



Ed Smith **Recipient of the** **J.O. Sentel Award**

By Rex Renk (MT)



Each year the National Conference of Appellate Court Clerks (NCACC) recognizes a member of the organization who has exhibited extraordinary leadership, service, and devotion to the organization while furthering the Conference's professional objectives in support and advancement of the judicial system and dedication to public service. This year the NCACC honored Ed Smith, Clerk of the Montana Supreme Court, with its highest award at its annual meeting held in Annapolis, Maryland, during the week of August 1, 2011. Established in 1979, the award is named for the Conference's first President and one of its founding members, J.O. Sentell, Clerk of the Supreme Court of Alabama.

Now serving in his fourth term, Ed Smith was first elected Clerk of the Montana Supreme Court in 1988 and was re-elected in 1994, 2000, and 2006. He received a B.A. in History from the University of Montana in 1976 and then began a professional career in which Smith served in four legislative sessions as the Chief Clerk of the Montana House of Representatives and three years as Chief Bill Clerk of the U.S. House of Representatives under Speaker, Thomas, "Tip" O'Neil in Washington, D.C..

The Montana official has been a member of the NCACC for 23 years. He served as President of the Conference in 2003-2004 and as Host of the 2010 Annual Meeting held in Whitefish, Montana. Smith also completed two separate terms on the NCACC Executive Committee and directed the education symposium for the 1997 Annual Meeting in Point Clear, Alabama, while serving as chair of the Program Committee.

Over the years, Smith contributed to numerous NCACC committees including Long Range Planning, Membership, Nomination, Public Relations, and Publications, continually striving for ways to improve the Conference. For example, in 1994, Smith initiated the "Sunday Format" of the annual meeting still in use today whereby a Roll Call of the States is taken and the President conducts the first half of the Business Meeting. Prior to 1994, no roll call was taken and only one business meeting occurred at the end of the week. The new format encouraged more involvement of NCACC members, especially new members, and fostered a broader understanding of the Conference and its workings and objectives in general.

NCACC President, Bill DeCicco, Clerk of the U.S. Court of Appeals for the Armed Forces, in presenting the award to Ed said, "we honor and treasure his love of and dedication to the NCACC throughout the years. The National Conference of Appellate Court Clerks is a better conference for Ed's contributions and his willingness to serve in many different ways over the years. He epitomized the qualities we honor as appellate court clerks and it is fitting that Ed's outstanding contributions be recognized by this award."

2012 NCACC Conference
July 29, 2012 - August 3, 2012
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Charleston, SC
2012 Annual Conference
July 29, 2012—August 3, 2012



THE DOCKET

News of the
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THE PRESIDENT'S PAGE

Marilyn May, (AK)

I am so honored to be writing to you as your President. I follow in the footsteps of many amazing individuals, including our immediate past president, Bill DeCicco. He did an outstanding job and is a hard act to follow. Continuing a policy of fiscal restraint, by the end of his term Bill was able to report that the NCACC is

once again on firm financial footing. Also under Bill's leadership, we have eliminated our restriction on membership to those working with the state and federal courts of the United States. Within a few years we may see many new members with new ideas from tribal and international appellate courts. This should prove challenging and invigorating, and I can't wait to see where it takes us.

The conference in Annapolis was wonderful. We are all grateful to Bessie Decker and her staff and family for their efforts to make the whole conference run so smoothly. We enjoyed meeting the charming Chief Judge Bell, who made us feel so welcome. Many thanks also to Bessie's co-hosts, Leslie Gradet and Cynthia Rapp. The hosts' years of planning and hard work truly paid off. Thomson West's dinner at the United States Supreme Court and the chance to meet Justice Alito was a highlight of the week, an event we will always remember. The dinner cruise on Chesapeake Bay was spectacular – LexisNexis even arranged for a light show! Absolutely beautiful. We had fun packing 200 backpacks with basic food items for local schoolchildren through the Backpack Buddy program. We are grateful to LexisNexis for partnering with us in these community outreach events that have become such an important part of our conferences.

We had a terrific program of educational sessions, courtesy of Mike Richie and his hard-working Program Committee. You will read more about that elsewhere in this issue. Colette Bruggman really put her heart into the vendor

show. This year she pioneered a very fun new program – we got a passport that encouraged us to visit each vendor for a stamp. Once full, the passports were entered into a drawing for great prizes, mostly donated by the vendors. I hope this will be a new tradition.

My goal for the coming year? I would like to broaden our impact on appellate clerks, including those who can't attend the conference. One way to do that is to put educational materials from the conference on our website. The past couple of years we've been given a CD or a thumb drive loaded with the program materials, but that only goes to those who attended. Placing them on the members-only portion of our website will make them easily available to everyone. Also, I've asked the Program and Technology Committees to videotape and post online one or two selected educational sessions from our next conference. With shrinking budgets and travel restrictions, we need to get the most bang from our program bucks, and this will extend our reach to provide additional support to members.

Finally, a plug for committee work. As in every worthwhile endeavor, you get the most out of this conference by volunteering. Our active members, and even our regular vendors and presenters, agree the NCACC is the best group of its type. The reason it works so well is that WE make it happen. We don't have paid staff (aside from some accounting and secretarial services provided by the NCSC), so it's all on us. If you were unable to join us in Annapolis, do not despair! You can still sign up for a committee. Check out the committee list in this issue, or online. Email me, or the program chair, to find out more about what the committee does. You can also read the Bylaws and Committee Guidelines for more information. Committee work is a fantastic way to feel a true part of this incredible organization, and to get to know your fellow members. Tell me if you'd like to sign up.

Please be in touch if you have ideas or concerns. Thank you for your trust in me. I am more grateful than I know how to express. I know that, working together, we will have a great year.





Facts, Fiction, and Foolishness

Les Steen (AR)

The Day of the Groundhog

Rarely do we deal with facts in this column. As you know, it is generally fiction and foolishness and blatant plagiarism. To dig out of this rut, I have decided to write about something that really occurred. This episode happened to me this summer.

I was sitting in the den one Saturday morning with my two Boykin spaniels and my son's Cairn terrier (think Toto in the *Wizard of Oz*). We have French doors in the den looking out on the backyard. There are seven oak trees out there and my dogs usually stare out the doors looking for squirrels and chipmunks to bedevil. When they spot their prey, they start jumping up and down like dogs on pogo sticks. I will open the door and the dogs go tearing out. The squirrels jump up on the trees and the dogs go flying past, clueless to the escape. Then they run in circles sniffing the ground and looking confused.

The dogs started bouncing and barking and I opened the door to let them out. Off they ran to the far corner of the yard where I could not see them. Usually the barking ends in a few seconds, but this time the barking continued and it was at a higher pitch than normal. I opened the door and stepped out on the patio just in time to see a greyish brown fur ball hauling it down the back fence with two dark brown blurs and a white one just inches behind. I can usually yell, "Whoa!!" and the dogs will stop so I yelled "Whoa!!" Apparently, the groundhog thought I was calling him and he came flying right toward me. It was outrunning its shadow. Needless to say, the door was still open and he flew by me and into the den with three yelping dogs right behind him. The chassee parked under a big sofa and was immediately surrounded by three snarling and barking dogs.



Our house is split level and we have a baby gate on the stairs to keep the dogs in the den. My wife, Kay, was standing at the gate looking lovely in her blue Omar the Tentmaker nightgown with a towel wrapped around her head - right, the Osama look, and she said, "What in the hell is going on down here!?!?" I told her we had a groundhog under the sofa and to please get the dogs upstairs. The dogs went with her reluctantly and only after being bribed by treats. I turned the sofa over hoping the captive would run back out the open door, but it decided to get under an overstuffed chair instead. I turned that chair over and it got under a pie safe that is filled with china. Needless to say, I could not turn that over. With him safely under another piece of furniture, I decided to turn over the other two chairs in the den, and I got down on my stomach so I could see the critter and punched it in the butt with a broom. Out it ran. I couldn't see where it went, but the door was still open and he was not to be seen. I went to close the door and noticed that the bathroom door was open. Right, it had gotten behind the porcelain throne.

I went and opened both sides of the French doors and shoved the sofa to a spot to make a chute to guide the terrified rodent to the open doors and freedom. I outflanked it in the bathroom and poked it with the broom again, and out of the bathroom he ran. I couldn't see where Punxsutawney Phil went but Kay was standing at the bottom of the stairs looking amused. "It escaped," she said. So, I spent the next 30 minutes turning furniture upright and putting things back in order. That was the most exercise I have gotten on a Saturday morning in a long time and the most excitement we have had around the Steen household since I caught the fence on fire.



2012 NCACC Conference

July 29, 2012 - August 3, 2012

Charleston, SC



THE MILLS HOUSE
HOTEL



We were informed recently by the Mills Hotel, our conference venue in Charleston, SC next summer, that Charleston will be hosting a PGA golf tournament during the same week in August that we planned to be there. The conference is currently scheduled for August 5-10, 2012. Because it's not a large city and has trouble absorbing that many guests, they suggested we consider moving the conference up to the week prior: July 29, 2012 - August 3, 2012.

The executive committee has considered the suggestion and has voted to make the change. The 2012 conference dates will be Sunday, July 29, 2012 through Friday, August 3, 2012 (with an executive committee meeting on Saturday, July 28, 2012). The main reason is that we anticipate great difficulty getting into restaurants and sightseeing venues due to the tournament influx. We might also have trouble accessing our chosen event venues. Although the change is unusual and inconvenient, we were able to negotiate some significant concessions from the hotel. Our room rate has been reduced from the federal per diem (which in 2012 will be \$137) to \$125. In addition, we will receive a rebate on our food and beverage bill based on the number of rooms sold that could exceed \$6,000.

The executive committee sincerely hopes this does not greatly inconvenience anyone who may already have planned their leave for next summer. We hope that 10+ months' advance notice will avoid most problems of that nature.

Please feel free to give me your thoughts about the change.
Marilyn May, President

Welcome New Members !

Mark Neary joined the New Jersey Supreme Court Clerk's Office in 1991 as a staff attorney and became a court executive in 2001.

Immediately prior to joining the Judiciary, Mark was an attorney at the New Jersey Casino Control Commission. For a short period before that he was in private practice.

Mark received his bachelor's degree from Princeton University and his law degree, with honors, from Rutgers School of Law - Newark.



William "Kevin" Stinson, Assistant Clerk Administrator managed the California Court of Appeal, Fourth District, Division 3, for five years. Prior to that, he worked in administrative and executive level positions in trial courts since 1986.

Kevin received his B.A. in Law and Society at the University of California at Santa Barbara, M.P.A. at the University of Southern California and is a certified specialist in Judicial Administration. Kevin enjoys fishing, hiking, camping, traveling, and teaching.

All in the Family



One of our new members, Carolyn Taft Grosboll, who is the Clerk of the Illinois Supreme Court, has a very interesting story. Her father, Justin Taft, Jr., was the last elected Clerk for the Illinois Supreme Court and served from 1969 to 1975. In 1970 the Illinois Constitution was amended to make the Clerk position

an appointive position by the Supreme Court. When her father's term was completed, the court determined the Clerk should be a licensed attorney. Her dad was not an attorney, thus was not eligible for appointment. Carolyn said, "My father's experience as Clerk taught me a great respect for the court and influenced my decision to go to law school. I never dreamed I would have the opportunity to serve as clerk."

We are glad you did.



Leadership

Address by Rear Admiral Jim McPherson

Thirty-Eight Annual Meeting

Anapolis, Maryland

August 4th, 2011

Thank you Bill for that very kind introduction. You know, you can generally determine a speaker's age by the length of the introduction...that was much too long!

What a terrific event and outstanding conference you are having this week. I am both humbled and honored that you asked this poor country lawyer to speak to you this evening. Thank you to our hosts and, of course, to my old friend, shipmate, and several times my boss, Bill DeCicco, your President (at least for a few more moments) and Clerk of the United States Court of Appeals for the Armed Forces. Having had the tremendous privilege of working for and serving with Bill in the Navy, I of course have a sizeable quantity of "war stories" featuring Bill in various starring roles. However, owing to the desire for brevity in my remarks this evening and the fact that Bill will get the last word, I will refrain – at least until we change venue to the hospitality suite later this evening.

When Bill called me and offered me the privilege of speaking to you this evening, I was both flattered and a little intimidated. When I asked him what he thought I should talk about, he quickly responded, "Talk about leadership." Well, as Clerks of your appellate courts, you do leadership every day. Attempting to give you new insights and new wisdom about leadership seemed the height of arrogance. So that is not my purpose this evening. What I would really like to do is share with you a few ideas and examples that I picked up during my career in which I enjoyed a ring-side seat watching some of the military's great leaders practice leadership. My hope is that I will inadvertently uncover at least one nugget that you can take with you back to your office.

Let me begin with both a disclaimer and what I believe to be a truism – I have never served as Clerk of an appellate court, or any court for that matter. However, I have walked in your shoes in that I have had the privilege on a few occasions of leading a staff. What I came to realize was this truth – the most important task I performed every day, the most important task you perform every day as

a Clerk of an appellate court, is to lead the men and women of your office. Pause with me and give this some thought - Your most important task is not to manage your court and its caseload. While that might be the very first bullet in your position description, it is not the most important thing you do. The most important thing you do every day is to lead. If that is true, and I firmly believe it is, then your duties are less about managing things and more about leading your people, whether you have a staff of dozens or even hundreds or just an assistant or two. Given that construct, you must become a student of leadership. Study, read books, watch others, learn all you can.....become a student of leadership.

So, what is leadership? Can it be defined or do you know it when you see it?

As I said earlier, during my Naval career I was privileged to witness some history being made but more importantly I had the opportunity to watch some great leaders practice the art, the skills of leadership. I do believe I received a graduate degree in leadership on the bridge of an aircraft carrier, the USS Theodore Roosevelt, where I lived and worked for a couple of years.

What really is the difference between managing and leading? There are bumper sticker slogans such as:

Lead people – manage things.
Management is science, leadership is art.

I found a very simple and concise definition of leadership that I like a lot. It was penned by James MacGregor Burns in his text book entitled simply *Leadership*. I highly recommend the book.

Burns defines leadership like this: "Leadership is influencing others to act for goals that reflect the values and motivations of both the leaders and followers."

With that as our touchstone – and we will come back to it - let me share what I believe are four essential characteristics of a leader:

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Leaders must know their people.

Get to know your people. Often called “leadership by walking around”.

A good friend of mine was the Captain of a guided missile destroyer home ported in Norfolk, Virginia. He had a crew of about 380 officers and sailors. One day, he invited me to lunch on his ship to eat in the wardroom with his officers. I arrived early and he was taking me around the ship when we arrived at the fantail and observed a young sailor fishing. The Captain asked him if he was having any luck. He responded that he wasn't. The Captain then asked him how his son (and he called him by his name) did in the Little League game over the weekend. The sailor's eyes lit-up as he described the hits and runs his son scored. The Captain then commented that the win meant they were going to the championship game next. The sailor said they were and the Captain asked him to wish his son good luck. I was struck by how much he knew about the sailor's family. I asked him about it later and he showed me a very thick three-ringed binder. I opened it and on every page there was a photo of each sailor of the crew along with a detailed biography and information about the sailor's family. He then shared with me that he spends at least 30 minutes of every day updating and studying the binder so he could know his crew. He knew his people.

A leader is a person with “people skills.” To some it comes naturally, some have to work at it but it can be learned. A person with no people skills is called a technician.....no one in this room this evening is a technician.

Know what motivates your people. What inspires them?

For those who have younger folks working for you - what motivates their generation? It is not what motivates you.

Yesterday I had the opportunity to interview a young man who was applying for a job on our support staff. He recently graduated from college and this was his first post-college job. I asked him why he decided to apply for this position. He responded that he read the position description and researched our organization and concluded that this was a job where he could make a difference. He was not motivated by money, power, or prestige. He was motivated by the desire to make a difference.

Learn the power of persuasion. Know the value of making requests as opposed to issuing orders. Next time one of your staff comes into your office with a decision that needs to be made, respond with, “What do you recommend?” Word will get around quickly that if you go into

the boss with a problem, issue, or need a decision, you better have a recommendation. But word will also get around quickly that you value your people's ideas and positions. If your decision is not what they recommended, explain why. Practice a “what do you recommend” style.

How does a good leader provide correction to those he or she leads? Let me share with you my story of the worst chewing out I ever received.

While assigned to the Theodore Roosevelt, my office sent a set of documents to our superior command, our boss, that were all wrong. I mean major errors in the entire package. While my folks prepared the package and made the mistakes, I was responsible for reviewing and releasing it – and I failed. About three days later we were at sea off the Virginia coast and it was a Sunday morning. We weren't flying yet and it was a very quiet morning. I was at Sunday services when the public announcing system on the ship announced “Legal Officer-Lay to the Bridge”. I was being called up to see the Captain and I had no idea why. I slipped out and started the climb up ten flights of stairs to the Bridge. About halfway up, one of my guys stopped me and showed me a message the ship had just received. It was from our boss and detailed all the many errors in that package I had sent. As I arrived on the Bridge, I approached the Captain who was seated in his chair on the port wing of the Bridge. I paused as was the custom until he turned to address me. It seemed like an eternity standing there but it was probably only a few seconds. As he turned in his chair, I saw that a copy of that same message my petty officer had just showed me was on his fold-down desk top with his hand resting upon it. He spoke in a whisper and I had to lean into him to hear. This man who commanded the most powerful ship in the world, whose decisions could alter the course of our country, who led over 5,000 people simply said, “You will never know the depth of my disappointment.” He knew me and he knew that a raised voice, profanity-laced chewing, for I had heard him deliver those on many occasions, would not motivate me as much as those softly spoken words. I gathered myself and said, “Yes sir. I will get it fixed and it will never happen again.” He responded, “Good, then we need never discuss this matter again.” He then crumpled the message and threw it away.

Leaders know their people.

A Leader is a Person of Character

No, I didn't say “a character” – a person of character. Honesty – Integrity – Reliability – Ethics.

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Lapses in character in a leader have far-reaching implications for the organization. Such lapses lead to alienation, a dysfunctional team, and destruction. Think of trust in a leader in very personal terms – Your people must be able to trust you!

Another truism - you are watched constantly. What you do is more important than what you say. Pay attention to the subtleties and nuances. How you spend your time speaks volumes and sends a loud message to your people.

Most crises in leadership result from personal desires becoming more important than moral responsibility. You must be able to take a very critical look at yourself often.

When I became the Judge Advocate General of the Navy, the Secretary of the Navy, Gordon England, my boss, gave me some very valuable words of advice. Mr. England was a very successful businessman having retired as the CEO of Lockheed. He was Secretary of the Navy twice, the first Deputy Secretary of DHS, and Deputy Secretary of Defense. Here is what he told me:

- ♦ Be forthright, honest and direct with every person and in every circumstance;
- ♦ Make ethical standards more important than legal requirements.

A leader is a person of character.

Leaders Define the Vision.

Let's return to Burns' definition – "Influencing others to act for goals that represent the values and motivation of both the leader and followers."

Values plus motivation equals the vision. You capture and define the vision for your office. Let me give you an example.

The mission of the National Association of Attorneys General is:

- ♦ To facilitate the interaction among attorneys general as peers;
- ♦ To facilitate the enhanced performance of attorneys general and their staffs; and,
- ♦ To foster an environment of cooperative leadership.

I didn't create that mission statement, I inherited it. But

it is the vision for NAAG. It is up to me as the Executive Director to define what those words mean and to put them into action for my staff. I frequently remind the staff of that mission, point out to them how they achieve it, and compliment them for achieving it.

When you get back to your office, find your mission statement. If you don't have one – make one. And then implement it every day.

Leaders define the vision.

Leaders Communicate

This is can be a difficult one. We are all well-educated, experienced professionals with careers that require us to communicate. Our written word and our oratory define us. Every one of us is a gifted communicator.....well, not so fast.

Let me suggest the standard –

Leaders describe complex issues and problems so that every person in the organization can understand. Leaders give clear, concise direction to the organization based upon the vision. Some of us have had to work on our communication skills, both written and oral. This is again one of those critical self-assessment things.

Let me offer a great example from our history – Abraham Lincoln and the Gettysburg Address.

Lincoln was known as "the great communicator" even before Ronald Reagan. He was very articulate in both written and spoken word. He had years and years of practice.

On November 19, 1863, the ceremony was held to dedicate the battlefield at Gettysburg. The keynote address was delivered by Edward Everett, a renowned public speaker and politician – a former Congressman, Senator, and Governor. And by the way, he was 30 minutes late to the ceremony. His speech took over two hours to deliver. Can anyone recall anything he said?

Following that, the President took the podium to deliver "brief, closing remarks". Contrary to the urban myth, he had worked on the speech, writing, rewriting, and editing it. It took just over two minutes to deliver those ten sentences and yet its place in history is forever etched in monument stone and in the very fabric of our country. Stand in the great marble hall of the Lincoln Memorial on



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the mall in Washington and watch countless people, young, old, black brown, white, read those simple words which were first spoken almost one hundred and fifty years ago and many have tears rolling down their cheeks.

A gifted communicator, you bet. But Lincoln also worked very hard at the skills he employed in communicating.

Beyond the words, the model is both brilliant in its simplicity and powerful in its structure. That model has been used countless times with tremendous success. The model is three parts to an inspiring/motivational speech:

Reference to the past...

“Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”

Relate to the present....

“Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived and so dedicated can long endure.”

Link to the future.....

“It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth for freedom – and that government of the people, by the people, for the people, shall not perish from the earth.”

Next time you have the opportunity, Google the speech, look at that model – reference to the past, relate to the

present, link to the future - it truly is a guide in effective, persuasive, inspiring communication.

Leaders Communicate.

There are four characteristics of a leader:

- ♦ Know your people
- ♦ Be a person of character
- ♦ Define the vision
- ♦ Communicate

Let me close with this thought. It is not original but learned from one of the Navy’s great leaders. A former Chief of Naval Operations who urged his officers to embrace the concept of “covenant leadership”. It is a style of leadership defined by an exchange of promises.

You ask your staff to dedicate themselves to the mission of your organization. In exchange for their dedication, you are committed to the personal and professional growth of your men and women. The practical result is that your people accomplish the job of your office. They manage the court and caseload. They ensure the effective and efficient delivery of justice. You, as a leader, commit yourself to always working for them – working to ensure their personal and professional growth. Creating an atmosphere, a working environment, which gives them the opportunity, grow, excel, and yes, to make a difference.

You have been a very gracious audience. Thank you.



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An Officer and a Supreme Court Clerk

Retired Gen. William Suter salutes 20 years with the court

By Richard Brust, American Bar Association Journal
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Asking someone about Elvis Presley is likely to elicit memories of the 1950s, “Hound Dog” and “Heartbreak Hotel.” Ask about famed basketball star Elgin Baylor and a person might remember cheering for the Los Angeles Lakers.

But ask U.S. Supreme Court Clerk William K.

Suter, and he’ll regale you with stories about hanging out with Presley in the Army, or going one-on-one against Baylor at an all-star basketball game.

“I made 17 points in that game,” Suter says with a laugh. It was at a 1959 charity game after Suter graduated from San Antonio’s Trinity University, where he played on the college varsity.

As for the King, Presley was at Fort Hood, Texas, in 1958 when Suter was doing Reserve Officers’ Training Corps duty.

“Elvis was training in the next barracks,” says Suter, who has a photo of himself and Presley in his office. “He was a good soldier. We all palled around some. They let him live off the post, but he was driven in [each] morning with Col. Parker in the car,” says Suter, referring to Presley’s manager, Tom Parker. “But the soldiers of his company loved him.”

After a career in the U.S. Army, leaving as acting judge advocate general with the rank of major general, and two decades as Supreme Court clerk, Baylor and Presley are only two of the famous folks Suter has come to know. Also on the list are former U.S. Secretary of State Colin Powell, with whom Suter served as staff judge advocate in the 101st Airborne Division, and other Defense Department and military leaders, as well as two chief justices, 14 associate justices and a list of renowned appellate lawyers.

That’s a considerable roster, yet Suter calmly focuses on the bottom line: “If you get up every morning and enjoy the work, you really have success,” says the 73-year-old Kentucky native.

On Feb. 1, Suter celebrated his 20th year as clerk, the 19th in the court’s history. The clerk manages the court’s docket and calendar, coordinates the compiling of briefs and certiorari petitions, and organizes all the rest of the court’s heavy paperwork demands.

As an officer of the court, Suter appears in a morning coat when the court is in session and sits to the left of the bench. He swears in attorneys to the Supreme Court bar, and he and his staff guide newbies facing their first high court argument through the system, preparing them and attending to their needs on argument day.

Suter describes himself as the “conduit” among the court, lawyers, litigants and the public.

“He is the clerk at the court,” says retired Justice Sandra Day O’Connor, who calls herself an enthusiastic fan. “It’s a hard job. He is the court’s interface with the public and with lawyers.”

“He’s an ambassador to the court,” says Supreme Court litigator Tom Goldstein of Goldstein, Howe & Russell in Bethesda, Md. “He carries himself like a real general. Dealing with other clerk’s offices is sometimes impossible, but his place runs like no other office in the world.”

MISSION-ORIENTED

During Suter’s two decades in the office, he has witnessed a revolution in technology and some of the most controversial decisions the court has delivered.

Take 2000’s Bush v. Gore. Suter was called in on short notice, but when he got to the courthouse, others had joined him and were pitching in at the clerk’s office.

“I got a call and got back up here wearing blue jeans and a sweatshirt,” Suter says of the collective effort. “But others called and they asked to come up [too].”

Goldstein recalls one amusing incident. The case was so rushed that lawyers were meeting in the clerk’s office and there was a knock on the door.

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“Someone said, ‘Gen. Suter, we’ve got Geraldo Rivera here and he says you promised him a seat in the clerk’s office,’ ” Goldstein says. “Along with everything else, that was unusual.”

“People here are mission-oriented,” Suter says. “It’s like the Army.”

He says that with pride. Until President George H.W. Bush appointed him clerk in 1991, the Army was Suter’s home. After graduating from Tulane University Law School in New Orleans, Suter entered the Army’s graduate law program at the University of Virginia, beginning a career that would send him all over the world.

His first stop was Alaska, trying felony cases, teaching business law at the University of Alaska, and becoming a ski expert.

His JAG work eventually took him to Thailand and to Vietnam in the early 1970s. With his wife and two sons based in Bangkok, Suter was a legal officer stationed at a camp near Saigon. He worked on cases involving assaults, murder and larceny. Many cases involved the sale of drugs. The Department of Defense “tried to get kids off drugs,” Suter says. “A lot of them used drugs before they went to Vietnam.”

Combat law practice was perilous. “You never knew where combat was,” he says. “If you were out wandering you could catch a round.” A lot of the work required quick travel. “If you waited around two months to try a case, witnesses went back to the States, so you had to work very hard to get witnesses,” Suter says. “All over there were helicopters. They were like taxicabs. You could pretty easily fly one place or another in a Huey, try a case and be back at night. ... They were not your garden-variety cases.”

His Vietnam service earned him a Bronze Star and Distinguished Service Medal. And among the lessons he learned was leadership. “You learn to look up to yourself,” he says.

After returning from Southeast Asia, Suter worked in the Pentagon and as staff judge advocate of the 101st Airborne Division in Fort Campbell, Ky. From 1980 to 1984 he served as commandant at the Judge Advocate General’s School and later became chief judge of what is now known as the Court of Criminal Appeals.

FIRST CIVILIAN INTERVIEW

As acting Army Judge Advocate General, Suter was considering retirement in 1990, when a notice for a new clerk at the Supreme Court came up. Just one drawback, Suter says: Being in the Army his entire career, he never had to apply outside for a job

“So I put on my new Nordstrom suit,” he recalls, and was interviewed by Justices O’Connor, Anthony M. Kennedy and Antonin Scalia. O’Connor’s husband, John J. O’Connor, a former Army JAG officer himself, called the next day. Suter was offered the job.

The clerk’s office has a staff of 32 and processes 8,000 cert petitions a year. About 2,000 are filed by lawyers, and 6,000 are in forma pauperis. Half of those are pro se. “We make it as easy as we can to get people to file cases here,” Suter says.

Suter makes sure each lawyer understands court procedures. As part of preparation on argument day, he or a staff member accompanies attorneys to the lawyers’ lounge to allow them to prepare. He deals cough drops as needed. “Once you see someone else do it you have a feeling” you can argue, too. He has witnessed about 1,300 arguments.

“There are three secrets to appellate court advocacy,” Suter says. “Preparation, preparation and preparation.”

Among the changes Suter has overseen has been the technological revolution. “It’s a light-year of difference” from the paper system, he says.

The docket is electronic and the court website provides argument transcripts and copies of opinions. “There used to be people who had to come by here and copy a page at 10 cents each,” Suter says. There were three Xerox machines in use all the time, he says. “Now we have one and outsiders use it.”

Suter deals most frequently with the chief justice, or the junior justice, who carries over the notes from the justices’ conference. Justice Stephen G. Breyer was doing that job for more than 11 years. “He got good at it,” says Suter.

And although he admires all the justices with whom he has worked, Suter admits his favorite was Justice Lewis F. Powell, who was in retirement when Suter began his job.

“He was the perfect Southern gentleman,” says Suter. “He was so unselfish. He joined the Army in World War II, even though he was not drafted.”

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His Army rank occasionally slips in when people address him, but Suter does remember the first justice to call him “general.”

When introduced to Justice Byron R. White, he “shook your hand like it was a football,” says Suter about the justice who was once a professional player. Suter recalls White saying he had never worked with a general before. “ ‘I’ll call you general. You’re a general to me.’ ”



PLEASE NOTE CHANGE IN DATES FOR THE 2012 CONFERENCE!

Please mark your calendar for next year's NCACC annual conference in Charleston, South Carolina. The dates of the conference will be Sunday, July 29, through Friday, August 3, 2012. The conference will be held at the Mills House Hotel which is located in the heart of the historic district near the Market. The hotel is literally surrounded by historic buildings and great restaurants, and is only a short walk from the battery and mansions adjacent to the harbor. I look forward to seeing you in Charleston!

Dan Shearouse
Host



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