

(Continued from page 23)

“Tar” means “tire”. Example: “Your tar is on far.”

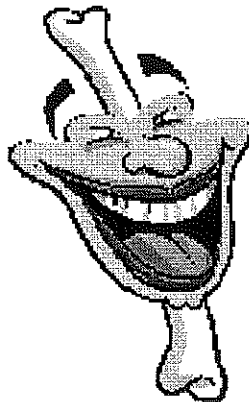
“Far” means “fire”. Example: “I’m a fixin to light a far.”

“Fixin to” means “getting ready to”. Example: “If yore kinfolk don’t douse that tar far I’m a fixin to whup yore \_\_\_\_\_.”

“\_\_\_\_\_” means that part of the judge’s anatomy we normally kiss.

Well, we are sure you get the gist. We are a group of survivors , but we are sure these helpful hints will make yore visitation to the Yellowhammer State safer and more pleasant. By the way, a Yellowhammer is not a weapon, like the spear, and is not dangerous unless parts of yore anatomy is wooden. A Yellowhammer is Alabama’s answer to Woody Woodpecker.

By Leslie Steen (AR)



TheDocket

News of the National Conference of Appellate Court Clerks

Volume 25 Issue 4

July 1997

CALL FOR THE ANNUAL MEETING

POINT CLEAR, ALABAMA

President Marilyn Graves, through Secretary Carol Gilliam Green, and pursuant to the provisions of Article V, Section 5, of the Bylaws, hereby issues the call for the annual meeting of the Conference of Appellate Court Clerks to be held at the Grand Hotel in Point Clear, Alabama, beginning Sunday, August 3, 1997, and continuing through Friday, August 8, 1997.

The President’s call for the annual meeting includes the text of the proposed amendments to the Bylaws which are published with this notice.

Respectfully submitted,  
Carol Gilliam Green,  
Secretary

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PRESIDENT’S PAGE



By Marilyn L. Graves (WI)

In my first President’s Page I mentioned “how time flies.” This time I really, really mean it - how time flies! In a very short time we will all be at NCACC’s 24<sup>th</sup> Annual Meeting in Point Clear. I hope you have all made your reservations -- our gracious, southern hostess, Louise Livingston, has worked hard on every detail; Program Chair Ed Smith and Committee have put together a dynamic educational program. I can’t thank them enough. You will not want to miss this one!

We have had more than twenty new members join NCACC since the last Annual Meeting! We extend to each of those individuals a warm welcome to our organization and we hope to see each of you in Point Clear. Remember, the Executive Committee will have a special orientation session for you on Sunday at 3:15 p.m.

To the Officers and Executive Committee, to the Committee Chairs and everyone who has served on a committee, I thank you for your support and assistance this year. To those of you who weren’t involved with a committee this year, I urge you to do so next year. NCACC is a worthy organization, deserving of your service. It is your organization -- get involved!

It has been a most rewarding year for me -- you have made it easy and I thank you for the honor of serving as your President.

See you in Point Clear!

The Docket  
News of the  
National Conference of  
Appellate Court Clerks

President	Marilyn L. Graves (WI)
President Elect	R. Keith Richardson (IA)
Vice-President	Joseph A. Lane (CA)
Immed. Past President	David B. Beach (VA)
Secretary	Carol G. Green (KS)
Treasurer	Danielle Schott (LA)
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Terrance Lord (MO)	(816) 889-3600 MO, KS, TN, IL, NE, IN
George Fowler (KY)	(502) 573-7920 KY, OH, VA, WV, PA, DE, MD
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.

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HELP KEEP US INFORMED!!

FACTS, FICTION AND FOOLISHNESS

Last summer, as the unsuspecting were packing for their trips to Des Moines, we published an article in The Docket advising our membership that nudity was not against the law in Iowa. We thought this information was of the utmost importance and the advance notification allowed many of our members to unpack several items of needless clothing. We have happened upon a recent article in Newsweek we think will provide some beneficial information for those of you who are now packing for Point Clear, Alabama.

Do not be alarmed as you enter the Cotton State to see people carrying spears. Last year the Alabama Game and Fish Division began issuing spear hunting permits. And being responsible members of the NCACC, we called to see if we could obtain out-of-state spear permits because we did not want to be easy prey for the spear carrying locals. We had a most delightful conversation with a young lady from Game and Fish who told us that permits were no longer required and spears can be toted by foreigners.

Knowing that many of you do not want to venture into unfamiliar territory unarmed, we took it upon ourselves to locate sources for purchasing spears. We are glad that we are not a Roman gladiator or Zulu warrior because we would be out of luck. As far as our search goes, we have not located anything comparable to a Spears R. Us. We are also grateful that our listening sensitivities have been dulled by abusive language used by pro se litigants, because some of the salespersons contacted by our attempts to locate a spear were somewhat less than helpful and cheerful. As a warning to those of you who wish to locate a spear outlet, do not let your children do the calling.

Regardless, a frog gig was as close as we came to locating a spear and our pride will not allow us to venture into Gulf Shores carrying a cane pole with a three prong tip. We were thinking more of a varnished wooden shaft with a broad, glistening silver point with perhaps a touch of gold braid. Our search will continue, but we thought you would like to know that it is easier to locate a grenade launcher than a spear, and we are not sure if grenade launchers are permitted in Alabama. We also thought this advance notification will allow you flyers timer to ponder the logistics of getting your spear on board.

After addressing the spear problem, we thought we might give some other travel hints about the “deeeep” South to the uninformed. First, the ladies should practice their curtsy and fanning, and the men should practice their bowing and hand kissing. We are used to bowing to judges and kissing other parts of their anatomy further to the south. If you do not recall how these courtesies are performed, please watch the first four days of “Gone with the Wind.”

You will also note upon arrival that we people in the South speak a language which is unfamiliar to most of you. Here are a few examples:

“Yonder” means “there”. Example: “Stick yore spears over yonder.”

“Yore” means “your”. Example: “Yore spear punctured my tar.”

(Continued on page 24)

(Educational Seminar continued from page 21)

various positions. It is an intellectually lively session with unconventional humor.

**EFFECTIVE PUBLIC WRITING**

George Earl Smith, Reporter of Decisions for the Supreme Court of Alabama, will lecture on how to improve our writing skills. The Conference had a number of requests for a writing segment and Ashley Ahearn, Deputy Clerk of the Massachusetts Appeals Court arranged for this presentation. Mr. Smith has an extensive background in teaching writing seminars in law schools, to Alabama judges and the American Bar Association Appellate Judges Conference. He is a past member of NCACC.

**Wednesday, August 6, 1997**  
**PERSONNEL ADMINISTRATION SESSION**

We will be focusing on ways to develop a better work environment during this session.

**TEAM BUILDING**

Dr. Brenda Wagenknecht-Ivy, President of PRAXIS Consulting, Incorporated and Secretary for the Center for Public Policy Studies in Denver, will present Court Management Utilizing a Team-Based Approach. Scott Crampton, Management Services Director for the Supreme Court of Oregon, secured Ms. Wagenknecht-Ivy whose professional credentials include organizational development and communications. She has worked as a consultant in both the public and private sectors, and has an extensive background with courts. This segment should be an excellent one.

**FAMILY LEAVE ACT, INTERVIEWING TECHNIQUES AND EMPLOYEE PERFORMANCE REVIEWS**

Joe Lane, Clerk of the Los Angeles Court of Appeals is coordinating the speaker for these important personnel topics.

**Thursday, August 7, 1997**  
**GENERAL SESSION**

This session will be devoted to a variety of topics, which are very practical, but useful.

**EVERYTHING YOU'VE ALWAYS WANTED TO KNOW, BUT WERE AFRAID TO ASK**

Jill Engel, Clerk of the South Dakota Supreme Court, will moderate a question and answer session. Questions from conferees with regard to rules, process, personnel and other topics will be discussed, with audience participation.

**APPELLATE COURT CLERKS OFFICE SECURITY UPDATE**

Norman Hylton, Inspector for the Court Security Program, United States Marshall Service in Atlanta, will address specific approaches taken by federal authorities in providing security for federal appellate court clerks offices. Mr. Hylton will also review two arrangements for security in a large and small state, with suggestions for improvements. Jill Engel is coordinating this presentation.

**COURT STATISTICS**

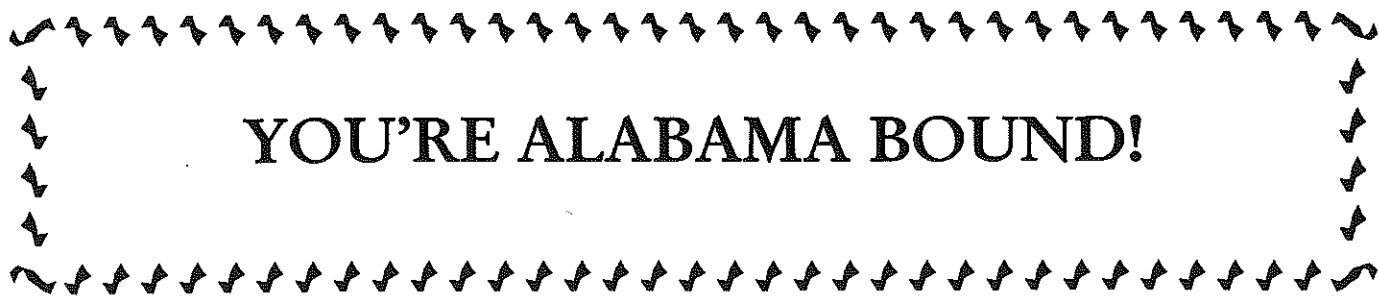
Dr. Brian Ostrom, with the National Center for State Courts in Williamsburg, will review collection of statistical data from appellate courts, and what trends this data shows. Howard Zibel, Clerk of the Supreme Court of New Hampshire is the point man for this topic.

**TRENDS AND CURRENT DEVELOPMENTS IN ATTORNEY DISCIPLINE**

John Barry, Bar Discipline Counsel from Florida, will present this program on behalf of the American Bar Association's, Center for Professional Responsibility. Mr. Barry is well versed in the area of attorney discipline, and has made numerous presentations to other ABA groups. Penny Miller, is coordinating this segment.

**BUSINESS MEETING**

The second half of the business meeting will follow the closing of the educational program. This portion of the business meeting will include final committee reports and election of officers.



**By: Louise Livingston, Host Clerk**

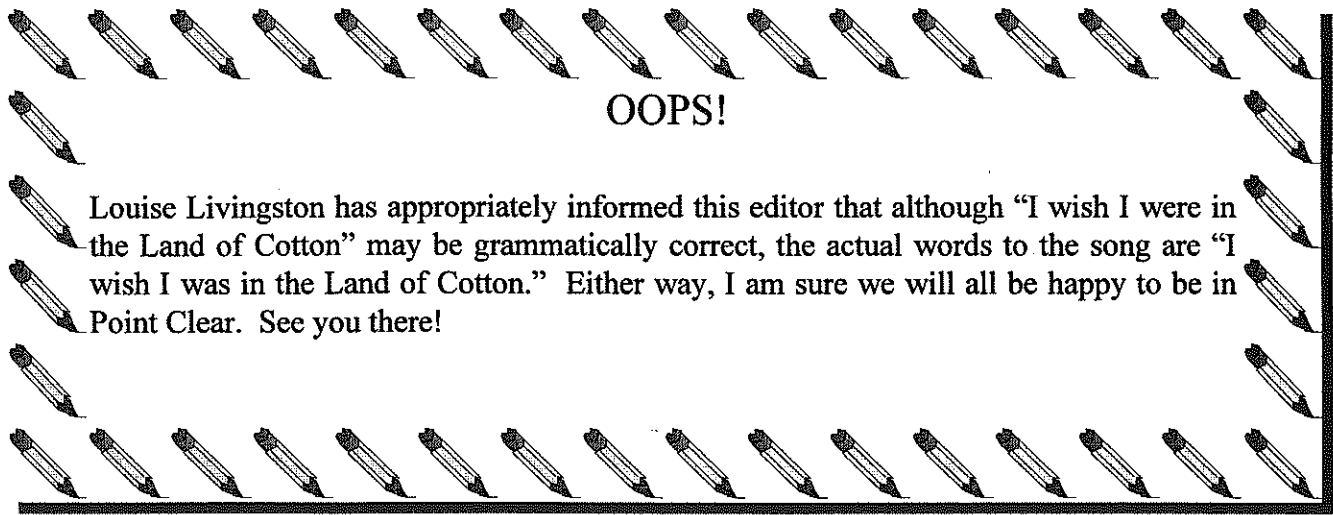
I look forward to welcoming to the great State of Alabama those of you who are attending NCACC's 24th Annual Conference, and wish for you a most enjoyable visit as well as what I am sure will be a most informative conference.

Regarding any expectations you may have of being met by Rhett, Scarlett, Melanie, and Ashley as you arrive in Point Clear - while that welcoming is not possible, you may be amused to know that as I welcome you, I will feel much like I am sure Prissy felt on that birthing day in an Atlanta under seize as Melanie's baby was about to be born. You remember that memorable moment when Prissy returned and informed Scarlett that Mammy would not be forthcoming to assist with the birthing - Prissy sauntered in swinging her apron and whined the memorable

"Miss Scarlett, I don't know nothing about birthing no babies."

I can identify with that! I don't know nothing about birthin no conferences, but here it comes. To my advantage, I am not expecting Ed to desert me by running off to war as Rhett did Scarlett, and I don't have to resort to a half-dead mule for transportation, so I think we will be all right. Anyway, my plan as Host Clerk is to keep it simple for you so you can relax, go slow, have a good time, learn a lot, and enjoy yourself as the conference is "birthed." I hope to be able to announce at the banquet Thursday night that the labor is over, and the real celebration, for me as your Host Clerk, can begin.

In the meantime, please let me know if you have any questions or complaints - unlike Rhett, My Dears, I frankly DO give a damn.



**OOPS!**

Louise Livingston has appropriately informed this editor that although "I wish I were in the Land of Cotton" may be grammatically correct, the actual words to the song are "I wish I was in the Land of Cotton." Either way, I am sure we will all be happy to be in Point Clear. See you there!

## NCACC EXECUTIVE COMMITTEE MEETS AT SHERATON GRAND HOTEL, TAMPA FLORIDA

By Marilyn L. Graves (WI)

Thank you, Jon Wheeler! He handled all arrangements enabling the Executive Committee to meet for its spring meeting on Saturday, April 12, 1997, at the Sheraton Grand Hotel in Tampa, Florida. The Committee's midwestern contingent was especially appreciative to leave the snow behind and enjoy the warm, pleasant, sometimes moist, weather Jon provided.

The Executive Committee started its business bright and early -- 8 a.m. Minutes of the fall meeting were reviewed and approved. Twelve committee reports were presented and thoroughly discussed. Some of the topics from those reports were the proposed Bylaws amendment found elsewhere in this issue, the increased costs of planning annual meeting activities, setting up of a homepage for NCACC, formation of a Technology Committee, liability insurance and review of the program for the August Conference. Our Point Clear Host, Louise Livingston, reviewed site information and discussed social events as well as sightseeing opportunities regarding the upcoming Conference. The Executive Committee worked hard -- it was then time to relax.

Jon arranged our relaxation time well, also! First, because he knew we would need an abundance of energy to carry out our business on Saturday, Jon set up dinner for the group Friday evening at the hotel dining room, none other than "Shula's Steak House," owned by Don Shula, former coach of the Miami Dolphins. After dining, we were able to agree with the national reputation -- "Shula's" is one of the best steakhouses in the nation! Saturday evening took us out of the hotel -- to the Columbia Restaurant in Ybor City, touted as one of the finer Spanish/Cuban restaurants in Florida. There, we were treated to another wonderful meal . . . and a Flamingo dance floor show which everyone enjoyed! We had a special guest join us for dinner that evening, that Michigan resident, yearning to be a part-time Florida resident, Ella Williams!

Another Executive Committee meeting completed. A lot of work accomplished. A feeling of satisfaction. Again, a special thank you to Jon Wheeler for all he did to make the meeting such a success! Next meeting -- August 2, in Point Clear!



## JUST A REMINDER!!! THEME OF THE 1997 NCACC EDUCATIONAL CONFERENCE: "THE RENAISSANCE CLERK"

The 1997 Point Clear educational program is set and should provide our NCACC membership with a full agenda for the annual meeting. My sincere thanks to the Program Committee for their tireless efforts to provide an outstanding program.

Our theme for this year will be entitled The Renaissance Clerk. There will be four sessions to the program. Each session will have contributing segments, with speakers focusing on topics that reflect on the day's theme.

### Monday, August 4, 1997 TECHNOLOGY BUILDING SESSION

Technology plays such a significant role in our work environments, we decided to dedicate a full session to this topic.

#### STATES SURVEY

Penny Miller, Clerk of the North Dakota Supreme Court and Nancy Foley, Clerk of the Appeals Court of Massachusetts, will review the 1997 NCACC Technology Survey. This will be significant information for members, because we will explore the kinds of technology used throughout appellate courts in the United States.

#### PLANNING PROCESS FOR TECHNOLOGY ENHANCEMENTS

John Matthias, Court Management Consultant with the National Center for State Courts in Denver, will address the importance of long range planning when office information technologies are under going change.

#### VENDORS AND NEW TECHNOLOGIES

The Conference will get a sampling of private and public efforts in the area of technology development.

Dennis Miller, President of Progressive Solutions Incorporated, Salt Lake City, will discuss and demonstrate the appellate court docketing system being designed for the Arizona Appellate Courts. My thanks to Joyce Goldsmith for directing me to Mr. Miller.

Gary Bockweg, Chief of the Applications Development Division, Office of Information Technology, Administrative Office of the United States Courts, will review the federal electronic files project and related technologies, and demonstrate a prototype electronic filing system installed in the Bankruptcy Court, Southern District of New York. Bill Suter helped arrange this presentation.

#### TELEVISION MEDIA IN APPELLATE COURTS

Jeffrey Ballabon of Court Television Network, will speak on the role of television media in appellate courts. Elizabeth Saunders, Chief Deputy Clerk of the Supreme Court of Texas has arranged for this highly informative presentation.

### Tuesday, August 5, 1997 PROFESSIONAL DEVELOPMENT SESSION

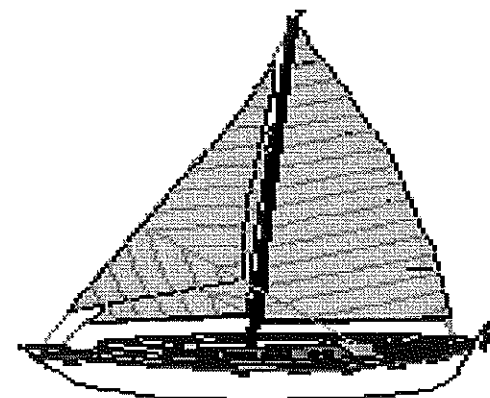
The focus for the session on Tuesday will be on professional development. Two dynamic speakers have been retained by the Conference to speak on two important topics.

#### ETHICS

How far should Legal Ethics Extend?

by Father Paris

Father Paris teaches by discussion using the Socratic method. He begins with a general discussion of ethics and the courts and notes specific court opinions. He then involves the audience with questions about the ethical situations presented. By separating the various arguments on an issue, he highlights the differences to achieve a clarification and understanding of the



TO : Potential NCACC Sailors  
 FROM: Scott Crampton, Oregon  
 RE : Sailboat Charters at the Grand Resort

I have learned that a private company has two to four sailboat charters available in Point Clear. For those of you who may be interested in sailing on Mobile Bay, I offer to attempt to coordinate this as an alternative activity on either Monday or Tuesday afternoon. The cost is about \$30 per person depending on the vessel, charter duration and number of participants. All boats are captained so all you have to do is relax, and enjoy the sail! They range in size from 25 to 40 feet. If you really want to be adventurous you can hold onto a line or bark out sailing terms to your NCACC colleagues, (Man the poop deck!! Let out the outhaul!! The jib is luffing, trim it!! etc.)

At this point I am merely soliciting expressions of potential interest. If you are so inclined, please contact me. If we can generate enough crew members I will contact the company and try to put something together. Please contact me and let me know if you are interested. I will follow up with the additional information including deposit terms.

Ahoy!!

Scott Crampton  
 Supreme Court Building  
 1163 State Street  
 Salem, OR 97310

(503) 986-5550 (Phone)  
 (503) 986-5560 (Fax)

**MINUTES OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
 TWENTY-THIRD ANNUAL MEETING  
 SUNDAY, AUGUST 4, 1996  
 DES MOINES, IOWA**

At 4:00 p.m., the Twenty-Third Annual Meeting was called to order by President David Beach (VA). President Beach acknowledged the presence of a quorum and stated his designation of Frank Drumm (CT) as parliamentarian.

**MINUTES:** Ed Smith (MT) moved to waive the reading of the minutes of the Twenty-Second Annual Meeting and to approve those minutes. The motion was seconded and carried.

**COMMITTEE REPORTS:** President Beach called for the following committee reports. Ken deBlanc (LA) moved that they be accepted as a whole after presentation. The motion was seconded and carried.

**AWARDS:** President Beach called upon Chairperson Noel Dessaint (AZ). He summarized the criteria for the awarding of the J.O. Sentell and Morgan Thomas awards. He stated that the awards would be presented at the banquet Thursday. He outlined the award recipient selection process from the solicitation of candidates from the membership, to the committee's review of the responses and its recommendation which is submitted to the Executive Committee for approval.

**BYLAWS:** President Beach announced that the proposed revision of Article IX was made after the April 1, 1996 deadline; therefore, suspension of Article XI, Section 1, is required in order to consider the revision. Pursuant to Article XI, Section 2, Ed Smith moved for suspension of Article XI, Section 1, deadline. The motion was seconded and unanimously carried. At President Beach's request, chairperson William Suter (DC) presented the Bylaws Committee report. He referred the members to the report as printed in the **DOCKET**. The report listed proposed minor, technical amendments to certain sections as follows:

Article V, Section 3, first paragraph, last sentence to read: "The President shall succeed to the office of Past President at the expiration of the term as President."

Article V, Section 4, last sentence to read and new last sentence added: "If the vacancy to be filled is in the office of Past-President, the Executive Committee shall appoint an eligible former President of the Conference to complete the unexpired term. Eligibility shall be determined by reference to Article III, Section 3 and Article VI, Section 5."

Article VI, Section 5, first sentence to read: "Two years from the expiration of a term as Past-President, 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."

President Beach explained the necessity for the total revision of Article IX. He advised that the National Center for State Courts (NCSC) had fiscal issues which necessitated the request that the NCACC pay a portion of secretariat expenses effective 1/1/97. The payment would require an amendment to Article IX.

(Continued on page 6)



(Minutes continued from page 5)

President Beach asked for any questions regarding the need for revision of Article IX. There were no questions. Bill Suter presented the revised Article IX as follows: "The National Center for State Courts (hereinafter 'Center') shall serve as the Secretariat of the Conference. The Executive Committee shall negotiate a contract with the Center annually for the calendar year. The contract shall delineate what services the Center will provide and specify the costs to be borne by the Conference. Secretariat services will cover, as a minimum, the following: membership; distribution of publications; annual corporate reports; billing and collection of revenue; disbursement of expenses; accounting and reporting; monthly and yearly reports; tax returns; investment of funds; use of Center facilities; and fees, billing and payment." Bill Suter asked for any questions regarding the proposed revision of Article IX. There were no questions. Ken deBlanc suggested that the second sentence of the proposed Article IX be changed to provide that "The President, with the approval of the Executive Committee, shall negotiate a contract with the Center annually for the calendar year." Stephen Townsend (NJ) moved that the change suggested by Ken deBlanc be accepted. The motion was seconded and carried. Stephen Townsend moved that the proposed revision of Article IX, as amended, be accepted. The motion was seconded and carried.

**CONVENTION ASSISTANCE:** President Beach called upon chairperson Frankie Lewis (TN) who assumed the position from the previously designated chairperson. She introduced the members of the committee and noted their assignments for the conference.

**FINANCE & INVESTMENT:** President Beach asked Treasurer Schott (LA) to present the Finance and Investment reports. Treasurer Schott reviewed the reports which consisted of seven exhibits as follows: (1) Comparative Statement of Revenues, Expenditures and Changes in Fund Balance - Periods Ending 6/30/96 and 6/30/95; (2) Comparative Balance Sheets at 6/30/96 and 6/30/95; (3) Budget Results for Fiscal Year 1996; (4) Proposed Operating Budget for the Year Ending June 30, 1997; (5) Comparative Financial Reports for Annual Conferences Occurring in the Calendar Years 1993, 1994, and 1995; (6) Proposed Budget for Annual Conference in Des Moines, Iowa; and (7) Investment Committee Report.

**LONG RANGE PLANNING & IMPLEMENTATION:** At President Beach's request Frans LaBranche (LA) presented the committee's report. He summarized the committee's purpose and referenced the materials presented in the registration packet which consisted of lists of the NCACC's strengths and weaknesses as drafted during the spring meeting in Williamsburg. He noted that Long Range Planning was continued on this year's educational program.

**MEMBERSHIP:** President Beach called upon chairperson Thomas Granahan (DC) to present the report. He recognized the 20 new members/attendees; outlined some of the benefits to membership in the NCACC; and noted the efforts of the membership committee. He encouraged the new members to participate in the various committees.

**NOMINATIONS:** President Beach asked chairperson Michael Yerly (CA) to present the committee's report. He advised that, in compliance with bylaw requirements, the names and biographical sketches of the nominees were published in the July 1996 issue of the **DOCKET**. After stating some of each nominee's NCACC service, he read the slate of nominees as follows:

(Continued on page 7)

## NCACC ON THE NET

By Carol G. Green (KS)

In Kansas we are fortunate to have two law schools providing extensive computer assistance to the appellate courts. For example, the University of Kansas maintains our homepage, Washburn University supports on-line access to our law library, and published opinions from both appellate courts are on the Internet through the combined efforts of Washburn and KU.

I recently attended an Internet training session at Washburn which, among other things, outlined the advantages of e-mail communication among members of national organizations. If set up as a listserv, a message can be sent simultaneously to all members across the country through a single Internet address.

Such a listserv sounded like a terrific advantage for NCACC members so I inquired further. Washburn was willing to create and maintain the service for the NCACC at no charge. The Executive Committee approved the project at its April meeting, and the service is now operational.

If you are on the Internet and have a personal e-mail address, you can subscribe. To become a subscriber:

Send an e-mail to:

**listserv@lawlibdns.wuacc.edu**

In the message area, type:

**subscribe ncacc Your Name**

The system will then send me a message, and I'll connect you to the list. We had a choice between an "open" and a "closed" list. On an open list, anyone with Internet access can join. A closed list requires approval before connection although there is no intent to limit access among clerks. Because of the kinds of questions clerks might want to ask one

another but not the world in general, we opted for the closed list. I will periodically send a list of subscribers out to everyone on the list.

Once you subscribe, you can send messages to other subscribers at the following address: **ncacc@lawlibdns.wuacc.edu**. The more members who are connected the more valuable the service will be. There are so many questions throughout the year that it would be helpful to discuss with colleagues. By venturing into cyberspace, we can.

If you have any further questions, contact me by phone at (913) 296-3229 or e-mail at **greenc@lawdns.wuacc.edu**. Better yet, let's meet on the patio at the Grand Hotel!

## NOTICE!

**NEW FAX # (617) 557-1145**

Jean M. Kennett  
Clerk of the Supreme Judicial  
Court of the Commonwealth of  
Massachusetts  
Supreme Judicial Court  
1412 New Court House  
Pemberton Square  
Boston, MA 02108

(CTC5 continued from page 17)

The CTC5 Laboratory will be one of the most exciting features of the conference. Sponsored by the State Justice Institute, this fully networked, interactive lab will give participants the opportunity to use many of the technologies demonstrated in the educational sessions. Participants will be able to road test various hardware and software combinations, access on-line databases, surf the World Wide Web, and explore other Internet and intranet technologies.

CTC5 will present the world's largest exhibition of court technology products and services. More than 125 leading vendors will demonstrate the technologies and tools that are revolutionizing today's courts. New Showcase Theatres on the exhibition floor will give participants an even closer look at the companies and products that they want to see.

Cobo Center, Detroit's world-class convention facility, is the perfect setting for CTC5. This outstanding facility hosts a wide variety of technology and engineering shows each year. Detroit's People Mover, one of the most technologically advanced transportation systems in the world, will get participants to the conference quickly and easily from downtown hotels. Free shuttle service will be provided to two hotels in Windsor, Ontario, Canada.

The CTC5 catalog describes the conference in detail and includes registration and housing information. To receive the catalog, call the toll-free CTC5 Information Line at (888) 890-CTC5 or send e-mail to [ctc5@ncsc.dni.us](mailto:ctc5@ncsc.dni.us). For conference updates, visit the CTC5 Web site at [www.ncsc.dni.us](http://www.ncsc.dni.us) and read the *Court Technology Bulletin*.

The National Center for State Courts (NCSC) is a nonprofit organization dedicated to improving the administration of justice in the state courts. NCSC provides both leadership and service to the state courts through direct technological assistance and consulting, research and technology, information services and education, government relations and association management, and international exchange and cooperation.

**ADA Ruling in Favor of State Court and Its Administrator:**

A state court and its administrator did not violate Title II of the ADA by failing to accommodate an individual with arthritis and degenerative disc disease during the course of proceedings. *Adelman v. Dunmire*, 9 NDLR ¶ 309 (E.D.Pa.1997).

The complaint alleged the defendants failed to accommodate the individual's disability when conducting proceedings. The court determined the defendants had completed the required Title II self-evaluation, had an ADA Coordinator, had established grievance procedures, and had provided all required notices. Evidence failed to indicate that the individual was not accommodated. Summary judgment in favor of defendants was granted.

(Minutes continued from page 6)

Vice President:	Joseph Lane, Court of Appeal, Second District, Los Angeles, California
Secretary:	Carol Green, Supreme Court and Court of Appeals, Topeka, Kansas
Executive Committee:	Christie Speir-Cameron, Supreme Court, Raleigh, North Carolina
	Jon Wheeler, First District Court of Appeal, Tallahassee, Florida
	Lanet Assmussen, Supreme Court and Court of Appeals, Lincoln, Nebraska

Mike Yerly noted that the motion to accept nominees would take place during the Business Meeting on Thursday, August 8, 1996.

**PUBLICATIONS:** President Beach called upon Mike Yerly to present the report on behalf of chairperson, Diana Pratt-Wyatt (LA). Mike Yerly stated that the **DOCKET** had been issued in a timely manner, in an outstanding format and with improved quality of production. He noted with special appreciation the contributions of Leslie Steen and Bob Northrup.

**PICTORIAL:** President Beach called upon chairperson Ken deBlanc to present the report. Ken deBlanc advised that the new directory had been mailed to the membership and that extra copies were available. He noted that any errors or omissions could be corrected for next year's publication. Also, members may submit substitute photographs for inclusion in the next publication. He asked the members for assistance with certain missing biographies and photographs.

**PUBLIC RELATIONS:** At President Beach's request, chairperson Jean Kennett (MA) presented the committee report. She noted that the committee's focus had been the dissemination of press releases to relevant legal publications. She encouraged members to promote themselves and offered a form of press release, that had been included in the registration materials, for use in local publications.

**SCHOLARSHIP:** At the request of President Beach, chairperson Janice Clinkenbeard (TN) reported that there had been two guideline changes approved by the Executive Committee. The first was a minor language change and the second provided that the recipient could allocate scholarship funds at their discretion. She noted that her committee had made an effort to communicate the availability of scholarships to those members who had not recently attended an annual meeting. She informed the members that four scholarships were approved for this year.

**SITE SELECTION:** President Beach called upon chairperson Gail Haney (NJ) to present the report. She advised that the committee had reviewed the membership questionnaires and canvassed a variety of possible sites. A tally of the questionnaires revealed the popular site choice to be the northeast. She informed the meeting that 6 sites had been offered for 1999. They were Asheville, North Carolina; Knoxville, Tennessee; Whitefish, Montana; Santa Fe, New Mexico (later withdrawn); Charleston, West

(Continued on page 8)

(Minutes continued from page 7)

Virginia; and Portsmouth, New Hampshire. She announced that Portsmouth had been chosen for the 1999 annual meeting. The site will be the Sheraton Hotel complex which is located on the water and near many local amenities. Transportation to Portsmouth is available through Boston MA, Portland, ME and Manchester, NH.

**PAST PRESIDENT:** Past-President Ella Williams (MI) presented the report. She advised that the committee had been asked for advice and assistance regarding hospitality issues. Glen Clark (AZ) and Joyce Goldsmith (AZ) completed a survey of past hosts and Ella Williams outlined the issues surveyed as (1) whether the Hospitality Suite should be open every night; (2) the presence of minors in the Hospitality Suite; (3) the serving of alcoholic beverages and whether a cut-off time is necessary; (4) providing a "no host" room; and (5) the issue of conference liability. On the last issue, the Executive Committee determined that it was the responsibility of the conference to cover the cost of liability insurance if any is purchased by a host.

**PROGRAM:** President Beach called upon chairperson Bill Fulton (DC) to present the report. Bill Fulton began by noting a single program change that on Thursday, August 8, 1996, Judge Kevin Burke would be presenting the Total Quality Management session with Scott Crampton (OR). Bill noted with appreciation program participation by Diana Pratt-Wyatt (LA), Christie Speir-Cameron (NC), Frans Labranche (LA), Frankie Lewis (TN), Sandy Roos (ABA), Marty Brownstein (NY), Emille Cox (NJ), and Jon Wheeler (FL). He expressed special thanks to Ed Smith, Vice Chairperson of the Program Committee, for his assistance noting in particular Ed's efforts regarding the ethics portion of the program.

Louise Livingston moved for acceptance of all reports as submitted. President Beach called for discussion. There was none. The motion was seconded and carried.

**NEW BUSINESS:** President Beach referenced the "Abstract" issued by the NCSC which was included in the members' registration materials. He described the NCSC's project to update Wil Kramer's book on the appellate structures and procedures. President Beach called upon John Olivier (LA), a member of the NCSC committee for this project, for comments. He described the vastness of the project and its benefits.

President Beach recognized President-Elect Marilyn Graves (WI). She addressed the membership on the importance of committee participation. She stated that the committee sign-up sheets would be circulated and that she was available to answer any questions concerning the different committees.

President Beach called upon Host Keith Richardson (IA). Keith welcomed the members to Des Moines and briefly outlined the evening's events.

President Beach recognized Emille Cox (NJ). Emille advised the membership of the availability of tennis matches and the newly established tournament.

**OLD BUSINESS:** President Beach next called for any old business. At that time, there was none.

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# NEWS RELEASE



Fifth National Court Technology Conference

National Center for State Courts  
300 Newport Avenue  
Williamsburg, Virginia 23185  
Contact: Dawn M. Spinozza, (757) 259-1877

The National Center for State Courts will present its Fifth National Court Technology Conference (CTC5) on September 9-12, 1997, at the Cobo Center in Detroit, Michigan. The only conferences devoted exclusively to court technology, CTCs draw thousands of participants, including judges, court administrators, and technology specialists, from across the country and around the globe. More than 2,500 justice system professionals are expected to attend CTC5.

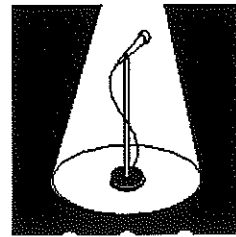
CTC5 will open with an insightful keynote address by Cheryl Currid, one of America's most respected technology analysts. Presented by the Forum on the Advancement of Court Technology (FACT), Ms. Currid will discuss her visionary ideas about how courts can use technology more strategically and smartly. In a second keynote address, Dr. Shoshana Zuboff, author of *In the Age of the Smart Machine: The Future of Work and Power*, will share her provocative perspectives on how technology affects our work and our organizations.

CTC5 will offer the most well-rounded educational program ever. New SuperSessions presented by the top technologists of the National Center for State Courts will give conference participants the conceptual tools they need for the future and will preview court technology in the next century. Accomplished judicial practitioners, the best minds in research and academia, and leading innovators from the private sector will use state-of-the-art technology to conduct more than 20 educational sessions. Sessions will cover imaging and electronic document management, the Internet and public access, videoconferencing, voice technologies, smart courthouses, courthouse security, and client/server technology. Judges will be especially interested in sessions on the electronic bench book, the use of computer animations in the courtroom, a new universal citation system, and electronic appeal transcripts.

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## EDUCATIONAL SESSION HIGHLIGHT



### “TEAM BUILDING/FACILITATION TRAINING”

By Dr. Brenda J. Wagenknecht-Ivey

The nation's Appellate Courts, like many public and private organizations today, are experiencing unprecedented workload demands and increasingly complex challenges (e.g., loss of public confidence in the courts, escalating caseloads, demands for enhanced performance and efficiency, etc.) and, because of today's complex and dynamic justice system environment and the many key players within the justice system, innovative solutions to these demands and challenges are difficult to derive and implement.

Given the current Appellate Court milieu, Appellate Courts must alter their historical, rule-based management style and transition to a more collaborative, integrated management approach. To make this transition, some court leaders have recognized that additional skills are needed. In particular, court leaders, more and more, need to be able to: (1) build and use cross-functional and interdisciplinary teams to solve court-related problems and/or make workflow improvements; (2) facilitate problem solving and work process improvement meetings; (3) improve teamwork and build consensus among diverse players within the justice system (e.g., trial courts, public defenders, attorneys general, judges, court staff, etc.); and (4) overcome resistance to organizational and systemic change. This session is designed to provide Appellate Court leaders with additional information about team building, facilitation, teamwork, consensus building, etc., that will enable them to improve their Court's overall performance.

*(Minutes continued from page 8)*

Nancy Foley (MA) moved to recess the meeting until Thursday, August 8, 1996, at 10:30 a.m. The motion was seconded and carried. The meeting recessed at 5:15 p.m.

President Beach resumed the meeting on Thursday, August 8, 1996, at 10:40 a.m.

**NOMINATIONS:** President Beach called upon chairperson Michael Yerly to present the report of the committee. Michael Yerly presented the report and moved that the report be accepted. The motion was seconded and carried. President Beach reminded the membership that nominations could be made from the floor.

Chairperson Yerly nominated Joseph Lane of California for Vice President. There were no nominations from the floor. Ken deBlanc moved for the close of nominations. The motion was seconded and carried. Joseph Lane was elected Vice President by acclamation.

Chairperson Yerly nominated Carol Green of Kansas for Secretary. There were no nominations from the floor. Ken deBlanc moved for the close of nominations. The motion was seconded and carried. Carol Green was elected Secretary by acclamation.

Chairperson Yerly nominated the following members for the Executive Committee: Lanet Assmussen of Nebraska; Jon Wheeler of Florida; and Christie Speir-Cameron of North Carolina. There were no nominations from the floor. Penny Miller (ND) moved for the close of nominations. The motion was seconded and carried. Lanet Assmussen, Jon Wheeler and Christie Speir-Cameron were elected to the Executive Committee by acclamation.

**RESOLUTIONS & MEMORIALS:** President Beach called upon chairperson Louise Livingston (AL). Chairperson Livingston submitted and read the resolutions. The first resolution thanked the staff of the Embassy Suites Hotel on the River 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, represented by Susan Kneller; West Publishing Company, represented by Michael Whetstone and John Nelson; Lexis-Nexis, represented by Bob Wilson; the Iowa State Bar Association, represented by its President, Roger Stetson; and all others who contributed to the enjoyment of the conferees and their families visiting Des Moines, Iowa. The third resolution thanked Host Keith Richardson (IA), his staff and the Convention Assistance Committee for their talents and efforts. The fourth resolution complimented and commended Program Chairperson William S. Fulton, Jr. (DC) and the Program Committee members for their exemplary service and dedication in planning the program. Louise Livingston moved that the Resolutions be approved and adopted as read and entered on the minutes of this 23rd National Conference of Appellate Court Clerks. The motion was seconded and carried.

Louise Livingston next addressed the meeting in her capacity as host for the 1997 conference in Point Clear, Alabama. She discussed the Alabama site in detail noting the expected hotel rate to be \$110. She listed the hotel services and the local area amenities.

*(Continued on page 10)*

(Minutes continued from page 9)

**NEW BUSINESS:** President Beach called upon Stephen Townsend to present his report as liaison to the Advisory Council of the Court Services Division of the National Center for State Courts. Steve Townsend reported his attendance at the recent meeting of the Advisory Council held in Denver. Steve Townsend outlined the council's composition. He noted that the council meets twice each year. He stated that the group oversees operations and assists the Court Services Division. The core of their efforts during the past meeting was to create a list of topics that are of the most importance to the courts. He also noted that NCSC internal communications were under stress due to SJI funding decreases, NCSC staff changes and the distance between the Division location in Denver and the Center's location in Williamsburg. Some of the meeting focused on improved communication between the divisions. Steve encouraged increased NCACC participation in NCSC programs.

President Beach recognized Ken deBlanc who reminded the group that corrections or new information can be added to the Pictorial Directory. Also, that photographs can be substituted but the new photographs must be submitted by 3/1/97. He noted that e-mail, bulletin board and other addresses can be included. David called upon John Wilkerson (AL) who added further information regarding the 1997 annual meeting site and local area amenities.

President Beach called upon Ed Smith. As 1997 Program Chair, Ed Smith requested that members contact him with any suggestions for the education program.

President Beach called for any further old or new business. There was none.

President Beach called upon Frankie Lewis (TN) and Joe Lane (CA) who presented the SOS certificates and prizes to Jean Kennett (MA), Mary Ann Dix (OH), Leslie Gradet (MD), Bill Suter (DC), Ed Smith (MT), Christie Speir-Cameron (NC), Beth McHaney (MO), Robert Phelps (KS), Carol Green (KS), Joyce Goldsmith (AZ), Frans Labranche (LA). They gave special thanks to Sandy Roos (ABA) for her leadership of the SOS program.

President Beach called for any further business. There was none.

John Wilkerson moved to adjourn the Business Meeting. The motion was seconded and carried.

The meeting adjourned at 11:19 a.m.

Respectfully submitted,

Nancy Foley, Secretary

# NOTICE

Joseph Lane, of Los Angeles, will be chairing the Program Committee for our annual meeting at the beautiful Skamania Lodge in Oregon in August 1998. Joseph and the Committee will be responsible for selecting educational topics, enthusiastic speakers and bringing it altogether in Portland. He will be holding an organizational meeting at Point Clear. If you are interested in serving on the committee or know of a good member who should be drafted to serve please give me a call at (515) 281-5911. Thank you.

Keith Richardson, Iowa  
President-Elect

# WELCOME

We would like to say welcome to the following members who have joined since our last Conference:

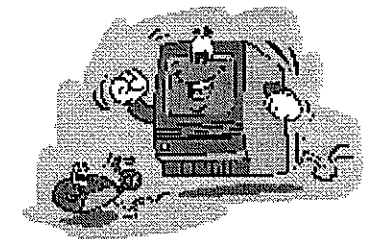
Patricia I. Crandall, Clerk  
Court of Appeals, Division III, Washington

Michael Kopp, Deputy Clerk  
Supreme Court of Texas

Dave McAlpin, Deputy Clerk  
Montana Supreme Court

Melissa Medina, Deputy Clerk  
Supreme Court of Texas

Barbara Price, Deputy Clerk  
Supreme Court of Texas



## CONTACT THE FIRST DISTRICT CLERK'S OFFICE USING INTERNET E-MAIL

The First District Clerk's Office of California can now be contacted by Internet e-mail. Our e-mail address [first\\_district@jud.ca.gov](mailto:first_district@jud.ca.gov) provides a direct link between you and our Clerk's office via the internet. Please feel free to contact our office using this new link.

This address is only for messages directed to the Clerk's office.

NOTE: This new method of contacting the Clerk's office is offered as a means of transmitting messages only. It is not intended as an alternative to accepted filing procedures. Attachments to messages will not be opened but immediately deleted when received.

(Long Range Planning continued from page 13)

APPELLATE COURTS - Weaknesses & Threats

- 1) Increased work loads and Pro Se filings
- 2) Poor public perception of Courts, Judges & Lawyers
- 3) Less funding
- 4) Decreased employee morale
- 5) Lack of awareness of problems by Judges.

APPELLATE COURTS - Strengths & Opportunities

- 1) Improved case management & record keeping with technology
- 2) Electronic filing
- 3) Review court rules & procedures.

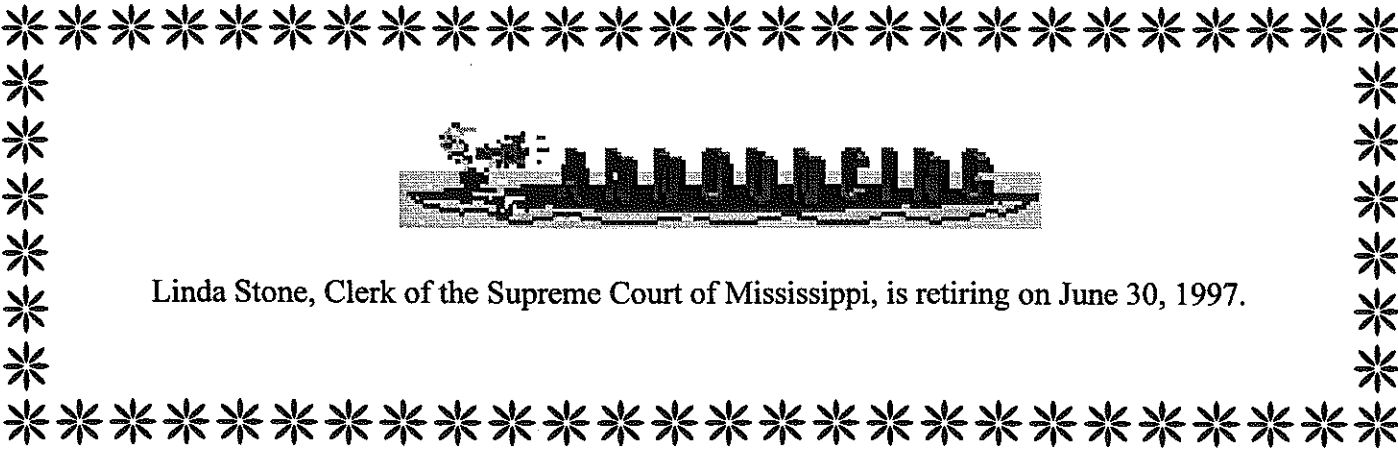
In retrospect, one part of the presentation that probably should not have been attempted was the review, at the beginning of the session, of the basic principles of long range planning. This was done to review the principles for those that may have wanted refreshing from the previous year, and to familiarize newcomers, who had not been present at the 1995 Conference, with the principles.

Anecdotally, the critique comments relative to the review portion were barely complimentary, however, critique comments on the hands-on workshop indicated favorable reception and interest.

Having prioritized the issues for both the NCACC and the Appellate Court systems, the planned third session would have focused on the development of the implementation plans, program and procedures for the high-priority issues.

Although this third session is not part of the program for the 1997 Conference, the program does include a session addressing high-technology issues, one of the identified high priority issues.

It is hoped that all the prominent issues identified by the members in the workshops will be addressed at some NCACC Conference in the not-too-distant future. Please go forward, keep climbing.



PROPOSED BYLAWS AMENDMENTS

The Public Relations Committee has, for a number of years, suggested that the composition of the Public Relations Committee be changed to provide for a more uniform and efficient public relations effort. With the annual changeover in the committee chair and committee members, it has been difficult to provide continuity. After discussion, the Executive Committee agreed to the creation of a three person Public Relations Committee and requested that the Bylaws Committee review the Bylaws and submit proposed amendments which would accomplish that goal for consideration by the Conference. The following proposed changes to the Bylaws have been recommended by the Bylaws Committee and will be taken up at the Annual Business Meeting in August:

- 1. Delete Article VII, section 3, paragraph (h);
- 2. Renumber paragraphs (i) through (n) of Article VII, section 3, to paragraphs (h) through (m);
- 3. Add a new paragraph (b) to Article VII, section 4, to read as follows:

(b) Public Relations Committee. The Public Relations Committee shall be composed of three members of the conference. Each year the Vice-President shall appoint a member of the conference to serve for a period of three years. Except as provided below, the senior member of the committee shall serve as the chair.

The Public Relations Committee shall gather news items promoting conference members and their accomplishments for publication in professional journals and local newspapers.

The Public Relations Committee shall function as a select committee, commencing at the close of the business meeting at which this provision is approved. At that time, the Vice-President shall select one member to serve for three years, the President-Elect shall select one member to serve for two years and who shall serve as chair during his or her second year, and the immediate Past-President in consultation with the President shall select one member to serve for one year and who shall be the first committee chair.

Submitted: Bylaws Committee

Martin H. Brownstein, Chair (NY)  
Cecil Crowson (TN)  
Francis Drumm (CT)  
Jean Kennett (MA)  
Jon Wheeler (FL)

NOMINATING COMMITTEE REPORT

The Nominating Committee has selected the following individuals for consideration as officers for the 1997-98 conference year. This report is made pursuant to Article VII, Section (C). To allow the membership to familiarize themselves with the nominees, a short biographical outline is given for each nominee.

Vice President - Leslie Gradet

Leslie has been the Clerk of the Maryland Court of Special Appeals since 1988. She promptly joined the conference in 1989 and has served as chair of the program committee, a member of the executive board, a member of the long range planning committee and the program committee prior to becoming the chair. She is a graduate of the University of Maryland School of Law and served as a legislative analyst with the Maryland Department of Legislative Reference.

Treasurer - Kenneth J. deBlanc

Ken has been the Clerk of the Louisiana Court of Appeal, Third Circuit since 1966. He has been a member of the conference since 1983. He has served as chair of the pictorial committee and is responsible for the publishing of the latest pictorial handbook. He is a member of the executive board. Ken received his law degree from Louisiana State University.

Executive Board Nominees:

Kathleen Kempley

Kathy is the Chief Deputy Clerk for the Arizona Supreme Court. She joined the Arizona Supreme Court in 1967 as a member of the Administrative Director's Office. She later joined the Clerk's Office and became Chief Deputy in 1987. Kathy has been a member of the conference since 1989.

Christie Cameron-Speir

Christie became the Clerk of the North Carolina Supreme Court in 1991 and joined the conference shortly thereafter. Before becoming the Clerk, she was a Research Assistant for North Carolina Court of Appeals.

Edwin Smith

Ed was elected Clerk of the Montana Supreme Court in November, 1988, and assumed his duties in January, 1989. He was re-elected in 1994 to another six-year term. He became a member of the conference immediately upon assuming his duties in 1989. He has served on the long range planning committee, the program and is currently serving as the chair of the program committee. He was appointed to serve on the executive committee for one year to complete an unfilled term.

The Nominating Committee wishes to take this opportunity to thank all of you for your input in this selection process. In making our selection, we considered geographical and gender balance as well as deputy clerk representation. Individuals selected have shown an interest and contributed to the conference in various ways.

Respectfully submitted by the  
Nominating Committee:

Glen D. Clark	Frank Drumm
Stephen M. Kelly	Jean Kennett
George Miller	Penny Miller
Stephen Townsend	Ella Williams, Chair

LONG RANGE PLANNING  
PROJECT REPORT

By

Frans J. Labranche, Jr.

&

Ramon E. deArrigunaga, Ph.D.

In order to bring some closure to our session of last year, we believe it is appropriate to provide you a summation of your work effort.

In early 1995, a concept was developed for the Long Range Planning Committee to address, in a comprehensive manner, in conjunction with the NCACC membership, a methodology for identifying areas for improvement and development in both the NCACC and in the Appellate Court systems.

The concept envisioned a three-part approach, each part to be implemented at each of three sequential NCACC Annual Conferences.

The first part, in San Antonio, in 1995, focused on the basic principles involved in long range planning. This presentation was designed to familiarize participants with the key elements and processes involved in long range planning. The formal presentation was followed by a hands-on workshop, wherein Conference participants were asked to identify the strengths, weaknesses, opportunities and threats as they pertained to both the NCACC and the Appellate Court systems.

Part Two, in 1996, in Des Moines, focused on prioritizing these attributes by having Conference participants rank order the relative importance of each attribute. Of interest is the fact that the high priority issues were unequivocally distinguished from the lower priority issues.

Here is what you identified as most salient:

NCACC - Weaknesses & Threats

- 1) Limited staff can attend Conference
- 2) Lack of involvement by Deputy Clerks
- 3) Lack of total membership, including Federal Courts.

NCACC - Strengths & Opportunities

- 1) Peer sharing & networking
- 2) Program geared to Clerks
- 3) Generates new ideas.