

The Docket

News of the National Conference of Appellate Court Clerks

Vol. 23

July, 1995

No.4

STIMULATING EDUCATIONAL PROGRAM AWAITS IN SAN ANTONIO

By Leslie Gradet, Maryland Court of Special Appeals

From the theoretical aspects of the court system and interpersonal dynamics to the nuts and bolts of managing an appellate court, the educational program for San Antonio will challenge our thinking and help us to perform our jobs better. Leading us through the sessions will be professionals from within and outside the court system, including many of our own NCACC members.

Our Drug Laws Have Failed

Our program begins on Monday morning with a presentation by Judge James P. Gray of California's Orange County Superior Court. Based upon his experience as a federal prosecutor in Los Angeles, a criminal defense attorney in the Navy and a trial judge in the municipal and superior courts in Orange County, Judge Gray has concluded that our drug laws have failed. What our society has not focused upon, however, is that we have options. There must be, and is, a better way. These street drugs are clearly harmful; however, we must stop increasing the harm that they do. Judge Gray will present a resolution recommending that we, as a country, investigate the possibility of change.

SAN ANTONIO AWAITS NCACC MEMBERS AND FAMILIES

By Herb Schaefer, 4th Ct. of Appeals, Texas

San Antonio, Texas, hosts this year's National Conference of Appellate Court Clerks August 6 through 11.

Registration for this year's conference will begin on Saturday, August 5, from 1:00 P.M. to 4:00 P.M. and continue on Sunday, August 6, from 1:00 P.M. to 4:00 P.M. Our executive committee meeting will be held at 9:00 A.M. on Saturday, August 5.

Star Shuttle is available for those of you arriving at the San Antonio Airport. Purchase your ticket (adult \$6, children under 6 years free) from the sidewalk vendor at the airport. A shuttle bus departs every 15 minutes. It is a ten-minute ride from the airport to the Hilton Palacio Del Rio located in Downtown San Antonio on the banks of the beautiful San

Antonio River.

San Antonio is a very relaxed, casual city and the weather during the month of August is very warm and sunny. Therefore, bring lots of shorts and cool sundresses. Comfortable walking shoes or sandals are a must. Don't forget hats, sunscreen and sunglasses. The Hilton Palacio has a refreshing pool area, so bring a swimsuit. It will be very sunny and humid with the temperature in the upper 90s during the day and 70s at night.

(See "Program", cont. on p.3.)

(See "San Antonio Awaits", cont. on p.4)

CALL FOR THE ANNUAL MEETING

President Ella Williams, through Secretary Nancy Foley, and pursuant to the provisions of Article Five, Section Five, of the By-Laws, hereby issues the call for the annual meeting of the Conference of Appellate Court Clerks to be held at the Hilton Palacio Del Rio, San Antonio, Texas, beginning Saturday, August 5, 1995, and continuing through Friday, August 11, 1995.

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,
Nancy Foley, Secretary

The President's Page

Ella Williams



It gives me great pleasure to invite you to the 22nd annual meeting of the National Conference of Appellate Court Clerks in San Antonio. As you peruse The Docket, you will find information on the exciting educational program that we have scheduled, as well as the calendar of social events. Please RSVP by mailing your registration form to our host, Herb Schaefer, before June 30, 1995. It will assist his committee immensely in completing the plans for this conference.

Again, there is something new this year--registration will begin on Saturday afternoon. If you arrive on Saturday and register, you will have Sunday free until the business meeting which begins at 4:00 p.m. Sunday afternoon. Please plan to attend the business meeting.

Welcome new members!! We look forward to your attendance at the annual meeting. It gives us great pride in welcoming new members, and we know that you will gain new knowledge, as well as make friends, at the annual meeting. As our bylaws indicate, the Conference of Appellate Court Clerks was formed to improve the skills and knowledge of appellate court clerks, to promote and improve the contributions of appellate court clerks in effective court administration, we well as to maintain facilities for collection and dissemination of information. At the annual meeting this year, we know that you will find the program designed to continue in our efforts to accomplish our goals.

Thank you all for your cooperation and support. I look forward to seeing each of you in San Antonio!

The Docket

News of the

National Conference of

Appellate Court Clerks

President	Ella Williams (MI)
President-Elect	David B. Beach (VA)
Vice-President	Marilyn Graves (WI)
Immed. Past-President	Ron Barrow (CA)
Secretary	Nancy T. Foley (MA)
Treasurer	Danielle Schott (LA)
Executive Committee	Thomas F. Granahan (DC)
	Louise Livingston (AL)
	William K. Suter (U.S. Supreme Court)
	Leslie D. Gradet (MD)
	Joseph Lane (CA)
	Penny Miller (ND)

Regional Reporters:

Tom Granahan (DC)	(202) 272-1448 (DC, NY, VT, NH, ME, MA, RI, CT, NJ, DE)
Jon Wheeler (FL)	(904) 488-6151 (FL, GA, SC, NC, TN, AR, LA, MS, AL)
Hank Henson (MI)	(313) 358-2456 (MI, MN, WI, IA, MO, ND, SD)
Gist Fleshman (IL)	(815) 434-5050 (IL, IN, KY, VA, WV, OH, PA)
Michael Yerly (CA)	(408) 494-2518
Victoria Hernandez (CA)	(209) 445-5789 (CA, NV, UT, AZ, NM, OK, TX, HI)
Ed Smith	(406) 444-3858 (AK, WA, OR, ID, MT, WY, CO, NE, KS)
Editor	Peggy McGraw (MO)

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

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Eddie's Primo LOWFAT Jambalaya

Contributed by Frans Labranche

- 2 lbs. boneless, skinless, turkey or chicken breast (cut in chunks or cubed)
- 2 lbs. smoked turkey sausage* (sliced in about 1/4 inch slices)
- 2 lbs. andouille sausage* (cubed)
- 1/2 tablespoon EACH of black, red or cayenne, and white pepper
- 3 tablespoons of minced garlic
- 1 tablespoon garlic powder
- 1 tablespoon parsley (chopped)
- 4 bay leaves (whole)
- 4 large onions (chopped)
- 4 bell peppers (chopped)
- 2 16 oz. cans peeled tomatoes (drained and chopped)
- 1 bunch green onions or shallots (chopped)
- 1 stalk of celery (chopped)
- 6 cups Uncle Ben's Converted Brand Rice
- 6 cups chicken or turkey stock***
- 1 can PAM or other non-stick preparation

You must use a heavy stock pot or dutch oven with a good heavy lid or you **WILL** burn this recipe. Use a 7-8 quart pot for this amount.

Start by spraying your pot liberally with the PAM. Be sure to coat the sides as well as the bottom. Start on medium high heat. Add the turkey and andouille sausage and the minced garlic. Brown these ingredients well, stirring regularly. Reduce heat to medium. Add the breast meat and continue to brown for about 10 minutes. **KEEP THE POT COVERED WHEN NOT STIRRING.** Next add the celery and continue to brown about 5 minutes. Continue to stir the ingredients to prevent them from sticking. Now add the remainder of the chopped vegetables, onions, green onions, and bell peppers. Stir well and allow the vegetables to soften. This process will produce a large amount of liquid. **REMEMBER-KEEP THE POT COVERED!** This helps to maintain the liquids and flavor. This should take about 10 minutes. Next, add the red, white and black peppers; bay leaves, tomatoes, stock, and bring to a boil. When the mixture starts to boil, **SLOWLY** stir in the rice and return to a boil. Reduce heat, cover and allow to **SIMMER** for about 25 minutes or until rice is tender and all liquid is absorbed. Stir during simmering process 3 or 4 times, working the rice from the bottom of the pot to the top.

When using turkey sausage, try some before using it in the Jambalaya. Quality varies greatly and cheap sausage tends to be gritty. Smokey Hollow makes a pretty good turkey sausage. Same with andouille. Some people think andouille has to be pepper hot. Not so! John Folse's andouille sausage is the best I have used. Good andouille looks like ham when it is sliced.

*** **WHATEVER YOU DO!** use a liquid with flavor, i.e., beer, wine, turkey broth, etc. This will make the flavor richer. You can also purchase a turkey or chicken base at your better supermarkets, which is a very condensed form of stock. **DO NOT USE WATER.** If you can avoid it.



ARTICLE VII

Committees

1. Statement of Committees' Work. [no change]

2. Executive Committee. [no change]

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 Chairperson and any ex-officio members. The membership of the Program Committee shall include a vice-chairperson appointed by the President. The term of a Chairperson and, when applicable, a vice-chairperson, of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chairperson, or upon its own initiative, may remove a member of a standing committee for good cause.

(a) Awards Committee. [no change]

(b) Bylaws Committee. [no change]

(c) Convention Assistance Committee. [no change]

(d) Long Range Planning Committee. [no change]

(e) Membership Committee. The Membership Committee shall solicit new members and distribute information about the Conference and its activities to new or prospective members. [The committee shall also oversee the production of a Directory of Appellate Court Clerks.]

(f) Nominating Committee. [no change]

(g) Program Committee. [no change]

(h) Public Relations Committee. [no change]

(i) Publication Committee. [no change]

(j) Resolutions and Memorial Committee. [no change]

(k) Scholarship Committee. [no change]

(l) Site Selection Committee. [no change]

(m) Finance and Investment Committee. [no change]

(n) Pictorial Directory Committee. The Pictorial Directory Committee shall update and maintain the pictorial directory of the Conference, including the annual meeting summaries contained therein.

4. Select Committees. [no change]

5. Special Committees. [no change]

("Program", cont. from p.1)

Ethics

Monday afternoon, Bill Fulton (United States Court of Military Review) will lead a panel of our members in a discussion of ethical dilemmas facing non-judicial court personnel in their work-related and outside activities. The panel's discussion will follow the viewing of a new videotape prepared by the American Judicature Society, in which dramatized scenarios are shown. There will be plenty of opportunity for audience participation, so we can all share our insights.

Myers-Briggs Type Indicator

Our program Tuesday will be an all-day Myers-Briggs Type Indicator seminar. Robin Marcovsky and Dee Campbell, our MBTI facilitators, will explain MBTI to us--how our personality preferences influence the manner in which we communicate and perceive our world. Through a series of small and large group exercises based on the results of questionnaires we will all fill out, we will learn why we think and behave the way we do, and how to maximize the advantages of similarities and differences between ourselves and the people with whom we communicate--our judges, staffs, attorneys, and the general public. Even if you have participated in Myers-Briggs seminars before, this seminar will teach you even more and will enable you to apply the questionnaire results to your professional and personal relationships.

YOU WILL RECEIVE YOUR MBTI QUESTIONNAIRE SHORTLY AFTER YOU SEND IN YOUR REGISTRATION MATERIALS. PLEASE COMPLETE IT PROMPTLY SO THAT THE FACILITATORS CAN TAILOR THE SEMINAR TO OUR GROUP'S NEEDS AND SO THAT YOU CAN GET THE MOST OUT OF THE SEMINAR.

Overview of Futures Planning

We will begin early Wednesday morning with our first annual Future of the Courts seminar. Just as we have an ethics component in each conference program, this year we will introduce a strategic planning component to the annual program. This year's half-day program, planned with the combined efforts of the Program Committee and the Long Range Planning Committee, to be facilitated by Dr. Ramon deArrigunaga and Frans Labranche (Supreme Court-LA), will introduce us to the concepts of futures planning--identifying the trends of a changing society (demographics, technology, science, the economy, the environment, and politics), developing scenarios of how the courts might function in the future, creating a vision of how we want the courts to function in the future, and adopting strategies to implement the overall plan. We will learn why long range planning is crucial for our courts and we will learn the ingredients for a viable

long range plan. We also will begin to examine how the NCACC can best meet our future needs, and how we can make the changes necessary to accomplish that goal.

Breakout Sessions

Wednesday afternoon we will have an opportunity to attend several hour-long breakout sessions on a variety of topics:

Americans with Disabilities Act - Diana Pratt Wyatt (Court of Appeals, Second Circuit - LA) will bring us up-to-date on interpretations and applications of this recent legislation that affects every aspect of our managerial tasks as clerks.

Videoconferencing - Jon Wheeler (First District Court of Appeal - FL) will present a session on the videoconferencing of oral arguments, which his court has recently begun.

Electronic Bulletin Boards - Gloria (Jill) Engel (Supreme Court - SD) has arranged for Tom Carlson of the National Center for State Courts to inform us of how courts throughout the country are using these tools. His presentation will include a demonstration and suggestions of things to do and things to avoid doing.

Sharing Our Successes (S.O.S.) - In a session coordinated by Sandy Roos (American Bar Association, Carol Green (Supreme Court and Court of Appeals - KS), and Jean Kennett (Supreme Judicial Court - MA), we'll look at how NCACC members have improved life at their courts. Categories will include "The Professional Clerk is a Happy Clerk" (development of human resources), "It's Fun to Come to Work" (improving the work environment), "I Didn't Know Computers Could Do That" (technological advances), "Who Needs Computers, Anyway" (non-technological advances), and "Why Didn't I Think of That?" (general successes). Awards will be given for the best ideas!

Courts and the Media

The educational program will conclude with a panel discussion on Thursday morning on dealing with the media. The panel will feature Chief Judge Martin M. Doctoroff of the Michigan Court of Appeals, Judge Kathleen Kennedy-Powell of the Los Angeles Municipal Court, Christie Speir-Cameron (Clerk of the North Carolina Supreme Court), and Sherie Welch (Clerk of the Georgia Supreme Court). It will be a wonderful opportunity to learn how to deal effectively with the press and other media.

Thanks again to all of the Program Committee members--Jill Engel, Bill Fulton, Carol Green, Jean
(cont. on next page)

Kennett, Frans Labranche, Joseph Lane, Diana Wyatt, and Jon Wheeler, and honorary committee members Sandy Roos for their hard work in putting together the educational program.■

"San Antonio Awaits", cont. from p. 1

ride will take you to El Mercado for a variety of restaurants and shopping at the quaint shops featuring everything from Western leather and silver jewelry to Mexican pinatas and handcrafted pottery. Relax at one of the many sidewalk cafes and enjoy a margarita or a long-neck beer as you snack on nachos or pan dulce and listen to mariachi music. Then its back on the trolley for a short ride to the world-famous Alamo, the cradle of Texas liberty. The Rivercenter Mall is located right next door for three floors of shopping, restaurants and movies.

A treat for the entire family is the Texas Folklife Festival located five-minutes away from the Hilton Palacio at the Institute of Texan Cultures. Rich with many cultures which make San Antonio and Texas, this is easily a day-long affair to enjoy the many activities offered by the various ethnic and cultural groups from around the state.

For those of you interested in a game of golf, Troy Bennett is putting together a golf tournament at one of San Antonio's beautiful and scenic golf courses. Our annual NCACC Fun Walk-Run will be held on August 6 at HemisFair Park, across from the Hilton.

Leslie Gradet and the Educational Committee have put together a tremendous program which will feature panel discussions on ethics and non-judicial court personnel, accompanied by videotaped dramatizations; what promises to be a very interesting session on video teleconferencing of oral arguments, presently in use by some courts; a panel discussion chaired by Chief Judge Martin Doctoroff and Judge Kathleen Kennedy-Powell on interaction between courts and the media; and Judge James Gray will present his views on how our drug laws have failed and what options we still have available.

Frans Labranche and Dr. Raymond deArrigunaga will present a broad overview of futures planning—from the trends of a changing society, to understanding how we want the courts to function in the future in response to this changing society, and how crucial long-range

planning is and what part of the NCACC can take to make the changes to reach these goals.

ADA by Diana Pratt Wyatt will take a look at this relatively new legislation and how it affects us in the workplace.

Of special interest will be the success-stories segment lead by Carol Green, Jean Kennet and Sandy Roos.

The Myers-Briggs Type Indicator session presented by Robin Marcovsky and Dee Campbell will be based on the results of the questionnaires we previously completed and will explain how our personality preferences influence how we communicate and perceive our world and how to use this information to our benefit in communicating with those we come in contact with.

As seen from the above, the educational programs should be very interesting, thought-provoking and beneficial to each of us.

All in all, your participation in this year's National Conference of Appellate Court Clerks in San Antonio will be an educational investment in learning and sharing information with other clerks from throughout the United States, as well as time well-spent relaxing and enjoying yourself in a city with so much to offer. I extend a heartfelt invitation to each of you to sign up now to attend this year's conference August 6th through 11th in San Antonio. Y'ALL COME, AMIGOS!!!



SUPPLEMENTAL REPORT OF BYLAWS COMMITTEE

The Executive Committee asked the Bylaws committee to consider whether the Bylaws should be amended to permit the creation of a "History and Pictorial Directory Committee" that would serve as the "curator" of the Conference's records. The Committee would also be charged with updating the Pictorial Directory.

The Bylaws Committee hereby proposes modifications to the Bylaws to effectuate the creation of a new committee that would be charged with the noted responsibilities. In so doing, we recommend the deletion of language in Article VII, paragraph 3(e) and the addition of a new section to that paragraph. The proposed amendments are attached.

The Committee has intentionally kept the Bylaws amendments brief. It is the Committee's view that important issues regarding the operation of the new committee should be handled through the use of the Guideline process. Among them are the following:

1. Experience has shown that it is not possible to produce a new Directory within one year. It is recommended, therefore, that the Chairperson of the Pictorial Directory Committee should serve from directory to directory, rather than for one year at a time. Inasmuch as Article VII, Paragraph 3, provides for one-year terms for the Chairpersons of standing committee, the Bylaws Committee is suggesting that the Guidelines make it clear that the same person should be appointed until the Directory is produced. Kenneth DeBlanc, a member of the Bylaws Committee who also serves as the Chairperson of the effort to produce a new Directory, suggests that the new committee's processes should be based on the prospect of a new Directory every four or five years.

2. The Bylaws Committee suggests that the new committee could produce an annual looseleaf "update" between publications of a full Directory.

3. The new committee will be responsible for producing the Annual Meeting Histories. In San Antonio, for example, Secretary Foley will fill out an appropriate Annual Meeting History form, drafted by Ken DeBlanc, before leaving at the end of the week. In that way, the "History" page will be completed when everything is still fresh in the minds of those who have to prepare it.

4. The new committee's guidelines should also provide a mechanism to help the Directory Committee target non-responding members who attend the annual meeting. Again, experience has shown that the most difficult aspect of the job of preparing a Directory is filling in the "blanks." If the committee can distribute forms at the annual meeting and press nonresponders for an immediate response, that will help.

5. The Directory Committee Chairperson should also have a photographer at the annual meeting to shoot (in a manner of speaking) those who have failed otherwise to produce a suitable photo.

In sum, the Bylaws Committee recommends the attached amendments to the Bylaws. In addition, we recommend that the new committee draft Guidelines that address the foregoing issues.

Please note that membership consideration of these recommendations is subject to a suspension of the notice requirements as provided by Article XI, Paragraph 2 of the Bylaws.

Respectfully submitted,
Martin H. Brownstein
Kenneth J. DeBlanc
William K. Suter
Stephen W. Townsend, Chairperson

(cont. from previous page)

(t)Treasurer shall be responsible for overseeing the receipt by the National Center for State Courts of all dues and all other monies paid to be Conference. The Treasurer shall serve as the chairperson of the Finance and Investment Committee. The Treasurer shall be responsible for furnishing all members with a financial report by the annual business meeting each year; this requirement may be met by publishing the financial report in The Docket, the NCACC [NEWSLETTER] newsletter.

ARTICLE VI

Office of the President

1. Duties of the President. The President shall serve as the chief executive officer and shall preside at all meetings of the Conference and its Executive Committee.

2. Power of President to Appoint Committee Members; Parliamentarian. The President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chairperson for each committee, except as provided in Article VII. The President may appoint a regular or retired member as Parliamentarian, to serve at his or her pleasure.

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

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

[5. Term of Office as President. The President shall serve a term of one year as Past President following the conclusion of the term of office as President of the Conference. 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.]

[6]5. Eligibility for Office After Being President. Two years after the conclusion of a [person's] term as Past-President, [this person] a member shall be eligible for election or appointment to any office in the conference, provided the requirements of Article III, section 3, have been met.

[7]6. President as Official Representative of the Conference. The President shall serve as the official representative of the conference when attending meetings that relate to the business of the Conference. With the approval of the Executive Committee, the reasonable expenses incurred in connection with attending such meetings shall be borne by the Conference. The President may designate a Conference member as the representative of the Conference. Expenses incurred by such a designee shall be paid in the same manner as those of the President.

[8]7. Authority of the President. Unless specifically enumerated, nothing in this Bylaw shall be construed to limit the authority of the President to perform such tasks as may be reasonably necessary to promote the goals and objectives of the Conference.

[9]8. 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 [p]Past-[p]President in attendance shall preside.

MINUTES OF NATIONAL CONFERENCE OF APPELLATE COURT CLERKS TWENTY-FIRST ANNUAL MEETING SUNDAY, AUGUST 7, 1994 SAN DIEGO, CALIFORNIA

The Twenty-first Annual Meeting was called to order by President Barrow.

President Barrow recognized and introduced those new members attending as follows:

Richard R. James, Virginia
Cecil Crosson, Jr., Tennessee
Frankie R. Lewis, Tennessee
Sue R. Walker, Tennessee
Gail G. Haney, New Jersey
Patrick Stanford, Colorado
Daniel P. Potter, California

It was moved by Frans Labranche to waive the reading of the minutes of the Twentieth Annual Meeting and that those minutes be approved. The motion was seconded and carried.

President Barrow called for the following 10 committee reports and one liaison report and requested that they be considered as a whole:

SCHOLARSHIP COMMITTEE

Leslie Gradet, on behalf of Chairperson Clickenbeard, reported that five scholarship applications were approved. Due to changes in court funding, only four scholarships were actually used. She reported the committee guideline changes, approved by the Executive Committee, as follows: \$750 scholarship total without apportionment; waiver of registration fee; and application

deadline as post-marked by April 1st.

AWARDS COMMITTEE

President Barrow, on behalf of Chairperson Frank Habershaw, reported that J.O. Sentell recipient had been chosen and the name would be announced at the banquet (Peggy Stevens McGraw). He advised that the Morgan Thomas would not be awarded this year.

CONVENTION ASSISTANCE COMMITTEE

Ed Smith, on behalf of Chairperson John Wilkinson, reported that the committee had been in frequent contact will Host Steve Kelly. He reported that there was still a need for assistance with the hospitality suite.

FINANCE AND INVESTMENT COMMITTEE

Treasurer Danielle Schott presented the report which consisted of seven exhibits. The exhibits were: (1) Comparative Statement of Revenues, Expenditures and Changes in Fund Balance for Periods Ending 6/30/94 and 6/30/93. The fund balance, again this year, showed a decrease. (2) Comparative Balance Sheets at 6/30/94 and 6/30/93. (3) Budget Results for Fiscal Year 1994. (4) Proposed Operating Budget for the Year

(See "Minutes", cont. on next page)

("Minutes", cont. from previous page)

Ending June 30, 1995. (5) Comparative Financial Reports for Annual Conferences Occurring In Calendar Years 1991, 1992 and 1993. (6) Proposed Budget for the Annual Conference in San Diego, California. (7) Investment Committee Report. Treasurer Schott expressed the committee's concern regarding the low CD interest rates. She responded to miscellaneous questions concerning the formatting of the report.

MEMBERSHIP COMMITTEE

Chairperson Ella Williams reported that through the efforts of the committee there were 17 new members. She also outlined the procedure for inclusion in the pictorial directory. President Barrow acknowledged the outstanding work of her committee, including the excellent quality of the new pocket sized directory.

PROGRAM COMMITTEE

Chairperson Joseph Lane did not have a formal report but noted that the Public Speaking presentation included a video taping session for a limited number of members. The videos would be privately analyzed during the afternoon. He stressed the importance of the Business Meeting and of committee work. He encouraged members to sign up for committees and to actively participate.

PUBLIC RELATIONS

Penny Miller, on behalf of Chairperson Causseaux, reported that the committee had prepared a news release regarding the Annual Meeting and distributed the release to the local press and to law related publications.

PAST PRESIDENTS

President Barrow advised that

there was no report.

SITE SELECTION

Chairperson Tommy Lowe reported that the Point Clear, Alabama was the site offered for the 1997 conference. Louise Livingston, the host for 1997, was introduced. She distributed stickers of Alabama with the Lone Star representing our next meeting in San Antonio. Louise expressed enthusiasm for the prospect of sharing with the NCACC her South, which is rapidly changing. She stated that Point Clear is a grand hotel and a luxurious resort with activities for all interests.

PUBLICATIONS

Chairperson Peggy McGraw reported that the committee had published four issues of The Docket. She advised that The Docket is published under a new format which permits inclusion of photographs. Peggy encouraged everyone to submit both photographs and articles. She requested the establishment of a volunteer group committed to the production of one article per issue and asked each member to be a "reporter" from their court.

LIAISON TO THE ADVISORY COMMITTEE FOR COURT SERVICES DIVISION OF THE NATIONAL CENTER FOR STATE COURTS

Liaison Peggy McGraw stated that she was pleased to be participating. Working with the Advisory Committee provided an opportunity to get closer to the NCSC with a goal of securing a NCSC board position. Peggy informed the meeting that the Court Services Division has many projects that could be helpful to appellate courts.

(Cont. from previous page)

underscored. Added language in headings, which are already underscored, is double-underscored. Bylaws affected by the proposed changes include the following, all of which are appended to the narrative portion of this report:

Article V, Sections 1, 3, 4, 5, and 6
Article VI, Sections 2, 5, 6, 7, 8, 9

In addition to the foregoing, the proposed modification to the Awards Committee Guidelines is attached.

Respectfully submitted,
Martin H. Brownstein
Kenneth J. DeBlanc
William K. Suter
Stephen W. Townsend, Chairman

Dated: March 1, 1995

ARTICLE V

Officers

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

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

3. Election and Succession of Officers. The President-Elect shall succeed to the office of the President at the expiration of the term as President-Elect. The Vice-President shall succeed to the office of President-Elect at the expiration of the term as Vice-President. The President shall succeed to the office of Past-President following the conclusion of service as President.

At each annual business meeting, the Vice-President shall be elected by a vote of a majority of the members present at the meeting and entitled to vote; the Secretary and the Treasurer shall be elected for two-year terms, the Secretary in even-numbered

years and the Treasurer in odd-numbered years. The Treasurer and the Secretary shall be eligible for reelection.

4. Filing of Vacancies. In case a vacancy occurs in the Office of President or President-Elect, the next officer in the order of succession as stated in Section 3 of this Article shall succeed to such office and shall serve for the unexpired term and for the following year. In case a vacancy occurs after the annual business meeting in the office of [the] Vice-President, [the] Secretary, [the] Treasurer, or Past-President, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. If the vacancy filled is that of the Vice-President, [this] it shall be an interim appointment and an election shall be held at the next annual business meeting for the offices of President-Elect and Vice-President. If the vacancy filled is that of [the] Secretary or [the] Treasurer, an election shall be held at the next annual business meeting to fill the unexpired term, if any. If the vacancy to be filled is in the office of Past-President, the Executive Committee shall appoint a former President of the conference to complete the unexpired term."

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

6. Duties of Treasurer. The

(Cont. on next page)

1995 REPORT OF THE BYLAWS COMMITTEE OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

The 1995 Report of the Bylaws Committee of the National Conference of Appellate Court Clerks is hereby submitted to the Executive Committee for its consideration, publication in *The Docket*, and placement before the general membership at the annual meeting in San Antonio. Suggestions and requests for action that were presented to the Committee included the following:

1. President Williams asked for language that would permit the President to appoint a Parliamentarian;

2. Martin Brownstein noted an apparent typographical error in Article VI, Section 5; and

3. Jean Kennett asked for a revision to the Awards Committee Guideline in respect of the Morgan Thomas Award language.

In reviewing the first two items on the agenda, the Committee was led to consider some structural questions. That led to a number of housekeeping amendments, all of which are attached. The Committee recommends the following:

1. Language creating a Parliamentarian should be added to Article VI, Section 2, "Power of the President to Appoint Committee Members." The proposed language makes the appointment discretionary with the President ("may" appoint rather than "shall"). Further, the Parliamentarian would serve "at the pleasure of" rather than for a term. In that way, the President can appoint a Parliamentarian for Executive Committee meetings while not being limited to those attending an Executive Committee meeting when deciding on a Parliamentarian for the annual business meeting.

2. Mr. Brownstein was correct in noting that Article VI, Section 5, had an error in the caption. In reviewing that section and

its surrounding Articles, however, the Committee concluded that the "Past-President" language should appear elsewhere.

The existing bylaw discusses the "term of office" of a Past-President and how vacancies in that office should be handled. The Committee proposes moving the first part of that bylaw to Article V, Section 3, "Election and Succession of Officers." The second part of that bylaw has been revised and moved to Section 4, "Vacancies," of Article V.

As a result of the foregoing, existing Article VI, Section 5, has been deleted and the remaining sections in that bylaw renumbered.

3. While reviewing Article VI, the Committee noted language in Section 5, "Eligibility for Office After Being President" that was somewhat convoluted. In addition, that language failed to note that former Presidents could serve in appointed offices and it failed to refer to the general eligibility requirements for office (Article III, Section 3). The Committee suggests changes in that bylaw to rectify the noted omissions.

4. Throughout Articles V and VI, the Committee proposes minor changes to make the use of hyphens and capital letters consistent. Also references to the NCACC Newsletter, which used to be its name, have been changed to "*The Docket*, the NCACC's newsletter."

5. Jean Kennett had submitted proposed language on the modification of the Morgan Thomas Award criteria. The Committee was told that Ms. Kennett's language had already passed muster with the Executive Committee. The Committee endorses the language as submitted.

Please note that [brackets] indicate deleted material. New language is
(cont. on next page)

Frans Labranche moved to accept the preceding 10 committee reports and one liaison report. The motion as seconded and carried.

BYLAWS

Chairperson Glen Clark stated that there were five Bylaws changes proposed. He first addressed changes 2 through 5 and briefly described each of those changes as follows:

2. Article III, Sections 1(c) and 3, language change.
3. Article IV, Section 4, Language change.
4. Article VI, Section 2, Article VII, Sections 1 and 3, changed word "Chair" to "Chairperson".
5. Article VII, Section 3, add language to provide a "Vice-Chairperson" for the Program Committee and other language changes.

Glen Clark moved to accept Bylaw changes #2 through 5. The motion was seconded and carried.

Chairperson Clark next addressed the remaining change as follows:

1. Article III, Section 4, Membership Dues. Changed dues to \$75.00 for regular members, \$25.00 for retired and associate members and language changes.

Chairperson Clark noted that change 1 was not a recommendation of the committee but rather a request from the Executive Committee. President Barrow explained the Executive Committee's

rationale for the increase. He noted the increase in operating costs, especially for host clerks. Joe Lane noted the increased costs of producing *THE DOCKET* and certain other conference expenses. Glen Clark moved to accept change 1. After further discussion, the motion was seconded and carried.

President Barrow introduced Host Steve Kelly. He noted the locations and times for the hospitality suite and announced the social schedule.

LONG RANGE PLANNING AND IMPLEMENTATION

Chairperson Frans Labranche reported the committee's efforts during their February meeting. He stated that their focus was 10 years into the future rather than 20. He stressed the importance of "visioning" and strategic planning in order to manage the inevitable changes. Frans stated that future planning is a pro-active not re-active process. He reported that the committee requested "visioning" programming in the immediate future and thereafter to become part of each educational program. He noted that the Spring 1995 committee meeting would be held in New Orleans at the same time as the Spring Executive Committee Meeting. He hoped for some joint vision planning opportunities. Frans reported that the committee requested that the conference issue a "vision" statement. Joe Lane moved to accept the Long Range Planning & Implementation Committee report. The motion was seconded and carried.

NOMINATIONS

Penny Miller, on behalf of Chairperson Michael Yerly, introduced the proposed nominations as follows: Marilyn Graves (Wisconsin) for Vice President, Nancy Foley (Massachusetts) for Secretary,
(See "Minutes", cont. next page)

("Minutes", cont. from previous page)
 and Louise Livingston (Alabama), Bill Suter (DC) and Thomas Granahan (DC) for the Executive Committee.

President Barrow recessed the meeting until Thursday, August 11, 1994 at 11:00 a.m.

President Barrow resumed the meeting at 11:09 a.m., Thursday, August 11, 1994.

RESOLUTIONS AND MEMORIALS

Chairperson Louise Livingston submitted and read the resolutions. The first resolution thanked the staff of the Sheraton Harbor Island (West Tower) for their efficiency and attention to detail in connection with the annual meeting. The second resolution recognized and gave appreciation to the following for their generous hospitality: Bureau of National Affairs, West Publishing Company and Michael Whetstone, Mead Data Central and C. Lewis Tippet, and all others who contributed to the enjoyment of the conferees and their families visiting San Diego, California. The third resolution thanked Host Steve Kelly, his staff and the Convention Assistance Committee for their talents and efforts. The fourth resolution complimented and commended Program Chairperson Joseph Lane and the Program Committee members for the exemplary manner and their dedication in planning the program. The last resolution recorded the profound regret and sadness of the members of the NCACC regarding the untimely death of member Mildred E. Williamson and remembered her with appreciation and extended sympathy to her husband and daughter. Louise Livingston moved for adoption of the resolutions as read. The motion was seconded and carried.

NOMINATIONS

Chairperson Michael Yerly presented the report of the committee and moved that the report be accepted. The motion was seconded and carried. Chairperson Yerly nominated the following members for the Executive Committee: Thomas Granahan of the United States Court of Military Appeals, Louise Livingston of the Alabama Supreme Court and William Suter of the Supreme Court of the United States. There were no nominations from the floor. Chairperson Yerly nominated Nancy Foley of the Massachusetts Appeals Court for Secretary. There were no nominations from the floor. Chairperson Yerly nominated Marilyn Graves of the Wisconsin Supreme Court and Court of Appeals for Vice-President. There were no nominations from the floor. Frans Labranche moved that the slate of nominees be accepted by acclamation. The motion was seconded and carried. By acclamation, the slate of nominees was accepted.

President Barrow called for any old business. There was none.

President Barrow called for any new business. There was none.

President Barrow moved to adjourn the Business Meeting. The motion was seconded and carried.

The meeting adjourned at 11:19 a.m..l

MORE ON THE VARIETIES OF OUR EXPERIENCE

Continued from the April, 1995 Issue of The Docket

By Hank Henson, Assistant Clerk, Michigan Court of Appeals

PART II. TRIAL COURT FILES

- a) Preparation of the Trial Court record is requested by: Appellant's Counsel when the appeal is commenced, or
The appellate court after the briefs have been filed, or
Directed by state court rules upon receipt of a notice of appeal.
- b) The time for filing the record commences with:
The notice of appeal, or
The filing of the final brief, and
The time limit ranges from 5 days to undefined.
- c) The record is filed at:
The trial court, or
The appellate court, or
Appended to the appellant's brief.
- d) Certification of the record is:
Required of the trial court clerk, or
Required of appellate counsel, or
Not required.
- e) Certification of the contents of the record is:
For completeness and accuracy, or
For completeness only, or
Not required.
- f) Enforcement of the requirements of the rules is:
Rarely required by those courts surveyed, but when needed:
By the trial court on its own motion, or by motion of the attorney, or
By the appellate court on appellant's motion or on it's own motion.
- g) Payment of the trial court for preparing the record is:
Not required, or
By an initial filing fee at the trial court, or
Established by local trial court rules.

PART 3. RETENTION

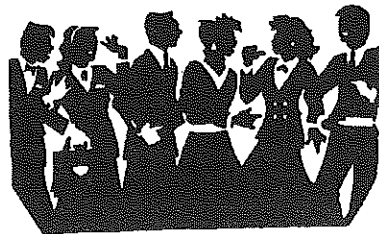
The trial record is normally returned to the trial court upon completion of the appeal after the time for rehearing and/or the time for further appeal has passed. In those states where copies of the trial court record are filed or appended to appellant's brief, there is no need to return them and they are generally retained by the court for as long as the file itself is kept.

In Michigan the Appellate record is retained at the court for 5 years and then sent to the state records center which has authority to destroy them. (The state historical commission has statutory authority to claim those they deem significant, but none have ever been reviewed for that purpose.) Illinois has a 21 year retention schedule. Minnesota keeps records on site for 10 years and then ships them to the state archives for permanent storage. Massachusetts microfilms their files and then distributes at least two copies other than the one they keep, and present plans are to keep them "in perpetuity". Wisconsin has no schedule, and currently has files on site going back to 1978.

The state archives in some states provide accommodations for people to review and/or copy the records. In Michigan and several other states, that is not possible and the appellate courts have to have the records returned from the archives to satisfy requests for copies or other review.

Best wishes to all.....Hank.

PEOPLE, PLACES AND THINGS



On March 1, 1995, Susan Stokley Clary assumed the duties of Clerk of the Supreme Court of Kentucky following the retirement of John C. Scott. Ms. Clary is a 1981 graduate of the University of Kentucky School of Law and has worked for the Supreme Court of Kentucky since that time.

Susan is married to Charles Clary, a chef and food services manager at a country club. Although she describes herself as someone who "works all the time", she also loves gardening and she and her husband are renovating an old home. Susan plans to attend the NCACC annual conference in San Antonio. We welcome Susan to the NCACC and her first conference!

Ed Smith, Clerk of the Supreme Court of Montana, has had a traumatic legislative session, to say the least. While most of us worry about budgetary cuts imposed by state legislatures, Ed had to face a potential elimination of the office of the Clerk itself.

Earlier this year, a senate bill was introduced that would eliminate the office of Clerk of the Supreme Court of Montana, effective January, 1996, and turn the Clerk's duties over to the Court Administrator. The

Montana Supreme Court Clerk is one of the few remaining elected clerks in the country and Ed was elected to his second term in November, 1994. The Democrats saw this as a Republican attempt to weaken state offices held by Democrats; the Republicans explained it as simply a measure to promote efficiency and save money. Although Ed opposed the bill in general, he particularly objected to the office being eliminated before the end of the term he was elected to serve. The Legislature passed the bill but Montana Governor Marc Racicot, a Republican, offered an amendatory veto that would allow Ed to finish his six-year term. The Senate accepted the amendment but the House rejected it and the bill reverted to its original form. The Governor, then, vetoed the bill and the Office of the Clerk of the Supreme Court of Montana remains intact and Ed Smith, a valued member of the NCACC, will see you in San Antonio.

Best wishes and prayers to Bill Fulton, Clerk, United States Court of Military Review, who is at home recuperating from surgery under the loving care and watchful eye of Marge Fulton. We wish you a speedy recovery, Bill!

NOMINATING COMMITTEE SELECTS MEMBERS
FOR POSITIONS WITHIN THE N.C.A.C.C.

The 1994/1995 Nominating Committee presents the following slate of candidates for the 1995 election of Officers and Executive Board Members to be held at the Annual Business Meeting of the National Conference of Appellate Court Clerks in August, 1995, in San Antonio, Texas

VICE-PRESIDENT - ONE YEAR TERM (AUTOMATIC SUCCESSION TO PRESIDENT-ELECT)

KEITH R. RICHARDSON - Clerk of the Supreme Court of Iowa. Keith received his B.A. degree in Business in 1968 and his B.B.A. in 1973 from the University of Iowa. He served in the U.S. Army from 1968-1970 and was a Staff Accountant with the certified public accounting firm of Peat, Marwick and Mitchell and Company from 1973-74. Keith is a member of the Iowa Society of Certified Public Accountants and the American Institute of Certified Public Accountants. He was appointed Clerk of the Iowa Supreme Court in 1974. He has been a member of NCACC since 1975. Keith was conference treasurer from 1986-1992 and has served on and chaired numerous conference committees.

TREASURER - TWO YEAR TERM

DANIELLE A. SCHOTT - Clerk, Court of Appeal, Fourth Circuit, State of Louisiana. Danielle graduated from Loyola University in 1978. She worked as a secretary to the Supreme Court Judicial Administrator from 1978-1982 and Deputy Clerk of her present Court from 1982-1985. She was appointed Clerk of the Court in 1985. Danielle has been a member of NCACC since 1979 and served on numerous committees. She is a member of the Judicial Administration Division of the ABA, the National Association of Court Management and the Louisiana Clerks of Court Association and has served as a Board member of the Ursuline Alumnae Association from 1985-1988.

EXECUTIVE COMMITTEE - TWO YEAR TERM

KENNETH J deBLANC - Clerk, Court of Appeal, Third Circuit, State of Louisiana. Ken is a graduate of St. Peter's College and Louisiana State University where he received a B.S. in Commerce and a LL.B in 1960. He served as chief Deputy Clerk from 1960-66. Ken was appointed Clerk of Court on January 1, 1966. He is a member of the American Bar Association, the Louisiana State Bar Association, Southwest Bar Association and the Louisiana Clerk of Court Association. Ken is a member of NCACC and has chaired and served on numerous committees.

NOEL K. DESSAINT - Clerk of the Arizona Supreme Court. Noel received his B.A. degree in English from Loyola University of Los Angeles in 1966 and his J.D. Cum Laude from Arizona State University in 1970. Noel practiced law in Phoenix from 1970-1976 and 1985-1989. He was appointed Deputy Administrative Director of the Arizona Supreme Court in 1976 and Administrative Director of Courts in 1977, where he served until 1985. Noel was appointed Clerk of the Court in 1989. He is a member of the NCACC, American Judicature Society and numerous state appellate committees and commissions. Noel has served on numerous conference committees.

MICHAEL J. YERLY - Clerk, Sixth District Court of Appeal, State of California. Mike received his B.A. in Political Science from San Jose State University in 1972. He served as Deputy Clerk from 1985-1987, Chief Deputy Clerk from 1987-1988, and was appointed Clerk of the Court in 1988. Mike is an advisory member of the California Judicial Council, advisory member of the Security Committee and Appellant Indigent Defense Committee and is currently the President of the California Appellate Courts Clerk's Association. He has been a member of NCACC since 1988. He has chaired and served on numerous conference committees and facilitated "Pro Per Litigants" and "Emergency Preparedness" workshops at the conference annual meetings.

Respectfully submitted: NOMINATING COMMITTEE - Glen D. Clark, Chairperson; Cornella Clark, Nancy Foley, Robert Liston, Peggy McGraw

FUTURES

Long Range Planning

By Frans Labranche, Jr., Supreme Court of Louisiana

We all enjoy thinking about and planning for our future. No less should be true in thinking about and planning ahead for the future of our Courts and our organization. With this in mind, your Executive Committee, Program Committee, under the capable leadership of Leslie Gradet, and the Long Range Planning Committee met in New Orleans to plan a "Futures" presentation for this year's annual meeting. Our session in New Orleans was conducted by Dr. Raymond deArrigunaga who will also be our presenter and facilitator in San Antonio.

It is almost prophetic that our introductory presentation on Futures will occur in San Antonio, since this was the site of the Futures and the Courts conference in 1990.

In general, future's planning is not forecasting or crystal ball gazing, it is strategic planning in which a vision is articulated; the organization's aim, goals and responsibilities are set out; and the objectives and primary targets are identified.

Our session in San Antonio will provide us with the necessary background in strategic and future's planning, preparing us to articulate a vision for both Appellate Courts and our organization.

You should realize that our presentation in San Antonio will be the first in a continuing series at our annual meetings. Futures and Long Range Strategic Planning is a long and involved process and is not for the impatient. Hopefully, our meeting in San Antonio will provide the initial thrust into the future. Building a shared vision will involve a shared picture of the future, along with creating and promoting genuine commitment. Some futurists tell us that the question of ethics is

paramount. The deeper we penetrate the future, the better our values and ethics should become.

As we embrace a vision both for our Courts and our organization, our power will flow from the fact that the vision is shared. Commitment means that we are all moving in the same desirable direction. I am pleased to now turn over this article to Dr. Ray. I know his remarks here below will whet your appetites for what we believe will be a stimulating presentation.

Whether we call it future's planning, long range planning, strategic planning or strategic management, the desired end result is the same. We need to ensure that our organization is as matched to its environment as possible on a continuous basis.

The process for doing so is not complicated, but it can be tedious and time-consuming, if the procedure is to be done correctly.

If we are to match our organization to the environment, then clearly we need to perform an analysis of both. This is the first step in the process.

The environment in which our organization functions is largely beyond our control. Such things as politics, religion, social issues, technology, ethics, economics, and the natural environment, can have profound and deeply lasting influences on what organizations can and cannot achieve.

An evaluation of the operating environment will reveal many potential opportunities for success as well as multiple potential

threats which can result in failure.

An organization also has an internal environment, which is characterized by strengths and weaknesses. Some organizations are clearly able to do some things better than others.

An organization's top managers, therefore, must determine the external environment's opportunities and threats, and attempt to maximize the potential for success by concentrating on the opportunities taken together with the organization's strengths, while minimizing the potential for failure, i.e., by staying away from threatening situations, or by not realizing, or willing to admit, the existence of organizational weaknesses.

Once the opportunities, threats, strengths and weaknesses have been identified, the second step is the determination of the organization's direction. The basic question to be asked is, why does the organization exist? What is the organization's purpose? What is its mission?

Once these questions have been answered, the goals and objectives of the organization can be determined. Goals and objectives support the mission statement of the organization. A statement such as, "To increase market share by 10% by December 31, 1996" is an example of an objective.

The third step in the process is the formulation of the strategy, keeping in mind the operating environment, organizational capabilities and organizational direction. What are we, as leaders of the organization, going to do? How do we determine the proper allocation of organizational resources to the direction we have selected?

There is no easy answer to this question, and this task is by far the most difficult since our organization operates in an everchanging environment.

Nonetheless, the task must be accomplished. Planning, research, "... what if ...?" scenarios are but some of the tools available for this task.

The fourth step in the process is the implementation. If the preceding steps have been thoroughly and honestly performed, this step becomes almost anti-climatic. Again, it can be tedious and time-consuming to develop an implementation plan, but it is not difficult.

The last step is the establishment of control mechanisms. A feedback process must be developed so that managers at all levels can determine if the implementation plan is being properly executed. Key indicators need to be established and reporting systems established.

The principles of strategic planning are very straightforward. There is no "black magic" associated with the process. Like so many other things that we do, perseverance and attention to detail are often the major differences between success and failure.

Raymond deArrigunaga

We thank Dr. Ray for his above comments, and by way of future planning and whetting appetites, we have been asked to share some of the recipes from our soiree at Destiny. Elsewhere in this publication, you should find Chef Eddie's recipe for Jambalaya. Bon Appetite! See you in San Antonio!!