

## NCACC MEMBERS SAY "ADIOS" TO SAN ANTONIO



Out-going president, Ella Williams, preparing to pass the gavel to incoming president, David Beach, at the NCACC annual conference banquet Thursday, August 10, 1995. Photo compliments of Bill Fulton.

NCACC members said "adios" to San Antonio as it installed new officers at the annual conference banquet Thursday, August 10, 1995. David Beach, Clerk, Supreme Court of Virginia succeeded Ella Williams, Clerk of the Michigan Court of Appeal as President. Marilyn L. Graves, Clerk of the Wisconsin Supreme Court and Court of Appeals succeeded David Beach as President-elect and Keith Richardson, Clerk, Supreme Court of Iowa was elected Vice-President. Nancy T. Foley, Clerk of the Appeals Court of Massachusetts is continuing service in her second term as Secretary and Danielle A. Schott, Clerk of the

Court of Appeal, Fourth Circuit, Louisiana, was elected to a second term as Treasurer. Kenneth deBlanc, Clerk of the Court of Appeal, Third Circuit, Louisiana, Michael Yerly, Clerk, Court of Appeal, 6th District, California, and Noel Dessaint, Clerk, Arizona Supreme Court were elected to the executive committee. The banquet held at the Hilton, Palicio del Rio Hotel concluded the National Conference of Appellate Court Clerks weeklong educational conference.

The President's Page  
by David B. Beach



It was with mixed emotions that I accepted the gavel from Ella Williams in San Antonio. It is no small honor to be entrusted with the presidency of an organization as fine as the NCACC, and your trust in me is gratifying. It is also no small responsibility, but I knew that was part of the job. You have made the job easier by your selection of an outstanding Executive Committee.

The annual meeting in San Antonio was exhilarating in so many ways. The educational programs were excellent and have generated several suggested follow-up programs for next year. The hotel's location on the Riverwalk couldn't have been nicer, and even made many of us forget how hot it was.

One of the most satisfying aspects of the conference was the number of volunteers for committees, especially those of you who were willing to serve on or chair a committee for which you had not volunteered. I was particularly struck by the number of long-time members who have served tirelessly for years but still were willing to chair a committee. As you review the committee assignments set out elsewhere in *The Docket*, notice how many names of Past Presidents appear. My hat is off to all of you for your commitment.

Already I am excited about Des Moines. Bill Fulton (program chair) and Keith Richardson (host clerk) have tackled their responsibilities with their usual enthusiasm and thoroughness. Even at this early date the Des Moines conference is shaping up to be a stimulating educational experience with plenty of activities both for the conference members and guests.

THINK DES MOINES!

The Docket  
News of the  
National Conference of  
Appellate Court Clerks

President	David B. Beach (VA)
President -Elect	Marilyn L. Graves (WI)
Vice-President	Keith Richardson (IA)
Immed. Past President	Ella Williams (MI)
Secretary	Nancy T. Foley (MA)
Treasurer	Danielle Scott (LA)
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Christie Speir-Cameron (NC)	(919) 733-3723 NC, IL, IN, KY, VA, WV, OH, PA
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Leslie W. Steen (AR)	Volunteer Columnist
Diana Pratt-Wyatt (LA)	Editor

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

430 Fannin Street, Shreveport, LA 71101  
Phone (318) 227-3702 FAX (318) 227-3735

HELP KEEP US INFORMED!!

NCACC NEWS RELEASE QUESTIONNAIRE

NAME:	TITLE:
ADDRESS:	
WORK PHONE:	
YEARS AT COURT:	
OTHER PERTINENT PERSONAL BACKGROUND INFORMATION:	
HOME ADDRESS:	
NAMES AND ADDRESSES:	
LOCAL NEWSPAPER(S):	
STATE BAR PUBLICATION(S):	
STATE JUDICIAL NEWSLETTER(S):	
OTHER STATE/LOCAL LAW-RELATED PUBLICATIONS:	
OTHER PUBLICATIONS OR ORGANIZATIONS YOU WANT PERSONAL NEWS ITEMS TO BE SENT:	

In Recognition of One of Our Own: (continued from page 13)

"They are courteous to me and to one another. And they are better prepared now than they used to be," notes Kennett, crediting the latter development to the advent of on-line research services.

The legal arena has also changed substantially, she says. "We're seeing children's rights being developed . . . We have seen more acrimonious divorces. . . . There are new areas of law. The field of environmental law, I don't think even existed when I came here. . . . Discrimination law. . . . Gay and lesbian rights."

Kennett has also seen an increase of pro se litigants. "Pro se cases used to come from prisoners," says Kennett, past president of the National Conference of Appellate Court Clerks. "But more are coming from the field of Probate and Family Court."

As a result, clerk's pick up the brunt of preparing pro se cases. "By the time the court gets a pro se matter, hours and hours and hours have been spent in the clerk's office," Kennett says. "When you are dealing with a pro se litigant, you are not dealing with an objective person. There are emotions involved that clouds people's vision."







































































As for the justices, Kennett says she's never seen

any "outright animosity." Each court also has its own chemistry.

"Different courts get along — not better, but differently," she says. As for the upcoming addition of Justice Charles Fried, Kennett reports all eyes are on the newcomer.

"As each new judge comes, we all wait and see when the first decision comes along," she says. "We count the days."

(Reprinted with the permission of Jean M. Kennett)



**REMEMBER**

**Please complete the NCACC News Release Questionnaire and Return to Jean Kennett (MA).**

**Complete and submit the NCACC Nomination Form to Michael Yerly (CA).**

**Send your biographical information and recent photo to Kenneth deBlanc (LA).**

COMMENTS FROM THE PUBLISHER AND EDITOR . . . . .

It is with great pleasure that I distribute this first issue of *The Docket* since assuming the chair of the Publications Committee. I was not always sure that it would "get published" in October and in fact I am not totally convinced that an October postmark "counts"—but please don't be too technical—at least this first time.

I want to take this opportunity to thank the former Editor and Publisher Peggy McGraw for her words of encouragement as I assumed this challenge. I want to give special thanks to **Kathy St. John** in Missouri who is the individual behind *The Docket* assisting Peggy in compiling the articles and laying out the format. Kathy aided me tremendously by forwarding copies of past issues and diskettes containing format files. Thank you Kathy for all your assistance. I hope you are as proud of this issue as I am to send it to you.

A big "THANK YOU" to ALL of those who contributed to this first issue. The promptness in which you submitted materials was impressive. And in a typical NCACC manner, all who I called upon for assistance "eagerly" agreed to help. Thank you all!

On behalf of the publications committee, thank you! Minus printer and computer problems, the January 1996 issue will be out in mid-January. **DEADLINE FOR SUBMISSION OF ARTICLES IS JANUARY 2, 1996.**  
Sincerely, Diana Pratt-Wyatt (LA)

National Conference of Appellate Court Clerks Committees for 1995-1996

Awards

- Ron Barrow (CA)
- Ken deBlanc (LA)
- Frank Habershaw (FL)
- Beth McHaney (MO)
- Steve Townsend (NJ)
- Noel Dessaint (AZ), Chair

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- Cornelia Clark (WI)
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- Victoria Hernandez (CA)
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- Frankie Lewis (TN)
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- Bill Fulton (DC)
- Jean Kennett (MA)
- Victoria Hernandez (CA)
- Penny Miller (ND)
- Patrick Stanford (CO)
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- Keith Richardson (IA), (ex-officio)
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- Jennifer Casados (CA)
- Carol Green (KS)
- Keith Richardson (IA)
- Sandra Skinner (MO)
- Gail Haney (NJ), Chair

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- Marilyn Graves (WI)
- Linda Stone (MS)
- Sherie Welch (GA)
- Louise Livingston (AL), Chair

## SAN ANTONIO - A GREAT PLACE TO LEARN

BY LESLIE GRADET, PROGRAM CHAIR

**T**he NCACC has demonstrated once again that we can have a good time learning — about ourselves, our courts, and our world. The educational program began on Monday morning, August 7, 1995, with a thought provoking presentation by Judge James P. Gray of the Orange County Superior Court in California. Judge Gray got us thinking about the drug problem and how it affects us, and the possibilities we at least ought to begin to consider and discuss publicly.

That afternoon, we explored ethical dilemmas facing non-judicial court personnel with NCACC members Bill Fulton (US Army Court of Criminal Appeals) and Frankie Lewis (Supreme Court of TN), who showed a videotape of dramatized scenarios prepared by the American Judicature Society, and led a discussion of the videotape itself and of the situations portrayed in the dramatizations.

Thanks to the dynamism of facilitators Robin Marcovsky and Dee Campbell, and to so many of our members having completed their Myers-Briggs Type Indicator questionnaires, the all-day seminar on Tuesday, August 8, 1995, was a big success. We learned to mind our "I's" and "E's" and how we interact and communicate with others, how we perceive the world around us, what situations energize us, and what situations enervate us. And we saw how we could put to good use the difference and similarities between ourselves and the people we deal with professionally and personally.

On Wednesday morning, August 9, 1995, we were launched into the future by our own Frans Labranche (Supreme Court of LA) and strategic planning expert Raymon de Arrigunaga. We were introduced to the concepts of futures planning, and

were shown why long range planning is crucial for our courts and for our organization. Then, in a relatively short period of time, our members, working in smaller groups, came up with some initial long range plans for the courts and for the NCACC. (Stay tuned for more futures planning in Des Moines next summer.)

Wednesday afternoon saw us return to the present with four very useful breakout sessions. Diana Pratt-Wyatt (Court of Appeal, Second Circuit, LA) brought us up-to-date on interpretations and applications of the Americans with Disabilities Act. Jon Wheeler (First District Court of Appeal, FL) shared his experience with establishing and running a videoteleconferencing system for oral arguments. Tom Carlson of the National Center for State Courts demonstrated electronic bulletin boards, and gave us some insight into the options our courts will have for sharing information in the very near future. Sandy Roos (American Bar Association), Carol Green (Supreme Court and Court of Appeal, KS) and Jean Kennett (Supreme Judicial Court, MA) helped us share our successes in the areas of development of human resources, improving the work environment, technological advances, and general improvements. Many of us came away with some very good ideas to try on our own courts and in our own offices.

The educational program concluded Thursday morning, August 10, 1995, with a panel discussion of courts and the media. Panelists, Chief Judge Martin Doctoroff (Michigan Court of Appeals), Judge Kathleen Kennedy-Powell (Los Angeles Municipal Court) Christie Speir-Cameron (NC Supreme Court) and Sherie Welch (GA Supreme Court) discussed not only difficulties in court-media relations, but also ways the courts could work with the media to educate the public on issues regarding the judiciary.

Thanks again to all of the Program Committee members — Jill Engel, Bill Fulton, Carol Green, Jean Kennett, Frans Labranche, Joseph Lane, Diana Pratt-Wyatt, and John Wheeler, and honorary committee member Sandy Roos for their tremendously hard work in putting together an excellent educational program.

## IN RECOGNITION OF ONE OF OUR VERY OWN: "FROM CORPORATE SECRETARY TO CLERK OF THE SJC" BY CLAIRE PAPANASTASIOU RATTIGAN, (24 MASSACHUSETTS LAWYERS WEEKLY 123)

When Jean M. Kennett worked her way through Suffolk Law School years ago, she had some select mentors looking over her shoulder. Actually, there were seven. And they all just happened to sit on the Massachusetts Supreme Judicial Court.

Not too much pressure for the then-47-year-old pupil.

"I was amazed, they were all very encouraging," recalls Kennett, now 65, who for 31 years has reported to Pemberton Square to work in various capacities — culminating with her current job as clerk of the SJC in 1984.

"All the other students did not have seven Supreme Judicial Court justices watching over them," says Kennett, during an interview in her spacious, yet cozy, 14th-floor office.

The judicial attention, however, was much appreciated. "I remember Chief Justice [Edward F.] Hennessey calling me in his office one day. He wanted to know how things were going during my first year."

The new student was honest, and told the chief that it was not going too smoothly. Appreciating her assessment, Hennessey told Kennett that the justices were behind her 100 percent, but that her "health should always be first." No one would fault her if she decided to l

leave law school, he explained.

But Kennett mustered the strength, knowing that not being a lawyer could stifle any further aspirations within the court system. She finished Suffolk and was well on her way to becoming a woman of many firsts. Kennett was the first woman to be assistant clerk and the third assistant clerk. And she was the first non-lawyer to hold those positions.

"Law School was the hardest four years of my life," she recalls. "But I wouldn't trade it for the world."

### WORKED HER WAY THROUGH

Prior to working in the courts, Kennett was a secretary for various businesses — a bank, an architectural firm and an electronics company.

After receiving word that her last employer was in the throes of a buyout, Kennett thought she better find another job. She hooked up with her alma mater, Katherine Gibbs Secretarial School, which lined up eight interviews in one day for the soon-to-be-unemployed secretary.

The last interview for the day was with now-retired Superior Court Chief Judge Paul Reardon. She obviously impressed him, and she was hired as his secretary.

"All the judges here are wonderful, but I have always had a

special attachment to Judge Reardon," says Kennett, who plans on retiring in 1999 and "curl up with a good book."

Kennett never expected to become clerk of the SJC, primarily because she was not yet a lawyer. "I had the experience, and the judges knew me," she says, noting that the court preferred to hire from within. "But I didn't think I had an opportunity because I was not [yet] a lawyer."

But when word spread of Kennett's desire to ascend to the SJC clerkship, she was obviously pleasantly surprised.

In her years working at the SJC, Kennett has seen a lot of changes. One is the growth in the number of women lawyers.

"Some [appear before the court] seven months pregnant," she says, smiling proudly. "There are more bright colors. — Judge Nancy Gertner was the first to do that. She would wear a bright red dress."

Attorneys also appear to seem more confident before the SJC, she notes.

"In the beginning, lawyers were looking in the clerk's box instead of at the judges — as if they were glancing over for maternal approval," she laughs.

The SJC bar continues to be a civil one. (Con't. Page 14)



## TO THE BUSINESS OF THE NCACC CONFERENCE SAN ANTONIO, TEXAS AUGUST 5-11, 1995

By Nancy Foley, (MA)

**T**he NCACC Business Meeting began on Sunday, August 6, 1995, as President Williams called the meeting to order. In the usual course, the members reviewed and discussed the Treasurer's Report and the various committee reports. In keeping with the new format, the Business meeting recessed until Thursday, August 11, 1995, and was officially adjourned that day.

Among the many reports reviewed, the following three reports are of note. First is the report of the Bylaws Committee which proposed certain miscellaneous language changes, the creation of a new conference committee entitled "The Pictorial Directory Committee," and the addition of an official parliamentarian, who is to serve at the pleasure of the president. The report was accepted. Ken deBlanc (LA) will be serving as the first chairperson of the new Pictorial Directory Committee. A parliamentarian is yet to be named.

The Award's Committee chairperson, Jean Kennett (MA), presented a detailed history of the J. O. Sentell Award. She summarized J. O. Sentell's service to the NCACC as a founding member and its first president. She also reviewed his distinguished professional career including his years as the clerk of the Alabama Supreme Court. In addition to Jean's personal recollections of J. O. Sentell, she read into the minutes a moving letter from J. O.'s former chief justice, Senator Howard Heflin. His letter offered further testimony as to the outstanding qualities of J. O. Sentell. The presentation gave

members a clear picture of the man and an understanding of the significance of the award dedicated to him. Senator Heflin's letter will be part of the official business meeting minutes and will be retained by our secretariat, the National Center for State Courts.

The last report of particular interest was that of the Resolution and Memorials Committee. Chairperson Louise Livingston (AL), expressing with deep emotion the great sadness of the entire membership, read into the minutes a memorial for A. B. Neil (TN). She also read a special resolution for Peggy Stevens McGraw who was appointed to the trial court bench in Kansas City, Missouri. The resolution recognized Judge McGraw's tireless efforts on behalf of the conference which included her past presidency and her recent service as the editor and publisher of *The Docket*.

The entire minutes of the Business Meeting will be published in the June 1996 issue of *The Docket*.

### CONGRATULATIONS

**Kevin Swanson (CA) -  
Recipient of the J. O. Sentell  
Award - 1995**

**Sandy Roos (ABA) - Recipient  
of the Morgan Thomas Award  
1995**

## PUBLIC RELATIONS COMMITTEE

By Jean M. Kennett (MA)

**T**he Public Relations Committee has been sending legal newspapers and magazines around the country press releases about our meeting in San Antonio. Without knowing exactly which publications you would like to have the news sent to, we did the best we could. Professionally, it is important for us to get our names out there. In our private lives, too, it's nice for our friends and neighbors to know that we are active in an organization dedicated to improving knowledge and skills in a part of government which many people know little about. That is why elsewhere in the Newsletter you will find a form which asks for a little biographical information and the names and addresses of any newspapers or other publications you would like information sent to in the future.

In the meantime, when something interesting happens to you in your hometown, be sure to let the Public Relations Committee know so that we can get the news out to the best professional publication for you so that your court and co-workers will know.

The fifty states and District of Columbia have been divided among the Public Relations Committee members:

Ashley Ahearn (MA) Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Connecticut, Virginia, West Virginia; Lanet Asmussen (NE) Nebraska, Iowa, Idaho, Wyoming, Utah, Colorado, Kansas; Cornelia Clark (WI) Wisconsin, Illinois, Michigan, Missouri, Indiana, Ohio, Kentucky; Margie Thompson (TX) Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida; Ron Barrow (CA) California, Hawaii, Washington, Oregon, Alaska, Nevada; Penny Miller (ND) North Dakota, South Dakota, Montana, Minnesota, Oklahoma, Arizona, New Mexico; Jean Kennett (MA) Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, North Carolina, South Carolina, Georgia.

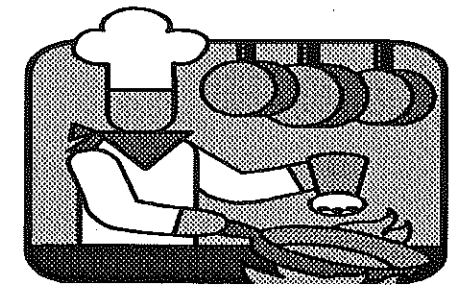
### SEND US YOUR NEWS!

### REMEMBER

Please complete the NCACC News Release Questionnaire located at page 15 and mail to:

Jean M. Kennett, Clerk  
Supreme Judicial Court  
1412 New Courthouse  
Boston, MA 02108  
Thanks!!

## COOKING WITH APPEAL

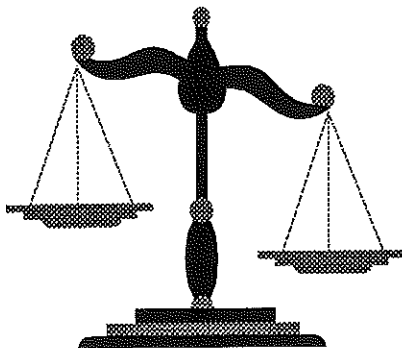


Jean Kennett and Ken deBlanc are seeking to put together a NCACC cookbook featuring recipes compiled from its members and their courts, with an accent on ethnic and regional cooking. Ken says all recipes will be welcomed, even those from **SOUTH AND NORTH DAKOTA AND MONTANA!!**

Please send recipes to:

Jean M. Kennett, Clerk  
Supreme Judicial Court  
1412 New Courthouse  
Boston, MA 02108  
or  
Kenneth J. deBlanc, Clerk  
Court of Appeal, Third Circuit  
Post Office Box 3000  
Lake Charles, LA 70602

NATIONAL  
CONFERENCE  
OF APPELLATE  
COURT CLERKS  
NOMINATION  
FORM



1. For the Office of Vice President: (1 year term) (Office presently held by Keith Richardson)

Nominee:

Qualifications
2. For the Office of Secretary: (2 year term) (Office presently held by Nancy Foley)

Nominee:

Qualifications
3. For Member of the Executive Committee: (2 year term) (Office presently held by Bill Suter)

Nominee:

Qualifications
4. For member of the Executive Committee: (2 year term) (Office presently held by Louise Livingston)

Nominee:

Qualifications
5. For Member of the Executive Committee: (2 year term) (Office presently held by Tom Granahan)

Nominee:

Qualifications

Name: \_\_\_\_\_ (optional) Date: \_\_\_\_\_

Send by February 1, 1996, to: Michael J. Yerly, Clerk  
Sixth District Court of Appeal  
333 West Santa Clara St., Suite 1060  
San Jose, CA 95113

DES MOINES, IOWA  
REMINDERS  
EVERYWHERE?

Most everywhere we go, we are reminded of the site for our 1996 NCACC Annual Meeting.

After leaving San Antonio in August, Marj Fulton and I returned home to Northern Virginia to enjoy a revival of that wonderful Broadway musical "State Fair," set at the Iowa State Fair in Des Moines. Fond memories of days long ago spent at the nation's best known and largest state fair came flooding back. We always had a place to park at Marj's grandmother's home on a hill overlooking the Fairgrounds. At last we are going to have an opportunity to see The Fair again, with all of our NCACC friends!

September took us by chance to the P. Buckley Moss Art Museum at Waynesboro in central Virginia. We had read that Pat Buckley was one of America's most popular artists, but we were not really familiar with her work. Nor did we know this native of Waynesboro had a Des Moines connection! A dyslexic who turned to drawing in school because she could not read, she won a scholarship to Cooper Union in New York. Now also a homemaker and mother of six, her frequent travels in support of dyslexics, we found have taken her to Des Moines. And, yes, another of her drawings is of one of the Bridges of Madison County.

Reflecting on the ubiquitousness of Des Moines, I take a sip of beer from the Old Depot Brewery located at the old Chicago and Northwestern Railroad Depot in Adel, Iowa, the first stop west of Des Moines. The tracks are gone, the right-of-way is now a path for cyclists and joggers, and the depot is an outstanding restaurant. The beer is great. Come join us in Des Moines next August.

Sincerely,  
Bill Fulton.

States Abandon Settlement Conference Programs (Cont. from page 10)

NEVADA

NO

CIVIL CASES ONLY

The program is dormant. It was based upon requests for conference made on appellant's docketing statement. Jeanette Bloom reported that many requests were referred to retired judges and settlements were achieved. The rules were changed to permit respondents to object to the request for conference and there have been no referrals since that time because respondents routinely object. The court is considering a proposal to extend the time for ordering transcript to provide a larger window for settlements before appellate costs accumulate. Jeanette didn't expect the new rule to reduce appellees objections.

NEW MEXICO

NO

CIVIL CASES ONLY

The program is between phases. Gina Maestas reports they had conducted a "settlement week" where all civil cases pending but not submitted were required to attend a settlement conference with volunteer members of the bar presiding. The bar seemed to enjoy it but the 15% settlement rate was not higher than the rates expected without the program. When the legislature funded new judgeships, the program was discontinued. There have been less than a dozen conferences held during the last three years. Those conferences are convened by order, (but only upon request of the parties), and the parties must appear with their clients or with settlement authority. A 5 to 50 page docketing statement is available and includes issues statements prior to briefing the merits of the appeal. Reinstatement of a mandatory conference program using staff attorneys is being considered.

NORTH CAROLINA

NO

CIVIL CASES ONLY

The program was recently ended. Elected judges reviewed staff recommendations and referred cases to retired judges for settlement. The results were disappointing. There was no controlled study. They now have a fast track program with staff attorneys producing opinions that are issued without argument.

VERMONT

NO

CIVIL & RARE CRIM CASES

Staff run, telephone conferences have been used. Cases were selected from docketing statements if the projected issues did not threaten established precedent. Ten percent were settled when the program was operating. They have now set aside most settlement efforts in favor of fast-track decision program. They would do both if funding were available.

In other news, Keith Richardson reports that Iowa's program for releasing opinions on disk is now fully operational. He provides electronic copy to the State Bar and they act as agent of the Court for release and distribution of opinions to it's members and to publishers.

Penny Miller reports that North Dakota is visiting the question of page limits for briefs and possibly limiting the word count in briefs as has been done in Wisconsin. She is not coaching the local volley ball team this year. As Clerk of the Court, and of The Judicial Conduct Board, and of the Bar Discipline Board and Supervisor of the State Bar staff, plus the duties attendant to maintaining and decorating a new home, she is feeling busy enough.

In 1830, Lewis Cass, Michigan's territorial Governor, composed our state motto, "If you seek a beautiful peninsula, look about you." He must have written that in October, because the colors are marvelous. Chris and I are following his advice and "looking about" from as many tee boxes as we can find. If any of you choose to make a Michigan color tour, remember that we have an extra bedroom and fresh Michigan cider in the fridge.

Y'ALL COME!!!!!!!!!!!!

STATES WHICH ABANDONED THEIR SETTLEMENT CONFERENCE PROGRAMS BETWEEN 1983 AND 1993 (CONTINUED FROM SETTLEMENT CONFERENCE REVIEW - PAGE 9)

Survey Year	1983	Presider/Frequency	1993
ALABAMA	YES	INFREQUENT	NO
COLORADO	YES	JUDGE	NO
HAWAII	YES	SELDOM	NO
ILLINOIS	YES	RARELY	NO
INDIANA	YES	JUDGE	NO
KANSAS	YES	JUDGE	NO
LOUISIANA	YES	RETIRED JUDGE	NO
MINNESOTA	YES	JUSTICE	NO
NEBRASKA	YES	??	NO
OKLAHOMA	YES	JUDGE	NO
PENNSYLVANIA	YES	JUDGE	NO
SOUTH CAROLINA	YES	??	NO
TEXAS	YES	JUDGE	NO
WASHINGTON	YES	COMMISSIONER	NO
WISCONSIN	YES	STAFF ATTORNEY	NO
WASHINGTON	YES	RETIRED JUDGE	NO
DIST. COLUMBIA	YES	RETIRED JUDGE	NO

The D.C. program is still available by rule, but has not been used for many years.

**RHODE ISLAND** YES JUDGE & STAFF CIVIL CASES ONLY

This program appears to have been incorrectly reported. Telephone conversations with the staff indicate that arbitration and settlement efforts are sponsored and staffed by state court personnel but for trial court cases only, not for appeals.

States which abandoned or curtailed their programs since 1993 -

**GEORGIA** NO CIVIL CASES ONLY

This program was abandoned in July 1995. It was a voluntary program with requests for conference mde on a form distributed by the trial courts. There were few cases where both sides requested a conference. The conferences held were conducted by retired judges. Contact Joyce Vortice for additional detials. (continued page 11)

FACTS, FICTION AND FOOLISHNESS

Dear Folks,

Greetings from Cocoa Beach, Florida. Wish you were here and we were there. I had registered to come to San Antonio, but my son Jeb's, baseball team won the Arkansas AAU state championship, and we thought our absence from the national tournament might scar his delicate psyche for life. Other scars inflicted during the trip most certainly will. Regardless, there are enough similarities in a national baseball tournament and an NCACC conference that we have not suffered total withdrawal symptoms. I thought I would pass some of these along to let you know what you didn't miss here.

First, there is the travel. Rather than drive 900 miles southwest to San Antonio, we turned left and drove 1200 miles southeast to Cocoa Beach. Jeb, who is partially responsible for this deviation in plans, flew with the team, which was the only true blessing in this turn of events. However, he was replaced in our company by his maternal grandfather, who is as nice as they come, but deaf as a post. He appointed himself to ride "shotgun," which is the right front passenger seat for those of you unfamiliar with Western parlance. Conversation was limited and somewhat confusing, and especially so when we reached Montgomery, Alabama during the final pouring rains of Hurricane Erin after eight hours on the road.

"How far to exit 105?" "What?" "How far to exit 105!!?" "Sorry, I didn't hear you." "HOW FAR TO EXIT 105!!!!?" "Dad, you just passed exit 105."

Another similarity to the confer-

ence is the wide range of participation. There are 64 teams from 40 states and one team from Puerto Rico, (the folks from Puerto Rico are much like those from Louisiana, nobody has more fun than they do) and the opening parade of the teams into the stadium lasted about two hours - about the same amount of time it takes our members to parade into the ethics session.

Of course there are the days of living out of suitcases and coolers, packing and unpacking, eating in large groups, sleeping in crowded rooms and other things I associate with attending one of our meetings, at least since we started bringing the family. I know you are familiar.

What is unfamiliar is the amount of baseball being played. Eight games are played simultaneously from 8:00 a.m. until 10:00 p.m. for three days, and the same schedule for two more days. We have played teams from North Carolina, Utah, Rhode Island, California, Virginia and Florida. We won't win the tournament (that was accomplished by a team from Virginia) but we made it out of the pool of 64 to the field of 32. (We were eventually beaten by teams that finished eighth and third, respectively, and the worst we were beaten was by a score of 6 to 2.)

What has impressed me the most are the players. I have not seen one bat or helmet thrown in anger. I have not heard or seen a player talk back to an umpire or a coach, nor have I seen or heard a player talk trash or belittle an opposing player. No one has rushed the mound after getting hit by a pitch. There was as much confrontation in our volleyball game in San Diego as there was in Cocoa Beach. These kids do not act like the professionals they emulate and it gives me a greater appreciation for these young men and their parents.

And like the conference, after the education, fellowship and fun, there is the trip home.

A peculiar thing occurred on the way home. My sidekick, who has never owned a cow in his life, was transformed into a cattle baron, albeit a deaf cattle baron. He was suddenly making astute bovine observations. Baron: "Nice herd of cattle." "Good range." "Not much hay raised around here." "Nice spread."

You see my dilemma. I think of a "nice spread" as being a lavish buffet not as cattle land of Ponderosian proportions. Regardless, we made it home in record time.

I missed seeing you, but I did not want you to think I had missed everything associated with the conference. I hope to see you next summer, but there is a chance that I will be driving to North Carolina to witness another national baseball championship. Wherever we go, I'll round up my herd, head 'em up and move 'em out.

Author?



By Leslie Steen (AR)



## HERE COMES THE JUDGE (AND THERE GOES THE CLERK)

**A** hhhhh, the sweetness of success. To burn oneself to ashes on the clerical pyre and rise youthfully alive to live another period like our legendary friend the Phoenix..... Is it a miracle or Memorex?

Neither. It's hard work and a little luck as our long time colleague and friend Peggy Stevens McGraw will tell you. In July of this year Peggy was appointed Associate Circuit Judge of the Sixteenth Judicial District of Missouri. We understand she has now gotten over the shock, determined that leaving the best job in the world for one less glamorous is a bummer but okay and gone off to *Judge School*. (Must be where you're taught to bang the gavel, give the appearance of wisdom beyond your years and hide your tennis shoes under your robe.)

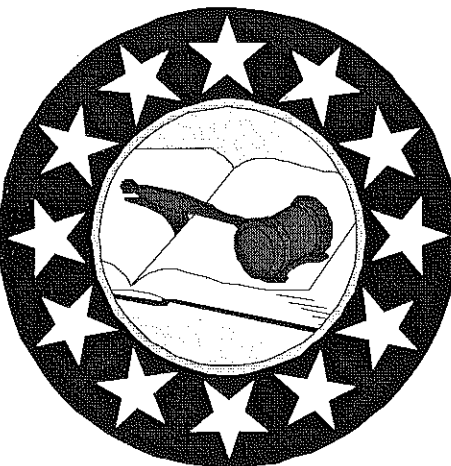
Peggy served with the Missouri Court of Appeals, Western District, as a law clerk, docket attorney and staff attorney prior to elevation to the exalted position of Clerk on April 1, 1979. (April Fools Day?) She received her J.D. (Judicially Destined) degree from the University of Missouri-Columbia School of Law in 1976 preceded by an A.B. in Economics from the University of Missouri in 1973. Peggy is a member of the Kansas City Bar Association, and past president and member of the Association of Women Lawyers of Kansas City.

As a member of NCACC, Peggy is a past president (1990-1991), chaired or participated in numerous committees and been a contributing member from the start. She was awarded the J. O. Sentell Award, the most prestigious award given to a member of the National Association of Appellate Court Clerks, in San

Diego during the 1994 Conference.

I have known Peggy since my first Conference in Austin in 1986. She befriended me in the best Morgan Thomas fashion and has become a close friend to my family over the years. She has shared her wonderful good-natured personality with many of us and opened her home to our organization, specifically as host to the Executive Committee during the Spring meeting of 1994.

Peggy has shown her ability to adjust to life's little ups and downs.



Take for instance the birth of her son Max just prior to the annual meeting in St. Louis. Armed with diaper bag and other baby paraphernalia, she and husband Lee struck out across the vast wastelands of Missouri to complete her tenure as president and chair the week long Conference. As one who made the trek along with the McGraw family in a separate Chevrolet prairie schooner, I can attest to the hardships of stopping repeatedly for feeding calls by the youngest member of the troupe.

A tribute to Peggy would be incomplete if it did not include some recognition of husband Lee. Lee has become the cornerstone of our annual golf tournaments and is as

much a fixture at our annual meetings as any member. His ability to win the hearts and friendship of strangers can best be illustrated by his relationship with Peggy. Although a runner and anti-smoker, Peggy married someone who was not a runner and smoked. Must have been Lee's ability to mix oil and water and come up with a great barbecue sauce. Anyway, he hasn't changed much and they get along better than most married folks. If for some reason the new judge and hubby are unable to make the annual meetings, we'll probably change the name of the golf tournament to the Lee McGraw Memorial.

Enough said. Peggy has been a good friend of the Conference for many years and I'm sure will continue to make every meeting possible. We all wish her well and hope that each day is an exciting experience in her new adventure. Best of everything, kid, and don't forget your pals at the NCACC.



(Jeeeeeeez. Is it okay to hug a judge?)

Author???

## Settlement Conference Review - Fall 1995 An idea whose time has come around again, and again, and ...?

By Hank Henson, Lansing, MI

**J**ill Kramer's 1983 Outline of Appellate Court Procedure reported the answers to two questions related to Settlement Conferences. Are they used, and if so, who presides over them? In 1993, The Bureau of Justice Statistics published a survey which repeated the basic question and also indicated whether settlement conferences were used in civil, criminal or both types of appeals.

There were 51 jurisdictions reported in both studies. Of the 24 that had a program in 1983, only ten were still listed in 1993 and at least three have abandoned the program since then. Listed below are the courts that reported "yes" in 1983 and "no" in 1993, followed by comments from others that informed your reporter that the program is now dead or dormant.

A review of the remaining seven programs and the reasons given for their survival will be submitted for the January issue of *The Docket*. They may have learned something that the rest of us missed.

Missing from both surveys are those which ended prior to 1983 or which began and ended between the two surveys. Michigan, for example, ran a test program prior to 1983 and after two years abandoned it because it was

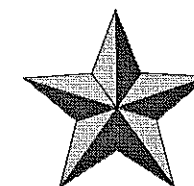
nonproductive. From a pool of civil cases filed during a specific period, some were randomly selected and given to one of three sitting appellate judges participating in the program. The judges were given a reduced case load during the months they participated in the program.

It was found that settlements were slightly more frequent amongst the cases assigned for conferences than those not assigned, but also that the gain in settlements was less than the loss in dispositions by not having the judges hearing cases on a normal schedule. (Since 1983, the judges hearing schedule has been enlarged. If other factors were constant, the program would thus look worse today than it did when reviewed.) There was no involvement of our central legal staff and no use was made of retired judges. Pre-conference statements were not used for selecting the cases but were requested by the settlement judges after the case was assigned to them. Nor did the judges have authority to issue sanctions for failure to cooperate or to order immediate briefing on selected issues. Any of these factors may have improved the results.

The original Michigan program was run without any specific rule defining or authorizing the program. One

has now been adopted, and we are experimenting with a revival of the program, using volunteer members of the bar rather than judges.

(See States Which Abandoned Their Programs - Continued Page 10)



## NOTICE WANTED

All NCACC members who have not completed your biography and submitted your picture for the new **NCACC Membership Directory**. Please do so by sending your biography and recent photograph to:

Kenneth J. deBlanc, Clerk  
Court of Appeal, Third  
Circuit  
Post Office Box 3000  
Lake Charles, LA 70602  
Pictorial Directory Chair