

May 11, 1992

Editor  
The Docket  
National Conference of Appellate Court Clerks

Dear Editor:

Without anyone having sought my opinion--an omission that has never stopped me before--it appears to me that the NCACC is approaching a crisis in its late adolescence. The historical foundations of the Conference were set at an organizational meeting in Washington, D.C., in 1972, twenty years ago. In the intervening two decades, the NCACC has, in addition to the normal ups and downs of any volunteer organization, experienced the exhilaration of successful expansion and the trauma of complete financial collapse. We are indeed fortunate that the latter preceded the former by ten years.

The Conference was created by a small group of dedicated court employees who had a commonality of interest. Their common vision was that by joining together they could improve the administration of appellate justice through the exchange of information and the generation of ideas and solutions to address problems, both old and new.

The founding members of the Conference have, in the main, passed out of active management due to death, retirement, or, I suspect, a belief that they have "done their share" of work to make the NCACC a going concern. In truth, a second generation of members has already passed through the active management of the Conference. Without any genuine attempt at precision, one could look at the 1970s as the decade of the founding members and the 1980s as that of the second generation. This rather simplistic breakdown of Conference history is intended to make the point that the 1990s need the commitment of newer members as well as a renewal of commitment by "older" members ("older" in terms of service, of course, not age).

In recent years, due to a concerted effort by Ron Barrow and others, the total membership of the NCACC has expanded greatly. The vast majority of our current members never had the opportunity to meet J.O. Sentell of Alabama, our first President, in person. Unless they have attended more than one annual meeting, such members may know only one President--the current one.

The explosion in our membership roll has not, I understand, been accompanied by an concomitant increase in volunteers for service on Conference committees and related activities. For those who are unable to attend the annual meetings, a reluctance to make a commitment to a faceless organization is somewhat understandable. For those who have attended one or more meetings, however, the absence of commitment--or the failure to make good on a commitment that has been made--makes the continued good health of the NCACC problematic. You do not have to attend every annual meeting to be a valued and valuable contributor to the health of the organization. Indeed, unless there is a constant infusion of new people willing to give of their time and talent to make the NCACC work, the organization's strength will dissipate, and the reasons that caused appellate court clerks to band together may be lost. That would be most unfortunate if it were to occur.

It is no surprise that the fervor of the founding members has decreased, institutionally and individually, with time. As the Conference approaches what used to be the age of majority, however, it is clear that there must be a renewal of purpose and a rededication of effort to promote the goals of the organization. This is particularly true because the tremendous growth of the Conference requires more time and effort by more people to keep it running efficiently and effectively. Two or three people cannot "do it all."

I would urge that each member make a personal commitment to aid the NCACC in 1992-1993 and thereafter. We are all very busy, and it would be easy to refuse to help out because of work obligations. You may believe that you do not have the time to participate actively in special projects, on committees, or even on the Executive Committee. Budgetary constraints in these recessionary times also may have an impact. Money aside, absent the "bad year" we all seem to have periodically (i.e., a move to a new building, the installation of a new data processing system, etc.), there is enough time to be a productive member. From personal experience, I can assure you that finding the time is well worth the effort. The benefits that

inure to the Conference inevitably spill over into your daily operations. It may be difficult at times--and downright intrusive at times--but you and the NCACC will be the better for it.

In sum, I urge you to make your relationship with the Conference a two-way street. As you take pleasure from the social interaction and the enhancement of your value to your court as a professional manager, so you should work to promote the development of the Conference through volunteering your time and expertise. One side benefit will be the recharging of the batteries of those who have gone before--something most of us can use on a regular basis.

Stephen W. Townsend  
Clerk, Supreme Court of New Jersey

[The writer joined the NCACC in 1977 and was President from 1987-1988.]

\* \* \* \* \*

From next year's host clerk, A. B. Neil of Tennessee comes a letter he has received from fellow clerk Leslie Steen of Arkansas.

It's on the next page -- complete and unedited and uncut for your reading pleasure.

\* \* \* \* \*

Have you made your reservations with the Hyatt yet? Don't put it off. There are many other groups meeting in Washington this summer and the hotel will let our space go after the deadline. Don't be left out!

\* \* \* \* \*

Did you know that the White House is 200 years old this year?

Office of The Clerk  
 Supreme Court of The State of Arkansas  
 Arkansas Court of Appeals  
 Justice Building  
 625 Marshall Street  
 Little Rock, AR 72201

Leslie W. Steen  
 Clerk

Robin Horne  
 Chief Deputy Clerk

Melissa Fuller  
 Chief Deputy Clerk

Janie Owen  
 Office Administrator

Jeanne Matthews  
 Records Supervisor

May 6, 1992

Deputy Clerks:

Denise Parks

Rae Miller

Greta Houston

Sam Harris

Daniel Dodson

Holl North

Singer Mullins

Honorable A.B. Neil  
 Supreme Court Clerk  
 100 Supreme Court Building  
 Nashville, TN 37219

Dear A.B.:

I am in receipt of your letter of April 30, 1992, regarding the creation of a banner for our conference. I note that you invite suggestions that might be "appropriate". I do not know if that particular word will automatically disqualify my suggestions, but I will proceed, regardless.

I think we should follow the advice of the professionals about the construction and background color; however, selecting the other colors to go on the banner causes me some concern.

As far as I know, we do not have any "official" colors for our group. The only color that I associate with the judicial system is black, which, as you probably know, was an official sign of mourning by the English judiciary when Queen Elizabeth I died in 1603. As far as I am concerned, I think an appropriate period of mourning has passed and judges should be allowed to wear any color robe they desire, disallowing mauves and taupes, of course. Not taking away anything away from the label of your favorite brand of whiskey, I do not think black and white is appropriate on the banner because that might offend some of our Asian and Indian members. To include the colors of all races would mean red and yellow, black and white which reminds me of the song "Jesus Loves the Little Children." I'm afraid I might break into song whenever I saw the banner. I would also object to any inclusion of any Texas or Tennessee orange, although a little splash of Razorback red would add a nice touch of color.

I like the design and layout you have suggested, with one small modification. I think we should spell "excellence" without the first "e" making the first letter an "x". That way the first letters of our motto would spell "sex" and when anyone mentioned "sex" at one of our meetings, we would all know what they were talking about.

Honorable A.B. Neil, Jr.  
Page 2  
May 6, 1992

I hope you accept this drivel in the spirit in which it is wrote, as we would say in Arkansas. In a more serious vein, I would simply like to say that I approve of the proposed banner and the other suggestions about construction and background color.. I defer to your good judgment the decision on colors and I have no doubt that you and your fine staff will do an excellent job that will please the conference.

My regards to all.

Sincerely,



Leslie W. Steen

P.S. I have enclosed an application to live in Arkansas in case you might know someone who is planning on moving here.

\* \* \* \* \*

From our stalwart friend, Greg Wallace, this edition's contribution "Watch This Space " follows on the next page.

\* \* \* \* \*

Those of us who were in St. Louis last year remember well the stress management seminar given by Dr. Isaiah M. Zimmerman. The evaluation forms probably gave him the highest marks ever. Keeping his presentation in mind, I have included as the last item in this edition of THE DOCKET a way for you to find out what your risk of having a heart attack is. Bear the results in mind and take good care of yourselves.

The Editor

I hope you will humor me this time and let me set "O.S.C.A.R." somewhat aside and ramble a little bit. If this works out, maybe it will make a little sense; if it doesn't, just turn the page.

First, I sincerely thank you for your individual and corporate expressions of sympathy, support, and comfort since our son, Nick, died in February, just a few days before his 11th birthday. It was a shocking and sudden tragedy to crown a difficult year in our family's life. The cards, letters, phone calls, and tributes paid to his memory by our "National Family of Appellate Court Clerks" truly helped salve our wounded hearts.

Nick's death was unexpected and abrupt. He was an active and busy young boy, mixing school with soccer, church activities, and play. The Saturday before his death, the flu bug that had been plaguing his schoolmates knocked the pins out from under him. The doctors said that he was running a normal course for this year's flu and that he should begin coming out of it by Tuesday or Wednesday, but to watch for disorientation or dehydration.

Right on schedule, Wednesday afternoon, his fever broke a bit and he was holding liquids and light foods. He looked a little the worse for wear, but we've all been through the flu and looked that way. He was rather chipper and talkative, and we were glad to think that the worst was over.

It wasn't. That evening, like throwing a switch, he turned for the worse. We insisted on the doctors' seeing him, fearing dehydration. It turned out that a genetic liver deficiency (about which we knew, but for which we could do nothing, save a liver transplant later in life)

# Watch This Space

J. Gregory Wallace

Management & Automation Consultant

allowed him to become especially vulnerable to the ravages of the flu. We were later told that his liver couldn't cope with the extra burden of the virus and "went haywire," causing his systems to, literally, shut down over the roughly seven hours between his relapse and his death.

We were with him throughout, and as I think back on that maelstrom of a night, beyond our personal desperation, I see the medical people -- and the overwhelming memory I have of them is of their pouring their whole selves into the work of trying to save him. The "orientation" of the hospital professionals, to go back to what we talked about last time, was clear -- they were focused, not only on Nick, but on *each person* who came in that night. They knew the purpose of the emergency room -- they shared its vision, and -- to a person -- they were dedicated to pursuing that purpose with every talent they possessed.

Lessons learned? The frailty of life, and its unpredictability, of course; and the gratitude for extra time with my family over the last year. I spent very long hours working over the last decade or so, at the office and home at night. This last year of working from home convinces me that we can't schedule "quality time." When you separate the kernels from the chaff, you have a

lot of chaff. To really find quality time with your family or friends, you have to invest "chaff" time.

More importantly, perhaps, I've learned how tremendous an impact that even a ten-year-old has on all manner of people around him or her. We have been told tale after tale of "what I really remember about Nick is ..." followed by some genuinely nice things he did and said to or for other people. (I suspect, that his less kind moments were forgotten or kept private.) Well, if a ten-year-old leaves that kind of legacy with his casual words and deeds, imagine what kind of a wake we leave as we cruise through our days at home, work or other places! If we were snatched away right now, how would others complete: "what I really remember about ..."?

Though my last column was published in your Spring issue, I wrote it in January, before all this happened. I've learned that, perhaps, one of the toughest hurdles to overcome after significant losses is finding renewed motivation (overcoming what I call "static friction") -- confirming or changing your "orientation" or "vision." To quote Buck Rodgers, former vice president of IBM, "Our problem in the immediate future will be not the lack of opportunities for the really motivated, but the lack of motivated

people ready and able to take advantage of the opportunities." He's right; we need to inject a feeling of creativity, enthusiasm, and excitement into our lives and workplace. And the first step to that creative motivation is . . . understanding our values, our vision, and our orientation.

I learned a lot about myself when I attended a fantastic program in April -- an Intensive Executive Development Workshop, put on by Farr Associates in Greensboro, NC. One of their premises is that our performance and work relationships are certain to improve when we are really in touch with our values -- those deep values that we have programmed into ourselves since childhood. If our basic values are not understood and met in the way we spend our time and energy, stress and conflict result. We work and live better and more joyfully when we go with our flow rather than fighting against it, consciously or unconsciously. And, by learning what makes us tick and what buttons we have for others to push and why we have them, we can choose how we respond, rather than to simply react to our programming.

I've learned the blessings of family, friends, and work. It's important to believe that one of the blessings of life is our career. We owe it to ourselves and the people who are important to us to demand more out of the hours we invest in our work than just a means of paying our bills. It's our responsibility to make sure our work gives us the pleasure of pride, accomplishment, and congenial relationships. If the work we do fails to provide this joy, we need to consider making some important changes.

If we feel bored, penned in, unstimulated, and unmotivated, it is

*our own responsibility* to do something about it, even if others seem to be apathetic about the cause.

And, as I suggested last time, to know what realistically to expect from our workplace, we should know something about: The organization's beliefs, values, and culture; its style, policies, terms and conditions; the quality of its people (Do the good ones leave? Are many sour, cynical, and critical? Are quality people attracted to work there?); its concern about and support for you and the other individual employees; your growth potential within the organization; the extent to which you are able and encouraged to use all of your talents.

I've learned that we ought to be here to enjoy life, as it comes -- experiencing all of the flavors and textures it offers, and touching other people in joyful and enriching ways. As Richard Bach said in *Illusions*, "How do you know if your life's work is finished? If you're still alive, it isn't!"

This is the only day we have to live. Yesterday is gone, and, no matter how we try, we cannot change it. (Oh, I would if I could. I empathize with the disappointed Olympic speed skater who, when asked in an interview if he would like to turn back the clock to have his races to run over again, responded, "No, if I could turn back the clock, I'd turn it back four years to bring my sister back.") Tomorrow is not yet here, nor do we know if it will ever come. Therefore, let's make the most of today.

I have learned not to take myself too seriously; that people are basically good and kind; but that they tend to be afraid to impose

themselves on you to say that they care about you and want to help, but don't know quite how; and that each and every one of us -- ten-years-old to one-hundred-and-ten have an impact and make a real difference around us. And that sometimes the things that seem to be the least earth-shaking in their significance are the most important to the ones that feel it -- positive or negative.

I have learned that no matter what stuff happens, it won't be as bad as you think if you believe in yourself, keep your faith, and hold your head up.

And, I have learned the wisdom in the lines from the movie, *City Slickers* where the cowboy trail boss, Curly, says, "The secret of life is this -- just one thing -- nothing else matters -- just one thing." And Billy Crystal asks, "And what is that"? Curly screws up his face and says: "That's for you to find out." It's something different for each of us.

Yes, I rambled through this, as predicted -- and if you have gotten this far, it's too late to turn the page to skip over it. Thanks for journeying with me. I'll see you in Washington!

Now, turn the page!

WHAT IS YOUR HEART ATTACK RISK SCORE?

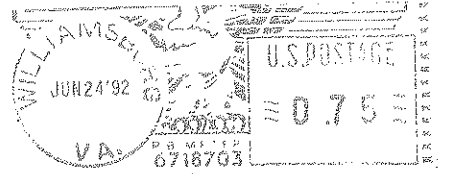
RELATIVE RISK

Risk Factor	Very Low	Low	Average	Above Average	Dangerous	Urgent	Score
Tobacco Smoking	Never smoked 0	Quit more than 1 year or pipe/cigar smoker 1	Quit less than 1 year ago; 10 cigs/day; 4 pipefuls/cigars/day 2	20 cigs/day 4	30 cigs/day 6	40 or more cigs/day 8	
Cholesterol (score 4 if don't know)	Below 180 1	180-205 2	206-230 3	231-255 4	256-280 6	281 or more 8	
Blood Pressure	less than 120 1	130 max 2	140 max 3	160 max 4	180 max 6	200 or over 8	
Exercise (subtract 1 if exercise 30' 3 times weekly)	Intensive occupational & recreational exertion 1	Moderate occupational & recreational exertion 2	Sedentary work & intense recreational exertion 3	Sedentary work & moderate recreational exertion 4	Sedentary work & light recreational exertion 5	Sedentary work with no exercise 6	
Behavior Characteristics	Always easy going and calm 1	Easy going and calm most of the time 2	Frequently impatient and clock-watching 3	Persistently driving for advancement in work & play 4	Overwhelming ambition; slavish to time & deadlines 6	Hard-driving; hard-charging; can never relax 8	
Weight	More than 5 lbs. below standard weight 0	-5 lbs. to +5 lbs. of standard weight 1	6-20 lbs. overweight 2	21-35 lbs. overweight 3	36-50 lbs. overweight 5	51 + lbs. overweight 7	
Diabetes (count parents, grandparents, brothers & sisters only).	No known family history of diabetes 1	1 relative with diabetes 2	2 relatives with diabetes 3	Diabetes in yourself beginning after age 60 4	Diabetes in yourself beginning between 20 & 60 6	Diabetes in yourself beginning before age 20 8	
Age	10-20 years 0	21-30 years 1	31-40 years 2	41-50 years 3	51-60 years 4	61 years and up 5	
Gender	Female under 40 0	Female 40-50 1	Female over 50 2	Male 3	Stocky male 4	Bald, stocky male 5	
Family History (Count parents, grandparents, brothers & sisters only)	No known history of heart disease 1	One relative w/heart disease over age 60 2	Two relatives w/heart disease over age 60 3	One relative w/heart disease under age 60 4	Two relatives w/heart disease under age 60 6	Three relatives w/heart disease under age 60 7	

Total \_\_\_\_\_

Risk score: 6-15 well below average; 16-21 high end of acceptable; 22-29 borderline; 30-39 above average, 45-50 high, above 51 very high.

Adapted from: Profiling Your Risk of Heart Attack, International Medical Education Corporation



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# The Docket

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