

The Barker



News of the National Conference of Appellate Court Clerks

Volume 26 Issue 2

January 1998

HIGHLIGHTS OF THE NCACC FALL EXECUTIVE COMMITTEE MEETING

SUBMITTED BY CAROL GILLIAM GREEN (KA), SECRETARY

The Executive Committee met on Saturday, November 15, in Portsmouth, New Hampshire, site of the 1999 NCACC Annual Meeting. Mark your calendars, and plan to attend. This is a beautiful area with outstanding conference facilities.

The chief topic at this meeting proved to be the weather; we had snow and lots of it. Whether arriving through Boston or Portland, Maine, each member had a story to tell. There is always one person, however, whose story cannot be topped. Kathleen Kempley (AZ) wins that prize. Having left what was presumably sunny southern Arizona, Kathleen circled the Boston airport until fuel ran low enough to send her back to Columbus, Ohio. No short delay there; Kathleen spent the night in Columbus, checking in with members of the Executive Committee from time to time. By mid-day on Saturday, Kathleen decided that Arizona looked pretty good and she headed in that direction. The New Hampshire meeting was, after all, only one day long.

The remainder of the Executive Committee had a productive day on Saturday with the following highlights noted:

- Louise Livingston's outstanding effort as 1997 Host Clerk was recognized.
- Investments were reviewed, and a current

fund balance of \$106,177.83 was noted.

- Membership efforts were reviewed, including the planned printing of a professionally designed brochure to send to prospective members along with the NCACC membership directory. States in which the NCACC has little or no participation will receive particular emphasis.
- Carol Flango of the National Center for State Courts is receiving excellent cooperation from members in updating the Kramer Book, *Basic Appellate Court Structures and Procedures*.
- Ken deBlanc continues to solicit biographies for the membership directory. There will be a photographer present at the 1998 Annual Meeting.
- The impending retirements of Ella Williams (MI) and Jill Engel (SD) were recognized. The NCACC will send framed certificates of recognition for presentation at their retirement receptions.
- The scholarship application form has been revised, and applications are encouraged for 1998.
- Site selection for 2001 is focusing on the mountain and Pacific Zones although all are encouraged to submit proposals.
- The Technology Committee was authorized to accept the National Center's offer to provide a limited web site at no charge to the NCACC. By January 1, 1998, the organization's history, officers, committee chairs, and upcoming conference information should be on the Internet. The Committee continues to encourage all members with an Internet connection to subscribe to the NCACC listserv.

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(Highlights Executive Committee Continued from page 1)

- 1998 Annual Meeting: The successful earlier morning educational format will be continued. The conference registration fee will increase from \$150 to \$175, and a guest registration fee of \$25.00 per guest will be assessed (children age two and under excluded).

The Executive Committee meets next on Saturday, March 21, in Phoenix, Arizona. Kathleen Kempley will be joining us!

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**The Docket
News of the
National Conference of
Appellate Court Clerks**

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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 Continued from page 18)

JUSTICE PREVAILS, ONCE AGAIN

At the end of a local trial the following exchange took place among the judge, defense counsel, prosecuting attorney, and the convicted defendant.

JUDGE: (To the Defendant) Have they made you an offer?

PROSECUTOR: Yes, your honor, we made an offer.

DEFENSE COUNSEL: He'd like to know what it is because he doesn't know what it is.

PROSECUTOR: Fifty years.

DEFENDANT: Don't make me laugh. Be serious.

JUDGE: I think she was.

DEFENDANT: S - - - t!! Ain't no way in hell I'll take 50 years. Not me!!

JUDGE: I think that's a "no."

After the jury returns:

JUDGE: State versus Salley. We, the jury, find the defendant guilty and fix his sentence at a term of sixty years in the Department of Correction.

DEFENDANT: (Jumping up) I'll be (profanity omitted)!!

JUDGE: Shut up and sit down! Sixty years at the ADC!

Doesn't that do your heart good?



By: Leslie Steen (AR)

FACTS, FICTION & FOOLISHNESS

We have seen it on television, and some of us have seen it live and in person.

The setting: A small courtroom where the most notorious trial of the century is taking place. The attorney has the key witness on the stand. The jury is sitting on the edge of their seats in anticipation, the audience is hushed, the judge peers over her glasses at the witness, and the defendant squirms as beads of sweat form on his forehead. Seizing the moment, the attorney clears his throat, hooks his thumbs under his suspenders, turns his back to the witness for dramatic effect, and in a stern voice asks:

"Now, doctor, isn't it true that when a person dies in his sleep, in most cases he just passes away quietly and doesn't know anything about it until the next morning?"

Or, "Is that the same nose you broke as a child?"

Or, Q: "What happened then?"

A: "He told me, he says 'I have to kill you because you can identify me.'"

Q: "Did he kill you?"

Or, "Was it you or your brother that was killed in the war?"

Or, "The youngest son, the 20-year-old, how old is he?"

Or, "Were you alone or by yourself?"

Or, "Do you have any children or anything of that kind?"

Or, "Were you present in court this morning when you were sworn in?"

Or, "So you were gone until you returned?"

And, "You don't know what it was, and you didn't know what it looked like, but you can describe it?"

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PRESIDENT'S PAGE



By: Keith Richardson, (IA)

It's hard to believe 1997 is over already and we are a year closer to the excitement of the new millennium, new computer software, paperless offices and other untold technology. I hope you all had a wonderful holiday and enjoyed time spent with family, friends and days away from the office to relax and reenergize.

The Executive Committee held its fall meeting in Portsmouth, New Hampshire. I am excited to report that Portsmouth will be a wonderful location for our conference in the summer of 1999. As many of you know, New England can be a real adventure late in the fall. This past November proved to be no exception. The region had its first major snow-and-sleet storm of the season the weekend of our executive committee meeting. Many of us experienced a white-knuckle drive from the airport to the hotel, others flew around the skies of Boston for an hour only to return home. But, all in all, it's a wonderful location. Howie was a very gracious host, and we had a very productive meeting. Each committee report was presented and discussed. We began polishing the 1998 educational program. We also received a tour of the Portsmouth Sheraton Hotel.

After the meeting, I had the good fortune of traveling to Washington, D.C. and representing our organization at the Chief Justice William H. Rehnquist Award for Judicial Excellence reception and dinner. It was a wonderful event, an opportunity for the NCACC to interact with other judicial organizations and the third branch power brokers. It is important that we continue to strengthen our relationships with other organizations. During the event I received some wise counsel. In the past many of us in the NCACC have felt slighted because we have not had a representative on the board of the National Center for State Courts. However, the conference can continue to promote and improve the judicial branch of government through continuing participation in the various committees and programs in which we have been active in the past and will continue to serve on in the future. For example, Steve Townsend serves as our liaison on the National Center for State Courts Advisory Council. Mike Yerly represents us on the ABA Delay Reduction Task Force and John Olivier on the state courts caseload statistics project, and we are all actively assisting Carol Flango at the National Center on the *Appellate Courts Procedures in the State and Federal Courts* book project. By further developing our involvement with the various national committees and projects we are strengthening our representation and benefiting our conference.

To conclude on my trip into the capital city I would be remiss if I did not comment on how fortunate we are to have Bill Suter as an active member of the NCACC. His participation and guidance is an asset to our organization that is deeply appreciated.

As you look forward into 1998 make sure you have your calenders marked for the annual conference from August 8th to the 14th. I look forward to seeing all of you there.

THE MAGICAL INGREDIENT FOR LIFE BEYOND THE PILOT

by
Noël K. Dessaint (AZ)

As we all sat assembled at the conference in Point Clear, Alabama, Diana Pratt-Wyatt requested volunteers to write articles for each issue of "The Docket" for the coming year. As I sit here now writing this article, I can't remember everything that Diana said, but it must have been very persuasive. At the time, I do remember thinking that her request certainly didn't seem like too much to ask, particularly with all of the work that Diana has done in publishing "The Docket". Having been imbued with Louise's southern Alabama hospitality and feeling, what in hindsight, must have been an overactive spirit of cooperation and good will, I said to Diana, "If you want me to write an article, let me know." Well, she did let me know. Diana's request certainly was not unreasonable, but now I fear that my overactive spirit of volunteerism may not be sufficient to meet the task.

What could possibly be of interest to the members of the Conference of Appellate Court Clerks that I might write about in an article? What would interest the members as we start the new year and begin to wind down the 90's? Would everyone like to read another article on case flow management? Maybe you would prefer the do's and don't's of how to or how not to manage a computer project. Could there be any reader out there who has not been saturated with information about the management value of statistical information to courts? That's it, I said to myself. I have to find that rare, non-statistical, magical ingredient that seldom reaches article status, but is valuable, important, and essential to any well run appellate court clerk's office!

But, before I can get to this jewel, it seems important to lay a foundation about the environment in which this magical ingredient must live and thrive. This difficult-to-describe element lives in our offices to one degree or another.

There may be a few privileged people in our ranks with offices that are well under control and, by and large, things are very calm. For the rest of us, maybe, just maybe, chaos seems to be the rule of the day. Albeit most of us may think it is organized chaos, and that's probably to our credit. Nevertheless, we are bombarded with surveys and inquiries that are impossible to answer accurately without writing a book and the deadline is tomorrow. We hustle and bustle on the "fast track" or other internally created speedy machinations to dispense justice more swiftly. We have median times and average times, percentage increases, and percentage decreases, reductions, escalations, grants, implementations, task forces, committees and commissions, calendars, dates, schedules, deadlines, time frames, written and unwritten procedures, written rules and rules of tradition, and finally, numbers that "speak for themselves". Do they really? Ah, the glories of *res ipsa loquitur* revisited.

(Calm of Storm Continued from page 16)

Now back to me. *Frans*: I knew the city of Covington was in chaos and it would be difficult to get to Del. My neighbor got me as close as she could and then, with the aid of my sheriff credentials, I rode the rest of the way in a sheriff's unit.

When I got to Del, I was amazed she was not badly injured, and even more amazed at how calm she was, (a lot more calm than I), considering the extensive damage in the area and the fact that our two year old van was a total loss. I was so thankful Del had escaped serious injury. Praise the Lord!!

We got Del to the hospital in a police unit (quite a wild ride). The doctor removed some glass from behind her ear and scalp, and cleaned the glass and dirt from inside her ears. She was discharged, but I was not. In all the excitement my blood pressure and heart rate had shot up, so they checked me in for the night. Everything checked out fine and I was discharged the next morning. One heck of a stress test.

This was an object lesson. We need to appreciate one another every day and take the time to express our love in word and deed. Like Del, we need to stay calm in the storm.

We love you all, God Bless. Our e-mail address is: labranche@i-55.com.

Next Issue of the Docket will be the April Issue.

Look forward to information regarding our educational program for the upcoming Annual Educational Conference, August 8 - 14, 1998.

All articles of interest should be submitted no later than Friday, April 3, 1998.

Let's us hear from you!

THE CLERK'S PRAYER

Dear Lord:

So far today, I have done all right. I have not gossiped, have not lost my temper, and have not been greedy, grumpy, nasty, selfish, or overindulgent. So far today, I haven't even barked at a lawyer, snarled at a judge, or hissed at a runner. And Lord, I am so thankful about all that.

But in a few minutes, Lord, I'm going to get out of bed. From then on, Dear God, I'm probably going to need a *lot more help*. Thank you.

(Author Unknown)



A Smile for the New Year

A smile costs nothing but creates much. It enriches those who receive without impoverishing those who give. It happens in a flash and the memory of it sometimes lasts forever. None are so rich they can get along without it and none so poor but both are richer for its benefits. It creates happiness in the home, fosters good will in a business and is the countersign of friends. It is rest to the weary, daylight to the discouraged, sunshine to the sad and nature's best antidote for trouble. Yet it cannot be bought, begged, borrowed or stolen, for it is something that is no earthly good to anybody until it is given away. Nobody needs a smile so much as those who have none to give.

THE CALM OF THE STORM

SUBMITTED BY: FRANS AND DEL LABRANCHE (LA)

It was not an untypical day for November in south Louisiana, it was partly sunny, partly cloudy, partly rainy and partly windy. As we say, if you don't like the weather just wait ten minutes.

About noon I headed next door to work on my brother-in-law's kitchen faucet and Del headed into Covington (about 5 miles away) to stop at a friend's house and to do groceries (a Louisiana expression for buying vittles). Just as I finished fixing the faucet we got a cloud bust, so I sat down with a cool one and checked out midday T.V. When the rain stopped I headed home, as I reached our gate a young lady from the next road pulled up and advised, "Miss Del is O.K." I said, "What!!!" She then advised that Del had been in Covington when the tornado hit. "What tornado?" "The big one that hit Covington" she said, "I'll drive you here, if you want."

Del had called our neighbor because her brother doesn't have a phone, we really do live in the woods. I went in the house to get my wallet and Deputy Sheriff credentials. As I entered the phone rang, it was Del. Let's now shift to Del, who will tell you of her experience.

Del:

"Although it looked like it may rain a little, I ran into Covington to return something to my friend, Chris. As I prepared to leave her house it began to get more overcast, Chris invited me to stay for some ice tea and wait out the expected shower, but I was anxious to get to the

A & P and home before the rain. As I pulled into the parking lot at the A & P it got very dark behind me, but in front it was bright and sunny. I decided to wait out what I thought was a brief thunderstorm in the van. To say I was totally unprepared for what happened next is a gross understatement. All of a sudden a few grocery carts rolled quickly by and crashed into some parked cars. My van began to shake and move, I felt like I was inside a large jet engine, the roar was loud and terrifying. Two cars in front of me were thrown together (there were no people in them), the plate glass front of the A & P came crashing down. I could see and hear debris flying and hitting the van. Then with a crash, the passenger window shattered and



glass flew everywhere, in quick succession all of the windows exploded and glass and debris were flying and pelting me, just then the front of the Post Office (a hundred feet in front of me) caved in and the roof blew off. All of a sudden it was quiet and bright. It was over, yes I had been in a tornado. Had I been afraid of being hurt? No, only of dying. I had felt that at any moment I might be on my way heavenward. In spite of everything, I felt remarkably calm I got out of the van and went into the A & P, when the people inside saw me covered with dirt and a little blood they couldn't believe I was outside during all this. They came with a first aid kit and began removing glass from my face and hands. Although I had glass all around my eyes, none was in. It was truly a miracle. I believe my guardian angel had her wings wrapped around me. Thank you Lord.

"Even after seeing all the damage in the area I was still calm, even though I knew this could have been a lot worse, a lot worse. I called Frans, but he was not home, so I called my neighbor. Later I again called Frans and got him just as he was leaving to try to get to me."

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(Magical Ingredient for Life Continued from Page 4)

One unaccustomed to such things might think that this was more than enough. No, it is not nearly enough. On top of all of that, we need to "re-engineer" and reverse gears to go back to the way we were under the guise of modernization. Instead of decentralized computers, there is a return to more centralized computer "servers". Really? A server! How do I get one of those? Whether centralized or decentralized, we have desk tops! Didn't we always? We have pilots and pilot studies. Are they on automatic or is there really somebody at the controls? There's e-mail and the Internet, browsers, home pages, webs, web masters, web mistresses, and web sites, and even voice mail. Computers talk to each other, but all I seem to get are tape recorders. I thought we were a clerk's office. Have we woven a tangled web? I have no comment on webs because I think webs "speak for themselves", but I always thought browsers were those that hung out at department stores or rummage sales.

Secret passwords surround us, but are our secrets really safe? Hackers abound. Could be a case for Scully and Mulder. After all, this thing in my office is susceptible to viruses previously unknown to human kind and can, in fact, infect other users. I used to think users were class 6 felons.

Let's not forget that wonderful innovation of "seamlessness", that metaphysical essence of being seamless and transparent. I always thought seams were very important because they held the fabric together. Now, I am asked to trust everyone with things I can't see. Next year, maybe seamless, transparent users will be introduced. Could happen.

Many of you have probably been involved in things called "pilots", but if you will permit me a personal experience, we, at the Arizona Appellate Court Clerk's offices may soon experience a computer pilot. I already know that some people are thinking in terms of "beyond the pilot". Until I heard that phrase, I never thought of my future as something beyond the pilot. It harkens visions! Remember Alcoa presents "One Step Beyond"? What lies ahead in the great beyond, one step beyond the pilot? Will I truly get to experience it? What is our fabric of the future, holeless buttonholes? Will TQM and quality circles resurrect in the great beyond? By the time you read this, I may be well beyond the pilot, maybe even around the bend.

For those of you who sit serenely above the flurry and fury of the chaos, surrounded by calm, I am not sure whether to feel envy or fear and concern for your future beyond the calm. Have you ever experienced bi-directional communication? I was once invited to do so in a conversation with three people. Excuse me. Is bi-directional communication something new and different? I suppose so, if you first accept the notion of unilateral communication. Personally, I try to avoid talking to the walls, but I admit it seems to be getting tougher in this double-speak era of the 90's. Human communication was tough enough in the 70's and 80's. Will it be gone by the 00's? Oh no, that problem too! My kingdom for a horse, but will I be able to order hay on the Internet?

(Continued on page 6)

(Magical Ingredient for Life Continued from page 5)

For those of you still reading this article, you may fairly ask yourselves, is the author simply rambling or is there some point? Has he forgotten the jewel? No, I haven't forgotten, but relax, let's not rush. Be calm. In this chaotic swirl, let's back track a bit and reminisce a moment about our courts of appeal and supreme courts and where we fit in the goal to dispense individual justice on a case by case basis. Can you still remember due process? We do not decide the ultimate outcome nor make the judgment on the merits. In fact, most of the public might not even know we exist. Nevertheless, our responsibility is justice. It's at least procedural justice. How we do that is probably a whole series of articles, but for purposes of this article, I have only one question. Does your office have enough ARF?

So as not to be outdone by the onslaught of acronyms, jargon and cutesy concepts, I have chosen to call the essential ingredient — ARF. What saves us is what always saves us and that's the people in our offices, particularly those who possess that mystical, metaphysical, magical ARF. It is hard to define ARF, but you know it when you see it.

The people who work for us and with us and help us do our jobs, by whatever labels and titles they may have, are important ingredients in the recipe for procedural justice and, ultimately, in the dispensing of individual justice by the court. Who can we count on when the chips are down? I count on the dedicated people in my office. The people make the difference. They seem to possess substantial quantities of ARF — Adjustability, Resiliency, and Flexibility.

There will probably be someone out there who thinks that a double blind study should be done to test the break even point of ARF as related to the time differential from the filing of the notice of appeal to the opinion. Forget it! Don't call me! Live with the uncertainty; it will make tomorrow more exciting. ARF is like RAM, you can't have too much of it and you always need more.

So, I conclude this article with a recognition of the importance of the people who work for me and with me to accomplish our legal objectives and I thank you.

♪♪ You gotta have ARF ♪♪

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. Send in your nominations today. The future of NCACC depends on membership participation.

(Oregon Continued from page 14)

and through miles of moss covered forests. When you do reach Skamania Lodge, 45 miles east of Portland Airport, you will stare straight at snow covered Mount Hood. So, bring your skis or just plan on driving up to Timberline Lodge and counting mountain tops along the Cascade Range.

On the eastern side of Mount Hood, you will enter the apple and pear country of Hood River County. This area is a scenic, rural valley stretching from the river to the mountains. You can even travel through the Hood River Valley on a historic railroad up to the base of Mount Hood.

Just south and west of Portland is some serious wine country. Oregon arguably produces the best Pinot Noir and Pinot Gris wine in the nation. There are several bed and breakfast which cater to wine aficionados and can provide you with both charming accommodations and transportation to and from the dozens of wineries in Washington, Yamill, Marion and Polk counties.

A bit further away is the spectacular Oregon Coast. As an aside, in New Jersey they call it the shore, in California they call it the beach, but in Oregon we refer to it as the Coast. This is not due to lack of a beach by any means. After all there are nearly 400 miles of coastline in Oregon and I dare say you will be able to walk in most places for miles without encountering many other humans (although you will see lots of wildlife, from seals and sea lions, horses, bald eagles, and these strange birds which look surprisingly similar to kites). From Astoria in the north to Gold Beach in the south, the Oregon coast offers perhaps the most scenic vistas of sand, surf and coastal mountains anywhere in North America.

For those of you who are true sun lovers, we have an added treat. Despite the abundance of waterfalls and thick vegetation in Western Oregon, Central Oregon is essentially a desert. That's right!! An Arizona-like locale of rocks, ponderosa pine, mesas and riverbeds. So, desert rats

unite!! We also offer paradise for those who like to collect rocks, take pictures and are into sunshine and hotter temperatures.

If you have more time (four hours by car or 45 minutes by commercial airline from the Portland Airport) head south to Grants Pass and take a jet boat ride on the Rogue River or continue south to Ashland and take in a Shakespearean play.

Whatever your plans are, come and enjoy the Pacific Northwest. I think you will agree with the Oregon state tourism motto - "Things look different here." And rest assured, in future articles we will give you the whole entree!!

* * *



Don't Miss This Conference

Travel the Oregon Trail

See Scholarship Application Instructions Page
13 of this Issue of *The Docket*

Complete the Scholarship Application Form included as an insert in this issue.

Scholarship Applications must be completed by
March 2, 1998.

Oregon

By Carol Reis (OR)

“FOR AMBER WAVES OF GRAIN, FOR PURPLE MOUNTAINS MAJESTY . . . FROM SEA TO SHINING SEA” (well at least fog shrouded, rugged coast line with seals, sea lions and succulent salmon sea).

When you come to Oregon next summer for the 1998 NCACC annual meeting you can experience all this and more. After all, you are coming to the end of the Oregon Trail and, thus, deserve your just travel reward. We think that no matter what your favorite activity may be; hiking, fishing, golfing, exploring historical sites, or shopping at world famous boutiques such as Saks Fifth Avenue, Norm Thompson, Pendleton, Nordstrom, Nike Town, (the most Nike stuff anywhere) you will be rewarded.!!

Well, I must demur that as a native Oregonian I am somewhat biased. Since native Oregonians are as rare as a bikini on the Oregon Coast in January or a corner in downtown Portland without an espresso stand, I have been asked to provide my fellow NCACC colleagues with a **Natives View of Oregon**. So, here is just a snippet of recreational venues to wet your appetite. Think of this article as a smoked salmon appetizer before the sturgeon stuffed with dungen crab entree!!

Within a few hours of the 1998 meeting site at Skamania Lodge, you can be walking on the Oregon Coast, on top of the Cascade mountain range, trekking through the desert of Central Oregon, sipping wine at a Willamette Valley vineyard, fishing, golfing, or attending a Shakespearean play at the oldest Shakespeare festival in America in Ashland, Oregon. The choice is yours.

If you don't have much extra time, I'd suggest exploring the Portland area, we have some historic

homes such, as the Pittock mansion, a beautiful downtown and two rivers, the Willamette and the Columbia. The confluence of these two rivers has provided Portland with the nickname of River City. It also was known as Stump Town during its early development as several expansive groves of massive Douglas Fir trees were felled to make way for buildings. In more recent times, the influx of Californians have taken to referring to Portland as Puddle City during the wet winter months. Nonetheless, it is a charming mid-sized city with a spectacular setting.

There are several river boat tours, from the sophisticated dinner cruise on the Spirit of Portland to one hour sightseeing trips along the Willamette river from downtown Portland. These are excellent opportunities to view Portland from a unique perspective. Portland is also a horticulturists delight. Portland is known as the Rose City and the Japanese Botanic and Rose Test garden next to the Portland Zoo in Washington Park are some of the premier sites for viewing ornamental flowers.

Sooner or later you will have to tear yourself from Portland and head to the meeting. As you head east from Portland or the airport you will pass the Columbia Gorge Factory Outlet Mall on Interstate I-84 (I just had to get this in for the shoppers out there). Although not as expansive as Riviera Outlet in Alabama, it is a good place to stop and get some native attire (hiking boots, hats, wind surfing gear, etc.) for the numerous outdoor activities in the Gorge.

For those who like to take the scenic drives as opposed to the interstate, you can take the Columbia Gorge Scenic Highway on route to the conference. This route parallels I-84 but provides a very different perspective. The road meanders into the hills and takes you past Multnomah Falls (one of the tallest waterfalls in North America) up to Crown Point, (which provides a breath taking eastern view of the Gorge)

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NCACC AWARDS COMMITTEE REQUESTS YOUR SUGGESTIONS

Now is the time for you to submit your suggestions to the Awards Committee for the person or persons you wish considered for the **J. O. Sentell Award** at the next Annual Conference at the Skamania Lodge, Oregon/Washington. Although our guidelines do not require solicitation of suggestions for the Morgan Thomas Award, we are, nevertheless, asking for your ideas.

The **J. O. Sentell Award** is given to recognize distinguished service by a member of the National Conference of Appellate Court Clerks who has contributed substantially to the objectives of the conference. Our objectives according to Article II of our By-Laws include improving skill and knowledge through conferences, seminars or other educational programs; promoting and improving the contribution of appellate court clerk offices within the area of effective court administration; and collection and dissemination of information and ideas concerning the operation and improvement of the offices of appellate court clerks. According to Senator Heflin's tribute entered into the Congressional Record, James Oscar Sentell, Jr. was born in Alabama in 1909. He practiced law in Alabama. In 1967, he was appointed deputy clerk of the Alabama Supreme Court. A year later he became clerk of that court, serving until 1982. He was one of the founders and first president of the National Conference of Appellate Court Clerks. According to Senator Heflin, Mr. Sentell made immeasurable contributions to Alabama's judicial system as clerk of the Supreme Court of Alabama. Senator Heflin further described J. O. Sentell as a great public servant possessing a keen and analytical mind with perceptive insight and integrity beyond reproach.

Past recipients of the **J. O. Sentell Award**, the year of the award and the place are as follows:

J. O. SENTELL AWARD RECIPIENTS

<u>RECIPIENT</u>	<u>COURT</u>	<u>CITY</u>	<u>CONFERENCE YEAR</u>
J. O. SENTELL	ALABAMA SUPREME COURT	MONTEREY, CA	1979
RONALD L. DZIERBICKI	MICHIGAN COURT OF APPEALS	ORLANDO, FL	1980
WILFRIED J. KRAMER	CALIFORNIA COURT OF APPEAL THIRD DISTRICT	JACKSON HOLE, WY	1981
MORGAN THOMAS	GEORGIA COURT OF APPEALS	BOSTON, MA	1982
LEWIS CARTER	KANSAS SUPREME COURT AND COURT OF APPEALS	NEW ORLEANS LA	1983

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MARY ANN HOPKINS-YOUNG	ARIZONA SUPREME COURT	SEATTLE, WA	1984
ALEXANDER L. STEVAS	SUPREME COURT OF THE UNITED STATES	LEXINGTON, KY	1985
LUELLA DUNN	NORTH DAKOTA SUPREME COURT AND COURT OF APPEALS	AUSTIN, TX	1986
JEAN KENNETT	SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS	HARTFORD, CT	1987
JOHN SCOTT	KENTUCKY SUPREME COURT AND COURT OF APPEALS	HELENA, MT.	1988
JOLINE WILLIAMS	GEORGIA SUPREME COURT	CHARLESTON SC	1989
FRANS LaBRANCHE	LOUISIANA SUPREME COURT	TUCSON, AZ	1990
JILL ENGEL	SOUTH DAKOTA SUPREME COURT	ST. LOUIS, MO	1991
REMA MIMS	SOUTH CAROLINA COURT OF APPEALS	WASHINGTON, D.C.	1992
STEVE TOWNSEND	NEW JERSEY SUPREME COURT	NASHVILLE, TN	1993
PEGGY STEVENS McGRAW	MISSOURI COURT OF APPEALS	SAN DIEGO, CA	1994
KEVIN SWANSON	CALIFORNIA COURT OF APPEAL FIFTH DISTRICT	SAN ANTONIO, TX	1995
GLEN D. CLARK	ARIZONA COURT OF APPEALS, DIVISION ONE	DES MOINES, IA	1996
WILLIAM S. FULTON, JR.	U.S. ARMY COURT OF CRIMINAL APPEALS, Retired	POINT CLEAR, AL	1997

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(Continued on page 9)

SCHOLARSHIP APPLICATION INSTRUCTIONS

- A. Postmark your completed application by March 2, 1998.
- B. Send the application to:

Ms. Shelly Rockwell
National Conference of Appellate Court Clerks
c/o National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
- C. The following are the selection criteria for the award of scholarships as contained in the Scholarship Committee Guidelines:

1. Membership in the NCACC in good standing (a prerequisite for applying);

2. The amount of Court funding available for the applicant's attendance at the annual meeting;

3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC;

4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding;

5. The nature of the applicant's position;

6. The location of the applicant's court;

7. Whether the applicant has previously received a scholarship award; and

8. Whether any employee of the applicant's court has previously received a scholarship award.

(Scholarship Guidelines Continued from page 11)

- I. The Executive Committee may relax the deadlines for receiving and processing scholarship applications if, in its discretion, it determines that the scholarship program and the membership at large will benefit from such action.
- J. Successful applicants shall be informed of the amount of their award. Further, the notice shall provide that the Treasurer will direct the applicant's reimbursement to the extent of the award after the conclusion of the annual meeting on receipt of satisfactory evidence of the payment of the covered expenses and the applicant's attendance at all sessions of the education and business portions of the annual meeting. Any absences in attendance must be noted and satisfactorily explained.
- K. No applicant shall receive more than two scholarships in any four-year period.
- L. Members of the Executive Committee and the Scholarship Committee shall not be eligible for scholarship award.

Scholarship Assistance-Selection Criteria:

The actions of the Scholarship Committee and the Executive Committee in respect of scholarships, full or partial, shall be based on an evaluation of the following criteria:

- 1. Membership in the NCACC in good standing. (Failure to meet this requirement shall result in the automatic rejection of the application.)
- 2. The amount of court funding available for the applicant's attendance at the annual meeting. (Applicants who have no funding available shall have a preference over those

who are eligible for partial or full funding.)

- 3. The amount of court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC. (This includes programs such as ICM seminars and meetings of other professional organizations. Applicants who have had no opportunity to participate in educational programs at court expense shall have a preference over those who have.)
- 4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding will have a preference over those who have one or more fellow workers attending the NCACC meeting at their court's expense.
- 5. The nature of the applicant's position, (To the extent practicable, scholarships shall be awarded to a mix of clerks, deputy clerks, and other eligible members of the NCACC.)
- 6. The location of the applicant's court. (To the extent possible, scholarships shall be awarded to individuals in a manner that reflects the geographical diversity of the organization.)
- 7. Whether the applicant has previously received a scholarship award. (Applicants who have never received assistance shall have a preference over those who have.)
- 8. Whether an employee of the applicant's court has previously received a scholarship award. (Applicants from court who have never received a scholarship shall have a preference over those who have.)



(Awards Committee Continued from page 8)

The **Morgan Thomas Award** is for recognition of an individual other than a regular member of the NCACC who has made distinguished contributions to enhancing professionalism and supporting the goals of the NCACC as a body and of its members individually. The award may, but need not, be given each year. Past recipients have been:

MORGAN THOMAS AWARD RECIPIENTS

1990	Charles Nelson	West Publishing Co.
1992	Justice James Duke Cameron Justice Harry A. Spencer Justice William A. Grimes	(AZ) Retired, (NE) Retired, and (NH) Retired
1995	Sandra M. Roos	American Bar Assoc.
1996	Jane Sanchez Lew Tippet	Bureau of National Affairs Lexis/Nexis
1997	Michael J. Whetstone	West Publishing Co.

Please provide your suggestions to us today by completing the separate insert and mailing it to:

Kathleen E. Kempley
Chief Deputy Clerk
Arizona Supreme Court
1501 W. Washington, Suite 402
Phoenix, AZ 85007

If you do not have time to do it today, please do it tomorrow, but at least by **Valentine's Day**, February 14, 1998.

Submitted by:
Awards Committee
Ashley Ahearn (MA)
Noël K. Dessaint (AZ)
Kathleen E. Kempley (AZ)
Jean Kennett (MA)
Bob Liston (CA)
Melissa Medina (TX)
George Miller (TX)
Mike Yerly (CA)

On the Move

Effective November 1, 1997, Ancil G. Ramey, Clerk of the Supreme Court of Appeals of West Virginia, a member of the National Conference of Appellate Court Clerks and a Fellow of the Institute of Court Management of the National Center for State Courts, resigned to become a member of the West Virginia law firm of Steptoe & Johnson. Mr. Ramey, who had served over a decade as Clerk of the Supreme Court of Appeals of West Virginia is engaged in civil and criminal litigation, with a concentration in appellate practice. On September 9, 1997, Rodney A. Teal, formerly an attorney with Steptoe & Johnson, took the oath of office of Clerk of the Supreme Court of Appeals of West Virginia as Mr. Ramey's replacement.

Ancil sends best wishes to the many friends that he and his wife, Patty, made over the years while attending the National Conference of Appellate Court Clerks. He will always hold dear the memories of many good times spent together sharing experiences and exchanging ideas about improving justice on appeal.

His telephone number is (304) 353-8112 and his e-mail address is rameyag@steptoe-johnson.com.

REMINDER

ALL NCACC MEMBERS WHO HAVE NOT UPDATED OR COMPLETED YOUR BIOGRAPHY AND SUBMITTED YOUR PICTURE FOR THE NCACC MEMBERSHIP DIRECTORY ARE URGED TO DO SO BY SENDING YOUR BIOGRAPHY AND RECENT PHOTOGRAPH TO OUR PICTORIAL DIRECTORY COMMITTEE CHAIR:

**KENNETH J. DEBLANC, CLERK
COURT OF APPEAL, THIRD CIRCUIT
POST OFFICE BOX 3000
LAKE CHARLES, LA 70602**

SCHOLARSHIP ASSISTANCE GUIDELINES

By Leslie Gradet (MD), Chair

A. Pursuant to Article VII, Section 3(k), of the Bylaws, the Scholarship Committee shall consist of three members appointed by the Executive Committee. In addition, the members shall serve for a term of one year. They may be reappointed. The president shall designate the Chairperson.

B. Scholarships shall be awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend due to limitations in Court funding. The personal financial resources of an applicant shall not be considered in the awarding of a scholarship.

C. The Committee shall recommend to the Executive Committee the award up to \$3,750.00 in scholarships annually. No individual scholarship may exceed \$750.00. The scholarship award shall be allocated as the recipient deems appropriate. A scholarship recipient is responsible for paying the registration fee for the annual meeting.

D. Scholarship funds shall not be applied to defray the cost of membership in the NCACC.

E. The membership shall receive annual notice of the availability of scholarship funds. Interested members shall obtain application materials from the National Center for State Courts (NCSC) as Secretariat of the NCACC. Applications shall be filed with the NCSC, no later than April 1 of each year. The NCSC

shall forward copies of all applications to the Scholarship Committee for its consideration.

F. Applicants shall be responsible for providing the Scholarship Committee with reasonable estimates of the cost of travel. Reimbursement for air or rail transportation shall be based on "coach" or reduced fares. Travel by automobile shall be reimbursed for the direct distance between the applicant's home and the meeting site (round trip) at the per mile rate set by the federal government for business and travel by government employees.

G. The Scholarship Committee shall review all applications in light of the criteria set forth in these Guidelines. Supplemental information may be required from applicants should the Committee deem it appropriate. The Scholarship Committee shall report its conclusions and recommendations in respect of all applications to the Executive Committee through the President by May 1st. Recommendations that are not unanimous shall be identified as such.

The Executive Committee shall designate, in its discretion and consistent with these Guidelines, those who are to be offered scholarships and the amounts to be received. The Executive Committee shall not be required to expend all budgeted funds to award the maximum number of scholarships.

H. The Secretary shall, within two weeks of the decision of the Executive Committee, notify each applicant in writing in respect of the action taken by the Executive Committee. Copies of the correspondence shall be forwarded to the President and Treasurer.