



# THE DOCKET

News of the National Conference of Appellate Court Clerks

## Charleston Awaits!

Dan Shearouse (SC)

The 39th Annual Conference of the NCACC will be held from July 29, 2012 through August 3, 2012 in Charleston, South Carolina. The City of Charleston, which is also known as the "Holy City" due to the prominence of church steeples which dot her sky line, was founded in 1670 and has the motto of "aedes mores juraque curat" (she cares for her temples, customs, and rights).

The Mills House, our hotel for the conference, first opened in 1853 and is located at 115 Meeting Street in the heart of the historic district. [www.millshouse.com](http://www.millshouse.com)

The room rate will be \$125 per night and room reservations must be made by July 3, 2012. You may make reservations now by calling 800-874-9600. Be sure to mention that this is the NCACC group rate and the hotel suggests that you call Monday thru Friday from 9 a.m. to 5 p.m. Eastern time to get the local hotel staff who

can better assist you with any special needs that you may have. While the hotel has valet parking, the hotel is connected to a public parking garage.



The Charleston International Airport (I don't know where the "International" came from) is about a 13 mile drive from our hotel, and it is serviced by American Eagle, Continental, Delta, United Express, US Airways, and Southwest. The airport's website, [www.chs-airport.com](http://www.chs-airport.com), contains information about flight schedules, car rentals and other ground transportation.



As usual, our social events will begin on Sunday evening with a reception hosted by BNA and this reception is always a wonderful occasion for us to make and renew our friendships. On Monday, Lexis-Nexis will sponsor a catered event at the South Carolina Aquarium. <http://scaquarium.org> The Aquarium, which has spectacular views of the Charleston harbor, has a truly amazing display of fish,

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**2012 NCACC Conference  
July 29, 2012 - August 3, 2012**

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Our mode of transportation to visit Fort Sumter !



## THE DOCKET

News of the  
National Conference of Appellate Court Clerks

President	Marilyn May (AK)
President Elect	Rory Perry (WV)
Vice-President	Deena Fawcett (CA)
Immed. Past President	Bill DeCicco (DC)
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	Blake Hawthorne ((TX)
	Rachelle Resnick (AZ)
	Kevin Lane (CA)

### Publication Committee

Leslie W. Steen (AR) Chair and Editor	(501) 682-6849 les.steen@arkansas.gov
Brenda Stephens (LA) Assistant Editor	bstephens@la2nd.org
Judy Pacheco (WY)	jpacheco@courts.state.wy.us
Rory Perry (WV)	rory.perry@courts.wv.gov
Lillian Richie (LA)	lrichie@la2nd.org
Joseph Stanton (MA)	joseph.stanton@appct.state.maa.us
Patricia Harrington (VA)	pharrington@courts.state.va.us
Paula Garcia (CA)	paula.garcia@jud.ca.gov
Kevin Lane (CA)	kevin.lane@jud.ca.gov



**HELP KEEP US INFORMED!!**

### **To Remit NCACC Membership Dues:**

National Center of State Courts  
300 Newport Avenue  
Williamsburg, VA 23185

# THE PRESIDENT'S PAGE

Marilyn May, (AK)

We often think of the new year as a new beginning, but for the NCACC, it's simply a continuation of the effort that's been going on since August. Our committees have been working on many issues, and preparations are well under-way for the next conference in Charleston, South Carolina.

The executive committee met in early November at the Seattle Renaissance Hotel, site of the 2013 conference I will co-host with Tom Hall and Vickie VanLith (FL). The hotel is terrific, with comfortable and attractive rooms and a helpful staff. It is well located for enjoyment of Seattle's attractions. Everyone had a wonderful time in Seattle and all look forward to returning. Thanks to Ron Carpenter for helping with our visit.

We were in Seattle for business, of course. We enjoyed learning what the committees have been doing, and we reviewed recommendations for guideline and bylaw changes. You'll be voting on the suggested bylaws changes at the conference in August. The executive committee agreed to change the scholarship committee guidelines so executive and scholarship committee members are eligible for scholarships (an application for a scholarship by a scholarship committee member constitutes a resignation from the committee). I'll take this opportunity to plug the availability of scholarship funds. If funding issues might keep you from going to Charleston, read Ruth Willingham's notice in this Docket about scholarship applications.

The program committee chaired by Colette Bruggman is developing an outstanding educational program for Charleston. Following the Seattle meeting, with executive committee approval, the program committee secured Jennifer Thompson as our Opperman Speaker for 2012. Ms. Thompson misidentified Ronald Cotton as her rapist. He was convicted and was freed 11 years later on DNA evidence. The two became friends and speak on the inaccuracy of eyewitness testimony and the power of forgiveness. They wrote a book called "Picking Cotton." This will be a powerful as well as educational session. In an effort to expand the reach of our educational program, this session and another on the use of iPads by the court will be videotaped and archived on our website.

Elsewhere in this issue, Charleston host Dan Shearouse describes the educational program as well as the wonderful social events planned for this summer's conference. I'm sure he'll mention this, but remember that the 2012 conference dates have changed! In order to avoid sharing the town with a huge PGA golf tournament, we moved the

conference up a week, to July 29 - August 3. Our conference hotel, the Mills House, is gorgeous and centrally located. It is even historic – General Robert E. Lee and Theodore Roosevelt stayed there. (It's also historic as the site of the 1989 NCACC annual conference!) We will be fully immersed in Southern charm.

A few other ongoing items of business include our relationship with now-defunct CATO (the Conference of Appellate Technology Officers). Blake Hawthorne kindly volunteered to research options for resolving the issue of holding CATO funds in our account; we'll take this up at our April meeting in Austin, TX. Also, Susan Clary is working with Linda Caviness of the NCSC to draft a request for grant funds from SJI for website upgrades. We expect to have a grant application ready soon.

I am happy to inform you that Annapolis hosts Bessie Decker and Cynthia Rapp returned over \$10,000 to the conference after paying all expenses. Thank you, Bessie and Cynthia!

Many committees will be doing the bulk of their work in the next few months, in order to present recommendations to the executive committee in April. Others aren't called into action until just before or during the conference in August. But all are fulfilling their functions superbly and we thank you for your work. It's never too late to sign up for a committee. If you wish to do so, call me and we'll chat about what might work for you.

Finally, many thanks to Les Steen, Brenda Stephens, and the members of the Publication Committee, who do such a fine job bringing us the Docket. As Les likes to point out, it's always on time and under budget! It's such an important tool for keeping in touch and in the know. If you'd like to write an article, please contact Les.

Have a happy and fulfilling 2012!







## Facts, Fiction, and Foolishness

Les Steen (AR)

Faithful readers will attest this column usually delves into foolishness. For those of you who question any redeeming social value of our ventures, we have decided to show our versatility and provide some factual information that will enlighten you and provide trivia information that will impress your friends. Hang on.

The U.S. standard railroad gauge (the distance between the rails for those of you who are not familiar with the term) is four feet, 8.5 inches. This is an exceedingly odd number.

Why was that gauge used? Let us explain.

Because that is the way they built them in England, and English expatriates build the first U.S. railroads. Why did the English build them like this? Let us explain. Because the first rail lines were built by the same people who built the pre-railroad trams and that is the gauge they used.

Why did “they” use that gauge then? Because the people who built the tramways used the same jigs and tools that they used for building wagons, which used the same wheel spacing.

Okay?? Why did the wagons have that particularly odd wheel spacing? Because if they tried to use any other spacing, the wagon wheels would break on some of the old long distance roads in England because of the spacing of the wheel ruts.

So, who built those rutted roads? Imperial Rome built the first long distance roads in Europe (and England) for their legions. The roads have been used ever since.



And, the ruts in the roads? Roman war chariots formed the original ruts which everyone else had to match for fear of destroying their wagon wheels. Because the chariots were made for Imperial Rome, they were all alike in the wheel spacing. The United States railroad gauge of four feet, 8.5 inches is derived from the original specifications for the Imperial Roman war chariots. And bureaucracies live forever - as does this column.

So the next time you are handed a specification and wonder what horse’s ass came up with it, you may be exactly right, because the Roman war chariots were made just wide enough to accommodate the rear ends of two war horses.

Now, the twist to the story . . . when you see a space shuttle on its launch pad, there are two big booster rockets attached to the sides of the main fuel tanks. These are solid rocket boosters, or SRBs. The SRBs are made by Thiokol in Utah. The engineers who designed the SRBs would have preferred to have made them a little fatter, but the SRBs had to be shipped by train from the factory to the launch site - - do you see where this is going? The railroad line from the factory happens to run through a tunnel in the mountains. The SRBs had to fit through that tunnel. The tunnel is slightly wider than the railroad track, and the railroad track, as we know, is about as wide as two horses’ asses.

So, a major space shuttle design feature of what is arguably the world’s most advanced form of transportation was determined over two thousand years ago by the width of a horse’s ass. And, this column will endure by the width of this horse’s ass.

Happy trails!!



# Leading Through Economic Uncertainty

Submitted on behalf of the NCACC Public Relations Committee by:

Kevin J. Lane, Asst. Clerk Administrator, California Court of Appeal, Chair; and Committee Members Rachelle M. Resnick, Clerk of Court, Arizona Supreme Court and Karen Reid Bramblett, Prothonotary, Superior Court of Pennsylvania.



The Clerk of the Appellate Courts in Alaska, Marilyn May, not only has the busy schedule of managing the day to day issues of her own court but she also keeps track of the big picture as President of the National Conference of Appellate Court Clerks. During these times of economic uncertainty the way the goals of the conference are accomplished are being examined in new and exciting ways.

For nearly 40 years, the National Conference of Appellate Court clerks has served as a forum for appellate court clerks to exchange ideas, promote efficiencies and share in opportunities. With over 200 members throughout the country providing education, exchanging ideas and promoting the latest in modern court management remains a top priority. With the additional challenges courts are facing we have a terrific leader in Marilyn May to help guide us through these difficult times to ensure a modern, independent, impartial and accountable judiciary.

With a Bachelor's and Master's degree in German from the University of Northern Iowa, Marilyn went on to obtain her J.D. from the University of Minnesota Law School. Continuing her trek north, her next stop was Alaska. There she was in private practice, followed by ten years as an Assistant Attorney General. In 1998 she was appointed Clerk of the Appellate Courts and immediately joined the NCACC. She has found the camaraderie and educational opportunities available through this group have clearly enhanced her ability to serve her court. One of her best memories was hosting the annual conference in Anchorage in 2004.

Inheriting the leadership reins presents many challenges and many opportunities for the conference. One of the major challenges is how to connect such a geographically diverse group of people as individual court funding is being reduced to bare essentials. Understanding the importance of the interconnection among the clerks, our membership is what makes us great. We are now undertaking plans to encourage tribal and Canadian appellate courts to join our conference and gain from the experiences that they have.

Technology will also play an important role in how we communicate with each other. Understanding that travel restrictions have been placed on courts and that not all members are able to attend the annual conference, Marilyn has directed the Program and Technology committees to enhance the way we communicate our educational materials. To that end, this year will mark the first time that select educational programs will be recorded and made available to members on the NCACC website, and all written conference materials will be posted on the website for use by members who are unable to attend the annual meeting. Discussion of enhancing the website is underway and we are looking to provide a resource for members in a variety of areas such as educational recordings, survey results, white paper repositories and the latest information regarding the conference.

In addition to directing the multiple committees to enhance the benefits of the NCACC, Marilyn has also undertaken the privilege of co-hosting with Tom Hall and Vickie VanLith (FL) the 2013 Annual Conference in Seattle. The planning is well underway and this conference is one you won't want to miss. With all of these exciting changes happening with the conference Marilyn still remains someone that you can easily call to offer suggestions on ways to improve the conference even more. Working together we can truly continue to make this conference the single most significant resource for appellate clerks in the country.

## 2015 Conference

The Site Selection Committee is looking for a host for the 2015 Conference. If you are interested in this opportunity to invite your fellow clerks to your home town, please contact me, Vickie Van Lith at 850-922-5215 or by email: [VanLithV@flcourts.org](mailto:VanLithV@flcourts.org).



# Members on the Move!

Our friend and colleague, **Judy Pacheco**, will be retiring as Clerk of the Wyoming Supreme Court on February 3, 2012. After working for the Attorney General's Office for six years, Judy began her supreme court employment in 1987. She served as the deputy clerk from 1988 until she was appointed clerk in 1994. She joined the NCACC that year and has been an active and valued member serving on the Executive Committee and several other of the standing committees. Her warm smile, quick wit, friendly nature, and easy laughter will be missed.

Judy's replacement has already been named. Her Chief Deputy Clerk, **Carol Thompson**, will become her successor. Carol began her tenure as deputy clerk in 1994, and Judy and Carol had a two person office until the legislature granted a third full time position in 2006. At that time, she was promoted to chief deputy clerk. Carol has received her B.S. degree in political science from the University of Wyoming and had served as director of elections at the Secretary of State's Office. She will be attending her first annual meeting of the NCACC in Charleston.



**Matt Kiernan** resigned as the Clerk of the Court for the Second Judicial Department, effective November 30, 2011, to take the position of Special Counsel to the new Chief Administrative Judge for the New York State Unified Court System, the Honorable A. Gail Prudenti. Aprilanne Agostino is the new Clerk and we hope to get to meet her soon.

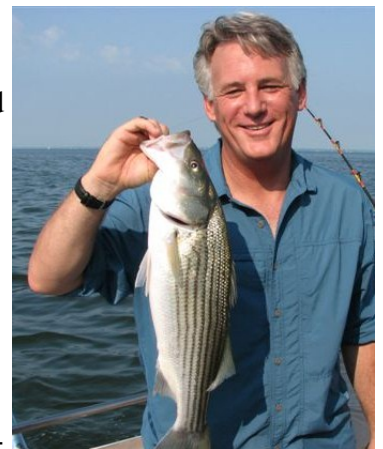
**Lane Mann** retired December 1, 2011, after 21 years as Clerk of the Alabama Court of Criminal Appeals.

## A Big NCACC Welcome to our New Members !

**William "Kevin" Stinson**, Assistant Clerk Administrator, California Court of Appeal, Fourth District, Division Three. Prior to this position, Kevin worked in administrative and executive level positions in trial courts since 1986.

Kevin received a B.A. in Law and Society at the University of California, Santa Barbara; M.P.A. at the University of Southern California, Certified Specialist in Judicial Administration.

Kevin enjoys fishing, hiking, camping, traveling, and teaching.



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

## **NCACC AWARDS COMMITTEE WANTS YOUR NOMINATIONS NOW**

The 2011-2012 Awards Committee wants your nominations for the J.O. Sentell Award and the Morgan Thomas Award. These awards will be presented at the 2012 NCACC Annual Conference to be held in Charleston, South Carolina.

Past recipients of both awards through 2010 are listed in the 2011 NCACC Directory. The 2011 recipient of the J.O. Sentel award was Ed Smith, Clerk of the Montana Supreme Court, and Lisa Hall received the Morgan Thomas award in 2011. A survey made in 1995 of the past recipients of the J. O. Sentell Award indicated that past members felt that some of their best qualities were expressed in these words: love your work, set and achieve goals, be diligent, be committed, demonstrate patience, use sound judgment, be sensitive to your fellow men and women, and give your best. I know that many of the NCACC members I have known since joining the conference demonstrate these qualities so please send your nomination for these two awards to the committee.

The J.O. Sentell Award is given to a member of the NCACC who has contributed substantially to the objectives of the conference, including 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 disseminating information and ideas concerning the operation and improvement of the offices of appellate court clerks.

The Morgan Thomas Award is for recognition of an individual who is not a member of the NCACC and who has made distinguished contributions to enhancing professionalism and supporting the goals of the NCACC as a body and of its members individually.

The Awards Nomination Form should be sent by February 13, 2012 using email, fax or mail to:

Steve Lancaster  
NCACC Awards Committee Chair  
Indiana Court of Appeals  
115 West Washington Street  
Suite 1270, South Tower  
Indianapolis, IN 46204-3419

E-Mail ► [steve.lancaster@courts.in.gov](mailto:steve.lancaster@courts.in.gov)

Fax ► 317 233-4627

### **Awards Committee 2011-2012**

Steve Lancaster, Chair (IN)  
Laura Roy (MO)  
Doug Robelen (VA)

Rachelle Resnick (AZ)  
Joseph Lane (CA)

## **2012 NCACC Scholarship**

If you face financial challenges in obtaining funding to attend the 2012 annual conference, you may be eligible for a scholarship. We understand the financial constraints of our courts at this time and encourage you to seek assistance from the Scholarship Committee

A copy of the application is included on page 11 of this volume of the Docket and posted on the NCACC website. The scholarship selection criteria are detailed in the NCACC Directory. SEE: Committee Operational Guidelines; NCACC Scholarship Committee.

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

Please feel free to contact Ruth Willingham, Scholarship Committee Chair, if you have any questions or concerns regarding applying for a scholarship. [rwillingham@appeals.az.gov](mailto:rwillingham@appeals.az.gov) or (602)542-0264. fgThank you.

# NOMINATION FORM

## Officers and Executive Committee 2012-2013

*The deadline to submit nominations is March 1, 2012*

Office of Vice-President: \_\_\_\_\_  
Presently held by: Deena Fawcett (CA)

Office of Secretary: \_\_\_\_\_  
Presently held by: Sherry Williamson (TX)

Executive Committee Position 1: \_\_\_\_\_  
Presently held by: Lisa Matz (TX)

Executive Committee Position 2: \_\_\_\_\_  
Presently held by: Laura Roy (MO)

Executive Committee Position 3: \_\_\_\_\_  
Presently held by: Kevin Smith (IN)

Your participation in the nominations process is vital to the well-being and growth of the NCACC. The Nominating Committee actively seeks nominations from all members and relies heavily on those nominations in determining the proposed slate of officers. Feel free to submit a partial list of nominations if you do not have suggestions for every position. Consider nominating yourself if you are willing to serve. Your input in this process is appreciated.

Please email nominations to:

**Trish Harrington** at [pharrington@courts.state.va.us](mailto:pharrington@courts.state.va.us)





## Awards Nomination Form

### J. O. SENTELL AWARD

Please make your recommendation below and give your reasons. (If more space is needed, please attach additional page(s).)

I nominate: \_\_\_\_\_ No nomination ☐

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### MORGAN THOMAS AWARD

Please make your recommendation below and give your reasons. (If more space is needed, please attach additional page(s).)

I nominate: \_\_\_\_\_ No nomination ☐

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please return this form by February 13, 2012**

E-MAIL [steve.lancaster@courts.IN.gov](mailto:steve.lancaster@courts.IN.gov)

FAX Steve Lancaster FAX: (317) 233-4627

Mail Steve Lancaster, Administrator  
Court of Appeals of Indiana  
115 West Washington St., Suite 1270  
Indianapolis, IN 46204-3419

(Continued from page 1)

reptiles, and plants (plus a few birds and mammals thrown in for good measure) that are indigenous to South Carolina from its mountains to its seashore. On Tuesday, West will host a cruise of the Charleston harbor. This cruise will begin with a one hour, after-hours guided tour of Fort Sumter ([www.nps.gov/fosu/index.htm](http://www.nps.gov/fosu/index.htm)), followed by food, drink and fellowship on board the ship.

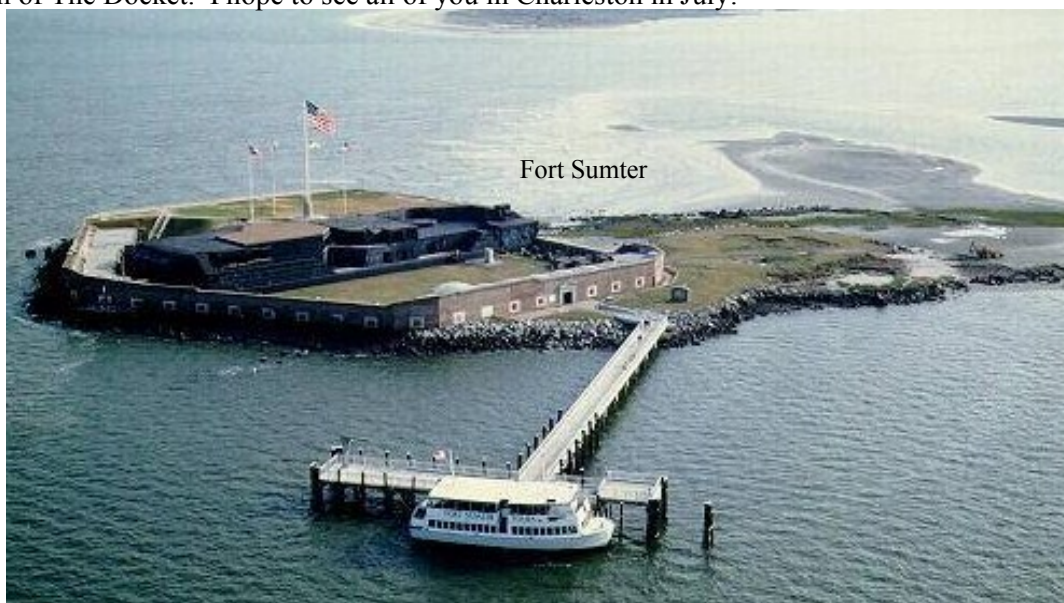
On Sunday, our education program will begin with a session based on the New York Times Bestseller “Picking Cotton,” the powerful story of eyewitness evidence. As stated by the author's publicist: “With a story that is both heartbreaking and uplifting, Jennifer Thompson touches the hearts of audiences nationwide. By examining choices, consequences and ultimately, forgiveness, she demonstrates the true nature of the human spirit and shows how one person can make a difference. Thompson's story is one of overcoming adversity, personal resilience and learning to live again. She serves as an example that we are all capable of change, no matter how dire the circumstances. Audiences of all types benefit from her powerful message and learn how to think differently in order to achieve improbable outcomes.” Jennifer will also join us for a Q & A and a book signing for those interested.

On Monday, we will explore issues in archiving, living in a paper on demand judiciary, and court funding. On Tuesday, the program will have topics on court security, leadership, and Jason Mayo will return with a program on investigations and documentation. Tuesday will also include a fascinating program from Lisa Maria Martinez and Lighthouse for the Blind on accommodating someone with vision loss, and the perennial favorite: What’s Bugging You?

Wednesday is all about technology and will start with a dynamic presentation from Rory Perry and Blake Hawthorne on iPad Technology: Uses and Applications for a Modern Judiciary. The program will continue with the vendor show and showcases, vendor lunch, and a program on access to public records and how Google has changed the way we view public access.

Other programs are yet to be determined, but with our hardworking Program Committee, I’m sure they will be informative and entertaining.

More details of the dinners, fun walk, golf tournament, educational program and other activities will be included in the next edition of The Docket. I hope to see all of you in Charleston in July!



## Scholarship Application

2012 ANNUAL MEETING  
Charleston, South Carolina  
July 29– August 3, 2012



*National Conference of Appellate Court Clerks*

If obtaining funding to attend the annual meeting in Charleston 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 Ruth Willingham, 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, 2012**.

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 29 – AUGUST 3, 2012 IN CHARLESTON, SOUTH CAROLINA. —

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:

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Would your court have funded the attendance of NCACC members from your office to other educational programs during the twelve months immediately preceding the 2012 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: \_\_\_\_\_

# Courts and the Cloud

by: Kevin J. Lane (CA)



There has been significant interest in the Cloud recently so it is a good time to examine exactly what it is and what role it plays in our courts. The Cloud gets its name from drawings of a mythical cloud that is typically used to depict the internet. The main foundation of the Cloud is shared services to reduce costs. Commercially we see the Cloud used for accessing music, video and data content anywhere there is an internet connection rather than on a single computer or device.

At the court level, instead of each court having its own networks, servers, storage and application software, a Cloud service provider can provide all of these services on a pay per use basis.

This device independence provides many benefits while maintaining or enhancing existing computing capabilities. Over the years we have seen the evolution of computing go from mainframes to client-servers to virtualization and now the Cloud. The most influential reason to look at the Cloud at this time is the cost savings. Cloud computing is a pay per use service allowing courts to cut expenses related to equipment and software, as well as the space, power and cooling of these devices. This allows for current capital expenditures to be refocused into operational expenditures. Elasticity of the Cloud is also a significant feature allowing for the upscaling of capabilities on demand when there is a spike in requests as well as quick downsizing when the demand diminishes. Think of the last time a high publicity opinion was released and the increased demand for online access the day or two that followed. With the Cloud, a centralized infrastructure allows courts to obtain additional resources without the costly and timely investment when it is needed and only as long as it is needed.

Despite business and government embracing the Cloud, there are some areas of concern worth investigating before jumping on board. Security experts are still concerned with placing confidential information in a Cloud where the physical servers are likely in foreign countries. Also, management of security is external to the organization where internal and external access to the data may be compromised. Security is also the top concern of the service providers and they are focusing all of their efforts in this area to ensure the success of the Cloud service. Other questions to ask while developing an agreement with a provider is what is the plan should there be a security breach? What is the service providers' disaster recovery and continuity of operations plan and ultimately what is the viability of the provider? If they go out of business, what happens to your data?

Savings from Cloud service utilization have already been realized in the federal government. The GSA has saved \$15 million and the USDA has saved \$20 million by transitioning to the Cloud in this past year. Should courts choose to move in this direction, the move would allow us to greatly reduce cost to access the latest technologies at a reduced cost rather than paying a premium to purchase the technology. Perhaps the uses of the Cloud at this time would best be suited for information that is not confidential. The Cloud can host applications such as accounting, email, voice over IP, data storage and websites. The benefits are many from the infrastructure standpoint, but for users it may be as simple as pulling down a brief to read on an iPad. At this point, drafting and saving an opinion may be cautionary, but as security and encryption develops further the benefits of utilizing the Cloud is the natural evolution of computing. Courts may be well advised to at least be aware of the Cloud and its inherent risks and benefits at this time and as this technology progresses we may find more and more uses for the courts.

