



THE DOCKET

News of the National Conference of Appellate Court Clerks

AHOY ANNAPOLIS!

As you should know by now, the 38th Annual Conference of NCACC will be held in Annapolis, Maryland July 31, 2011 through August 5, 2011 at the Loews Hotel. Registration packets will be mailed out this month and you will be able to register on-line as well through our website. The hotel room rate is \$114.00 plus tax and reservations can be made by calling 1-800-526-2593 and mention the NCACC room block to receive the great rate.

For the early arrivals, a walking tour of Annapolis will be offered for all that are interested on Saturday. Our first business meeting will be held on Sunday as well as our first educational session on ethics of social networking. Again this year a silent art auction along with the famous Morgan Thomas Slide Show will cap off our first day. BNA and NCACC will be hosting a reception that evening which is always a fun time to get reconnected with our old friends and make new ones.

Monday is a full day of education and fun starting in the morning with sessions on mastering resilience in the law and an HR presentation. The afternoon will bring us a session on the clerk's role in maintaining the rule of law and break out sessions consisting of topics of generational differences in the workplace, the media and investigations. The evening will bring us a cruise and dinner on the Chesapeake Bay sponsored by Lexis and they will also be sponsoring the book donations again this year. More details on the book donations at a later date. Tuesday holds another full day of education and fun starting with a case update of the U.S. Supreme Court and then sessions on how the courts failed Germany. The fun will be a bus trip to the U.S. Supreme Court which will include a welcome from Justice Alito and dinner at the Court sponsored by Thomson West.

Wednesday starts out with our popular "What's Bugging You" session along with a session on integrated justice. The day is topped off with the Vendor Luncheon and Vendor showcases in the afternoon. Thursday includes the walk/run event, our second business meeting and a panel discussion on media and the courts. The golf tournament will be in the afternoon and if you are not a golfer it is a great time to do some sightseeing on your own. Our banquet will complete the day with Rear Admiral Jim McPherson as our distinguished speaker.

Friday holds our Critique Breakfast and our good-byes until the next conference. The Hospitality Suite will be open Sunday through Thursday evenings as usual with the famous host of all hosts and bartender extraordinaire, Les Steen. Mike Richie and Colette Bruggman have done an excellent job putting together the program and vendors' show so far this year. Suggestions and recommendations of area activities and dining opportunities will be included in your registration packets.

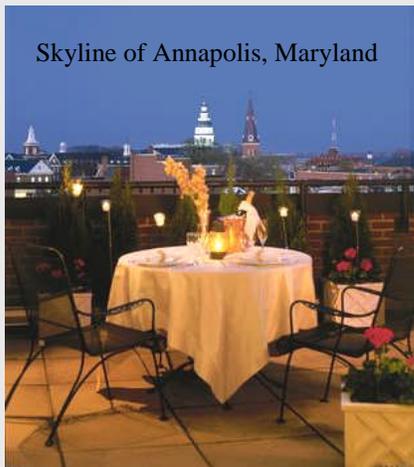


So there you have it all in a nutshell - this year's Conference in Annapolis, Maryland. Keep on the look out for your registration packets and sign up early. It will be here before you know it!

Bessie Decker (MD)
Cynthia Rapp (DC)
Leslie Gradet ((MD)

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THE DOCKET

News of the
National Conference of Appellate Court Clerks

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HELP KEEP US INFORMED!!

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

THE PRESIDENT'S PAGE

Bill DeCicco (DC)



With the cherry blossoms in bloom around the Tidal Basin, it should be springtime in Washington. However, as of a few days ago, we were still seeing snow in the forecasts. Not a lot of snow, but average temperatures at this time are supposed to be in the 60's. I know we are all looking forward to better weather ahead. It's been a crazy weather month. The Italians describe it as "Marzo Pazzo" or "Crazy March." Almost as crazy as this year's college basketball tournament!

The Executive Committee will hold its spring meeting on April 30 in Englewood, Colorado, just outside of Denver. This meeting will be an important one as the committee will hear about plans for the Annapolis conference, and receive the recommendations from the Nominating Committee for a Vice President, Treasurer, and three Executive Committee members. The Awards Committee will submit its recommendations for the J.O. Sentell Award and the Morgan Thomas Award. The Finance and Investment Committee will present our 2011 budget, and the Site Selection Committee will propose a location for our 2014 annual meeting (sites for 2012 and 2013 are Charleston, SC, and Seattle, WA).

Speaking of finances, I am pleased to report that the NCACC's financial condition continues to improve this year. Thanks to greater revenue from the dues increase and the money returned from the Montana conference, combined with an austere spending policy, we are in much better financial shape. We have spent money only on necessary and fixed expenses, and no NCACC funds have been spent on travel since the last annual meeting. I want to thank all of the members of the Executive Committee for their understanding on this. I would also like to thank John Olivier and Blake Hawthorne for representing the NCACC at meetings in New Orleans and Austin. The proposed 2011 budget uses some of these savings to increase the amount of money available for scholarships to attend the Annapolis annual meeting. If you find yourself in need of funding assistance to attend, you should consider applying for a scholarship. Information on the meeting and scholarships is available on our website: www.appellatecourtclerks.org. In addition, the balance in our Education Fund continues to grow. Our treasurer, Irene Bizzoso, will provide you with a detailed financial report this summer, but overall, we're doing better.

I would also like to report that I have approved two requests to reprint David Schanker's excellent article [E-Filing in State Appellate Courts: An Appraisal](#). One of the requesters was a former Chief Justice of a state supreme court who was making two presentations. The other was Pearson Education. They wanted to reprint the article in a textbook entitled [Litigation Practice: eDiscovery & Technology 1/e](#). This is a tribute to David's work, and I hope that within the next few years, someone will continue what David has started and update the status on e-filing in the state appellate courts.

Lastly, I recently received an invitation from a DC law firm requesting the NCACC to file an amicus brief in a U.S. Supreme Court case, *Maples v. Thomas*. The case involves the actions of a state court clerk in Alabama who sent orders denying state post-conviction relief to *pro bono* counsel in New York in a death case. Those two attorneys had left the firm without informing the state court, and the orders were returned to the clerk unopened and marked "return to sender." The clerk took no further steps to contact the counsel in New York, although a local attorney who was not lead counsel did receive the order. Maples' efforts to file a federal habeas action out of time were rejected by the 11th Circuit in a split decision. Although the attorney who contacted me stated that he thought the NCACC would be able to offer guidance to the Court regarding processes that court clerks would generally follow in such cases, I sent him a note declining his request after the Executive Committee unanimously decided that we should not file such a brief. The committee believed that taking sides in such a dispute was not within our purposes, and it would not decide which side should be supported.

I have seen some great questions and exchanges of information recently on the listserv. Thanks to everyone for the questions and replies.





Facts, Fiction, and Foolishness

Les Steen (AR)

Those of us who have been paying any attention at all realize we have recently lost several of our members to retirement. Many of us are envious as we continue our own march to the same destination. Many of us ponder what they are doing with so much time on their hands. What are they thinking about? Here are some examples.

If the world was a logical place, men would be the ones who ride side saddle.

I had amnesia once - - maybe twice.

Protons have mass?? I didn't even know they were Catholic.

All I ask is a chance to prove money cannot buy me happiness.

What is a "free" gift? Aren't all gifts free??

Someone told me I was gullible and, guess what . . . I believed them.

Teach a child to be polite and courteous and, when they grow up, they will never be able to merge their car onto the freeway.

Experience is one thing you have left when everything else is gone.

One thing nice about egotists: they don't talk about other people.

My weight is perfect for my height - - which varies.

I used to be indecisive. Now, I'm not sure.

The high cost of living has not affected its popularity.

If swimming is good for your figure, how do you explain whales??

How can there be self-help "groups"?

Show me a man with both feet firmly on the ground and I'll show you a man who can't get his pants off.

Is it just me or do buffalo wings really taste like chicken?

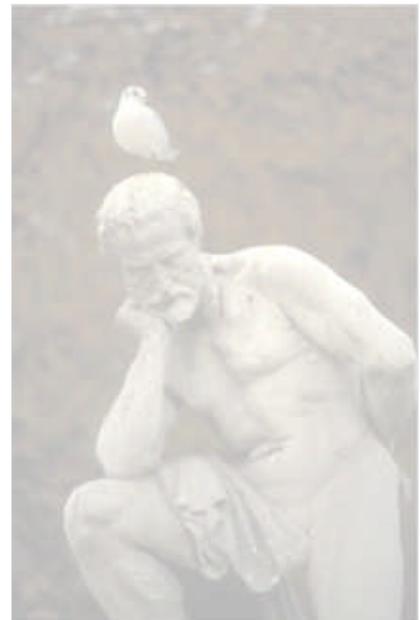
Eventually, you will reach a point when you stop lying about your age and start bragging about it. The older we get, the fewer things seem to be worth waiting in line for.

Some people try to turn back their odometers. Not me! I want people to know why I look this way. I've traveled a long way and some of the roads weren't paved.

One of the many things no one tells you about aging is that it is such a nice change from being young.

And, finally, being young is beautiful, but being old is comfortable.

See what we have to look forward to when our journey to retirement ends?? Happy trails.

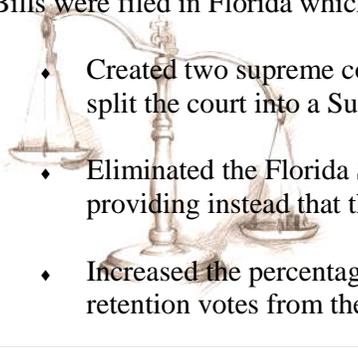


Beyond Budget Woes.....

By Tom Hall (FL)

You may have noticed this year seems to be the year of battles between different branches of government throughout the country. There are many: the battle between Congress and the White House over the federal budget; the battle between the governor in Wisconsin and certain members of the legislature over unions; and, the battle in Florida between the legislature and the Governor over federal funds for a new high speed rail system. You may have even heard of the \$72,000,000 shortfall the Florida judiciary was experiencing and the near shut down of the court system because the Governor wanted an explanation why there was no money. Only on the final day before massive furloughs was the transfer of money to the judiciary authorized to keep the courts open. In Florida, there is another battle being waged which strikes closer to home for all of you. The Florida legislature, led by the speaker of the House (a lawyer by the way), is conducting what many are calling an all out assault on the court system. Your legislature may be paying attention.

Bills were filed in Florida which would have:



- ♦ Created two supreme courts – It would have added three new justices to the current seven members and then split the court into a Supreme Court of Criminal Appeals and a Supreme Court of Civil Appeals.
- ♦ Eliminated the Florida Supreme Court's authority to adopt rules for practice and procedure in Florida courts – providing instead that the court may only recommend rules to the Legislature
- ♦ Increased the percentage of votes required to retain supreme court justices and appellate judges during merit retention votes from the present 50% to 60%
- ♦ Eliminated the current confidentiality requirement for investigations of alleged misconduct by Florida judges (where formal charges are not ultimately filed) – requiring instead that all records, materials and proceedings related to complaints would be open to the public, regardless of whether the investigating commission concludes that charges are warranted
- ♦ Added legislative confirmation to the judicial appointment process – by requiring that appointment of Supreme Court justices and appellate judges be followed by Senate confirmation. (Note: proposed legislation also would minimize or eliminate the role of judicial nominating commissions – attorneys and other citizens - who currently screen and submit judicial candidates to the governor for consideration)
- ♦ Moved staff providing personnel, finance and accounting and training functions for the court system to an executive branch agency – combining this staff into the Department of Management Services, which would provide similar functions for all state agencies.

In addition, budget discussions at various points have included reductions in salaries and pensions of judges and court staff, as well as elimination of numerous branch attorneys, law clerks and judicial assistants' positions.

Unfortunately these are just a few of the proposed changes.

As is often the case where the legislatures only meet a limited time during the year, the status of these bills is constantly changing. In addition, some of these bills seem to be garnering little or no support in the Senate. The so-called two court proposal has now been revised to add the new justices but divide the court into two five-member civil and criminal panels with only limited en banc allowed for bar discipline cases. The proposal to take rule making authority from the court has now morphed into a change to allow the legislature to overrule a court rule with a mere 50% vote. Currently such an action would require a two thirds vote of each chamber of the legislature.



(Continued on page 6)

Welcome New Members!

Gregory O. Block was sworn in as Clerk of Court of the U.S. Court of Appeals for Veterans Claims by Chief Judge Bruce E. Kasold in a ceremonial session of the Court convened on September 1, 2010. Mr. Block serves as the Court Executive.

Mr. Block recently completed his 30th year in uniform as an Army Judge Advocate General's Corps (JAGC) Officer, and retired from active service in the rank of Colonel. He served in multiple overseas locations including Germany, Korea, Bosnia, and Afghanistan, and completed his service in Charlottesville, Virginia, where he served as the Dean of the Judge Advocate General's School.

Mr. Block's educational background includes an undergraduate degree from Washington State University, masters degrees from the University of Southern California and the War College, a law degree from Seton Hall University of School of Law, and an LL.M. from The Judge Advocate General's School.

Mr. Block currently resides in Arlington, Virginia, with his wife, Maureen; they have two grown sons.



Carolyn Taff Grosboll was appointed Clerk of the Illinois Supreme Court effective January 3, 2011. She received her B.A. degree in History from Southern Illinois University at Carbondale and her J.D. degree from Southern Illinois University School of Law.

Prior to her appointment as Clerk of the Illinois Supreme Court, Carolyn worked as an attorney for the Illinois Secretary of State; Illinois Legislative Reference Bureau; the Illinois Nature Preserve Commission, where she served as Director, and most recently in private practice for the law firm of Giffin, Winning, Cohen & Bodewes, P.C.

Carolyn is a member of bars of Illinois and the United States District Court of the Central District of Illinois. She is married to Allen D. Grosboll and they have one son, John.



Good Idea: Finding Easter eggs on Easter Sunday.
Bad Idea: Finding Easter eggs at Thanksgiving.

Scholarship Application

Deena C. Fawcett (CA)

If you are uncertain that your court will fund your attendance at the 2011 annual meeting, you may be eligible for a scholarship.

Please review the scholarship selection criteria outlined in the NCACC Directory. The application is posted on the NCACC website and is on pages 9 and 10 in this issue of *The Docket*.

If you apply for a scholarship and later find that your court will fund your trip, please advise the Scholarship Committee.

Contact Deena C. Fawcett, Chair of the Scholarship Committee, if you have any questions. All applications are to be sent to Brenda Williams at the National Center for State Courts by May 1, 2011.



(Budget Woes continued from page 5)

It is difficult to see where these changes are going but most would require a constitutional change. So this may go on for some time and a vote by citizens wouldn't be until 2012. There are now rumors the House wants this issue on the ballot this year so they can get the court lined up the way they want when redistricting is reviewed by the court in the spring of 2012. No matter what happens, the court system has spent considerable time and resources responding. The legislative session is scheduled to conclude on May 6, and the fate of these proposals will not become clear until the Governor's action in early summer. We will update you . . . but pay attention to what your legislature may be doing. Budget woes pale in comparison to some of these changes.

Slate of Officers

By Collette Bruggman (CA)

I am happy to announce the following slate of candidates for the 2011-2012 Executive Committee of the NCACC:

Vice President: Deena C. Fawcett (CA)



Deena C. Fawcett was appointed Clerk/Administrator of the Court of Appeal, Third Appellate District, in January 2001. Prior to said appointment, she served as Assistant Clerk/Administrator for 13 years and Administrative Specialist for 2 years. Deena received her Bachelor of Science degree in Business Administration from California State University, Sacramento. She currently chairs the Scholarship Committee and serves on the Convention Assistance Committee and Publications Committee. Since becoming a member of the NCACC in 1997, Deena has served on and chaired numerous committees over the years. She was a member of the Executive Committee from 2000-2002, served as Program Chair of the 2001 annual conference, and hosted the 2009 annual conference in Sacramento. Deena has two wonderful daughters, Jessica and Natalie.

Treasurer: Irene M. Bizzoso (PA)

Irene M. Bizzoso was named the Prothonotary for the Supreme Court of Pennsylvania in January of 2011 and is the second woman in the history of the Court to hold the statewide position. Irene was the Deputy Prothonotary for the Supreme Court of Pennsylvania, Middle District for the ten years preceding. Prior to that appointment, she served as Legal Assistant to the Prothonotary for two years. She received her B.A.G.S. from The Catholic University of America in 1985 and her J.D. from Widener University School of Law, Harrisburg in 1992. Before joining the Court, she served as an Assistant Counsel to the Pennsylvania Unemployment Compensation Board of Review for five years and was employed by the Manhattan District Attorney's Witness Aide Services Unit for the four years prior to attending law school. She is licensed to practice law in both Pennsylvania & New Jersey.



Irene currently serves as the Treasurer to the NCACC having been elected in August of 2009, and has been a proud member of the NCACC since 2000. She has served as Host; Executive Board member; Chair of the Ad Hoc Fee Review Committee; Chair of Convention Assistance Committee; Chair of the Scholarship Committee; and as a member of the Past Host Committee, Contract Committee, Convention Assistance Committee, Technology Committee, By-laws Committee, Site Selection Committee, Public Relations Committee, and Scholarship Committee. Irene is currently a Master in the James S. Bowman American Inn of Court and has served on various boards, in various positions, including the Violence Intervention and Prevention Program of the YWCA (1993-2001) and the Dauphin County Bar Association (1993-2007).

(Continued on page 8)

Executive Committee 2010 - 2011



Blake A. Hawthorne is the Clerk of the Supreme Court of Texas. The Supreme Court of Texas appointed Blake to a four year term as the Clerk of the Supreme Court of Texas on August 1, 2006. The Court reappointed him to a second term beginning on August 1, 2010. Prior to his appointment to Clerk of the Court, Blake served the Court as the Staff Attorney for Original Proceedings. Before joining the Court, he was an Assistant Attorney General for the State of Texas and an associate in the law firms of Wiley, Rein & Fielding in Washington, D.C. and Jackson Walker in Fort Worth, Texas.

Blake graduated *magna cum laude* from Tulane University with a degree in Anthropology and Spanish in 1992. The faculty of the Anthropology Department awarded him the Robert Wauchope Award as the most outstanding graduate that year. While a student at Tulane, he spent his junior year abroad studying at La Universidad Complutense in Madrid, Spain. Blake graduated with honors from the University of Texas School of Law in 1996. He is Board Certified—Civil Appellate Law by the Texas Board of Legal Specialization.

Blake is a native Texan, who was born in Austin, Texas. He is married to another native Texan and Austinite, Wendy Harvel, who is an administrative law judge with the State Office of Administrative Hearings. They have two daughters - Sophie and Eva.

Rachelle M. Resnick was appointed Clerk of the Court for the Arizona Supreme Court on March 5, 2007. She received her B.A. in economic theory from The American University in 1987; her J.D. from Emory University in 1990, where she was a member of the Emory International Law Review; and her M.B.A. from the University of Nevada, Las Vegas in 2006. She earned her Management Program Certificate from the Institute for Court Management in 2006.

Ms. Resnick served as a law clerk for two district court judges in the Eighth Judicial District Court (Las Vegas, Nevada) and was appointed to create the Clark County Family Law Self-Help Center for that court in 1999. Under her leadership, the Center received two National Association of Counties (NACo) Awards for innovative programming. In 2006, she was honored as Nevada's Outstanding Public Lawyer.

As a member of the Arizona Supreme Court's Appellate CourTools Committee, Ms. Resnick helped adapt the National Center for State Courts' statistical collection model for use in Arizona's appellate courts. She is currently a member of the Arizona Supreme Court's CourTools Steering Committee, which analyzes and evaluates the time standards data for planning and management purposes.

Ms Resnick is currently leading the Arizona appellate courts' e-filing business team, which is designing, developing and implementing the statewide e-filing system, AZTurboCourt, in the appellate courts. The pilot went live for the Supreme Court and Court of Appeals Division One in November 2010 and is expected to be open for general use in those courts in the near future.

Throughout her career, Ms Resnick has served on committees and boards for several organizations, including the Horace Rumble Inn of Court (Executive Committee 2009-present); the National Association for Court Management (ICM Scholarship Committee Chair, 2007); the Nevada Association of Court Executives (Secretary, 2003-2006); the Nevada Supreme Court's Pro Se Assistance Council; and the Arizona State Library, Archives and Public Records Division's Landmark Cases Committee, which is charged with recommending cases for landmark status for the State of Arizona.



Kevin J. Lane joined the California Appellate Courts in 2004 as the Assistant Clerk Administrator of the Fourth Appellate District, Division One and is now in charge of the office in San Diego overseeing the clerical staff and administrative operations. Prior to this position he was with the Los Angeles Superior Court for 14 years as an Administrator over civil, criminal, juvenile dependency, probate and specialty court programs. He is a Fellow of the National Center for State Courts and has a Bachelor's and Master's degree in criminal justice administration and court management. His involvement with the court system extends to many statewide and national committees, nationally published articles on court administration as well as speaking engagements. He has been a proud member of NCACC for seven years and has participated in several committees to contribute to the enhancement of appellate court administration.

2011 Report of the Bylaws Committee

By Fritz Ohlrich (CA)

The Bylaws Committee met by conference call on Thursday, December 2, 2010, at 11 a.m. (EST), to discuss two possible changes to the Bylaws of the National Conference of Appellate Court Clerks.

The first item considered by the committee related to the role of retirees in the National Conference of Appellate Court Clerks, specifically, should retired members be made eligible for membership on the Executive Committee. Under the existing Bylaws only Regular Members are eligible: “[E]ligibility for elective office is limited to regular members in good standing” (Art. III, § 3.)

The committee discussed the importance, value and contributions retired members make to the NCACC, and the need to encourage and support the continued participation of retired members in the Conference, its committees and events. However, it was the consensus of the committee that the membership of the Executive Committee should not be changed or expanded.

The committee also discussed a suggestion that consideration be given to amend the Bylaws so as to allow clerks, assistant clerks or deputy clerks of appellate tribal courts and the appellate courts of Canada to be eligible to be Regular Members of the National Conference of Appellate Court Clerks.

The NCACC Bylaws provide that only "clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts in any federal, state, commonwealth, or District of Columbia court system, and in the court systems of United States territories and possessions" are eligible to be Regular Members of the conference (art. III, § (a)). Currently, Regular Member status is not now available to clerks of tribal or Canadian appellate courts as the Bylaws require that "Associate membership shall be open to any person serving as a clerk, assistant clerk, deputy clerk, or similar position bearing a different title, in any appellate court system not eligible for regular membership" (art. III, § 1(c)).

After discussion, it was the consensus of the committee that membership in the National Conference of Appellate Court Clerks could be more broadly defined. For example, the National Association for Court Management (NACM) defines regular membership without regard to nationality or court location. NACM defines regular member as: “Any person who works in a court or government setting; e.g., serving as clerk of court, court administrator or in any court management, court education, court research or judicial officer capacity.”

The Bylaws Committee has no objection to broadening the NCACC Regular Members category, perhaps as follows, “Regular membership shall be open to all clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts,” ~~in any federal, state, commonwealth, or District of Columbia court system, and in the court systems of United States territories and possessions.~~ The committee believes this proposal should be referred to the Membership Committee for its review and recommendation.

In conclusion, the 2011 Bylaws Committee is not proposing any amendments to the NCACC Bylaws.

Scholarship Application

2011 ANNUAL MEETING
Annapolis, Maryland
July 31 – August 5, 2011



National Conference of Appellate Court Clerks

If obtaining funding to attend the annual meeting in Annapolis is a concern, you may be eligible for a scholarship. **Please do not hesitate to apply.** If you are uncertain whether or not funding may be available, you may still apply for a scholarship. If funding may be made available by your court, please note this on your application and update the scholarship committee of any changes. If you have any questions or concerns, please contact Deena C. Fawcett, Chair, Scholarship Committee.

INSTRUCTIONS: Please review the scholarship selection criteria outlined in the NCACC directory. Applicants must complete the entire application. Completed forms should be signed and sent to Brenda Williams at the National Center for State Courts, by **May 1, 2011.**

Please complete and return application to:
Brenda Williams
National Conference of Appellate Court Clerks
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

-- FUNDING REQUESTED FOR THE ANNUAL MEETING TO BE HELD JULY 31 – AUGUST 5, 2011 IN ANNAPOLIS, MARYLAND. --

Name: _____

Title: _____

Employing Court: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Telephone: _____ Fax: _____

NCACC member in good standing? Yes No

Total number of NCACC members employed by your court: _____

Is your court offering any funding for your attendance at the Annual Meeting? Yes No

If yes, what amount? _____

Are there any restrictions on these funds? Yes No

If yes, please list the restrictions:

Would your court have funded the attendance of NCACC members from your office to other educational programs during the twelve months immediately preceding the 2011 Annual Meeting? Yes No

If yes, how many programs did you attend: _____

If yes, please identify the program(s) and total amount expended:

What amount of financial assistance are you seeking from NCACC: _____

TRAVEL

List the estimated fare for economy or coach airline ticket: _____

-OR-

List the total roundtrip mileage from your home to the conference site: _____
(mileage reimbursement rate will be determined by the Executive Committee)

LODGING

Number of nights: _____ Rate per night: _____

OTHER EXPENSES

List the nature of expenses and amount:

STATEMENT IN SUPPORT OF YOUR APPLICATION

Please explain why you believe you should receive a scholarship. Please attach additional pages if necessary.

I hereby certify that the foregoing answers are true and correct to the best of my knowledge and belief. I acknowledge my obligation to keep the NCACC apprised of any changes in my funding status that might affect my eligibility for scholarship assistance. I understand that my attendance at all education program is required should I receive scholarship assistance.

Applicant's Signature: _____

Date: _____