

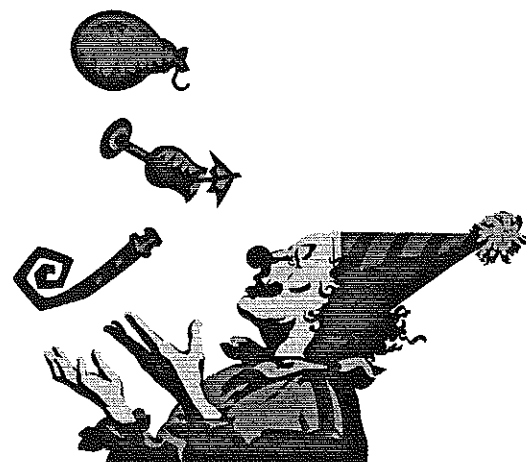
(Continued from page 19)

will rust the hell out of your pipes."

They received no further response.

Well I've had a plenty with this edition, and I'm sure you have too. Happy trails.

By Leslie Steen (AR)



REMINDER!!!

The deadline for submitting articles for the January issue is January 5, 1998



The Docket

News of the National Conference of Appellate Court Clerks

Volume 26 Issue 1

October 1997



Outgoing President Marilyn Graves and incoming President Keith Richardson exchange comments during the 1997 annual banquet in Point Clear, Alabama

National Conference of Appellate Court Clerks Induct New Officers with a "Southern Flair"

The hospitality extended NCACC members in Point Clear, Alabama was as warm as the bay breeze. The week's educational conference was concluded with a banquet in the Grand Ballroom of the Grand Hotel. Keith Richardson, Clerk of the Supreme Court of Iowa succeeded Marilyn L. Graves, Clerk, Wisconsin Supreme Court. Newly installed officers include Leslie Gradet, Maryland Court of Special Appeals, Vice President and Kenneth J. deBlanc, Clerk, Third Circuit Court of Appeal, Louisiana, Treasurer.

Newly elected members of the Executive Board include Kathleen Kempley, Chief Deputy Clerk, Arizona Supreme Court; Edwin Smith, Clerk of Supreme Court, Montana; and Sherie M. Welch, Clerk, Supreme Court of Georgia.

William S. Fulton, Clerk (Ret), Military Court of Appeals, was the 1997 recipient of the J. O. Sentell Award in recognition of his contributions in promoting and improving the goals and objectives of the National Conference of Appellate Court Clerks. Michael J. Whetstone, formally

(Continued on page 2)

(Continued from page 1)

with West Publishing Company was also honored by receipt of the Morgan Thomas Award in recognition of his contributions to supporting the goals of the NCACC as a body and of its members individually.

The evening was made complete by a uniquely informative and enlightening presentation by Eloise Hope.

As the winter chill approaches, NCACC members can reminisce memories of their experiences in Point Clear, Alabama and the true Southern hospitality so graciously provided by our conference host, Louise Livingston, Assistant Clerk, Supreme Court of Alabama and the entire staff of the Grand Hotel.

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The Docket
News of the
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Appellate Court Clerks

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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

We have all heard that old cliché, “It is not what you say, it’s how you say it.” Sometimes, however, it is what you say that establishes the understanding, especially in the law.

This story was related to me by John Wilkerson at Point Clear.

Back during the Depression there was an Alabama divorce proceeding that involved an older couple who had been married for almost 40 years. The only complaint the husband had against the wife was she hoarded Pepsi Colas and had them hidden and stashed all over the house. The only complaint the woman had against her husband was that he would not buy her an “indoor” washing machine.

During the Depression, it could be easily understood why a washing machine could not be bought. However, in order to negate this argument, the wife proceeded to remove over \$60,000.00 dollars in cash from her brassiere right there in court. This could be considered as padding one’s assets, but we’re not going there.

After some careful consideration, the judge decided that to divorce a couple who had been married so long was not justified by the grounds presented so he instructed the husband to buy the washing machine and told the wife to quit hoarding Pepsi. On hearing the decision of the court, the wife stated, “Judge, I’ve been married to that man near 40 years and I’ve had a plenty.” This simple understated expression placed a different perspective on the situation. The judge reconsidered his decision, determined that “a plenty” constituted sufficient grounds for divorce

in Alabama, and granted a divorce to the wife.

This story reminds me of an example used by one of my professors to illustrate the need for simplicity in writing and speaking, which has never been a serious problem for me.

A rather uneducated man wrote a chemical company and told them he had been using their sulphuric acid to unclog the drains in his home. He went on and on about what a wonderful job the acid did removing the most difficult clogs and wondered why the company did not tell the whole world about this well kept secret. The letter was given to a chemist for response, and it went something like this:

“Dear Mr. ———:

Thank you for your letter regarding our product. Sulphuric acid initiates irreversible oxidation when introduced to metallic substances and utilizing the chemical as you have expounded is egregious.”

The wayward plumber wrote the company back and told them he was pleased that they agreed with him and he was telling all his friends and neighbors about the product.

After some careful reconsideration the chemical company had a plenty and wrote back:

“Don’t use sulphuric acid in your drains. It
(Continued on page 20)

(Judicial Immunity continued from page 17)

that court.

Mr. Rodriguez contended that all of the defendants contributed to the delay and had thereby deprived him of his due process rights. He alleged that the clerks wrongfully denied his motion to expand to expand the record on appeal and that they failed to properly manage the court calendar.

NO PREJUDICE

Eastern District Judge Jack B. Weinstein, however, dismissed Mr. Rodriguez's suit, finding that he had not demonstrated any prejudice resulting from the delay in the decision of his appeal and that the claims against all of the defendants were barred by qualified immunity.

The circuit panel affirmed Judge Weinstein's ruling.

Focusing on the immunity defense raised by the clerks, Judge Murtha found that they were entitled to such protection in Mr. Rodriguez's case.

At the outset, the panel rejected the argument that the clerks had denied Mr. Rodriguez access to records, noting that it was the judges, not the clerks, who denied the application to let him obtain additional transcripts.

As for claims the clerks mismanaged the calendar, Judge Murtha said that a "court's inherent power to control its docket is part of its function of resolving disputes between parties" for which the "judges and their supporting staff are afforded absolute immunity."

The panel also found that the court-appointed attorneys were not liable under the civil rights law since they acted as attorneys for the defendant and not as state officials.

The prosecutors, he added, were immune since Mr. Rodriguez's claims against them related to their functions as trial or appellate advocates.

Mr. Rodriguez represented himself. Leonard Koerner and Pamela Seider Dolgow of the City Corporation Counsel's Office represented the Kings County District Attorneys. Assistant New York Attorney General Carolyn Cairns Olson and Deputy Solicitor General Thomas D. Hughes represented the court clerks.

Steven Verveniots and Brett A. Scher of Wilson, Elser Moskowitz, Edelman & Dicker represented David M. Epstein, one of the court-appointed attorneys.

NOTICE

This editors e-mail address has changed.
Please make note:

Diana Pratt-Wyatt
clerkdpw@lasc.coa.state.la.us

Let me hear from you!

PRESIDENT'S PAGE



By: Keith Richardson, (IA)

What a wonderful conference!

Our annual meeting proved to be a success highlighted by an outstanding educational program in a "piece of heaven." We thank Ed Smith and his committee for their efforts in putting together a flawless educational program, Louise Livingston for gracing us with true southern hospitality, and Marilyn Graves for her tireless leadership.

Many memorable events marked the annual meeting. The bylaws were amended to add a technology committee. The establishment of a technology committee reflects our conference's continuing dedication to the advancement, development and improvement of automated systems. The new committee will be yet another resource from which our members can benefit. We not only enjoyed the Morgan Thomas slide show but a very special videotaped message from Charlie and Lynn Nelson. And it was gratifying to see the interest our representative from the appellate judges conference took in our top-flight speakers.

The Executive Committee will hold its fall meeting in Portsmouth, New Hampshire on November 15, 1997. Portsmouth will be the site of the 1999 annual conference.

Our next annual conference will be held at Skamania Lodge near Portland, Oregon, from August 8 to August 14, 1998. The conference will mark the NCACC's twenty-fifth anniversary. The level of participation in our organization continues to grow. The organization's first annual meeting was held in Washington, D.C. on August 2-4, 1973. Twenty-seven clerks were present. At our twenty-fourth annual meeting in Point Clear there were over 200 participants with approximately 100 clerks present. We saw many new faces this year as seventeen clerks attended their first conference. An increased level of participation is critical. Volunteers are the strength and bond of our organization. I encourage each of you to review the list of committees, which is featured in this edition of the Docket, and become an active participant in the committee(s) for which you volunteered. If you were left off a committee, it's not too late to sign up.




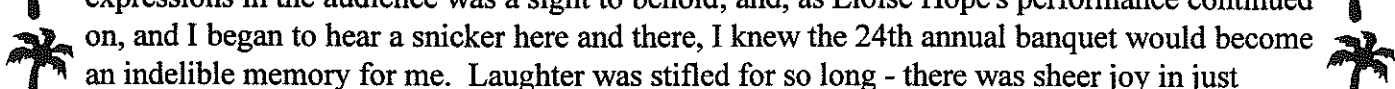
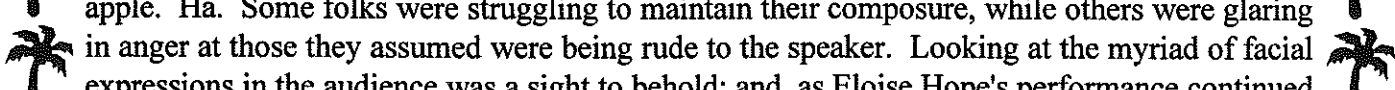
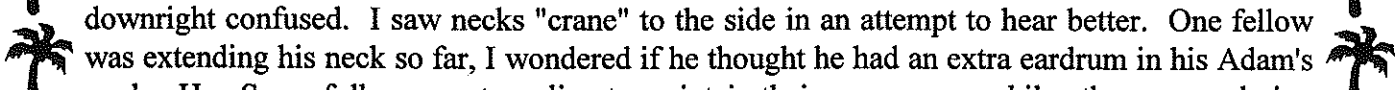
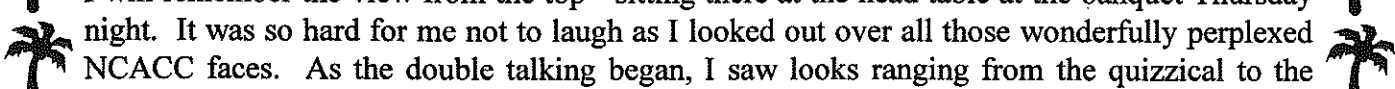
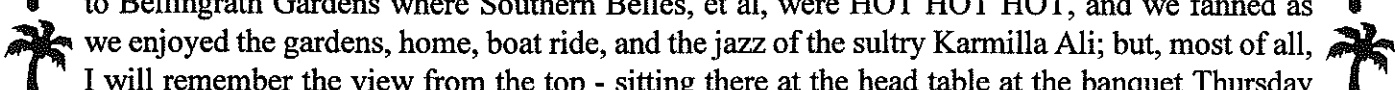
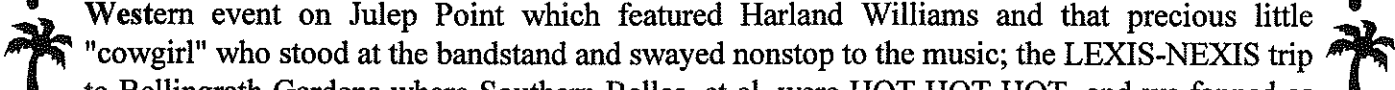
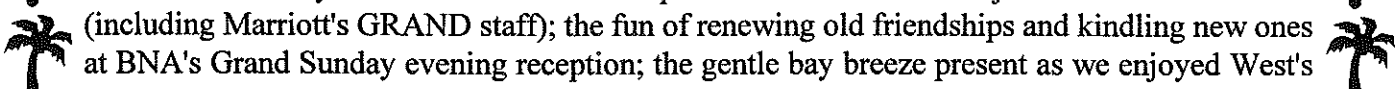
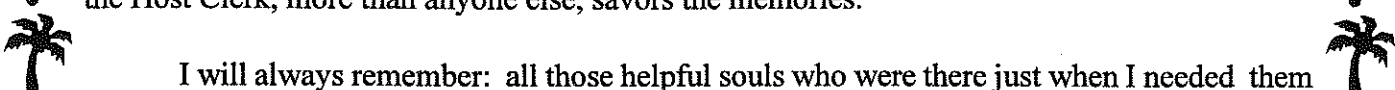
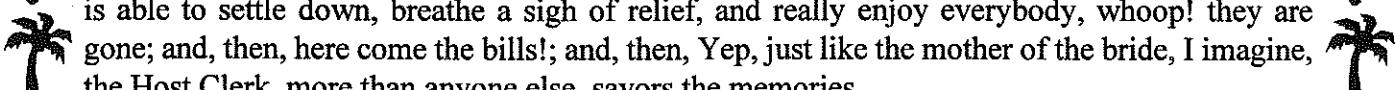
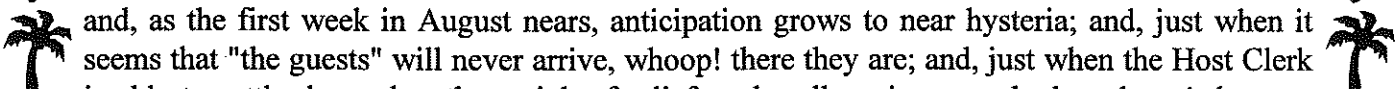
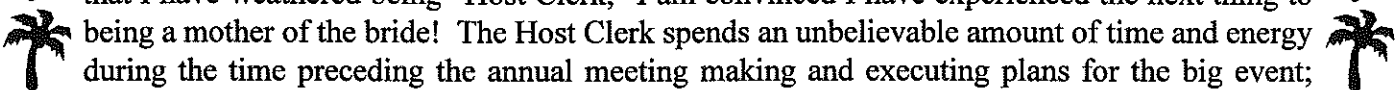
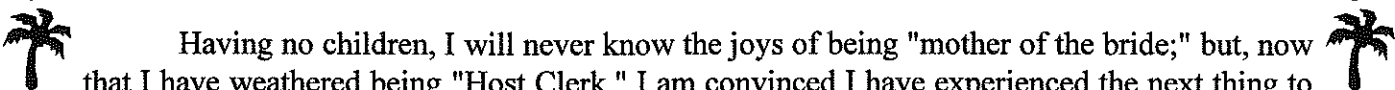
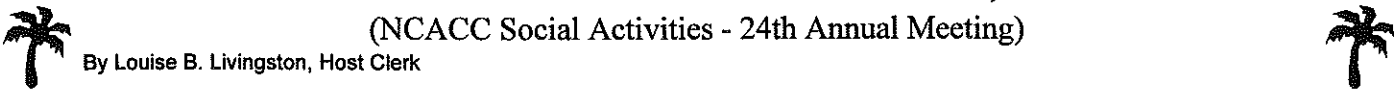


I look forward to serving as your President during the next year.

Please keep in touch with the members of the Executive Committee throughout the year.

(Continued on page 4)

(President's Column continued from page 3)

Your input and concerns are important to us. Best wishes to each of you throughout the coming months.



THE GRAND TIME AT POINT CLEAR, ALABAMA

(NCACC Social Activities - 24th Annual Meeting)

By Louise B. Livingston, Host Clerk

Having no children, I will never know the joys of being "mother of the bride;" but, now that I have weathered being "Host Clerk," I am convinced I have experienced the next thing to being a mother of the bride! The Host Clerk spends an unbelievable amount of time and energy during the time preceding the annual meeting making and executing plans for the big event; and, as the first week in August nears, anticipation grows to near hysteria; and, just when it seems that "the guests" will never arrive, whoop! there they are; and, just when the Host Clerk is able to settle down, breathe a sigh of relief, and really enjoy everybody, whoop! they are gone; and, then, here come the bills!; and, then, Yep, just like the mother of the bride, I imagine, the Host Clerk, more than anyone else, savors the memories.

I will always remember: all those helpful souls who were there just when I needed them (including Marriott's GRAND staff); the fun of renewing old friendships and kindling new ones at BNA's Grand Sunday evening reception; the gentle bay breeze present as we enjoyed West's Western event on Julep Point which featured Harland Williams and that precious little "cowgirl" who stood at the bandstand and swayed nonstop to the music; the LEXIS-NEXIS trip to Bellingrath Gardens where Southern Belles, et al, were HOT HOT HOT, and we fanned as we enjoyed the gardens, home, boat ride, and the jazz of the sultry Karmilla Ali; but, most of all, I will remember the view from the top - sitting there at the head table at the banquet Thursday night. It was so hard for me not to laugh as I looked out over all those wonderfully perplexed NCACC faces. As the double talking began, I saw looks ranging from the quizzical to the downright confused. I saw necks "crane" to the side in an attempt to hear better. One fellow was extending his neck so far, I wondered if he thought he had an extra eardrum in his Adam's apple. Ha. Some folks were struggling to maintain their composure, while others were glaring in anger at those they assumed were being rude to the speaker. Looking at the myriad of facial expressions in the audience was a sight to behold; and, as Eloise Hope's performance continued on, and I began to hear a snicker here and there, I knew the 24th annual banquet would become an indelible memory for me. Laughter was stifled for so long - there was sheer joy in just

(Continued on page 5)

Judicial Immunity Extended to Court Clerks

BY BILL ALDEN

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JUDICIAL IMMUNITY extends to state court clerks with regard to civil rights claims arising out of the performance of their jobs, a Manhattan federal appeals panel has ruled.

A unanimous three-judge panel of the U.S. Court of Appeals for the Second Circuit, noting that the issue had not been decided in the circuit, agreed with other federal appeals courts that the policies underlying such immunity should apply to clerks.

Courts typically have held that judicial immunity should be extended to individuals "such as prosecutors and witnesses, who perform functions closely associated with the judicial process," said Judge J. Garvan Murtha of the U.S. District Court of Vermont, a visiting judge, writing for the court.

Accordingly, he added, several other circuits have concluded that such reasoning justifies a "similar grant of immunity to clerks for performance of tasks which are judicial in nature."

Such protection is not absolute, he cautioned, and is limited to a "qualified good faith immunity from liability

The unanimous appeals panel, noting that the issue had never been decided in the circuit, agreed with other federal appellate courts that the policies underlying immunity applied to clerks.

arising from ministerial acts."

Circuit Judges James L. Oakes and Amalya L. Kears joined in the decision in *Rodriguez v. Weprin*, 95-2416.

The opinion stemmed from a civil rights claim filed by a prisoner, Robert Rodriguez, who was convicted by a New York state jury of murder in 1991 and is an inmate at the Eastern Correctional Facility in Nanpoch, N.Y.

Mr. Rodriguez claimed that his constitutional rights had been violated due to the seven-year, eight-month period that elapsed between the time he filed an appeal of the conviction and the 1991 affirmance rendered by the Appellate Division, Second Department.

In his civil rights complaint, he named as defendants various individuals involved in his trial and appeal, including two Kings County District Attorneys, three Assistant District Attorneys from that office, his court-appointed attorneys, the Chief Clerk of the Second Department and a pro se clerk with

(Continued on page 18)

(Conference Prospective continued from page 15)

glimpse into the other's world helped to place the concerns and frustrations facing my court in a larger context that was of particular value.

We had some discussion at the conference about breaking out of one's paradigm and I understand it was a topic of discussion at the recent technology conference in Detroit. It seems to me that if you are locked into a particular paradigm of thought, the only way to break out of the paradigm is to catch a glimpse or a glimmer of something outside of the paradigm. It is perhaps one of the chief values of the annual conference that it provides an atmosphere that is conducive to this sort of thought and revelation. With this thought in mind, it may be valuable, for future conferences, to have presentations from areas and disciplines that are completely outside the area of Courts and Court Administration. In spite of the many unique aspects of our work and the degree of discretion and written comprehension involved, I think we would all agree that underlying it all is a basic production requirement that has as much in common with a factory as it does a court. Perhaps some valuable new approaches or insights could be gained by examining the latest methods employed by private industry in areas such as production scheduling and control. (Of course, it could easily be the other way around: our systems for case management might be more advanced than systems employed in private industry.)

There was one concept presented at the conference sessions that stood out because of the instant applause it evoked from everyone present. I remember being struck by the enthusiastic response evoked when someone explained that they had implemented a program where their court reporters were paid a declining rate per page depending upon the lateness of the transcript. The degree of energy in the response can only indicate the degree to which all our courts struggle with getting transcripts in a timely fashion. Perhaps it is worth examining what it is about this particular solution that makes it seem so attractive to everyone. If the solution has merit but is considered unattainable because its implementation would require amendment of the court reporter's pay rate as established by statute, perhaps the main benefits of the solution could nevertheless be attained through a sanctions based policy implemented by the court. Without changing the statutory rate of pay, the court could require the appellant to deposit a portion of the court reporter's fee with the court at the beginning of the appeal. If the transcript was filed on time, the court would pay the money to the court reporter. If the transcript was not filed on time, all or a part of the money would be withheld from the court reporter as a sanction. The provisions would be spelled out in the court rules so that discretion is removed from the process and the parties know the rules at the outset. Of course, there are many details that would have to be worked out, but the concept may have some merit. Perhaps this could be a topic for a future article.

So these are some thoughts spawned out of the conference. Maybe they were spawned out of that fertile Mobile Bay. I swear the fish were positively bubbling out of the water. I know that as the snow clouds begin to gather here in Michigan, my thoughts will drift back to those warm days in Alabama. I considered the conference a wonderful and productive experience. I thank Louise Livingston and the other members for being so open and welcoming to the new attendees and I look forward to attending future conferences.



(A Grand Time continued from page 4)

feeling free to laugh! It was a hoot! and those not in on the ruse were such good sports!

Thank you for coming and letting me share Alabama with you. Let me make this Point Clear, it was a GRAND time!!!



Louisiana Needs YOUR Assistance!

Recently you should have received a salary survey being conducted by the Human Resource Director of the Louisiana Supreme Court Judicial Administrator's office. The Louisiana delegation seeks your assistance and participation.

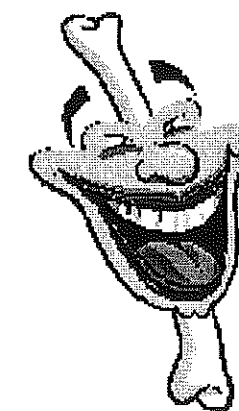
All states are included in the survey and the data will be made available to all who participate. Data will also be tabulated by economic region for ease of comparison. If you have any questions regarding the survey or receipt of the results, please contact me at 318 227-3702 or by e-mail at clerkdpw@lasccoa.state.la.us.

H

ere's a little rhyme one of Jean Kennett's favorite appellate attorneys submitted to the local LAWYERS' WEEKLY newspaper. She has given Jean permission to use this rhyme in this issue of *The Docket*.

"Transcripts are my dearest friends
Whom I'd not dream of flogging;
But, like all friends they have dull days
When they require slogging."

Wendy Sibbison
Greenfield, Ma.

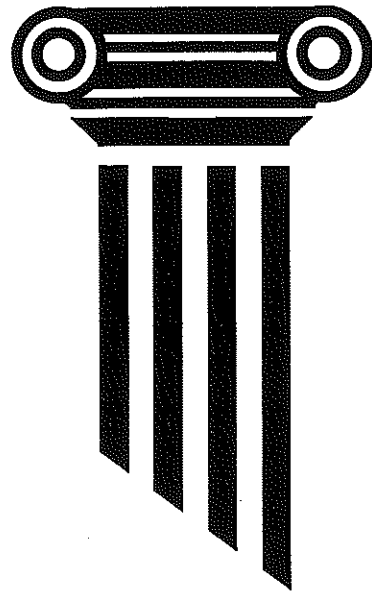




UPDATE ON THE RENAISSANCE CLERK EDUCATIONAL PROGRAM



By: Ed Smith (MT)



The Renaissance Clerk Educational Program at Point Clear was well received. Our program committee did an outstanding job in providing the conferees with a variety of noteworthy speakers.

Probably the finest ethics presentation that the NCACC ever heard was presented by Father John Paris, of Boston College. His thought provoking session on medical legal ethics was superbly delivered, involving audience participation.

A special touch of local color occurred when George Earl Smith, the Reporter of Decisions for the Supreme Court of Alabama spoke to the Conference on improving writing skills.

During the Monday program, focus was on Technology. Penny Miller and Nancy Foley reviewed the results of their technology survey. This information provides the Conference with the first identification of types of technologies used in appellate courts throughout the United States, and is invaluable to NCACC members. John Matthias, a court management consultant from Denver, gave pointers on planning approaches for automation projects. The conference also had demonstrations by Dennis Miller, of Progressive Solutions, Incorporated of Salt Lake City. Mr. Miller highlighted his new AFACTS Court automation software that is being designed for the appellate courts in Arizona. Gary Bockweg, of the Applications Development Division in the Administrative Office of the United States Courts exhibited his innovative program for the U. S. Bankruptcy Court for the Southern District of New York. The morning was capped off with the dynamic speech of Jeffrey Ballabon of the Courtroom Television Network.

Dr. Brenda Wagenknecht-Ivy helped guide the Conference with the concept of team development and facilitation training in the work place. Her special background and understanding of courts made her presentation especially useful.

Thursday's agenda was the grand finale. Jill Engel moderated an interesting question and answer session. Gene Flango filled in for Brian Ostrom, and spoke to the Conference on developments with the National Center for State Courts. The U. S. Marshall Service in Atlanta, sent Inspector Norman Hylton to talk with Clerks, concerning specific suggestions on security in clerks

(Continued on page 7)



A CONFERENCE PROSPECTIVE



By: John Lowe (MI) - First Time Attendee

There must have been something in the air at the recent annual conference at Point Clear, Alabama, to move me to volunteer to write an article for *The Docket*. As I sit down to fulfill my rash commitment, I realize that I must have been under some kind of spell. The warm Southern hospitality, the friendly and engaging fellow members, the luxurious and beautiful surroundings at the Grand Hotel, the spirit of public service that was prevalent, all combined to produce some irrational impulse to become involved and contribute in some way. Since this was my first conference, it is perhaps fitting that I share some of my thoughts and impressions about the conference.

My overriding response after attending the conference was, "Now I see the value of being a member of this association!" I had been a member for some three years prior to attending the conference and was beginning to wonder why. Frankly, if it hadn't been for some gentle arm twisting from our Chief Clerk, Ella Williams, I probably would never have joined in the first place. But after three years, I was beginning to question the value of this organization. I now realize that to get anything out of the organization, you must attend the annual conference. I found the conference to be particularly rewarding and enjoyable, and would recommend attendance at the annual conference as the way to realize the benefit of membership.

The other thing about the conference that struck me was that it was not nearly as much of a vacation as I had thought it would be. I expected to attend a few sessions of some passing interest, but frankly expected that the focus of the event would be on relaxation and recreation. I discovered that the combination of the interesting and engaging sessions and the leisure time spent associating with interesting, talented, and committed people with a natural tendency to discuss these sessions and their relationship to each other's work, resulted in a week more devoted to work than to leisure. And inasmuch as the work involved more thought and exposure to new ideas than usually encountered while operating within one's everyday procedures and routines, I found that the work at the conference could be more demanding and tiring than the work I left back at the office.

But I think this focus on work is the real value of the conference. I would describe it as a work retreat. It is a time when you can step out of the daily routine of your work and devote some thought to the larger picture. The conference provides an environment that is structured enough to keep the focus on work issues while at the same time freeing the attendee from the distractions that are ever-present on the job and prevent a person from having the time to think about the big picture and how it might be improved. Getting the big picture is also facilitated immensely by seeing your picture against the backdrop of the many diverse pictures presented by the other attendees. To me, many of the most valuable moments of the conference occurred when some member revealed some little aspect of their organization. Whether it was revealing a solution or a problem, the smallest

(Continued on page 16)

RESULT OF ISSUE-TRACKING QUESTIONNAIRE

There were fourteen responses to the Massachusetts questionnaire regarding issue tracking distributed to the membership at the Point Clear meeting. The Supreme Judicial Court hopes to implement a program whereby attorneys and trial judges in the Commonwealth can find out via the electronic bulletin board what issues are currently before the Justices, either already argued or awaiting argument. The questionnaire contained only three parts.

- 1) Who runs and up-dates the issue tracking system?
 - Court personnel
 - Clerk's office
 - Staff attorney
 - Outside consultant
- 2) Who writes up the issues?
 - Staff attorney
 - Clerk's office
 - Parties' attorneys
- 3) Are issues taken from parties' briefs?

From fourteen responses we now know that five states are issue tracking. In three, staff attorneys run and up-date the systems and write up the issues. In two of those states the issues are taken from the parties' briefs. In another state the clerk's office runs, up-dates and writes up the issues which are taken from the notice of appeal. Two California appellate districts use a software package called ISIS (or ISSYS), archiving all opinions in full text with search capability on issues. The other districts will probably follow suit as the plan is to have all opinions put on CD as they are filed and key issue coding would be done in chambers either by the judge or law clerk or secretary.

Nominations Committee Seeks Recommendations for Future Officers of the Conference

The Nominations Committee is seeking nominations for individuals to serve as vice-president, secretary and seeking three individuals to serve on the executive committee. All positions are for a two year term.

The Nomination Form is included in this issue of "The Docket" and your participation is important to the Conference.

(Renaissance Clerk continued from page 6)

offices. With the growing problem of attorney discipline, the conference heard from John Berry the Bar Counsel from Florida, who explained some of the approaches the State of Florida takes in working with problem attorneys.

One change that was tried this year was to schedule the educational programs in the morning, thus allowing the conferees to have the afternoons free. This approach was well received, and allowed the attendees the opportunity to explore the lovely resort at Point Clear and the surrounding areas.

Louise Livingston, did a marvelous job in hosting the annual meeting, and without her able leadership none of this could have occurred. Special thanks again to the entire program committee. The program was a collaborative effort, and kudos to Joe Lane, Jill Engel, Nancy Foley, Penny Miller, Scott Crampton, Elizabeth Saunders, Howie Zibel, Ashley Ahearn, Theresa Owens, and President Marilyn Graves who gave me the opportunity to serve the NCACC in the capacity as program chair. I enjoyed the experience very much.

In a letter to Past President, Marilyn Graves, our distinguished award recipient, Bill Fulton, has expressed his sentiments regarding receiving the J.O. Sentell Award at the 24th Annual Banquet. Marilyn has asked that his comments be shared with the NCACC membership.

"In connection with my retirement on April 30th as the clerk of my court, I was honored that my own judges elected to hang in their conference room my photograph (enrobed as I had served on the court and in civilian clothes as later I served as its clerk), that our sister courts (Navy-Marine Corps, Air Force, and Coast Guard) voted to rename the annual joint educational meeting the "William S. Fulton, Jr., Appellate Military Judges Conference," that the U.S. Court of Appeals for the Armed Forces presented me with its Judicial Award for Public Service at that court's annual judicial conference , and that the Secretary of the Army approved a Decoration for Exceptional Civilian Service, the highest award for civilian employees.

However, I am even more proud to have received the NCACC's J.O. Sentell Award from my brother and sister clerks of court. I have learned much (receiving much more than I gave) from my fellow clerks--including the 17 previous recipients I have known and many more clerks I have observed, admired and tried to emulate in the conduct of my own office.

The beautiful and beautifully worded plaque will always have a place of honor in our

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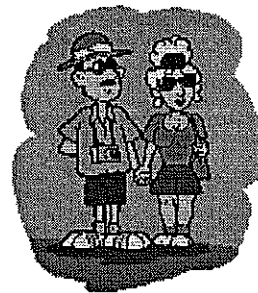
(Bill Fulton retirement continued from page 7)

home. I will treasure it as I treasure the associations I have had within the NCACC (and hope to continue to have). And I want everyone involved in the process to know how much I appreciate the honor you have bestowed.

Signed,

William S. Fulton, Jr.

ATTENTION!!



Nature lovers, sightseers, history buffs and adventurers. A few of us from the great train ride to Montana plan to explore Oregon and Washington the week before our Conference begins in August, 1988. We have rented the North Head Lighthouse Keeper's House at Fort Canby State Park on the southern coast of Washington beginning Saturday, August 1, 1998. We plan to use this location as our base of operation for six days. It is beautifully and ideally located on the Pacific at the mouth of the Columbia River. From here we can explore the northern coast of Oregon and the southern coast of Washington. There is much scenic beauty and history in this area. Accommodations should cost about \$30 per person per night, plus transportation and food. We have two openings for the house and can accommodate others at a motel in Ilwaco, Washington, (about 2 miles north).

If you are interested you will have to arrive in Portland no later than 2:00 p.m. Saturday, August 1, 1998. In order to go ahead with this we will need to know of your interest within the next 2 weeks. We will also need \$100 per couple reservation fee up front. First come, first in. For more details, call:

Frans Labranche at (504) 892-5960

(1998 Conference continued from page 12)

However, prudent travels will not await the spring 1998 pre-conference publication of Scott's *The Quintessential Guide to The Pacific Northwest: Where to go, What to see and Where to stay: All on an Appellate Court Clerks Budget. (State Clerks Salary Version)* They will start researching travel options ASAP. Remember, summer is peak tourist season and choice sites will be long gone before the winter rains subside. Remember, the early bird elbows out Bill Gates for the honeymoon suite at Rosario Resort, the procrastinator stays with Tom Bodine on Sandy Boulevard in Northeast Portland, where the only lights left on are the orange anti-crime variety.

Please feel free to contact me now about vacation possibilities. I can both point you in the right direction and begin a local search for information. Even a quick call with the most general of interest would be a wise move.

So round up the wagons, or frequent flier mileage coupons, and start planning a trip on the new and improved Oregon Trail next summer for the Silver NCACC Annual Meeting, Lewis and Clark would be envious.

ISSUE TRACKING UPDATE

Three U. S. Government court including the Supreme Court are issue tracking. In the Supreme Court a Data Systems Office runs and up-dates the program with information provided by the Clerk's office. The Bureau of National Affairs writes up the issues as found in the Law Week Summaries. Petitioners/appellants are required to provide the "issue presented" in the first brief. The court grants petitions based on those issues or modified them or restates them. In the U. S. Court of Veterans Appeals issue tracking is done for internal use only. It is done by staff attorneys while the appeal is pending and by staff attorneys and the court librarian after decision. The jurisdiction of the U. S. Court of Appeals for the Armed Forces is limited of criminal appeals. Each phase of issue tracking there is done by an attorney in the central legal staff and the issues are taking from the parties' briefs unless the court specifies an issue not raised by the parties.

I am not sure how the Supreme Judicial Court will proceed, but the responses and the Issue Tracking Users' Guide provided by the Arizona Court or Appeals, Division One will be very helpful as we proceed.

Thank you all for responding.

**Jean Kennett
Supreme Judicial Court
Boston, Massachusetts**

(1998 Conference continued from page 11)

summer.

The lodge is small, with only 190 room, Thus, be forewarned, space may be at a premium !! Our conference contract block is for only 100 room. 65 of the rooms will be the more economical "Forest View" rooms at \$115 per night. The remaining rooms will be "River View rooms" at \$149 per night. In addition, there are a few suites available at prevailing hotel rates. So, unless you REALLY want to experience what Mess. Lewis and Clark endured and wish to sleep "under the stars" make your reservations EARLY. Skamania's toll free number is 1-800- 376-9116.

2) Transportation:

If possible, I encourage members to rent cars at the Portland Airport. This will provide you with the best means to tour the entire area. For example, parallel to interstate I-84, which whisks you to Skamania Lodge, is the Columbia Gorge Scenic Highway, a meandering road that takes travelers back into countless vistas and waterfalls along the way to the meeting site. Closer to the conference date I will publish a list of members who indicate an interest in sharing rental cars or lodging in an effort to cut expenses. There is van shuttle service to the lodge. However the shuttle company charges by van not passenger. Therefore, in order to obtain the lowest possible rates I will try and coordinate transportation. As we get closer to the conference date I will ask for attendees itineraries to schedule ground transportation.

As an aside, I suggest members check rates for travel to and from Seattle. It may be possible to fly into the Seattle/Tacoma airport and save enough money to pay for a rental car for your trip. Travel through SEATAC will add about two- three hours each way but will enable you to stop at the Mount St. Helens National Volcanic Monument and see an amazing act of nature; the impact of the largest volcanic eruption of our time in North America and the areas subsequent recovery. I have also been told that Northwest Air Line has a favorable senior fare to Portland.

3) Pre and Post Conference Activities:

Far sighted attendees will spend the next few months planning pre and post conference side trips. A real bonus of the Pacific Northwest lies in the diversity of scenery and activities. For those with only a few vacation days available, within two hours of the Portland airport lies the spectacular Oregon coast, the Cascade mountains, and the bountiful vineyards, rivers and rolling hills of the Willamette Valley. Those with three or more days available may want to venture northward to Puget Sound or British Columbia or southward to the Shakespeare festival in Ashland Oregon. In addition, United Airlines has shuttle service every half hour from the Portland airport to San Francisco for under \$100 round trip.

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1998 NCACC CONFERENCE

By: Scott Crampton (OR)

More than a few years before the first NCACC Annual Meeting, noted explorers Lewis and Clarke journeyed from Independence, Missouri, to Astoria Oregon, along the now famous Oregon Trail. After surviving freezing cold, blasts of hot air, pests, famine and attacks from hostile parties (sounds like working in a typical appellate *state* court building doesn't it ?) they were finally rewarded upon reaching the Columbia River Gorge. There they found cascading waterfalls, verdant landscape, bountiful produce, succulent salmon and some of the most scenic views in North America (Now this sounds like one of those new *federal* courthouses !!) . Next August you too can travel the Oregon Trail for the 1998 NCACC Annual Meeting and bask in the scenic and gastronomic delights of the Pacific Northwest without the adverse travel conditions Mess. Lewis and Clarke withstood. (Although some do opine that air travel in the 90's is on a customer service level with Greyhound bus travel in the 70's.).

The 1998 meeting will be held 45 miles east of the Portland, Oregon International airport at Skamania Lodge. The lodge, completed just a few years ago, is in the Columbia River National Scenic Area, sitting on a bluff overlooking the Columbia River with a panoramic view of snow covered Mount Hood. The area is a spectacular milieu of historical museums, hiking and biking trails, golf courses, river adventures and photographic opportunities.

For example, there are over seventy waterfalls within a short drive from the lodge, many accessible right from the side of the road. I will provide a great deal more detailed information on travel and entertainment options of the area in later issues of The Docket. However, interested members need to focus their attention on these important planning issues:

1) Skamania Lodge:

Skamania Lodge is truly a unique facility. The lodge can best be characterized as "rustic luxury". Nearly brand new, the lodge has been designed to reflect the history and splendor of the Pacific Northwest. The warmth of the lodge is characterized by Native American inspired rugs, original stone rubbings and art works, authentic Pendleton fabrics from famous Oregon Pendleton mills, and mission-style wood furnishings. However, the lodge also has an on-site 18 hole golf course, tennis courts, hiking trails, horse stables, health club, library, and a sloping lawn perfect for simply sitting and relaxing while soaking in the sunny, humidity free northwest

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