



THE DOCKET

News of the National Conference of Appellate Court Clerks

CALL FOR THE ANNUAL MEETING

President Diana Pratt-Wyatt, through Secretary Bill DeCicco, and pursuant to the provisions of Article V, Section 5, of the Bylaws, hereby issues the call for the annual meeting of the National Conference of Appellate Court Clerks to be held at the Wyndham Casa Marina Resort, Key West, Florida, beginning Sunday, August 7, 2005, and continuing through Friday, August 12, 2005.

Respectfully submitted,

Bill DeCicco
Secretary



JEAN KENNETT, CONFERENCE HISTORIAN

By Ella Williams (MI) and Nancy Turck Foley (MA)
Retired

We have a written history of the National Conference of Appellate Court Clerks in our directory. Even better yet, we have that entire history alive in the person of Jean Kennett. The written history is interesting but it does not even begin to tell you of the pivotal role Jean Kennett played in the establishment of the conference and her continuing efforts to keep it thriving. From her attendance at the organizational meeting in DC in 1973, she is a vital member to this date.

Jean could not have known in 1973 the enormous role she would play in the NCACC and the records she would set in her career with the Massachusetts courts.

Always with the historical perspective, Jean was the NCACC's first secretary-treasurer. Her detailed notes of the proceedings leading to the formation of the organization were important to the continuity of purpose in the early years. She worked with dignity and gentle persuasion through budget, growth, and association issues in her many capacities, including NCACC president. Her welcoming, inclusive ways helped set the tone for the conference.

While busy helping the NCACC succeed, she was also setting records in Massachusetts. She was the first woman assistant clerk in the 350+ year history of the SJC, later becoming the first woman to hold the position of Clerk of the Supreme Judicial Court for the Commonwealth of Massachusetts. Imagine: Jean was the first woman keeper of all those Salem witch trial records!

Jean is a graduate of Suffolk University Law School and has received numerous honors from the Women's Bar Association and the Massachusetts Bar Association including a CLE scholarship in her name. She is a long time member of the Boston Athenaeum Library, Supreme Judicial Court Historical Society, and the Royal Oak Foundation (a preservation society).

(Kennett continued on page 11)

WE'RE ONLINE WITH A NEW WEB SITE:

<http://www.appellatecourtclerks.org/>



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NEW ADDRESS: To Remit NCACC Membership Dues:
National Center of State Courts
300 Newport Avenue
Williamsburg, VA 23185

THE DOCKET
News of the
National Conference of
Appellate Court Clerks

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Vice-President	Sandra Skinner (MO)
Immed. Past President	Ed Smith (MT)
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Regional Reporters:

Leslie W. Steen (AR)	(501) 682-6849 AR, KY, TN, VA, MD, DE, NJ, DC
Mike Yerly (CA)	(408) 494-2518 CA, NV, UT, AZ, CO, NM, KS, HI
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Judy Pacheco (WY)	(307) 777-7314 WY, AK, OR, WA, ID, MT, ND, SD, NE
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Deena Fawcett (CA)	(916) 653-0187 WV, PA, NY, VT, NH, ME, MA, CT, RI
Leslie W. Steen (AR)	Volunteer Columnist
Diana Pratt-Wyatt (LA)	Editor
Brenda Stephens (LA)	Assistant

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

430 Fannin Street, Shreveport, LA 71101
Phone (318) 227-3702 FAX (318) 227-3735
Internet: clerkdpw@lasccoa.state.la.us

HELP KEEP US INFORMED!!





THE PRESIDENT'S PAGE

By Diana Pratt-Wyatt (LA)



My grandmother once told me that time is your most valuable gift. "When you are young it often seems there is too much, yet when you mature there is never enough." How true her wise words are for me. August will be here before we know it and we are headed to the Florida Keys for a week full of opportunity and fellowship. It seems as though the year has only begun, yet the year is growing close to an end.

For the last several months your Executive Committee has been very busy assessing where NCACC is as an association and what future opportunities await. As an organization, do we simply survive or do we thrive? Established in 1973 by a group of 27 appellate court clerks that had a vision of creating a forum to promote the exchange of information that would improve the skill and knowledge of those performing the duties of appellate court clerks, NCACC continues to be dedicated to this purpose. In April 2005, your Executive Committee, along with Christie Cameron, Tom Hall, Ed Hosken, Joe Lane, Frans Labranche and Penny Miller met in Fort Worth, Texas, to participate in a workshop facilitated by Mr. Michael Guillot of the Virtual Development Group, Inc. (See the Educational Fund Committee report at page 10.) At the close of a long day of spirited discussion, those in attendance were unanimous in their commitment to see our organization thrive and grow and reaffirmed NCACC's primary mission to promote educational opportunities for appellate court clerks. So what's changed? Time.

Times have changed. Courts have never openly embraced change, but today courts are changing at a faster pace than history recalls and much of that change is driven by outside sources. In the appellate system, appellate court clerks play a vital role in developing policy and implementing practice. Today, the appellate clerk's office is faced with a multitude of challenges - security, human resource management, case management, technology management, fiscal management, and social attitudinal changes in the areas of customer service, diversity, public access to justice and privacy issues. NCACC has changed and is today 244 members strong. The timing is right and the opportunities are only limited by our imaginations for NCACC to broaden its vision beyond our annual meeting and explore ways to enhance our membership value and reach out to all of our members including those who are

not able to travel and attend meetings. Take our listserv and new web page as examples and we have not yet tapped their full potential - webinars for our counter clerks, a depository of appellate process resources, live membership discussions regarding emerging issues, and yes, even an appellate court blog. So at the end of the day, those in attendance were in agreement that in order for NCACC to expand its educational opportunities, improve our educational programs, enhance our scholarship program and better serve our members and courts there is a need to seek philanthropic support for the endowment of our Educational Fund. (A copy of the Educational Fund Guidelines are provided at page 14 of this issue.)

NCACC members value our history and are committed to our future. NCACC's greatest strength is that we are serious about professional development and education and our members are willing to invest significant efforts to improve our profession and enhance the way our courts do business. However, it was also clearly apparent that in order for NCACC to successfully promote our educational opportunities and our value to the American judicial system, members and courts, we need a strategic plan (or using public sector language - a business plan) that clearly articulates our vision. In August, I will seek your support of a resolution promoting the Educational Fund Committee and Executive Committee proposal to develop a strategic plan that clearly articulates the vision and mission of NCACC and how to better serve our members. Please be sure to read the full Educational Fund Committee report at page 10.

I am also proud to announce that The Dwight D. Opperman Foundation has generously donated \$25,000 to the NCACC Educational Fund. This contribution along with donations from our members brings our Educational Fund balance to \$49,468.50. Mr. Opperman will be joining us again this year in Key West so, when you see him, please express your appreciation for his generous support and demonstration of confidence in the goals and objectives of NCACC. We have a strong foundation on which to build, and continuing member support is vital to our future.

I speak from my heart, when I tell you how humbled I am to serve as your president and how proud I was to share our story. I will have a full report in August, but until then, thank you for this opportunity. Tom Hall, Vickie VanLith, Chris Crow and Andrew Weber report we are ready. See you in Key West, The Land of Paradise!

PROPOSED BYLAWS CHANGE

By Norman Herring, Chairman
Bylaws Committee

Pursuant to the provisions of Article XI, Section 2 of the NCACC Bylaws, the Bylaws Committee recommends that the following proposed change be considered at the annual business meeting of the NCACC on or about August 6 - 12, 2005. The proposed change was received after April 1, 2005 and may be considered by the members upon the consent of 75% of the members to the suspension of Article XI, Section 1, which requires proposed changes to the bylaws to be submitted on or before April 1.

The proposed change to the bylaws would amend Article VII, Committees: Section 3, Standing Committees; subsection (4) Long Range Planning Committee by changing the name to Strategic Planning Committee.

It is therefore recommended that the bylaws be amended as follows:

Article VII, Committees; Section 3; Standing Committees; subsection (4) Long Range Planning Committee be changed to the Strategic Planning Committee.

It is further recommended that the first sentence of the subsection be replaced by the following language: "The purpose of this committee is to review and evaluate ideas and suggestions referred to it by the Executive Committee and based upon its review and evaluation, recommend to the Executive Committee courses of action the Executive Committee should adopt."

These suggested changes to the bylaws were recommended by the Executive Committee to improve the understanding of the mission and the work of the Long Range Planning Committee. The Executive Committee has observed that in the past, the committee has not received support through volunteers from the membership and the committee can improve its effectiveness and act as a resource for the Executive Committee with these changes.

The Bylaws Committee therefore recommends that the provisions of Article XI, subsection 1 be suspended at the business meeting of the next annual meeting of the members and the proposed changes to the bylaws be adopted.

2005-2006 NOMINATIONS

With great pleasure, the Nominations Committee offers the following slate of Officers and Executive Committee members:

STEVEN F. LANCASTER (IN)

Vice-President

Steven F. Lancaster is the Administrator for the Court of Appeals of Indiana. He is a retired Colonel from the U.S. Army and served as Career Army Judge Advocate from 1967 to 1995. He has been Administrator since 1995.

Steve graduated from the University of Notre Dame with a B.B.A. degree and Indiana University School of Law with a J.D. degree.

Steve served on the Executive Committee of NCACC from 2001 to 2003 and was Program Chair for the 2004 Conference.

Steve is married to the former Pauline Hall. They have four children and four grandchildren.

MARILYN MAY (AK)

Treasurer

Marilyn May is the Clerk of the Supreme Court and Court of Appeals of Alaska. She was appointed Clerk in October of 1998.

Marilyn received a B.A. degree (1975) and M.A. degree (1977) in German from the University of Northern Iowa and served as an instructor of German and Spanish at UNI from 1977 to 1980. She received a J.D. degree in 1984 from the University of Minnesota Law School.

Marilyn was in private practice in Anchorage 1984-1988; Assistant Attorney General, 1988-1998; Supervisor of Collections & Support Section, 1994-1998.

Marilyn has served on the Executive Committee of NCACC from 2002 to 2004 and was Host for the 2004 Conference.

Marilyn is married to Jim Lawlor and has one son, Michael Lawlor.

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(Nominations continued from page 4)

IRENE M. BIZZOSO (PA)
Executive Committee

Irene M. Bizzoso is Deputy Prothonotary of the Supreme Court of Pennsylvania, Middle District. She has served in this position since January of 2000.

Prior to her appointment, she served the court as Legal Assistant to the Prothonotary. Irene started her legal career with the Unemployment Compensation Board of Review and served as an assistant counsel for over four and one-half years.

Irene received a B.A. degree from the Catholic University of America and a J.D. degree from Widener School of Law in Harrisburg. Prior to attaining her J.D. she acted as the Supervisor of the Notifications and Property Release Divisions of the Witness Aid Services Unit of the Manhattan District Attorney's Office. She is admitted to the Bars of Pennsylvania and New Jersey and is currently a member of the Dauphin County Bar Association and past Chair of the Government Law Section. She is a Barrister in the James S. Bowman, American Inn of Court, an ad hoc member of the Supreme Court of Pennsylvania Appellate Court Procedural Rules Committee and serves on the Sexual Assault/Domestic Violence Advisory Board of the YWCA of Harrisburg.

GARLAND PINKSTON, JR. (DC)
Executive Committee

Garland Pinkston, Jr. is Clerk of the District of Columbia Court of Appeals. He has served in this position since 1996.

Garland received a B.B.A. degree in 1970 from the George Washington University and his J.D. degree in 1974 from the Boston University School of Law.

Garland has served as Acting Corporation Counsel, Office of Corporation Counsel, 1995; Principal Deputy Corporation Counsel, 1994-1996; Deputy Corporation Counsel, Legal Counsel Division, 1993-1994; Assistant Corporation Counsel for Management, 1991-1993; Director, Office of Intergovernmental Relations, Executive Office of the Mayor of the District of Columbia, 1990-1991; Deputy Director, Office of Intergovernmental Relations, 1984-1990; Managing Attorney, Center for National Review, Catholic University School of Law, 1979-1984; Staff Attorney, U.S. Equal Employment Opportunity Commission, Office of General Counsel, 1974-1979; Staff Attorney, Office of Management and Budget, President's Reorganization Project, May-August, 1977.

PATRICIA HARRINGTON (nee KRUEGER) (VA)
Executive Committee

Patricia Harrington is Clerk of the Supreme Court of Virginia. She was appointed Clerk in 2003 and has been employed by the Virginia Supreme Court since 1990.

Trish received B.A. degrees in History and Psychology from Duke University in 1979 and a J.D. degree from T.C. Williams School of Law in 1983.

Respectively submitted:

NCACC NOMINATING COMMITTEE

Bessie Decker, Chair

Joseph Lane

Marilyn May

Penny Miller

Dan Schuckers

Ed Smith

Mike Yerly

WE'VE MOVED

The Massachusetts Appeals Court has moved.

John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108-1705

The telephone number remains the same: 617-725-8106.

**NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
THIRTY-FIRST ANNUAL MEETING
Anchorage, Alaska
Sunday, August 8, 2004
to
Thursday, August 12, 2004**

Call to Order:

President Ed Smith (MT) called the Thirty-First Annual Meeting of the National Conference of Appellate Court Clerks to order at 3:45 p.m. on Sunday, August 8, 2004. President Smith introduced the officers, Marilyn May (AK), the host clerk for the conference, and David Beach (VA), the Parliamentarian.

Roll Call of States:

Secretary Bill DeCicco (DC) called the roll of states, recognizing each person registered and present. President Smith acknowledged the ten new members in attendance and the presence of a quorum.

Minutes:

President Smith noted that the minutes of the Thirtieth Annual Meeting in Asheville, North Carolina, were published in the June 2004 edition of *The Docket*, and he called for a motion to waive the reading of the minutes. Penny Miller (ND) moved that the reading of the minutes be waived. Christie Cameron (NC) seconded the motion. All present voted in favor; none opposed. Motion carried. President Smith then called for a motion to approve the minutes. Phil Urry (AZ) moved that the minutes be approved. Christie Cameron (NC) seconded the motion. All present voted in favor; none opposed. Motion carried.

President's Report:

President Smith said it had been a great honor and privilege to have represented the NCACC over the past year. He said he had the opportunity in November to go to Dallas to meet with the Appellate Judges Institute of the ABA to discuss various issues including financial matters and support of the Conference and its activities. Later in November, the President and Dan Schuckers (PA) attended the Rehnquist Dinner at the U.S. Supreme Court.

In December, the Conference of State Court Administrators (COSCA) held its mid-year meeting in San Antonio, and President Smith asked Andrew Weber (TX) to attend for the NCACC. In January, Fritz Ohlrich (CA) attended the meeting of the Conference of Chief Justices on behalf

of the NCACC.

President Smith summarized the activities of the Executive Committee and its meetings in the fall in Key West, and in the spring in Chicago. He also mentioned the meeting in May hosted by the National Center for State Courts of the various court-related organizations it supports. President Smith and Judy Pacheco (WY) attended on behalf of the NCACC.

President Smith remarked that it has been a great year, and that our new liaison at the National Center is Brenda Williams.

Andrew Weber (TX) summarized the events at the COSCA meeting, particularly the focus on trial courts, not appellate courts, making documents available on the Internet, and a panel discussion on funding issues and the consideration of the courts in receiving their fair share of the state budget as the third branch of government.

Fritz Ohlrich (CA) described the discussions at the Conference of Chief Justices, and he stated that the attendees were welcomed by the Governor of California. Discussions covered judicial elections and funding issues.

Committee Reports:

President Smith called for the committee reports to be made.

Awards Committee:

Chair Danielle Schott (LA) thanked President Smith for being able to participate on the Awards Committee, and she thanked the members of the committee for all of their work and contributions. This year there would be no Morgan Thomas Award, and the others would be presented later in the week.

Convention Assistance Committee:

Troy Bennett (TX) said that Marilyn May (AK) did all of the hard work and the committee helped at the end. He said that the committee members were here to help things

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(Minutes continued from page 6)

run smoothly during the conference. Marilyn May thanked the committee for making the name tags, staffing the registration desk and organizing and operating the hospitality suite.

Educational Fund Committee:

Dan Schuckers (PA) explained the purpose of the committee, i.e., to develop sources of income for the educational fund, and that the association had lost the financial support of the American Bar Association. Therefore, the association would have to develop its own sources. He thanked the members of the committee for their work and assistance. He said he inquired into possible funding through the National Institute of Justice, but that was not successful. He added that we should look internally for sources of income such as the raffle and donations. Diana Pratt-Wyatt (LA) mentioned the donation cans that were placed in the bags of each registrant, and requested that they serve as a reminder to the members to contribute to the Educational Fund.

Finance and Investment Committee:

Treasurer Sherie Welch (GA) said that her written reports had not arrived in the mail yet, but that they were expected soon, and should be here for Thursday's meeting. She informed the members that the NCACC has \$136,000 in the bank, with over \$8,000 in the Educational Fund. She thanked the members of the committee for their assistance.

Long Range Planning Committee:

President Smith inquired of the members present for their views concerning the organization of the annual meeting, its content and scheduling. Steve Lancaster (IN) said that there was a question on the critique sheet that covered this as well. Hearing no comments, President Smith moved to the next report.

Membership Committee:

Rob Phelps (GA) said that the membership rolls look great with over 200 members. He described the efforts of the committee the past year to recruit additional members, including telephone calls to clerks of appellate courts not represented in the NCACC. This year, thirteen new members joined.

Nominating Committee:

Penny Miller (ND) recognized and thanked the members of the committee for their work. The committee recommends the following members for the positions listed (with

the vote on Thursday):

Sandra Skinner (MO) for Vice-President
Bill DeCicco (DC) for Secretary
Dan Shearouse (SC), Bessie Decker (MD), and Fritz Ohlrich (CA) for the Executive Committee

Penny Miller moved that these members be placed in nomination. Garland Pinkston (DC) seconded the motion. The vote on the motion was postponed until Thursday's meeting.

Past President's Committee:

Christie Cameron (NC) called upon Leslie Gradet (MD) to give the report. Leslie said that a few years ago, the committee decided it wanted to see what historical materials existed for the association, with the plan to save and archive conference materials and copies of *The Docket* in a central location. With some help, she went through boxes of material, discarded some material, but saved the rest for historical purposes. She is compiling an index of the material and contacting other past presidents to preserve the history of the NCACC.

Pictorial Committee:

Kelly McNeely (LA) said that hopefully all of the members had received their new directories. For the new members, he encouraged them to send in their biographies, photos, and other information. For the old members, he also asked them to send in biographies, photos and other information if they have not done so.

Program Committee:

Steve Lancaster (IN) said the compiling of the program was a group effort of the committee, and he thanked the members for their contributions. The methodology was to review the critiques in an effort to provide as much as possible for all who attend the conference. He also explained a change in procedure in obtaining credit for continuing legal education.

Christine Crow (LA) explained the details of the vendor show on Wednesday. It will encompass seven vendors, some new, and some combined with other companies.

Public Relations Committee:

Sandra Skinner (MO) introduced the members of the committee, and said they selected eight organizations for the NCACC to contact to explain the benefits of the organization and to understand how they affect the association.

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(Minutes continued from page 7)

They also worked with the website committee on improving the NCACC website.

Publications Committee:

Diana Pratt-Wyatt (LA) thanked the members of the committee, and she described *The Docket* for the new members, and that it is sent to the Chief Justices. A lot of work goes into each edition, and she thanked all who assisted in its publication.

Retired Members Committee:

President Smith noted that two retired members were in attendance in Alaska, David Beach (VA) and Bob Liston (CA).

Resolutions and Memorials Committee:

President Smith said that the resolutions would be presented on Thursday.

Scholarship Committee:

Debbie Causseaux (FL) thanked her committee and said they had eight scholarship applications, and that five were granted in an amount of over \$7,000.

Site Selection Committee:

Steve Kelly (CA) expressed his thanks to the committee. The committee received two proposals for a site for the 2007 conference, and it decided on New Orleans, Louisiana.

Technology Committee:

Collette Bruggman (ND) thanked the members of the committee. They reviewed and submitted comments on a study of functional standards for appellate courts. They received assistance from the National Center for State Courts and formed a team of members to work with the Conference of Appellate Technology Officials (CATO).

NCACC Website:

Penny Miller (ND) reported that a search was conducted to find a host for the website other than the National Center for State Courts. She announced that Rory Perry of the West Virginia Supreme Court informed her that his court would host the website and remove it from the National Center's server. Rory spoke briefly about this, and his

court's willingness to take on this project.

Conference of Appellate Technology Officials (CATO):

President Smith described the formation of CATO and its first meeting in Raleigh, North Carolina. He introduced Jerry Matthews, a technology officer of the North Carolina Supreme Court, as the CATO representative at this conference.

Christie Cameron stated that approximately 50 appellate technology officials and clerks attended the Raleigh meeting, which was both educational and organizational in nature. They voted to attach their conference to our conference, and their budget is a line item in our budget. Jerry Matthews said they are working hard on the partnership and their next meeting in December in Las Vegas.

Host Clerk Announcements:

The schedule for the week was announced as well as the reception to follow this meeting and the raffle. A total of 89 members have registered for the conference. Including vendors and presenters, the total is 110. About 100 guests have accompanied the members.

At 5:20 p.m., President Smith announced adjournment of the meeting until Thursday, August 12, 2004, at 11:15 a.m.

The Thirty-First Annual Business Meeting resumed at 11:15 a.m. on Thursday, August 12, 2004, with a call to order by President Smith. He expressed his appreciation and that of the conference to West for hosting the previous night's event. He also expressed gratitude to Steve Lancaster, Chris Crow, and the program committee members for assembling an excellent program, and to the host clerk, Marilyn May.

Nominations:

President Smith asked if there were any nominations from the floor for the positions on the Executive Committee. Hearing none, Joe Lane (CA) moved to close the nominations. Steve Lancaster (IN) seconded the motion. All those present voted in favor; none opposed. Motion carried.

President Smith asked for a motion to elect the members nominated by the Nominating Committee and named at the Sunday meeting for the three positions on the Executive Committee. Joe Lane (CA) moved to elect those members to the Executive Committee. Colette Bruggman (ND) seconded the motion. All those present voted in favor; none

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(Minutes continued from page 8)
opposed. Motion carried.

President Smith stated that Bill DeCicco (DC) had been nominated for the office of Secretary by the Nominating Committee, and he asked if there were further nominations from the floor. Joe Lane (CA) moved that the nominations be closed and that Bill DeCicco be elected Secretary. Bill Suter (DC) seconded the motion. All present voted in favor; none opposed. Motion carried.

President Smith stated that Sandra Skinner (MO) had been nominated for the office of Vice-President on Sunday by the Nominating Committee. He called for nominations from the floor, and hearing none, Joe Lane (CA) moved that the nominations be closed. Steve Lancaster (IN) seconded the motion. All present voted in favor; none opposed. Motion carried. Joe Lane (CA) then moved that Sandra Skinner (MO) be elected to the office of Vice-President. Steve Lancaster (IN) seconded the motion. All present voted in favor; none opposed. Motion carried.

Treasurer's Report:

President Smith called on Sherie Welch (GA) for a further report from the Treasurer. Sherie said she had passed out the Treasurer's Report to the membership. She noted that Christie Cameron had returned funds from last year's conference, which ended with a positive balance of \$1,994.

Resolutions and Memorials:

Diane O'Neal (TX) said that the Resolutions and Memorials Committee recommended that we adopt resolutions honoring the following individuals and companies for their valuable contributions to the success of this year's conference:

- . The Alaska Supreme Court, Marilyn May, and the entire court staff;
- . The Convention Assistance Committee Chair and members;
- . The Program Committee Chair and members;
- . *The Docket* Editor Diana Pratt Wyatt and her assistant, Brenda Stephens;
- . The Anchorage Hilton Hotel and its staff
- . West Group
- . Lexis-Nexis
- . Bureau of National Affairs
- . Vendor Show Coordinator Christine Crow
- . CP Court Tech, Inc.
- . AlphaCorp
- . counterclaim, Inc.

Bill Suter (DC) moved to adopt the above resolutions.

Tom Hall (FL) seconded the motion. All present voted in favor; none opposed. Motion carried.

Adoption of Committee Reports:

President Smith called for a motion to adopt all of the committee reports. Stuart Cohen (NY) moved to adopt the reports. Deena Fawcett (CA) seconded the motion. All present voted in favor; none opposed. Motion carried.

Additional Consideration of CATO:

Diana Pratt-Wyatt (LA) spoke of the thoughts and considerations of assisting CATO through some sponsorship and at the same time providing it with the independence it should have. She spoke of the need for a close association with CATO because they are the technology officials of our courts. In looking at the Bylaws of the NCACC, the Executive Committee was considering inviting CATO, as an association, to be a sustaining member of NCACC, and a committee in and of themselves. To do this, it is necessary to put the matter before the general membership for consideration and comment.

Following discussion of the proposal, Joe Lane (CA) moved that CATO be allowed to become a sustaining member of the NCACC. Bessie Decker (MD) seconded the motion. All present voted in favor; none opposed. Motion carried.

Christine Crow (LA) then moved that a liaison committee be formed to work with CATO. Tom Hall (FL) seconded the motion. Following additional discussion, all present voted in favor; none opposed. Motion carried.

President's Comments:

President Smith expressed the appreciation of the conference to Carol Green (KS) for her diligent work in maintaining the NCACC ListServ. He also thanked the new members for attending the conference.

There being no further business, the meeting was adjourned at 11:55 a.m. on August 12, 2004.

Respectfully submitted,

Bill DeCicco, NCACC Secretary

REPORT OF EDUCATIONAL FUND COMMITTEE

By Daniel Schuckers (PA), Chair
Sherie Welch (GA)
Terry Lord (MO)

The NCACC is at a crossroad concerning its ability to sufficiently and effectively fund its educational commitment and the Annual Conference. It is time to move beyond the restrictions placed on the Program chair and to provide ample resources to obtain excellent speakers for the Annual Conference and to meet the other expenses involved with it. It is incumbent upon the conference to take the necessary steps to ensure that it will continue providing meaningful educational programs for its members.

A first step was the creation in 2002 of the Educational Fund, a restricted fund established to generate funds for educational purposes¹ and to demonstrate support for the NCACC and this fund by its members.² It has always been clear, however, that it would be necessary to go outside the organization to obtain sufficient funding to meet these needs. What was not clear was how to go about doing that.

Professional assistance was sought and Michael D. Guillot of Virtual Development Group of New Orleans³ was invited to make a brief presentation to the Executive Committee at its fall business meeting to better understand what avenues might be available for funding.

As a result of his presentation, the Executive Committee recognized that viable alternative funding is available and that more intense work was needed to attain our goals. Mr. Guillot was then engaged to facilitate a fund-development workshop on Friday, April 22, 2005, which the Executive Committee and several former officers attended.⁴ Spirited and productive discussions of the educational and financial needs of the NCACC ensued, as did a heightened realization of various possibilities for meeting those needs.

At the end of the day, it was unanimously and enthusiastically agreed that the NCACC should not be focused solely on the Annual Conference. Increased funding would not only enrich the Annual Conference, but also would enhance educational possibilities by extending new opportunities to those who attend the Annual Conference, increasing the number of members who can attend, and allowing the NCACC to reach those members who are unable to attend the meetings. Furthermore, programs could be developed to extend to non-members by, for example, using technology to make educational sessions available to court staff. As the vision enlarges, so does the ability of the NCACC to attract donors who will want to fund its programs.

It was unanimously agreed that the most important priority is to develop a credible, realistic strategic plan that formulates a vision for the NCACC to meet the increasing educational needs of an expanded NCACC membership. The second step is to use this plan as a focal point to attract potential donors whose educational philosophies and goals are consistent with those of the NCACC in improving the delivery of justice.

Since the founding of the American Republic, appellate courts have played a vital role in the development of American ideals and institutions. At a time when those ideals and institutions and the rule of law are under increasing attack, the courts must double and triple their efforts to ensure that the promises of the American system of justice are fulfilled.⁵ Enhancing the interaction between state and federal appellate court clerks and the judiciary, attorneys, litigants and the public is crucial to meeting these goals. It is these ideals that will attract potential donors to the NCACC.

Potential donors might include various state and local bar associations, large law firms that have substantial appellate practices, various corporations, foundations, professional organizations, universities and governmental agencies whose educational goals are similar to those of the NCACC and vendors, whether or not they do business with the courts.

It is the unreserved belief of the Executive Committee that these services are crucial for the continued vitality and development of the NCACC as an organization if it is to work to ensure that appellate court clerks continue to be able to perform their vital duties to their utmost and be a viable presence with all aspects of American society for the enhancement of justice.

In light of the NCACC's desire to expand and thrive as an organization, the officers and members of the Executive Committee need the input and support of the membership in committing to a significant growth of our Educational Fund by creating a strategic plan to attract new donors. This commitment may include entering into a contract with a professional development firm to help develop a strategic plan and implement a capital campaign.

¹This includes providing speakers for the annual conference, funding scholarships for members to attend the annual confer-

(Continued on page 11)

(Educational Fund continued from page 10)

ence, supplying written material and necessary audio-visual support for educational sessions and financing the NCACC newsletter, *The Docket*.

²To date the members have raised nearly \$12,000.00.

³Virtual Development Group, LLC, was founded in 1989 by Michael Guillot, M.Ed, CFRE. It began as a small operation to serve non-profit organizations. Today, the firm specializes in helping organizations conduct their first capital campaigns.

⁴Tom Hall, Ed Hoskins, Christie Cameron, Penny Miller, Joseph Lane and Frans LaBranche participated in the workshop in addition to the Executive Board members. Ed Smith and Susan Clary were unable to attend.

⁵Since its inception in 1973, the National Conference of Appellate Court Clerks has embraced the objectives of improving the skills and knowledge of its members in the federal and state appellate courts, of promoting the contributions of its members and improving the operations of the offices of the appellate court clerks in the American judicial system. By meeting these objectives, NCACC members benefit those who interact with the judicial system and ultimately further the development of the rule of law.

(Kennett continued from page 1)

Even in retirement, Jean's interest in historical matters continues. She is the parliamentarian for the College Club of Boston and active in the historical Society of Duxbury.

Jean is well traveled, and is a connoisseur of fine wines and foods; just ask her for the best chef or restaurant nearly anywhere in the world and she will gladly help you. Jean is planning to attend the conference in Key West and is looking forward to seeing old friends and making new ones. Be certain to ask her any question you have about the NCACC's history or about some of her vast experience with the judiciary.

See you all in Key West!

Best Wishes and Prayers

Bill and Marge Fulton have both either had or will have back surgery. Please keep them in your thoughts and prayers.

We will miss you both at the Conference!

EDUCATIONAL FUND CONTRIBUTORS

January - May, 2005

Ashley Brown Ahearn
David A. Anderson
Irene M. Bizzoso
Glen D. Clark
Stuart M. Cohen
Robert F. Comeau
William A. DeCicco
Nancy Turck Foley
William S. Fulton, Jr.
Leslie D. Gradet
Edward W. Hosken, Jr.
Jean M. Kennett
Frans J. Labranche, Jr.
Terry Lord
Reba D. Mims
Frederick K. Ohlrich
Denise Pacheco
Jim Pelzer
Garland Pinkston, Jr.
Diana Pratt-Wyatt
Sandra L. Skinner
Sherie M. Welch
Ella Williams

Congratulations!



Troy Bennett (TX), Clerk, Texas Court of Criminal Appeals announces his retirement, and the appointment of Louise Pearson as Clerk of Court.

Troy was appointed Deputy Clerk of the Court of Criminal Appeals in 1967. After holding several positions with the court, he was appointed Clerk of Court in 1995.

Louise has worked for the Court of Criminal Appeals since March of 1984, and is a past member of the NCACC Executive Committee.

Facts, Fiction, & Foolishness

By Leslie Steen (AR)



Over the years we have supplied you with wise sayings from Will Rogers and Mark Twain. We do not know who to attribute these sayings, but they were given to us by Bill Martin, whom, quite candidly, we do not put in the same category as Will and Mark.

- . “Do not walk behind me, for I may not lead. Do not walk ahead of me, for I may not follow. Do not walk beside me, either. Just leave me the hell alone.”
- . “Always remember you are unique. Just like everyone else.”
- . “Never test the depth of the water with both feet.”
- . “If you think nobody cares if you are alive, try missing a couple of car payments.”
- . “Before you criticize anyone, you should walk a mile in their shoes. That way, when you do criticize them, you are a mile away and you have their shoes.”
- . “If at first you don’t succeed, skydiving is not for you.”
- . “Give a man a fish and he will eat for a day. Teach him how to fish, and he will sit in a boat all day and drink beer.”
- . “If you lend somebody \$20 and never see that person again, it is probably worth it.”
- . “If you tell the truth, you don’t have to remember anything.”
- . “Good judgment comes from bad experience, and a lot of that comes from bad judgment.”
- . “A closed mouth gathers no foot.”
- . “Experience is something you don’t get until after you need it.”

Only in America:

- . Can a pizza get to you before an ambulance.
- . Do drug stores make the sick walk all the way to the back of the store for medicine, while the healthy can buy cigarettes in the front.
- . Do banks leave both doors open and chain the pens to the counters.
- . Do we leave cars worth thousands in the driveway and put our useless junk in the garage.
- . Do we use answering machines to screen calls and have call waiting so we don’t miss a call from someone we didn’t want to talk to in the first place.
- . Do we buy hot dogs in packages of 10 and buns in packages of eight.
- . Do we use the word “politics” to the process so well: ‘Poli’ in Latin meaning ‘many’ and ‘tics’ meaning ‘bloodsucking creatures.’

Just to balance things out - answers from first graders asked to complete famous proverbs.

- . Don’t change horses until they stop running.
- . Strike while the bug is close.
- . Never underestimate the power of termites.
- . You can lead a horse to water but how?
- . Don’t bite the hand that looks dirty.
- . No news is impossible.
- . A miss is as good as a Mr.
- . You can’t teach an old dog new math.
- . If you lie down with dogs you will stink in the morning.
- . The pen is mightier than the pigs.
- . When the blind lead the blind . . . get out of the way.

Speaking of which, hope to see you in Key West.

Countdown to Key West!

by Tom Hall

The countdown to the 2005 NCACC Conference in Key West is under way. Chris Crow, Program Chair; Andrew Weber; Vendor Chair; and I, the host, have been hard at work ensuring that this year's conference will be one of the best. While we have been working on their respective projects, you have been registering either online with our new online registration or sending Vickie VanLith your paper registrations. I thought I would give you an update on where we stand on registrations.

We currently have a total of 76 members, non-members, retirees, and/or vendors registered for the conference. We have 16 golfers, 3 tennis players, and 37 fun run/walkers registered. We have 60 attendees with 8 children registered for the Conch Train Tour on Saturday. So far we only have 7 children registered for the Kids Movie Night Out, which falls short, by 1, of the minimum attendees we need for this event to take place.

The fundraiser for the Education Fund this year is any profit made on the passports that we are selling. So far we have sold a total of 17 passports. We would like to encourage everyone to go back and look at their registration materials and consider purchasing one of the passports. There are 3 different levels but all give discounts to some of the many attractions that Key West offers.

The receptions are shaping up to be entertaining for adults and children alike. Sunday night's BNA reception will be held on the lawn of the hotel right next to the beach; Monday night's Lexis/Nexis' reception will be held at the Ocean Key House's Sunset Pier; and Wednesday night's West Thomson's reception will be held at the Harry S. Truman Little White House.

If you have already registered but have decided that you or your guest(s) would like to take part in any of the optional activities, please contact Vickie VanLith, my administrative assistant. She can be reached by e-mail at vanlithv@flcourts.org or by phone at (850) 922-5215.

See you in Key West.



EDUCATIONAL FUND COMMITTEE

Article VII, 4.(b)2 NCACC BYLAWS

The purpose of this committee is to develop sources of income to be invested in a restricted fund, the proceeds of which shall be used for educational purposes as more fully set out in the Operational Guidelines. The Educational Fund Committee shall be composed of the President-Elect, the Treasurer, and one Executive Committee member to be named by the President. The President shall appoint one of these members as the Chairperson.

EDUCATIONAL FUND COMMITTEE OPERATIONAL GUIDELINES

The Educational Fund Committee, a select committee, shall set policies for receiving charitable donations to the Educational Fund, a restricted fund established by the Conference to generate funds for educational purposes, as set out in the Objects of the Conference in Article II of the Bylaws, and consistent with the NCACC's status as a §501(c)(3) organization under the Internal Revenue Code. Expenditure of the income and, if necessary, the corpus of the Fund shall be restricted to the following uses: providing speakers for the annual conference, scholarships for members to attend the educational sessions and educational materials for members, such as, but not limited to, materials for educational sessions, necessary audio-visual and similar support for speakers, brochures and newsletters, including *The Docket*, and long-range planning.

The Educational Fund Committee shall solicit charitable donations from members, receive memorials and publish them in *The Docket* and consult with the Convention Assistance Committee, which shall hold a charity fund raiser at the annual conference consistent with the laws of the host state.

The Educational Fund Committee, with the approval of the Executive Board, may assemble a Board of Advisors, composed of not less than 3 members of the Conference who need not be Regular Members, as set out in Article III, Section 1(a), to solicit charitable donations or to otherwise serve as directed by the Committee.

The Treasurer shall be responsible for receiving charitable donations and memorials and publication of memorials in *The Docket*, overseeing the receipt and deposit of these proceeds into the restricted educational fund maintained by the National Center for State Courts and providing a financial report, all consistent with the duties of the Treasurer set out in Article V, Section 6 of the Bylaws.

The Educational Fund Committee may recommend fiscally sound investments of the corpus of the Educational Fund to the Finance and Investment Committee for the approval of the Executive Board as it deems proper.

From the Editor



By Diana Pratt-Wyatt (IA)

I wish to thank the Publication Committee for a successful year of publication: Leslie W. Steen (AR); Mike Yerly (CA), Cornelia Clark (WI), Judy Pacheco (WY), Sherry Williamson (TX), Deena Fawcett (CA). Thank you for being my support group.

I owe a special thanks to Les Steen for his dedication to our publication and to Brenda Stephens for all her hard work in collecting and compiling the articles. I also thank everyone who submitted articles for publication. Your contribution and hard work is appreciated.





Diana Pratt-Wyatt, President
National Conference of Appellate Court Clerks
430 Fannin Street
Shreveport, LA 71101