



THE DOCKET

News of the National Conference of Appellate Court Clerks

J.O. SENTELL AWARD

By Joseph Lane (CA)



The National Conference of Appellate Court Clerks was founded over thirty years ago and one of its founding members was J. O. Sentell, Clerk of the Supreme Court of Alabama. He also served as its first president and because of his leadership and inspiration, in 1979; an Award was established in his honor as the Conference's most prestigious for a member. The J. O. Sentell Award is presented to those whose contributions and accomplishments have been an example for others to recognize and emulate. Prior recipients include some of the best and the brightest of our nation's talented corps of appellate court clerks. This is not an award that is sought. Rather, it is an award that seeks out that professional who has shown extraordinary devotion to duty, unfailing support for our justice system and generosity in their service to others.

This year's recipient represents each of the qualities that all past recipients have shared: dedication to duty, unyielding faith in our judicial system, a generosity seemingly without bounds, unselfishness, pride in their profession, and a deep affection for the NCACC and its members.

Comments made as to why this person should receive this award include:

- ♦ Hometown hero;
- ♦ Without a question, someone who has made a significant impact on this profession;
- ♦ Some may know him as the Dean of the Appellate Court Clerks;
- ♦ Takes the Conference and its members to heart;
- ♦ You know what's on his mind because he is sure to tell you;
- ♦ Extremely intelligent, though he tries to hide it;
- ♦ Quintessential conference member with style.

This year, the award was presented to Kenneth J. deBlanc, Clerk of the Louisiana Court of Appeal, Third Circuit, Retired. The award read as follows:

A gentleman, Kenneth J. deBlanc has distinguished himself and his court in his service and dedication to the National Conference and the principles for which it stands. Kenneth has given generously of his time and expertise in improving judicial administration in the appellate courts and promoting the professionalism of his fellow clerks. His service includes membership on the Executive Committee from 1995 to 1997, Treasurer from 1998 to 2001, Chair of the Pictorial Directory Committee from 1996 – 2004, and co-host of the 2000 Savannah Conference. But first and last, we honor his hospitality, grace, and humor that have so endeared him to us.

The National Conference of Appellate Court Clerks is richer for the warmth and love Kenneth has for the conference and its members. It is appropriate that this award recognizes Kenneth's generosity, dedication and style.

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NEW ADDRESS: To Remit NCACC Membership Dues:
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THE DOCKET

News of the National Conference of Appellate Court Clerks

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HELP KEEP US INFORMED!!



THE PRESIDENT'S PAGE

By Terry Lord (MO)



Independence, Missouri native Harry Truman was recalling how he felt when he was given the news that Franklin Roosevelt had just died. In typical plain-spoken fashion, he said: "Have you ever had a bale of hay fall on you? Well, I felt like I just had the sun, the moon and all the stars fall on me." I don't pretend to know what our colleagues on the Gulf Coast are feeling in the after-

math of Hurricanes Katrina and Rita, but I suspect it may be something on the order of how Truman felt in the aftermath of Roosevelt's death. Thanks to Diana Pratt-Wyatt for keeping everyone posted via the listserve on the status of the Louisiana appellate clerks. It sounds like Frans Labranche, John Olivier, Pete Fitzgerald, Danielle Schott and their families in the New Orleans area and Kelly McNeely, Kenneth deBlanc and their families in Lake Charles are dealing with varying degrees of property damage, some of it very substantial, but all are safe. To all the appellate clerks, active and retired, in the affected areas, including their families and their co-workers— please know that you are part of our family and that we will assist you in any way we can.

The devastation in New Orleans had a pretty immediate impact on the business of our conference. The Executive Committee was scheduled to hold its fall meeting on November 12 at the Wyndham New Orleans at Canal Place, the scheduled site of our 2007 annual conference. Instead we will be meeting one week later, November 19, in Kansas City, Missouri. One of the items I had intended to put on the agenda for discussion was whether it was really feasible to hold the 2007 annual conference in New Orleans as planned. In the aftermath of Katrina, we were faced with a lot of unknowns. Would New Orleans be truly ready for business in the summer of 2007? Could our hosts—the Louisiana appellate clerks—undertake host responsibilities while they are busy dealing with the damage wrought by the Gulf Coast hurricanes? Would it be possible to get another city and another host on short notice? As it turned out, things moved more quickly than I had anticipated. The Wyndham told us it would reopen for business this January, and it was confident New Orleans would be hoping well before the summer of 2007. Then the Louisiana clerks caucused and decided they would collectively undertake the responsibilities of host for 2007. So the bottom line is that our 2007 conference will remain as scheduled in New Orleans. My thanks to the Louisiana clerks for their willingness to serve our conference under adverse circumstances. I also want to thank Irene Bizzoso for

working to keep Pittsburgh as an alternative for 2007 in the event New Orleans was not going to work out.

Committee assignments have been made and committee chairs have been selected. A full list appears in this issue. Committees are the lifeblood of our organization, and I truly appreciate the willingness of all to serve our organization. I know several committees are already hard at work. For example, the Technology Committee is putting together a new technology survey for appellate courts. Also, the Educational Fund and Strategic Planning Committees are working jointly to draft a strategic plan for the NCACC. With a strategic plan in place, we intend to approach potential major donors with the purpose of significantly growing the corpus of the Educational Fund. However, please keep in mind the plea I made at the Thursday evening banquet in Key West. It is vital that potential donors know that members of the NCACC buy into the concept of the Educational Fund. Therefore, if you contributed to the fund last year, please renew your contribution this year. If you did not contribute last year, please consider doing so this year. A strong, vibrant NCACC benefits many groups beyond appellate clerks, but it surely benefits us in a major way.

Speaking of Key West, wasn't that a GREAT conference? I want to salute Tom Hall, Vicki Van Lith and all their compatriots one last time for all their hard work in making the 2005 Annual Conference a truly memorable one. My soon-to-be 21 year old son told me that he plans to return to Key West for spring break—this time without his parents (or their money.) I also want to salute Chris Crow, Andrew Weber and the Program Committee for putting together another great program and vendor show. Congratulations to Kenneth deBlanc and Brenda Stephens, most-deserving recipients of the J.O. Sentell and Morgan Thomas awards, respectively. I want to reiterate my heartfelt thanks to Diana Pratt-Wyatt for her wonderful year of service as our 2004-05 president. And let's collectively express our gratitude to Mr. Dwight Opperman for the Opperman Fund's very generous donation to our Educational Fund this past year. His donation took the fund to a new level. Now it's time to look ahead to Fort Worth. I know that host Stephanie Lavake (TX), program chair Andrew Weber, vendor chair Tom Hall and their committees will make it another in a long line of memorable conferences. It's early, but remember to block out July 30 to August 4, 2006 on your calendar.

Finally, I wanted to let everyone know that I have been invited to participate in the 2005 National Conference on

(Continued on page 4)

Appellate Justice on November 4-6 in Washington D.C. Approximately 200 appellate practitioners, judges, academicians and court staff have been invited to participate in a discussion of where appellate courts have been, where they are going, and what tools and procedures they will need to get there. This is hardly an annual affair; the last such conference took place some 30 years ago. If other appellate clerks will be participating, I will see you there. In any event, I intend to make sure that the practitioners, judges and academicians attending the conference come away with the realization that appellate court clerks and administrators play a vital role in any system of appellate justice, be it federal or state, and that we must have a seat at any table in which the future of appellate courts is discussed. I will give you a report on this conference next time.

American Judges Association/American Judges Foundation 2005 Annual Educational Conference

By Marilyn May (AK)



I was pleased to represent NCACC at the American Judges' Conference annual meeting held in Anchorage September 18-23. I attended several sessions and the main social event, and was able to speak with trial court judges from around the country, and Canada and Guam. They generally seem well aware of the importance of their clerks' offices and appreciative of the efforts of court staff.

New NCSC President Mary Campbell McQueen spoke on "Courts in Times of Change." She noted that changing demographics will change the types of cases we see in the court system. Alternative forms of justice are becoming more prevalent. Young people are increasingly likely to choose to represent themselves, as they are more comfortable using internet-based resources. Our networking needs to expand to include government, media, educational, civic, and religious groups in addition to the legal and business communities, so all of these groups will consider themselves stakeholders in the process. The NCSC is working to establish good relations with key members of Congress. It will support the creation of business roundtables to help legislators see that a stable business system requires a reliable, independent, and effective judiciary.

For our purposes as appellate clerks, perhaps the most relevant session was on court security. The panel consisted of William Dressel, President of the National Judicial College, Daniel Hall of NCSC, and Hon. Gayle Nachtigal, AJA President and Circuit Court Judge in Oregon.

The panel discussed the National Summit on Court Safety and Security held in Washington, D.C. in April 2005, sponsored by NCSC and the National Sheriffs' Association. The preliminary findings issued after the summit include the participants' agreement to:

1. Create a national threat assessment and incident reporting database;
2. Create a national clearinghouse on court safety and security to facilitate information sharing and research;
3. Collect and disseminate best practices;
4. Create strategies for leveraging resources at national, state, and local levels; and
5. Integrate court safety and security issues into homeland security planning and funding.

Two of the most important things you can do to improve security in your own court facilities are to create a central location to keep track of all verbal, written, and physical threats, and to require that all persons use secured building entrances, including court employees and maintenance staff.

If you want to take steps to enhance security at your facility, you should audit the physical security, review your security policies and procedures, report staff violations of security procedures, encourage feedback and communication, conduct training, evaluate the process, and compile, analyze, and publish incident reports. To help with the first step of this process, you can find the National Sheriffs' Association's physical security audit checklist at www.thejudiciary.org/tcps/forms.htm. (Look under Standard 1.2.)

READY, GET SET...



Our 2005 - 2006 Committees are ready to get to work. Below is a brief summary of each committee and a list of committee members.

Awards Committee

The purpose of this committee is to recommend to the Executive Committee nominees for the J.O. Sentell Award and Morgan Thomas Award.

Frankie Holt (TN), Chair Kathleen Kempley (AZ)
Joseph Lane (CA) Keith Richardson (IA)
Danielle Schott (LA) Dan Schuckers (PA)
Mike Yerly (CA)
Bessie Decker (MD), Executive Committee Liaison

Bylaws Committee

This committee considers amendments to the Bylaws and makes written reports to the Executive Committee each year by April first. This committee shall consist of no more than five members, including the Chairperson and any ex-officio members.

Norman Herring (DC), Chair Joseph Lane (CA)
Dan Schuckers (PA)
Dan Shearouse (SC), Executive Committee Liaison

Convention Assistance Committee

It is the responsibility of this committee is to provide practical guidance, advice and assistance to Clerks who are hosts of upcoming annual meetings.

Irene Bizzoso (PA), Chair Maura Doyle (MA)
Deena Fawcett (CA) Lisa Matz (TX)
Louise Pearson (TX) Rex Renk (MT)
Les Steen (AR) Amy Weinstock (OH)
Sherry Williamson (TX)

Special Committee a/k/a "Reinforcement Team"

Bessie Decker (MD), Executive Committee Liaison
Colette Bruggman (ND) Trish Harrington (VA)
Dana Jarrell (FL) Claudia Jenks (TX)
Sondra Joyner (FL) Marilyn May (AK)

Educational Fund Committee

This committee will develop sources of income to be invested in a restricted fund, the proceeds of which shall be used for educational purposes.

Dan Shearouse (SC), Chair Marilyn May (AK)
Sandra Skinner (MO)

Educational Fund Board of Advisors

Mike Whetstone (MN) Jean Kennett (MA)
Frans Labranche (LA) Glen Clark (AZ)
Bill Fulton (VA)

Finance and Investment Committee

The purpose of this committee is to recommend finances and investments to the Executive Committee. The Finance and Investment Committee shall consist of the Treasurer, who shall serve as its Chairperson, and four members appointed by the Executive Committee.

Marilyn May (AK), Chair John Doerner (CO)
Susan Festag (CO) Penny Miller (ND)
Jon Wheeler (FL)

Membership Committee

This committee solicits new members and distributes information about the Conference to new or prospective members.

Lanet Asmussen (NE), Chair Michelle Angers (CN)
Christie Cameron (NC) Deena Fawcett (CA)
Eileen Fox (NH) Frankie Holt (TN)
Lisa Matz (TX)
Trish Harrington (VA), Executive Committee Liaison

Nominating Committee

The purpose of this committee is to recommend the nomination of regular members to office. The Nominating Committee shall consist of at least five but no more than nine members, including its Chairperson, and shall be appointed by the President, with the approval of the Executive Committee, at least six months before the annual business meeting.

Carol Green (KS), Chair	Bill DeCicco (DC)
Pete Fitzgerald (LA)	Joseph Lane (CA)
Penny Miller (ND)	Sherry Williamson (TX)
Mike Yerly (CA)	Bessie Decker (MD)

Past Presidents' Committee

This committee will assist the President and Executive Committee as needed. The Past-Presidents' Committee shall be composed of all living Past-Presidents of the Conference.

Diana Pratt-Wyatt (LA), Chair
All Past Presidents

Pictorial Committee

The purpose of this committee is to update and maintain the pictorial directory of the Conference, including the annual meeting summaries contained therein.

Charles McNeely (LA), Chair	Lanet Asmussen (NE)
Debbie Casseaux (FL)	Bessie Decker (MD)
Kenneth deBlanc (LA)	Pete Fitzgerald (LA)
Claudia Jenks (TX)	Judy Pacheco (WY)
Louise Pearson (TX)	
Irene Bizzoso (PA), Executive Committee Liaison	

Program Committee

This committee organizes and presents an educational program at the annual meeting of the Conference to further the objectives of the Conference and to enhance the skill and knowledge of appellate court clerks.

Andrew Weber (TX), Chair	Tom Hall (FL), Vice Chair
Christie Cameron (NC)	Eileen Fox (NH)
Claudia Jenks (TX)	Joseph Lane (CA)
Jon Wheeler (FL)	
Steve Lancaster (IN), Executive Committee Liaison	

Publication Committee

The Publication Committee informs the membership of the activities of the Conference, provides information to enhance the professionalism of appellate court clerks and their offices, and publishes the NCACC newsletter at least quarterly.

Diana Pratt-Wyatt (LA), Chair	Judy Pacheco (WY)
Greg Philo (FL)	David Schanker (IN)
Les Steen (AR)	Holly Sparrow (GA)
Mike Yerly (CA)	

Public Relations Committee

The purpose of this committee is to promote the mission and objectives of the NCACC by providing information about the Conference and its members to the appropriate individuals and groups.

Laura Roy (MO), Chair
Frankie Holt (TN), Vice Chair
Norm Herring (DC) Rex Renk (MT)
Sandra Skinner (MO), Executive Committee Liaison

Resolutions and Memorials Committee

This committee prepares appropriate resolutions for adoption by the Conference as formal expression of its will and intent, and to prepare and arrange memorials for deceased members.

Deena Fawcett (CA), Chair	JoAnn Wahl (NY)
Andrew Weber (TX)	
Trish Harrington (VA), Executive Committee Liaison	

Retired Members Committee

This committee consists of all retired members who wish to continue their participation in NCACC.

Scholarship Committee

The purpose of this committee is to recommend recipients of scholarships to the Executive Committee. The committee shall consist of three members, including its Chairperson, and shall be appointed by the Executive Committee.

Cynthia Rapp (DC), Chair	Kelly McNeely (LA)
Dan Schuckers (PA)	
Garland Pinkston (DC), Executive Committee Liaison	

Site Selection Committee

Potential hosts for future annual meetings are solicited by this committee. The Site Selection Committee also evaluates invitations from states and makes appropriate recommendations to the Executive Committee.

Christie Cameron (NC), Chair Ashley Ahearn (MA)
Irene Bizzoso (PA) Norm Herring (DC)
Kelly McNeely (LA) Lisa Matz (TX)
Mike Ritchie (OK) Jon Wheeler (FL)
Marilyn May (AK), Executive Committee Liaison

Strategic Planning Committee

The purpose of this committee is to recommend to the Executive Committee strategies with positive impact on Conference purposes, and steps to implement those strategies.

Sherie Welch (GA), Chair Christie Cameron (NC)
Ed Hosken (DC) Joseph Lane (CA)
Penny Miller (ND) Dan Schuckers (PA)
Diana Pratt-Wyatt (LA)
Dan Shearouse (SC), Executive Committee Liaison

Technology Committee

This committee provides technical support and advice to appellate court clerks and their staffs, and coordinates communications between the Conference and other organizations.

Mike Catalana (TN), Chair Colette Bruggman (ND)
Maura Doyle (MA) Kevin Lane (CA)
John Olivier (LA) Jim Pelzer (NY)
Rory Perry (WV) Rex Renk (MT)
Holly Sparrow (GA)
Garland Pinkston (DC), Executive Committee Liaison

Website Committee

Rory Perry (WV), Chair Michael Catalano (TN)
Thomas Hall (FL) Kevin Lane (CA)
Fritz Ohlrich (CA), Executive Committee Liaison

Go!



FROM THE NOMINATING COMMITTEE

By Carol Green (KS)

The positions for nomination at the 2006 Annual Conference are:

1. Vice-President
2. Secretary
3. Three Executive Committee positions, currently held by Bessie Decker, Dan Shearouse, and Fritz Ohlrich.

Nomination forms will be included in the winter edition of *THE DOCKET*. Start thinking now about potential nominees, including the possibility of self-nomination. The Nominating Committee relies heavily on names which come from the membership. If you have questions or suggestions, please call Carol Green at 785.296.3229 or e-mail at greenc@kscourts.org.

Get Ready for Fort Worth, Texas!

By Stephanie Lavake (TX)



For those of you that missed Fort Worth's presentation in Key West, we want to invite everyone to the 2006 NCACC in Fort Worth, Texas, July 30 - August 4, 2006 at the beautiful Worthington Hotel. The Renaissance Worthington Hotel is located in the heart of

historic Sundance Square, downtown Fort Worth's entertainment and shopping district. The Worthington is Fort Worth's only 3-Star, 4-Diamond hotel and is just 17 miles from Dallas/Fort Worth International Airport. More about the hotel can be found at www.renaissancehotels.com and Sundance Square at www.sundancesquare.com.

Room rates for the conference will be \$135 per night for single/double/triple/quad occupancy. The block includes the nights of July 28 - August 3, 2006 and the conference room rate will be offered two days before and after the block based upon availability.

The Program Committee is working on outstanding education programs and vendor shows and Fort Worth as a host city has so much to offer. Look for more details to come in future editions of *The Docket*!

**Presentation of the
Morgan Thomas Award**

By Joseph Lane (CA)



The Morgan Thomas Award was created in 1989. The award is presented to an individual, other than a regular member of the Conference, who has made distinguished contributions in enhancing professionalism and supporting the goals of the Conference as a body and of its members individually. The award has not been made every year. Prior recipients have been professionals who distinguished themselves in the legal community and we were fortunate to have with us in Key West, two former recipients: Mr. Dwight D. Opperman and Michael Whetstone.

This year, the award was presented to Brenda Stephens. The award read as follows:

Her untiring support of our programs, and in particular, her assistance in editing *The Docket*, has raised the stature of the National Conference of Appellate Court Clerk's. She has unselfishly given her time and energy to these tasks without restriction for they are in addition to her regular work with the Second Circuit Court of Appeal of the State of Louisiana.

She joined the Second Circuit Court of Appeal, (LA) in 1998, and immediately starting assisting in preparing *The Docket*. From the outset, her pride in this work was reflected in the improvements seen with each edition. Though not a formal member, she adopted the organization and has worked in various ways to assist the NCACC. Her dedication has had a positive reflection on our organization as a whole and her work has enhanced its ability to improve judicial administration.

She represents the finest qualities of those who choose government service as a higher calling.

By Christie Cameron (NC), Chair,
Site Selection Committee

HOST SEARCH 2009

The site selection committee seeks a host for the 2009 annual conference. We will entertain invitations from all states. Past hosts are not precluded from making an offer. Please provide information regarding conference space, potential activities, and hotels including rates (general information first and the committee will let you know if we need more firm information). Your local tourist board or convention bureau can help you with this process. Contact a member of the site selection committee if you have questions.

The site selection committee will look at many criteria when determining a site for the next convention, including accessibility of the site, geographical location in relation to past or pending conferences, activities in the surrounding area, hotel costs, etc. Having been a host, I can tell you that it is a fun and rewarding experience.

Show off your state to your fellow clerks! Let us hear from you.



Facts, Fiction, & Foolishness

By Leslie Steen (AR)

*Just sit right back and you'll hear the tale, a tale of a fateful trip,
that started from this tropic port aboard this tiny ship.
The mate was a mighty sailing man, the skipper brave and sure,
four passengers set sail that day for a six hour tour, a six hour tour.
The weather started getting rough, the tiny ship was tossed.
If not for the courage of the fearless crew, the Minnow would be lost,
the Minnow would be lost. (Gilligan's Island Theme Song)*

KEY WEST, FLA. At 7:00 a.m. on August 9, 2005, a twenty-four foot center console fishing boat carrying four fishermen left the port of Key West and proceeded south toward the grouper (not to be confused with groupie) fishing grounds. After fighting five foot swells for 30 minutes, the captain steered to the northeast to locate smoother waters. The intended objective was to catch every fish within the territorial waters of south Florida. Needless to say, they did not succeed in their quest, nor were they prepared for the adventure the day was to provide them.

The four castaways (not to be confused with socially unacceptable riffraff) were the stunning and beautiful Deena Fawcett, the equally stunning and beautiful Les Steen, the stunning and not so beautiful Ed Livingston, and the neither stunning nor beautiful Joey Steen.

The skies were blue and the seas became calm and the sun grew hotter and hotter while Deena showed her prowess at catching shark after shark after shark, which only confirmed to the three male fishermen that she was indeed shark bait. Between the sharks, a fairly large barracuda was landed by barracuda bait Les, and Joey reeled in a beautiful and jumping mahi-mahi. Ed joined Deena catching sharks.

As the sun grew even hotter and sweat poured off the three men, it became apparent to them all why the ocean is salty.

Later in the day, the captain moved the boat to another location, where he set out chum and the fishermen sat on the back of the boat dangling their feet in the water like Huck Finn and caught yellowtail snappers on cut bait. The time passed for the fishermen to return, and as another hour passed, it became apparent that the captain was watching a large storm cell to our north with some concern. The dark clouds hovered above the marina where we were supposed to dock. Streaks of vertical lightening cracked and sizzled down to the water and the booming of the thunder could be heard above the roar of the twin outboards.

The captain ran north toward the harbor to see if he could skirt the storm, when it became apparent he could not, he turned the boat around and said, "I can't get caught in the harbor, there is nowhere for me to run. I've got to get back to the blue water." The stronger winds had caused a rough chop and we bounced along at 30 knots. The captain kept a safe distance from the dark cell and the lightening. We ran for another hour. The storm stayed above the marina, but moved off far enough for him to land the four hot fishermen at the Half-Shell Raw Bar, where they had cold beer and oysters on the half-shell and calamari and other delights from the sea. They also were rewarded for their adventure by not attending the annual business meeting and the first educational sessions. And, the storm gave them some material for a pretty weak column.

We would like to thank Joe Lane for starting the vicious rumor that Deena and I were fishing alone. It will be the last time he is asked to answer roll call for me.



Mark Stephens Focuses Clerks on
HANDLING CHALLENGING EMPLOYEES

By Jon Wheeler (FL)

Thousands of instructional books have been written on ways to manage, lead and supervise all different types of employees. Many books become bestsellers because all of us clerks and business managers seek that magical combination of motivation, instruction, recognition and regulation to develop successful employment relationships. One of the prominent challenges for those who manage, lead and supervise others is addressing issues about an employee's challenging behavior. We all have bad days at work. In fact, we clerks may get suspicious of judges, co-workers and subordinates that always come in with a smile on their lips and an inordinate bounce in their step. "Can things always be that wonderful?" Fortunately, some people carry that kind of optimism into the work place each and every day. Mark Stephens' excellent opening plenary session at the 2005 NCACC Annual Conference at Key West was very informative for us court managers who sometimes need to recognize, address and resolve an employee's challenging behavior or poor performance at work. I thought some of attorney Stephen's points that were made during the plenary session and the follow up breakout session on disciplining employees might be worthy of review.

Before it arises:

As a clerk or clerk's office manager, one of the goals for a clerk's office is to develop an enthusiastic atmosphere for your deputy clerks from the very beginning of your work relationship. Some issues cannot be avoided, yet, we should attempt to create an environment that ameliorates the rough patches that we go through in our work lives. Mark Stephens told us about the book, "The Enthusiastic Employee: How Companies Profit by Giving workers What They Want," where the authors used more than thirty years of research involving millions of employees to conclude that employees desire certain traits from their employers to attain a high level of satisfaction within their jobs. ¹ Based on the study, Mark said clerk's office employees, like all other employees, seek three basic things:

(1) **Equity.** To be treated justly in relation to the basic conditions of employment. Equity includes safety, respect, and management credibility. Mark gave a short explanation that safety includes minimizing any possible physical injury to the person and the knowledge that a person's job is secure and not constantly threatened. Respect means that people want to be treated like responsible adults and

not be incessantly subject to strict monitoring as a means to coerce the proper conduct and performance from the employees. Management credibility denotes that clerks and managers should say what they mean and mean what they say. Information that is incomplete, unclear, contradictory or simply absent creates a void that is filled with paranoid thoughts.

"...one of the goals for a clerk's office is to develop an enthusiastic atmosphere for your deputy clerk from the very beginning of your work relationship."

(2) **Achievement.** To take pride in one's accomplishment by doing things that matter and doing them well; to receive recognition for one's accomplishments; to take pride in the clerk's office and the court's accomplishments. Achievement includes: challenging work, the necessary training for the work, the importance of the job to the employee, recognition for performance; i.e., the simple thank you, being proud of the court where they work.

(3) **Camaraderie.** To have warm, interesting, and cooperative relations with others in the clerk's office. Camaraderie includes "the great people we work with," "the friendly people who constantly want to do better and help each other."

Mark then lead a discussion on how do these elements assist those of us who lead? He said that by building upon these elements, challenging behavior may be minimized from the start of the employment relationship. He challenged us that we are not adversaries, we clerks and staff are in the clerk's office for a mutual purpose of accomplishing the court's mission whatever our individual roles may be within the office.

Mark told us of studies that have documented that ninety-five percent of new employees are naturally excited about their work and their organization, are eager to be part of a productive team of co-workers, and are reasonable in how they expect to be treated. Further, 76 percent of all workers across all the organizations surveyed generally enjoy the work they do. Based on these kind of numbers, we should believe that people who work with us in our offices want to be there. Mark believes that if a clerk can create an atmosphere that amplifies equity, achievement, and camaraderie, most of the employee problematic issues may, as the great Mayberry philosopher Barney Fife once said, be "Nip it. Nip it in the bud." As clerks and leaders we should ask our judges, subordinate managers, co-workers,

(Continued on page 11)

and other employees how traits of this kind can be developed and accentuated within the court.

When Poor Performance or Conduct Occurs

In the breakout session, that was repeated twice, Mark Stephens proved to be an entertaining and excellent facilitator on how we clerk's office managers might respond when poor performance or conduct occur. He related studies show the largest and most consistently negative feedback from employees focus on one main issue: The manner in which an organization approaches poor performance and/or conduct. Our best employees pay attention to how we handle challenging conduct or performance. If a person does not pull their weight, other employees take notice of how management confronts and resolves the issue. Further, individuals want to be assured that poor conduct is not implicitly or explicitly condoned. When managers facilitate solutions to poor conduct and performance, our best employees stay with us. Whatever the reason may be for poor performance or bad conduct, it is critical to address it quickly, squarely, and fairly.

Mark cautioned "nipping it in the bud" does not always mean discipline. Rather, confronting the issue usually entails meeting and discussing the particular issues that are on your mind. He said he knows being in charge and being a manager having to address employee problems is not easy. Wanting to help us Mark provided us with a couple of steps to consider when confronting the difficult employee.

First, because we should always praise in public and correct in private, we should ask for a meeting privately. He said there are three elements to consider when asking for a meeting:

(a) Make it an invitation – I would like to meet with you (at a specific date, place, and time). If the employee balks at meeting with you, recast the request into a need: "I need to meet with you between three o'clock today and nine o'clock in the morning, when is the best time." If a person responds by saying, "How about now?" Don't do it. It may seem like a small item, yet, you have capitulated to that person and they have now called the meeting. Respond by saying, "that you cannot meet with them now, that is why I am asking for the meeting later." Be positive and firm.

(b) Tell the person what the meeting is regarding and how he or she needs to prepare. For example, "I would like to have a developmental meeting regarding (the issue, i.e., filing procedures). Please read the training manual, pages

15-19 regarding the proper filing techniques for writs and we will go over them together tomorrow."

(c) End on a positive note - "I think you do a good job preparing paperwork for proceedings, and I want to be able to say the same about (the issue)."

Mark believes asking for the meeting is more than half the battle. Next, he said when you get together, you should be specific about the issue. Use specific facts and dates to address the singular topic. He cautioned against speaking in vague terms. You should then ask for the person to clarify their position regarding the performance or conduct incident. Listen to the person carefully. Write down what they have to say and repeat back the words they say to be sure you understand their position. Within the meeting ask for ideas and solutions to address the issue. i.e., "I need your help to solve this issue."

Next, you should ask what solution or solutions are realistic to work on to resolve the issue. Finally, follow up and ask if the solutions are working. If they are not working, get together again and see if other ideas may work.

Mark closed his session by asking: "With all this said, will this plan eliminate challenging behavior or poor performance at work?" He responded to his own question with "To answer realistically, there are no guarantees." But he did tell the clerks that according to Ned Herrman in, "The Whole Brain Business Book," 70 percent of the people who leave their jobs do so because they do not feel valued.² The plan he presented and as recounted above was offered to assist clerks in extending the enthusiastic work place that he believes already exists in our offices. Hopefully Mark Stephens' ideas may assist you in continuing to create an environment where people feel valued and where each individual may reinforce enthusiastic elements that have been put in place in your court.

¹ David Sirota, *The Enthusiastic Employee*, (New Jersey: Wharton School Publishing), 2005 see 11-13.

² Ned Herrman, *The Whole Brain Business Book*, (New York: McGraw-Hill), 1996.

**Congratulations
Retirees!**

Troy Bennett, Texas Court of Criminal Appeals
Margie Thompson, Texas Court of Appeal, First District
George Geoghegan, Kentucky Court of Appeals

We wish you the very best!

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 to consider for the **J. O. Sentell Award** at the next annual conference in Fort Worth, Texas. Although our guidelines do not require solicitation of suggestions for the **Morgan Thomas Award**, we are, nevertheless, asking for your ideas again this year.

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 collecting 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 justice 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 location of the conference are as follows:

<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 Appeals 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
Mary Ann Hopkins- Young	Arizona Supreme Court	Seattle, WA	1984
Alexander L. Stevas	Supreme Court of United 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

(Continued on page 13)

(Awards continued from page 12)

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 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
Ella Williams	Michigan Court of Appeals, Retired	Skamania, WA	1998
Joyce A. Goldsmith	Arizona Court of Appeals, Division Two	Portsmouth, NH	1999
John H. Wilkerson, Jr.	Alabama Court of Appeals	Savannah, GA	2000
R. Keith Richardson	Iowa Supreme Court and Court of Appeals	Newport Beach, CA	2001
Marilyn L. Graves	Wisconsin Supreme Court and Court of Appeals	Minneapolis, MN	2002
David B. Beach	Supreme Court of Virginia	Asheville, NC	2003
Penny L. Miller	North Dakota Supreme Court	Anchorage, AK	2004
Kenneth J. DeBlanc	Louisiana Court of Appeals, Third Circuit (Retired)	Key West, FL	2005

(Continued on page 14)

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 Company
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 Association
1996	Jane Sanchez Lew Tippet	Bureau of National Affairs Lexis/Nexis
1997	Michael J. Whetstone	West Publishing Company
2003	Dwight D. Opperman	Former Chief Executive Officer West Publishing Company
2005	Brenda Stephens	Administrative Assistant Louisiana Court of Appeals, Second Circuit

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

Frankie R. Holt
Chief Deputy Clerk, Eastern Division
Tennessee Appellate Courts
P. O. Box 444
Knoxville, TN 37901-0444
Fax Number (865) 594-6497

The deadline for submitting your suggestions is February 15, 2006.

**Submitted by:
Awards Committee**

Frankie Holt (TN)	
Joseph Lane (CA)	Keith Richardson (IA)
Danielle Schott (LA)	Dan Schuckers (PA)
Kathleen Kempley (AZ)	Mike Yerly (CA)
Bessie Decker(MD) Exec. Liaison	

"E-Responsiveness: Ensuring Impactful Service to the Public"

Presenter: Bob Fagan, Federal Judicial Center

By Ed Hosken (DC)

The importance of this topic is perhaps best illustrated by Bob's comment that today the public no longer thinks of transacting business between 9:00 AM and 5:00 PM but instead "24-7." So what best moves a court towards 24-7? The internet!

Bob told us that two forces are working simultaneously - the government is moving towards transacting more and more business on the internet, and the public is demanding complete access to its government 24-7. In some cases, the law requires electronic access, for example, the Federal E-Government Act of 2002.

All of this leads one to the importance of a court's web site. Some of the attributes of an informative web site included:

- ♦ Being able to change the font size.
- ♦ Focusing always on content.
- ♦ Presenting information by topic rather than by organization chart.
- ♦ Conducting user surveys.
- ♦ Keeping the menu available at all times.
- ♦ Maintaining the "three-click" rule.
- ♦ Learning from each other.



Bob gave us several handouts, all of them useful. My favorites included the criteria for evaluating the top-10 court related websites. That internet address is: <http://justiceserved.com>. The other was "Envisioning a site that won't be featured in suck.com." See: <http://philip.greenspun.com/panda/suck>.



EDUCATION FUND

Tom Hall and Sherie Welch report the sale of passports, pins, hats and shirts in Key West generated \$1,200 in support of the Education Fund. Thank you, all, who supported these projects.

NCACC is also proud to announce the following contributors who "filled their cans" in support of the Fund for a total of \$504:

Danielle Schott
Marilyn May
Frankie Holt

Marsha Klinker
Steve Lancaster
Kathleen Kempley

Thank you.



NCACC Plenary Session: "Is It Legal Advice?"

Presenter: Bob Fagan, Federal Judicial Center

Reporter: Ed Hosken (DC)



It appears to be a universal tenet that clerks' offices not provide legal advice. However, this prohibition is oftentimes difficult to apply. Most clerks' offices want to be helpful, especially to a pro se, so it can be difficult refusing to answer a question because it involves legal advice. And, there is not always a bright line between legal advice and non-legal advice.

Queries from the public, both pro se's and attorneys, can generally be put into one of three categories: Procedural information, inappropriate requests, and/or legal advice.

Procedural information is information about how the court functions. If the answer is in a source available to the public, you can tell the caller or direct the caller to the appropriately available public source.

Inappropriate requests are ones asking you to show favoritism, predict a judge's or party's intentions, or engage in *ex parte* communication.

Bob's presentation recognized that precise definitions of legal advice are hard to find, but offered the following as examples of giving legal advice:

- ♦ Discussing the application of statutes and rules to individual appeals, claims, or defenses (as opposed to simply referring the caller to a statute);
- ♦ Advising the appropriate court for bringing a claim/complaint/appeal;
- ♦ Saying whether a complaint/notice of appeal properly presents a claim/justiciable appeal;
- ♦ Offering the best procedures to accomplish a particular objective; and
- ♦ Interpreting case law.

Bob then led a discussion of nine guidelines that can help a court employee decide if he or she should answer the question. These guidelines are:

1. Court staff should provide basic case information contained in docket sheets or the case file.
2. Court staff should answer questions concerning local rules, standing orders, and any other publicly available statement of court operations. But, court staff should not interpret rules or give an opinion on how a rule might or might not apply to a particular case.
3. Court staff should, when appropriate, provide examples of forms for guiding litigants. Staff can say where information goes but not what information goes on the form.
4. Court staff, when asked, should explain the meaning of terms used in that particular court.
5. Court staff should answer questions concerning deadlines and due dates if the information is contained in the docket sheet or case file.
6. Court staff cannot advise litigants/appellants whether to bring their problems before the court, or what specific remedies to seek/arguments to make.

(Continued on page 17)

7. Court staff should not disclose the outcome of a matter submitted to a judge/panel for decision until the outcome is part of the public record or the judge/panel directs disclosure of the matter.
8. Court staff should uphold the principle of no *ex parte* contact by refraining from transmitting to the judges communications from parties in an appeal or writ unless the court's rules or procedures authorize such a transmission.
9. Court staff should not involve themselves in the relationship between an attorney and a client.

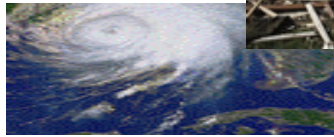
The guidelines were then applied to scenarios by smaller groups. The concluding part of the presentation focused on proactively avoiding questions calling for legal advice by providing helpful publications and information on the web site to litigants, especially pro se litigants.

COOP

Continuity of Operations Plan

By Brenda Stephens (LA)

Hurricane Katrina has been one of the worst natural disasters our nation has ever experienced, and because of her devastation, there is now a whole new level of awareness for the need of an emergency preparedness plan for our courts.



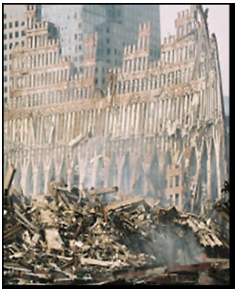
William Lehman, Chief, Judiciary Emergency Preparedness Office, Administrative Office of the U.S. Courts and **William McCool**, District Court Clerk for the Northern District of Florida presented the Federal Judiciary's Continuity of Operations Plan to conference attendees.

Planning for an emergency is simply a good business practice. The changing threat environment and the potential for no-notice emergencies, including localized acts of nature, accidents, technological emergencies, and military or terrorist attack-related incidents, have increased the need for COOP capabilities. The goal is to reduce injury, loss of life and property, and to continue the essential functions of the court as soon as possible.

A COOP must be capable of implementation both with and without warning. To accomplish this, the plan must be tested regularly, including the training and exercising of personnel, equipment, systems, processes and procedures used to support the court during a COOP event.

A viable COOP will have an alternate facility operable within 12 hours of activation, and should be sustainable for up to 30 days or longer. We learned from the Florida courts, the value of having the court's website on a server that is separate and apart from the court. This allows vital information to be uploaded and available to court judges and staff immediately.

We also learned that emergency contact cards should be made available to the judges and management staff. These should be updated regularly and should be small enough to carry in a wallet.



A CD Rom was included in the materials that conference attendees received, which provides very helpful information in COOP design: "Federal Judiciary COOP Self-Assessment Guide and Tool," "Guide for Developing and Conducting COOP Exercises," and "COOP Court Staff Quick Reference Guide".

There is a responsibility, (for the safety of court employees and an obligation to those we serve), to be able to continue to operate in a prudent and efficient manner, even in the circumstance of an impending emergency. Implementing a COOP will take incredible teamwork for tests, training, and exercises on a recurring basis, but it will be worth the effort.

Remarks by
Chief Judge Gerald B. Cope, Jr.
To
The National Conference of Appellate Court Clerks
Key West, Florida



Madam President, honorable clerks of the appellate courts of the United States, ladies and gentlemen:

On behalf of Florida's Third District Court of Appeal, which covers the area from Miami to Key West, thank you so much for choosing to have your annual meeting here. We hope that you have been enchanted by the charm of Key West and that you will come back to visit us often.

I know you have dealt with many weighty topics during your conference this week, so I thought I would speak for just a couple of minutes on a lighter topic: "Practical Solutions to Impractical Ideas".

I have been an appellate judge for over 16 years, now, and one thing I have noticed is that appellate court clerks sometimes must devise practical solutions to impractical ideas. You know the kind of idea I mean: an idea that looks good on paper, but is impractical in practice. An idea suggested, let's say, by a well-meaning chief judge who is better on theory than reality.

I heard a story the other day about one person's practical solution to an impractical idea, and I thought I would share it with you.

There was a man who had saved his money all his life. He was a notorious miser. Just before he died, he said to his wife, "When I die, I want you to take all my money and put it in the casket with me. I want to take my money to the afterlife."

He kept on at his wife about this and finally she promised with all her heart that when he died, she would put all the money in the casket with him.

At his funeral, his wife was sitting there, dressed in black, and her friend was sitting next to her. Just before the undertaker got ready to close the casket, the wife said, "Wait a minute."

She had with her a box. She put the box in the casket. Then the undertaker closed the casket and rolled it away.

Her friend said to her, "You weren't really fool enough to put all that money in there with your husband, were you?"

The loyal wife replied, "Look, I gave my word. I can't go back on my word. I promised him I was going to put that money in the casket with him."

"You mean to tell me that you put the money in the casket?"

"Well, I did...sort of. I got all the money together. I put it in my checking account and I wrote him a check. If he can cash it, he can spend it."

Now, I'm sure that no chief judge has asked you to arrange his burial with the clerk's office cashbox, but you get the idea. Some impractical ideas need a practical solution.

I have only been a chief judge for six weeks, but already, I have noticed another characteristic of court clerks: they are diplomatic to a fault.

(Continued on page 19)

Our court clerk is Mary Cay Blanks, who is here in the audience and she is wonderful. She is possibly the most diplomatic person I have ever met. And I have noticed that clerks speak in a sort of diplomatic code, in which what is not said is as important as what is said.

Let's say that I have an idea that I think the clerk's office should implement. In my mind, I say to Mary Cay that I think the clerk's office should do thus and so, and in my mind, Mary Cay says, "Judge, that is the most brilliant idea I have heard in my 22 years in the clerk's office. We'll do it right away."

Does Mary Cay ever actually say that? Of course not. I have yet to have a brilliant idea.

So here's how it really goes. I say, "Mary Cay, I think we should do thus and so." She may say, "We can do that." From my viewpoint, that is an excellent response. Decoded, that means, "coming from a judge, that's not a bad idea. It might even work. We'll try it."

One step below that is "OK." I say, "Mary Cay, I think we should do thus and so" and Mary Cay says, "OK." Decoded, that means, "OK, this idea won't do any real harm so we'll put it into effect, but hasn't the judge ever heard the old saying 'If it ain't broke, don't fix it?'"

But from my viewpoint, the worst response is silence. I say, "Mary Cay, I think we should do thus and so" and she says nothing at all. Then I know I've put my foot in it somehow, but I don't know how. So I say, "Mary Cay, you're hesitating." Then she says, "Well, Judge, the problem with that idea is this, that, and the other."

And of course, as soon as she speaks, I know she is absolutely right and has once again saved me from abject humiliation.

In conclusion, my hat is off to all of you. You have the patience of Job, the ingenuity of Houdini, the diplomatic skills of Condeleeza Rice, the endurance of Lance Armstrong, the respect and affection of the judges with whom you work, and the heartfelt gratitude of the public you serve so well.

Thank you for all that you do.

NCACC Elects New Officers and Executive Committee Members

New officers and executive committee members were elected as the National Conference of Appellate Court Clerks held its 32nd Annual Conference in Key West, Florida. Terence G. Lord, Clerk of the Supreme Court of Missouri succeeded Diana Pratt-Wyatt, Clerk of the Louisiana Second Circuit Court of Appeal as President. Sandra L. Skinner, Clerk of the Missouri Court of Appeal, Southern District, was elevated to the office of President-Elect and Steven F. Lancaster, Clerk of the Court of Appeals of Indiana was elected Vice-President. Marilyn May, Clerk of the Supreme Court of Alaska was elected Treasurer.

Irene M. Bizzoso (PA); Garland Pinkston, Jr. (D.C.) and Patricia H. Harrington (VA) were elected to the Executive Committee.



I lost my collection of high school clothes to Katrina, except for this prized collection. I have yet to find my platform shoes and had to stand on my toes to keep the pants off of the ground. John Olivier (LA)

Leading to Inspire

By Chris Crow (LA)

For the NCACC Annual Meeting and Conference, the group welcomed back Professor Moshe Rubinstein for a final plenary session on the subject of leadership. Moshe was first introduced to our group in 2001 in Newport Beach, California. An instant rapport developed between our membership and Moshe and continues to this day as Moshe greeted old friends and made many new ones in Key West.

Moshe is a great storyteller and teacher. His examples of bringing the future to the present were encouraging to us all because of the lesson we learned: people can be inspired to give up their individual concerns for the common good when leaders are trusted and have future focus. Moshe bases his teachings on leadership by using five words that make up the acronym “SPACE”.



S is for “simple”. Leaders must clearly and articulately state a purpose for the organization or project, without creating polarization or conflict, so the team sees the same picture of the purpose. It’s about “we”, not “I”.

P is for “purpose”. Purpose should not only be meaningful to the team, it should be noble. In that manner, people will move in the same way to pursue the common goal. Moshe helped us summarize the noble cause of the Clerk’s Office: we ensure the public trust in the judicial system by doing our jobs impartially and fairly because what we do impacts a person’s life.

A is for “adaptive”. Leaders bring the future to the present and are willing to “think outside the box” in finding new ways to accomplish the purpose of the organization or project.

C is for “communication”. We discussed that problems with communication are that people don’t listen or they may have difference perspectives; which are manifested in an unwillingness to communicate. Moshe suggested, however, that the biggest problem with communication is the illusion that it has occurred. He suggested a remedy: practice communication assurance. Ask: “didn’t I hear you say?”; or offer an: “if this happens, then this will occur” simulation. Moshe also believes that more communication at the beginning may be chaotic, but it will save the end from being chaotic.

E is for “engage”. Everyone should be engaged early toward achieving the common purpose. Moshe teaches that we should practice the union of opposites. In most situations, an answer or result is not about one or the other, but both. In dealing with people, we know that everyone has strengths and weaknesses and the extent of which is a matter of degree. We can capitalize on a person’s strengths for efficient use of time and to make him happy.

A person’s range of emotion from euphoria to depression is dependent upon the degree of collaboration: the more collaboration, the more the sense of euphoria; the less collaboration, the more the sense of depression. As leaders, our job is to use the SPACE concept to create the union of opposites and to bring the future to the present. In doing so, we should never compromise human dignity. And, if a failure occurs, we should remember that we are not finished. We are finished only if we quit. We can always make something better or else there will be nothing else for us to do.

KATRINA REPORT

By Frans Labranche (LA)

First, thanks to all of you for your prayers, concerns, love, and attempts to contact us. All the family is safe and unhurt. Our oldest son, Michael, lost everything but the rest of us fared somewhat better. We value each day and the things we do have - family, friends and faith.

Del and I are back in our house, but the rest of "Destiny", our home, is in pretty bad shape. We had 32 trees down just on buildings, probably over 150 trees down total. As of October 11, we do not have telephone, TV, or computer.

Our oldest grandson, Frans E. Labranche, is a Marine who was assigned to New Orleans several days before Katrina hit. With his permission, we are sharing a recent email he sent to family and friends. We thought you might like to read his first hand report. We are very proud of him and the job all of our military is doing. God bless all of you; please keep us in your prayers.

I am US Marine Corps Lance Corporal Frans Labranche. I have received emails that have gone back and forth over the past weeks as we slowly make our way into what was the physical structure of our houses and property, but what is also the home of our hearts. I joined the Marine Corps in January of this year and have been back home less than fifteen days since. The first time that I returned after Hurricane Katrina's wrath was with Lt. General John W. Bergman, commanding officer of 4th Marine Division, Marine Forces Reserve. We were the first contingent allowed to take UH-1 Hueys over the city. As the General surveyed the devastation, I took my pictures, including several of my house, filling my job as journalist and historical documentor. The city of New Orleans, once a great cultural metropolis, lay beneath me, no more the "Big Easy", but the big empty. In most of the city, flood waters and wind wreaked havoc on residents' homes and even where there was little damage, the neighborhoods were just as bleak and just as empty.

The French Quarter, where only two weeks before, I had walked with my fiancé, listened to soulful jazz music, watched human statues and Jackson Square painters; was a ghost town. The music replaced by the eerie sound of smoke detectors with low battery alarms and the occasional crunch of shifting debris as it settled in the now bright sunlight. In St. Bernard parish, (south of New Orleans), the water was still above the eaves of many houses; houses marked with spray paint signs left by search and recovery teams. Many houses had the mark of several dead bodies found at the locations, but thankfully many more had zeros in the body count area of the rescuers' designated mark. Metairie (suburb of New Orleans), didn't flood as badly as New Orleans did, but the damage was great. An old live oak, the kind we all climb as children, lay on its side; a massive tree, once a great fort, a tentacled creature from underground, a hideout, a playground for children and their imaginations, now lay sideways along with the lives of every Gulf South resident.

Lakeview, (part of New Orleans), my home where I was raised, was nothing more than rooftops and floating debris. My car was nothing more than an oil slick on the flood waters next to my house. I recognized a dead man as a fellow employee from a restaurant I worked at as a teenager floating in the water on Pontchartrain Blvd. My second trip was to the Northshore (across Lake Pontchartrain NO) and the West Bank (on the opposite side of the Mississippi River from New Orleans) with Marines of 1st battalion 8th Marine Regiment amphibious assault vehicle group. Great pine trees that towered over houses and businesses now lay through them. Many more residents had returned there than those from across each body of water, but not to better conditions. A half mile from the coast, we found a life jacket, ice chest, and buoys stranded by a disastrous tidal surge at the tops of electric poles.

No one cares that their house was damaged by this disaster, it is our homes that mean the world to us. My house will always be in New Orleans, but my home will be with friends, with family, and with my fellow Marines, who in recent weeks have spent every breath of their day helping the many residents of our Home. New Orleans is an idea, a way of life, and a city like no other, with personality that no other place on this planet can replicate. You can never give up and still lose, but if you put your heart into an effort or a place, you will always win. Thank you all for your kind words and for sticking together in these truly hard times. Thank you for confirming my faith in the people of New Orleans every day. And most importantly, thank you for your love. I remain Semper fidelis.

Transitioning to Electronic Case Management

By Chris Crow (LA)



One of this year's breakout sessions dealt with the hot topic of transitioning to electronic case management and managing the people side of change. Michael Berney with the Federal Judicial Center was the moderator and the attendees were the recipients of a wonderful publication prepared by James M. Buchanan as a guide to court managers on this topic. The breakout was well attended by members from both NCACC and CATO and gave the two organizations a great chance to interact on a subject of common interest.

Many of our case management systems are quite old and a large number of us are looking for new products and solutions. As we go through the change process, we can certainly benefit from the lessons learned in Michael's session, which he captured through a series of drawings highlighting some of the most relevant points.

Technology changes quickly and in profound ways. In a relatively short time, many of our courts have seen the evolution from mag cards to Adobe PDF files. When discussing how to effect this change, participants brought up several ideas about the process and outcome. First, the focus is on the reduced reliance on paper, but not necessarily the elimination of paper. Secondly, it is critical for technical professionals involved to understand the workflow and processes. Finally, there is always a cost/benefit consideration when assessing technology, represented by the example of whether to go with individual printers vs. centralized printers.

Participants agreed that reaching an agreement on a common target (vision/goal) is essential and should precede work on development. Development concerns include issues involving security and firewalls; pro se litigants; outside impetus or force for implanting new technology (i.e., from the bar or from a judge); and bridging the gap between the world of technological possibilities and what actually best serves the court.

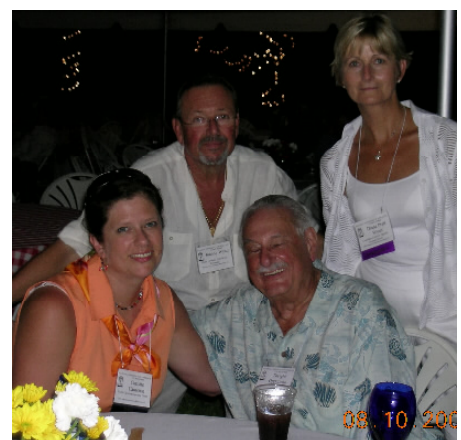
In transitioning efforts, we can appreciate how web-based technology serves the public in providing more information to a wider audience, but we need to do more to serve the appellate bar. The value of a discussion session is being able to compare where our court is with other appellate courts. As courts move forward with more sophisticated case management systems and with e-filing, the pressure is on the remaining courts to begin the planning process as to what makes sense for an individual court. A large amount of our efforts will be assisting "independent" judges to reach consensus.

Finally, participants concluded that an important element in transitional change is to "choose the goal first", primarily because you would select a different vehicle if you were heading for the mountains as compared to the beach.

Furthermore, a "trial balloon" approach may be beneficial in a state where there is a great deal of local variation and the courts wish to standardize technology practices, such as for e-filing. If all stakeholders are brought in early in the development process, the risk of a left-out individual vetoing the process lessens. The prototype should not be rushed before all parties are in agreement as to what to develop.

In conclusion, the last thought for the session highlighted what information technology professionals need to know about Clerks: their traditional last adage is "***we love our paper!***"





The deadline to submit articles
for the January issue is
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