

Arrangements will be made for pictures to be taken in San Diego so that the pictorial directory can be updated. If you'd rather, send a black and white picture to Ella directly at her office in Lansing. Please don't send a copy of your photo from the old directory.

Long Range Planning

Chair Frans Labranche, Jr., reported that the Long Range Planning Committee met in Williamsburg in February. The topic—"looking ten years into the future". The committee took a look at reports such as "ALTERNATIVE FUTURES FOR THE STATE COURTS OF 2020", "JUSTICE IN THE NEXT MILLENNIUM: REPORT OF THE COURT FUTURES VANGUARD", "ENVISIONING JUSTICE, REINVENTING COURTS FOR THE 21ST CENTURY", and many others. The Executive Committee found the topic timely and compelling enough to suggest that a portion of the educational program for the 1995 conference be targeted for this subject.

Site Selection

Chair Tommy Lowe reported that Louise Livingston of the Alabama Supreme Court has offered Point Clear as a site for the 1997 annual conference. The Executive Committee voted to accept the offer and we thank Louise for offering to host the annual meeting that year. I have taken a look at the Point Clear video and brochure. There is no doubt that our membership will have a wonderful time and come away with a better appreciation of the

Alabama countryside.

On the point of future conference sites, each year the number of offers to host the annual conference declines. It is not inconceivable that one year soon there will be no offers. If you are considering hosting a future conference, please contact me or another member of the Executive Committee. Hosting takes work but the Executive Committee members are dedicated to providing as much help as possible to all future hosts.

Nominations Committee

Chair Mike Yerly reported that the nomination ballots for Executive Committee vacancies have been received and counted. Recommendations have been made by the committee and will be announced in the call for the annual business meeting.

I would like to thank each committee chair and committee members for their hard work. Without their effort, we would be hard pressed to complete the business of the Conference. Also, I would like again to thank Lee and Peggy for making our stay in Kansas City enjoyable and one to remember.

The Executive Committee will meet next in San Diego on Saturday, August 6. If you have concerns you would like brought before the committee, let me know or contact any of the other Executive Committee members.



Executive Committee Members (bottom row—left to right): Bill Fulton; Ron Barrow, President; Joe Lane (top row—left to right): Joyce Goldsmith, Past President; Nancy Foley, Secretary; Penny Miller; Leslie Gradet; David Beach, Vice-President; Ella Williams, President-Elect; and Cornelia Clark.
Not pictured: Ed Smith and Danielle Schott, Treasurer

The Docket

News of the National Conference of Appellate Court Clerks

SAN DIEGO PROGRAM SHAPES UP!

EDUCATIONAL PROGRAM

By Joseph A. Lane, Clerk, 2nd App. Dist. of CA

FLASH! SPEAKERS AND PRESENTERS FROM ACROSS THE UNITED STATES SET TO CONVERGE ON SAN DIEGO FOR THE EDUCATION PROGRAM OF THE 21ST ANNUAL MEETING OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS TO BE HELD AUGUST 6-12.

From Ohio, Minnesota, and the District of Columbia, our friends from Mead Data Central, West Publishing, and BNA will enlighten us as to who they are and what it is they really do. In addition, you will find out everything you ever wanted to know about their companies and what the future holds for legal publication.

Illinois and Louisiana provide the hosts for:

WHAT'S BUGGING ME

Sandy Roos and Ken DeBlanc will moderate this session where everyone gets a chance to share problems and solutions. This is an unrivaled opportunity to not only learn but to share. (And in my estimation, a session that ought to be offered at every conference because of the wonderful opportunity it provides for the members to interact.)

Illinois and Arizona are home to our presenters for the Ethics part of the program which is centered around:

SOCIAL PROGRAM

By Steve Kelly, Clerk, 4th App. Dist. of CA

This is a run down for the August, 1994 Conference in San Diego. On Sunday, Day 1, we will be entertained on the grass patio of the Sheraton on Harbor Island with music, food, and drinks. A welcoming reception will be outdoors with the marina and downtown San Diego in the background. Further details about Sunday will follow. (I want to check with Porter Wagner!)

Monday, Day 2, will be the start of the daytime meetings. Joseph Lane is putting together an exceptional program. There are no scheduled social events for Monday night, except, of course, the GRAND OPENING of the Hospitality Suite, which will be in a suite on the top floor of the hotel with patio and view. The hotel has shuttles to both Mission Valley, home of shopping malls and San Diego's Jack Murphy Stadium, and to Downtown San Diego. Downtown at night has taken on a new image even for residents of this city. The Gaslamp District features nightclubs with live music, from jazz to rock and everything in between. Downtown is also the home of Horton Plaza, theatres and shops. Monday night would be a good time to stop by Gucci's at the Palladium and buy a new outfit to wear to the hospitality suite.

Tuesday, Day 3, we will continue to ask ourselves how did Joseph Lane do it. Another incredible day of meetings! Early evening, about



The President's Page Ron Barrow



Through the help of Peggy McGraw, the Executive Committee met in Kansas City on April 9. The meeting was very productive and highlights of various committee reports are provided in an article appearing in this issue of *The Docket*.

Preparations for San Diego are moving right along. Steve Kelly has done a great job in addressing conference needs as host. The Sunday evening reception and Thursday night banquet promise to hit some high spots in Conference history. Steve has also been busy working with West and Mead Data for our outings. I think you will be pleasantly surprised and know that you will have a great time.

As I mentioned in an earlier edition of *The Docket*, Joe Lane has put together a great educational program for San Diego. Joe has included an article in this edition of *The Docket* outlining the entire program. I'm sure you'll agree that long hours have been put into the planning.

Speaking of the program, the decision of the Executive Committee to change the day of the business meeting has brought a couple of comments. I have taken these concerns to the committee and the decision is to stay with the change. Understandably, some items covered during the normal meeting cannot realistically, or without bylaws change or waiver, be addressed at the front end of the conference. Therefore, we will attend to all the business possible Sunday afternoon and recess until late morning on Thursday. The election of officers and resolutions will be handled at that time, plus any other matters not concluded at the Sunday meeting. We feel that splitting up the meeting will give us additional time Sunday to recognize new members, introduce the slate of proposed officers, and cover some of the material normally addressed Monday morning, thereby allowing extra time for the educational program. Also, our members will have time Thursday afternoon to prepare for the banquet, attend a one-on-one public speaking workshop with our Thursday morning speaker, Ms. Barbara Tannebaum, use the time to visit with friends normally seen once

The Docket News of the National Conference of Appellate Court Clerks

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Vice-President	David B. Beach (VA)
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	Penny Miller (ND)
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Editor	Peggy S. McGraw (MO)

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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a year or just see a little more of the San Diego area before leaving for home. Please plan to join us for the business meeting on Sunday afternoon.

I look forward to visiting with all of you in August!!



CLERKS CONFER



In the normal course of daily business, a clerk of the court or court administrator will talk with many people, either by telephone or in person. Human nature being what it is, the natural inclination is to try and help the public with their questions. Unfortunately a clerk's greatest fear is to see his or her name in print in the form of a legal document. Given the following scenario, how would you handle this situation:

Judge Bronson, an old friend from superior court, calls to ask you about a certain procedure on a motion filed in your court. You direct him to the proper rule and assume he will follow the directed procedure. Alas! The next document you see is a motion by the attorney involved in the case to disqualify Judge Bronson based on exparte communication with you. What is your next step?

- Inform the court about your conversation and the content.
- Remain silent and let the motion run its normal course.
- Call Judge Bronson and find out what happened.
- Call the attorney and find out why he filed such a motion.
- Move out of the state and change your name.

The results will be tabulated and reported in the next issue.

Please send your response to Peggy McGraw, Editor, c/o Missouri Court of Appeals, 1300 Oak Street, Kansas City, Missouri 64106.

EXECUTIVE COMMITTEE MEETS IN KANSAS CITY

By Ron Barrow, Clerk, 1st App. Dist. of CA

The Executive Committee met in Kansas City on April 9, to attend to the business of the Conference and discuss the upcoming annual meeting in San Diego. Lee, Peggy and Max McGraw hosted a wonderful dinner Saturday night for the committee members. If you like smoked beef or chicken, fantastic baked beans, or something called "cheese flavored grits", stop by the McGraw Inn when in Kansas City.

Our committee chairs and members have been doing a great job this year. Below are highlights

from some of the reports given during our meeting:

Membership Committee

Chair Ella Williams reported that since our annual meeting in Nashville, the Conference has gained 14 new members. Ella also noted that we still need members from Idaho, Indiana, Maine, Utah and Oklahoma. If you have contacts or know appellate court employees that qualify for NCACC membership in any of these states, give them a call.

Continued on next page

"Bylaws Changes", cont. from p 3.

Committee, standing committees, select committees and special committees. Standing committees shall have Committee Operational Guidelines (see Appendix A, Committee Operational Guidelines). Proposed changes to these guidelines will be made in writing to the Executive Committee by April first pursuant to Article XI, Section 1 for approval. The chair CHAIRPERSON of each committee shall submit a written status report for dissemination at the spring Executive Committee meeting.

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, except the bylaws committee, which will consist of no more than five members, including the Chair CHAIRPERSON and any ex-officiomembers. THE MEMBERSHIP OF THE PROGRAM COMMITTEE SHALL INCLUDE A VICE-CHAIRPERSON APPOINTED BY THE PRESIDENT. The term of a Chair CHAIRPERSON of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chair CHAIRPERSON, or upon its own initiative, may remove a member of a standing committee for good cause.1

STAYING HEALTHY...

9 GREAT REASONS TO EXERCISE BEFORE EATING

1. **It's easy to schedule and remember.** Choose a meal each day and schedule your exercise before that meal.
2. **It keeps you honest.** You'll have to eat sometime, so if you discipline yourself to exercise before eating, your fitness resolution is guaranteed.
3. **It helps digestion.** Exercise on an empty stomach and you won't have stomach upsets.
4. **It helps your workout.** Muscles get the full benefit of circulating blood. When you exercise on an empty stomach, the blood is not needed for digestion.
5. **It helps your heart.** When you exercise after eating, both your stomach and your muscles need blood, and this can mean less blood for the heart.

If you have heart problems, this could be dangerous.

6. **It allows you to maintain a healthful weight.** Getting moderate, brisk exercise before a meal will take the edge off your appetite.
7. **It helps burn fat.** Exercising when your blood sugar is lowest (before eating) mobilizes free fatty acids, which helps burn fat.
8. **It helps you feel better.** Moderate, brisk exercise increases alertness and decreases fatigue. You will feel good and approach your meal in a better mood—which can last the rest of the day.
9. **It helps food taste better.** When you exercise before eating, you'll feel fresh and relaxed when you eat. And because your exercise session will still be on your mind, it's not likely that you'll overeat.1

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COMMITTEE PROPOSES BYLAWS CHANGES

Below are the proposed changes to the bylaws recommended by the Bylaws Committee, which will be taken up at the Annual Business Meeting in August:

ARTICLE III

1. Types of Members.

(c) Associate Members. Associate membership shall be open to any individual PERSON WHOSE ELIGIBILITY FOR REGULAR MEMBERSHIP HAS CEASED FOR REASONS OTHER THAN RETIREMENT. ASSOCIATE MEMBERSHIP SHALL ALSO BE OPEN TO ANY PERSON 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. ~~The spouse of a deceased active member may continue membership of the Conference as an associate member.~~ ASSOCIATE MEMBERSHIP ALSO SHALL BE OPEN TO THE SURVIVING SPOUSE OF A DECEASED REGULAR, RETIRED, OR ASSOCIATE MEMBER.

3. ~~Eligibility for Election to Office.~~ ELIGIBILITY FOR ELECTIVE OFFICE. Eligibility for office is limited to regular members in good standing with the Conference for the two years immediately preceding the election or appointment TO FILL A VACANT ELECTIVE OFFICE.

4. Membership Dues. Memberships are renewable by payment of annual dues. The annual dues shall be ~~\$50.00~~ \$75.00 for regular members, \$25.00 for RETIRED AND associate members ~~and members who have retired or resigned from service with an appellate court,~~ and \$100.00 for sustaining members. Dues are payable on or before July 1 of each year, and a year shall begin on July 1 and end on June 30. Dues for those who join the Conference for the first time after an annual meeting shall be payable with the membership application; provided, however, that said dues shall be applied to the full year that begins the following first of July. A membership that has lapsed for non-payment of dues by July 1 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~~ DELINQUENT DUES ARE PAID BEFORE THE CURRENT YEAR'S annual business meeting.

ARTICLE IV

Meeting and Voting

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 and retired members who are in good standing ~~through the~~ BY VIRTUE OF THE payment of dues pursuant to Article III, Section 4, shall be entitled to vote. Associate and sustaining members shall not be entitled to vote.

PROGRAM COMMITTEE VICE-CHAIRPERSON

Commentary:

It is the consensus of the committee to recommend a Vice-Chairperson for the Program Committee and to change the word "Chair" to Chairperson. It was also the consensus of the committee to advise the Executive Committee that we would not recommend the Program Committee Vice-Chairperson automatically become the Chairperson the next year and that the new president should be responsible for the selection.

After a word search of the Bylaws for Chair, the following changes are recommended:

ARTICLE VI

Office of the President

2. Power of President to Appoint Committee Members. The President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chair CHAIRPERSON for each committee, except as provided in Article VII.

ARTICLE VII

Committees

1. Statement of Committees' Work. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive

See "Bylaws Changes", cont. on p.10.

FACTS, FICTION AND FOOLISHNESS

By Leslie Steen, Clerk, Supreme Court of Arkansas



I am shooting from the hip while attempting to be clever and failing miserably.

In a handwritten holographic will:

I, Eddie Washington Sr. of 220 Draper Street, Earle, AR. do hereby publish and declare this to be my last will and testament. I leave everthings (sic) to my children Eddie, Ida and Robert that they should split everything 50/50. I leave Robert 219 Draper Street house, Ida 220 Draper Street house and Eddie the lots next to 220 Draper and what is in the savings account go 50/50 to the three of them.

My three children usually split everything 50/50. The oldest and biggest gets 75% and the next oldest and biggest gets the other 25%.

Contributions from one of our circuit court judges, Sam Bird:

In my court a witness testified that her doctor had prescribed for her a 'mind alternating drug'. I couldn't help but wonder which one was in service that day.

In a paternity case, a defendant who was allegedly in contempt for non-payment

of child support testified that he was unable to work because he'd had a 'monogram' done on his back. But he asked for another chance to avoid going to jail because he had made a New Year's 'revolution' to do better. Rather than risk a revolution, I gave him a second chance.

In a juvenile case, the child's mother testified that she was so exasperated over her unsuccessful efforts to discipline her son that she had thought about calling the 'eternal general'. It occurred to me that her idea might be the best long-range solution.

From briefs filed with my courts:

The introduction of the law added nothing to the State's case and was unfairly prejudicial.

The complaint alleged that Haygood, Inc. was in the business of selling rear ends to the public.

Before I went to work for Weaver Trucking Company, I worked for my brother-in-law. He paints and puts up sheetrock and stuff like that. Actually, he's not my brother-

"Social Program", cont. from p. 5.

stress on the job and at home. Often this process is hidden. Over time it can harm your health. Dr. Zimmerman has made a special study of stresses in the Judicial System and will present the latest facts on how to recognize stress and how to manage it.

Also back by popular demand is the always popular Judge Burton A. Scott, Associate Dean of the National Judicial College in Reno, Nevada. Judge Scott, of course, is originally from Wisconsin where he served as chief judge of the appellate court. Judge Scott is going to provide us with a stimulating and thought-provoking session entitled:

YOU BE THE JUDGE

which is Role playing and scenarios that will provide insights to the law and why judges are the way they are. (That alone would be worth the price of admission.)

Finally, from Rhode Island, is Dr. Barbara Tannenbaum, senior lecturer on the faculty of Brown University since 1970, and recipient of an incredible array of professional and academic awards, including the Woman of the Year from Providence Business and Professional Woman, 1982, and Warwick Business Professional Women, 1984. Dr. Tannenbaum also received the highest rating ever given a speaker by the Council of Appellate Staff Attorneys. (I am really excited that she is coming.) Dr. Tannenbaum will present a two-part session on:

PUBLIC SPEAKING

The first part is a plenary session followed by individual counseling and evaluation. Due to the fact that this second part involves a one-on-one workshop, availability will be limited, so be prepared to sign up early. This is a unique opportunity and not to be missed.

SO MARK YOUR CALENDAR AND MAKE YOUR PLANS TO ATTEND THE BEST CONFERENCE YET. AUGUST 6 - 12, IN SUNNY SAN DIEGO.!

5:00 p.m., we will board busses and depart for Mission Bay, a trip of about 15 minutes. At Quivera Basin, a delightful area on Mission Bay, and a short walk to Mission Beach on the Pacific Ocean, West will host a beach party. More details about this may or may not follow, it might be better to leave the details a surprise.

Wednesday, Day 4, I think Joseph Lane should be elected Program Chair every year. It just gets better. Another day of meetings in a very bright and sunny conference room at the Sheraton Hotel. The window looks out on a marina, but we don't care. The program is so good we won't even notice all the boats going fishing.

We will take a vote to see if the afternoon meeting should take precedence over another outing sponsored by Mead Data, this time to the San Diego Zoo. We will be given a "behind the scenes" tour, which I have been promised does not include any shovels or brooms. The zoo is very large and interesting, so we will be on our own to tour those areas we find the most interesting. The zoo is located in Balboa Park, a park in the middle of San Diego, built in 1915 for a Pan Pacific Worlds Fair. There will be a stroll from the Zoo at about happy hour to the Rueben S. Fleet Space Theatre for a 45 minute private showing of a special movie feature, probably a documentary on how Joseph Lane put together such an incredible program. Then we take another stroll to Cafe del Ray Moro for a feast. Then it's back on the busses to the hotel where the hospitality suite will feature shots of tequila and hat dancing.

Thursday, Day 5, we overthrow President Barrow and in a bloodless takeover elect Joseph Lane, our King. What a program! Another day of meetings. Thursday night will be our banquet at the hotel with entertainment yet to be determined. Maybe something along the lines of a coronation.

Friday, Day 6, we will wrap it up with the critique. Maybe a parade through Harbor Island with you know who on our shoulders. There will be more details as the August dates approach, but I can assure you the conference in San Diego will be a memorable one.!

PEOPLE, PLACES AND THINGS . . .



FOCUS ON

PATRICK STANFORD became Clerk of the Colorado Court of Appeals, a sixteen member intermediate appellate court, on February 1, 1994. He replaces NCACC member James Benway, who has become Director of Human Resources for the Colorado State Court Administrator's Office, in other words, personnel officer for the judicial branch. Patrick has a B.A. in East Asian Studies from the university of Denver and a Master's Degree in Judicial Administration from the University of Denver College of Law.

Patrick's work experience is varied. He served as a staff associate for the National Center for State Courts in Denver from 1976-1980. From 1980-81, he worked for the Denver District Court, developing and monitoring a statistical information system for the criminal, civil, and domestic relations divisions. From 1981-1982, he served as law clerk and bailiff to the Presiding Judge of the Domestic Relations Division, Denver District Court. From 1982 until he assumed his new position, he was District Court Administrator for Colorado's 12th Judicial District. He sounds happy to be back "home" in Denver and enthusiastic about the appellate challenge.

ANTHONY NIGRO became Chief Deputy Clerk for the Supreme Court of Missouri in October, 1993. The Chief Deputy in Missouri supervises all non-judicial staff in the areas of personnel, budget, fiscal matters, bar examinations, attorney enrollment, case

management, law library, publications, security, and automation.

For NCACC members who administer bar examinations, Tony will be a familiar face. His most recent position, from 1986-1993, was with the National Conference of Bar Examiners in Chicago. He managed the main office of the Conference and served as operational director of the Multistate Bar Examination, Multistate Essay Examination, and Multistate Professional Responsibility Examination (that's MBE, MEE, and MPRE, in the trade). From 1971-1986, Tony was Director of Admissions for the District of Columbia Court of Appeals, implementing and administering that court's attorney admission program.

TIDBITS...

FRANK DRUMM (Chief Clerk, Supreme Court and Appellate Court of Connecticut) suggests some leisure-time reading material which he found "worth finishing"; i.e., Without Remorse by Tom Clancy. Frank said that he identified with the main character's "baser instincts," and that his charming wife, Susan, also enjoys "defective morals." (Or was that "detective novels?" - Peggy Naylor, local reporter, states that it was a little hard to read Frank's faxed handwritten letter) Susan, by the way, is about to give birth to yet another Frank Drumm progeny. Peggy tried to talk Susan into doing so by the March 31 deadline so

that she'd have another bit of news to report, but Susan did not cooperate.

INVINCIBLE JOE

As our cover story exhibits, our Program Chair, Joseph Lane and his committee have been diligently working to put together a program we will not want to miss. However, what Joe does not mention are the mishaps that befell him during the last couple of months as he finalized the program.

In February Joe was driving down the L.A. freeway and noticed a car stopped in his lane. He moved to another lane to pass the car when a transient ran across the freeway in his path. Joe swerved to miss the transient and rolled his Volkswagen van several times. Fortunately, he came away with little more than some sore muscles. Ten days later Joe was driving another family car when a driver made a left turn in front of him. This time Joe's finger was shattered and his hand had to be placed in a cast. Rest assured that Joe will be able to put on a great educational program in San

Diego. He recently had the cast removed and was able to play 30 holes of golf during the Executive Committee's recent meeting in Kansas City! Thank goodness Joe's invincible!

CHANGES AT WEST PUBLISHING COMPANY

John Smith, former Editorial Counsel for West and successor to Charles Nelson, just can't be held down. John was appointed Publisher of West Publishing Company, effective December 15, 1993. Congratulations, John, we wish you much success in your new position.

We also send congratulations to Mike Whetstone of West Publishing who was appointed Editorial Counsel for West to succeed John. We look forward to a closer working relationship with Mike in his new position.

We look forward to seeing both to see both John and Mike at the annual conference in San Diego in August!!

BREAKOUT SESSION-OFFICE SECURITY

Mike Yerly and Bob Liston are scheduled to give a breakout session on Clerk's Office Security in San Diego. There were a number of informal discussions at last year's meeting in Nashville on this subject. The conversations centered on a variety of concerns each of us has regarding the safety of our staff who have constant physical contact with the public. They need your assistance in preparing for this session, and are interested in your concerns and any solutions that you may wish to offer. Because of the nature of the subject, they urge that you include the input of your staff in your response. Please forward your security concerns and any possible resolution to Bob Liston, Court of Appeal, Third Appellate District, 914 Capitol Mall, Room 100, Library and Courts Building, Sacramento, CA 95814-4896.



Watch your mail for registration materials for the 21st Conference to be held AUGUST 6-12.