



J.O. Sentell Award

Thomas D. Hall

Clerk of Court, Supreme Court of Florida

By Vickie Van Lith (FL) with thanks to Lisa Hall



One of the more memorable songs from the classic Broadway musical "Oklahoma!" introduces us to "a girl who can't say no." While many might see this as a character flaw, volunteer organizations like NCACC owe much of their success to men and women who exhibit the same lack of restraint. Each year we honor our most outstanding "yes" men or women with the J.O. Sentell Award.

First presented at the 1979 annual meeting, the J. O. Sentell Award was established by the executive council to honor members who have contributed in a substantial way to the objectives of the Conference. This year, that honor goes to Thomas D. Hall, Clerk of the Court of the Supreme Court of Florida.

Upon accepting the award, Hall noted that he promised his wife when he first joined the organization in 2000 that he was "just going to be a member and attend the conference." By 2001 he was taking on responsibility for the annual Morgan Thomas Slide Show. He joined the Executive Committee in 2002, and immediately began working to host the 2005 conference in Key West. He has served continuously on a variety of committees as member and chair, served as Vendor Show Coordinator for the 2006 conference, Program Chair for the 2007 Conference, and as President from 2008 to 2009. His intense involvement came as no surprise to his family. So much for saying no.

"Tom is not capable of doing anything half way – but it's one of the things I admire the most about him," his wife Lisa explained. "I believe my response when he said he wasn't going to get too involved was 'I'll believe it when I see it.'"

"Just a few months after attending my first conference, I found myself at ground zero of the Election 2000 recount - and quickly discovered the value of NCACC," Hall said. "I was new on the job, but not in it alone. I was able to draw from the experience of a whole network of mentors who were ready, willing and able to give sound advice."

Hall credits his involvement to a remarkable bond between the members of NCACC beyond anything he has experienced in other organizations. "My family and I have received far more value from my membership than we can ever return and I am incredibly touched and honored to be singled out for this recognition from my peers."

William Suter, Clerk at the Supreme Court of the United States, had this to say about Hall, "Tom Hall has been a friend and colleague for many years. He is one of the finest judicial administrators in our country. I saw him at his best in December 2000 when his Court and my Court had constant dialogue concerning *Bush v. Gore*. Tom took it all in stride and was absolutely unflappable. He is the epitome of a professional. It is an honor to count him as a friend."

Upon learning of Hall's honor, Chief Justice Ricky Polston said, "This award recognizes that our Clerk of Court, Tom Hall, is a multi-talented, multi-tasker who excels at any work given him. That is why he is a "go-to" person for the Court and the judicial branch as a whole. Tom

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THE DOCKET

News of the National Conference of Appellate Court Clerks

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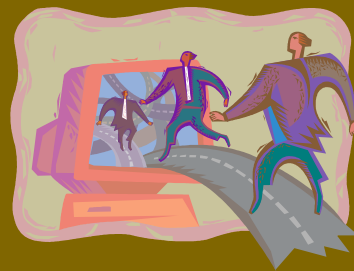
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THE PRESIDENT'S PAGE

Rory Perry (WV)



The NCACC has been a tremendous benefit to me both as a professional and as an individual, and I am honored to be serving as President. This year, our group will hold its Fortieth Annual Meeting. In this age of jaded attitudes about government, I am very proud to be part of a four decade tradition of volunteer service to improve appellate courts. Our organization has consistently provided outstanding educational materials to our members and helped to strengthen professional networks. The vitality of the organization arises from the fact that our members are willing to serve on committees, hold offices, take on special projects, participate in the listserv, and attend the annual meeting.

I am grateful to have had the opportunity to learn from the three preceding presidents, Susan Clary, Bill DeCicco, and Marilyn May. Because of their efforts, the NCACC is financially stable, the membership is no longer restricted to the United States and its territories, and the conference has made educational materials available online. These are all policies that I wish to foster.

This year's conference in Charleston, South Carolina was a marvelous success. Host Dan Shearouse and his staff who were on-site were tireless in their efforts to make everything run smoothly. The opening reception hosted by Bloomberg BNA was a terrific platform for the silent art auction and the Morgan Thomas Slide Show. After a full day of educational sessions, the visit to the South Carolina Aquarium sponsored by LexisNexis was very enjoyable. Dinner was lovely by the water, with many interesting exhibits to see. The next day, after another full day of educational sessions, we enjoyed a Tour of Fort Sumter and a dinner cruise, hosted by West, a Thomson Reuters business. We all remember the superlative job that the park ranger did in teaching us (and in answering Jim Pelzer's questions), followed by a wonderful dinner and tour of Charleston Harbor.

The educational sessions at the conference began this year with a powerful session by Jennifer Thompson, which was videotaped and will be available online in the members-

only section of the website by the time you read this article. Colette Bruggman and the Program Committee did a marvelous job with the entire educational program. Wednesday's vendor show expanded upon last year's use of passbooks, which was very successful. Vendor chair Amy Reitz did a great job organizing that event. If you were unable to attend in person, you can read more about all the educational sessions in this and upcoming issues of *The Docket*.

On a personal note, in Charleston I had the pleasure to meet Ms. Reba Mims, retired Clerk of the South Carolina Court of Appeals. Reba's husband Paul made the gavel that is passed from one NCACC President to another. I told Reba that although I was born in West Virginia, I spent most of my youth in the South, including six years in a small town that Reba categorized as "now that's country." Later in the hospitality suite, when I told her how much I liked boiled peanuts, she smiled and said, "Well I guess you are an honorary southerner."

This year I would like to strengthen our membership, improve the website, and make other small structural improvements that will help the conference continue to function in a self-sustaining manner. I've asked the Strategic Planning Committee to examine the vendor participation levels for the annual conference for possible improvement, and I'm asking the Technology Committee to help prepare for a website redesign. I would encourage everyone to get involved in committee work. It is a terrific way to get to know your colleagues, and the work is quite rewarding. If there is anything I can do help you this year, please email me at rory.perry@courtswv.gov or call me direct at (304) 340-2325.



See Press Release from the West Virginia Supreme Court: http://www.courtswv.gov/public-resources/press/releases/2012-releases/sept12_12.pdf



AUCTION WAS A BIG SUCCESS !

A big "Thank You" goes out to each one of you who donated or purchased an item at the auction in Charleston. The total amount of money raised was \$1,983. As you are aware, this money goes directly into the Education Fund, from which we all benefit. I also want to express my appreciation to Mike Lusk, the NCACC "in-house" auctioneer, for helping with the live auction. I encourage all members to begin to explore the possibilities for your donation at the 2013 conference in Seattle. When everyone participates, more fun is had by all! The money certainly goes for a worthy cause, and it is a great way to give back to our wonderful association. See you in Seattle! Sherry Williamson (TX)

NCACC Elects 2012-2013 Leadership

At the Annual Conference held in Charleston, South Carolina the membership elected new officers and board members.



Rory Perry

President

Rory is the Clerk of the West Virginia Supreme Court of Appeals. He has been involved in many committees within the organization with special interest in bringing the use of technology to the group.



Deena Fawcett

President Elect

Deena is the Clerk/Administrator of the California Court of Appeal, Third District. Deena has been involved in many of the organization's committees and was our 2009 Conference Host.



John T. Olivier

Vice President

John is the Clerk of the Supreme Court of Louisiana in New Orleans. John is the current Chair of the Technology Committee and past member of the Executive Committee.



Irene Bizzoso

Treasurer

Irene is the Prothonotary of the Supreme Court of Pennsylvania. Irene handles the accounting for finances and investments of the organization.



Sherry Williamson

Secretary

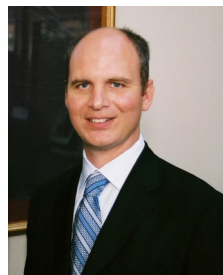
Sherry is the Clerk of the Texas Court of Appeals, Eleventh District. Sherry has served on several committees of the organization and was elected for a second term as secretary.

Executive Committee Members:



Marilyn May (AK)
Past President

Eileen Fox (NH)



Blake Hawthorne (TX)



Kevin Lane (CA)



Tracie Linderman, (NV)



Heather Smith (IN)



Polly Brock (CO)



Facts, Fiction, and Foolishness

Les Steen (AR)

According to the NCACC directory, there are 16 members from the State of Texas. I've known many of them for years - also a lot of their spouses, children, and grandchildren. Some of my best friends in the conference are from the Lone Star State. For the most part these are very nice folks and very active in our organization. I recently discovered "Texas Etiquette" on the internet and I think it explains why these people are so nice and well mannered. We may all learn lessons from these rules.

In general:

1. Never take a beer to a job interview.
2. Always identify people in your yard before shooting at them.
3. It is considered tacky to take a cooler to church.
4. Even if you are certain you are included in the will, it is still rude to drive a U-Haul to the funeral home.

Dating:

1. Always offer to bait your date's hook, especially on the first date.

Theater etiquette:

1. Crying babies should be taken to the lobby and picked up immediately after the movie has ended.
2. Refrain from talking to characters on the screen. Tests have proven they cannot hear you.

Weddings:

1. Livestock is usually a poor choice for a wedding gift.
2. Kissing the bride for more than five seconds may get you shot.
3. For the groom, at least rent a tux. A leisure suit with a cummerbund and a clean bowling shirt create a tacky appearance.
4. Though uncomfortable, say "yes" to shoes and socks on this special occasion.

Driving etiquette:

1. Dim your headlights for approaching vehicles even if the gun is loaded and the deer is in your sight.
2. When approaching a four-way stop, the vehicle with the largest tires does not always have the right of way.
3. Never tow another car with panty hose and duct tape.
4. When sending your wife down the road with a gas can, it is impolite to ask her to bring back beer too.
5. Do not lay rubber while traveling in a funeral procession.

Fortunately, these Texans also seem to have good senses of humor. I think they can handle a ribbing from their neighbor to the northeast. Happy trails and watch out for speed humps.



A street sign in Charleston



Put Seattle in Your Sights!

Join us in Seattle, Washington to celebrate NCACC's 40th anniversary. The conference dates are Sunday, August 3 through Friday, August 9, 2013. Our conference hotel is the Renaissance Seattle Hotel, which is beautifully situated in downtown Seattle, within walking distance of loads of fantastic restaurants, shops, and sights. You'll want to explore the Puget Sound waterfront, Pike Place Market, Pioneer Square, and the Seattle Art Museum, to name just a few. So mark the dates on your calendar! We'll provide more details in coming months.

Marilyn May (AK), Tom Hall and Vickie Van Lith (FL), co-hosts

We Would Love to Visit You In 2016 !

The Site Selection Committee is looking for members to host our Conference in 2016. One of the many benefits of our Conference is the opportunity to visit so many different states in this wonderful country. This invitation to host is open to all members who want to host including past hosts. If you have thought about hosting, now is the time to put in your bid. If you have any questions about submitting a bid proposal, please feel free to contact me. We would love to visit your beautiful state in 2016.

Sandra Skinner, Chair
Site Selection Committee

Welcome New Member!



Brian J. Walls, Assistant Clerk II, Louisiana Court of Appeal, Second Circuit. Brian worked at the district court for 4 1/2 years before coming to the Second Circuit in March, 2009.

Brian is married to Heather Walls and has three children.

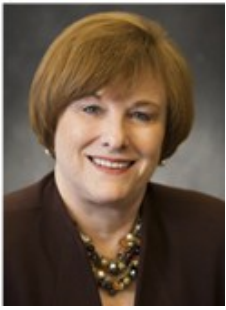
Congratulations!

Pete Fitzgerald, clerk of the Fifth Circuit Court of Appeal in Louisiana has announced his retirement effective December 31, 2012. Pete has been with the Fifth Circuit for thirty years.

No sappy goodbyes for Pete, as he and Tani have their sights on Seattle for the 2013 Conference.

Good luck, Pete, and enjoy life to its fullest!





Crisis in Court Funding

**Mary C. McQueen, President
National Center for State Courts**

By Kristen Brown (PA)

With a gracious Georgia drawl that years as a court administrator in Washington State had not eliminated, Mary C. McQueen, president of the National Center for State Courts since 2004, opened the Monday program with a discussion of the crisis in court funding.

She began her presentation with a brief review of the development of the fiscal issues the courts, trial and appellate, now face. She recognized that in the 1960s, only the appellate courts had state funding; trial courts were locally funded. Disparities in local funding led to wide disparities in services. New Jersey and Kentucky led the trend to provide state funding for all state courts, and thirty states have followed suit.

With the shift in funding came changes in court management and a new set of political concerns. Development of professional court managers and objective standards for determining when additional judgeships were needed illustrate the former. The latter is far more variable, because the change in source of funding shifted the source of power. What local governments once controlled, state legislators now do. Where there is not full state funding, as for example in Pennsylvania, the tension between state and county officials for control of resources is readily observed.

Court funding, mandatory in order to preserve the checks and balances inherent in our tri-partite system of government, is nonetheless a very low percentage of any state budget. Of the amounts allocated to the judiciary, personnel and physical facilities are the primary expenses. The effect of the current economic shortfall on the courts is seen in 47 states where there have been reductions in personnel leading to a reduction in services such as hours of operation and failure to fill vacant positions. More generally, we have seen reduction in access to justice in terms of delay in trial scheduling, closure of special programs, increase in fees and growth of backlogs. Unfortunately, this "hollowing" of the judicial system has not led to

much public outcry, suggesting that the public does not realize the relevancy of the judicial system to government.

NCSC
Est. 1971
National Center for State Courts

The courts must focus on protecting constitutional rights when talking to both the legislatures and the public.

According to Ms. McQueen, the courts have two strategic responses: (1) become more efficient with delivery of increased quality of services and (2) obtain adequate and sustainable funding. To become more efficient and offer more, Ms. McQueen suggested finding new ways to do such things such as improve convenience, reduce cost and complexity, improve access to courts and improve predictability of outcome. Such efforts may require, as they have in a pilot project in Oregon, redesigning services including revision of court rules. Ms. McQueen offered a number of ideas for achieving these goals (not

suggested necessarily for the appellate courts): automating functions; centralizing processes such as filing, money collection and data inquiries; standardizing services with consistent statewide procedures and practices; outsourcing services such as technology and collections; adopting aggressive case management policies such as eliminating oral argument in some types of cases; developing systems for non-lawyers representing themselves that populate forms with answers to questions; and taking advantage of technology so as to make court files more readily available and providing tutorials for non-lawyers representing themselves.

Obtaining adequate and sustainable funding, Ms. McQueen's second suggested strategic response involves identifying ways to reach legislators and the general public. The NCSC has identified certain principles to use to reach various interest groups. To the extent the public thinks government is inefficient, the courts must show how they are not part of the problem. Good budget management is certainly part of this, but the fees the courts receive are not a means of fully funding the courts. There

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Conducting Effective Internal Investigations

**Jason Mayo, Labor & Employee Relations Officer
California Administrative Office of the Courts**

By: Colette M. Bruggman (CA)

Jason Mayo, Labor & Employee Relations Officer with the California Administrative Office of the Courts, made a return appearance after successfully presenting in Annapolis on the ADA Interactive Process. In Charleston this year, Mayo presented a plenary session entitled "Conducting Effective Internal Investigations." After attending Mayo's sessions, members should be able to identify situations when an investigation may be necessary; summarize the steps involved in conducting an effective formal investigation; explain the elements of an investigative report; discuss which parties should receive the results of an investigation; and identify issues that may arise after an investigation is completed.



An employer has a duty to take prompt and effective corrective action when it is "on notice" of inappropriate or unlawful conduct. Notice does not need to be formal, but can simply be a casual conversation or rumor overheard. Complaints must be treated seriously, and in some cases immediate action should be taken, particularly where the court will suffer damage. Immediate action, like placing an employee on administrative leave with pay, should never be taken against the complainant but always the accused. Some complaints may need to be discussed with legal counsel.

According to Mayo, an investigator should be credible, unbiased, have experience or know something about investigations, and have the temperament to perform an investigation. In planning for the investigation, the investigator will want to review the court's policies and create a plan with timelines for performing the investigation. The investigator will want to review relevant documents, such as a written complaint; determine who will be interviewed and structure the order of interviews; create an outline of questions; and determine other sources of evidence such as correspondence, e-mail and phone logs, security data, or physical evidence.

Using the On-line Cambridge dictionary, Mayo defined the word investigate as follows: "to examine, study, or inquire into systematically; search or examine into the particulars of; examine in detail," or "to examine a crime, problem, statement, etc. carefully, especially to discover the truth." Mayo describes the essential elements of an investigation as acting in good faith, providing the accused with notice and an opportunity to respond, reasonably reviewing the evidence in support of and against the claim, and reaching a reasonable conclusion supported by the evidence.

After gathering the evidence, the investigator will weigh the facts; assess the credibility of the parties; conclude whether the conduct more likely than not occurred; and may make policy conclusions. The investigator should avoid making any legal conclusions. The investigator will finish the process with a report of the investigation, which will set forth the process, background, allegations, chronology of events, findings of fact, credibility assessments, conclusions, and attach supporting exhibits.

Why do an investigation? Because, as Mayo states, you don't know what happened. An investigation helps improve the factual basis for decision-making. An investigation will identify problems and can also help to correct problems. An investigation can also prevent morale and productivity issues, or it can help improve morale and productivity. Finally, an investigation can help prevent or mitigate legal claims.

Once the report is finalized, any remedial actions should be implemented and may include training and development and/or policy review and redistribution. A report's findings should not be ignored without appropriate justification. The investigator should communicate the report's findings and follow-up with the complainant. The employer should monitor the workplace and check in with the complainant within three to six months to see how everything is going. According to Mayo, the investigator should also take time

It is extremely important to document the investigative process and to protect the privacy of those involved in the process to the extent possible. The investigator should not guarantee confidentiality because information may need to be disclosed to those persons who have a legitimate business interest in knowing. In performing an investigation, the investigator should be objective and avoid doing a pro forma investigation. The investigator should be consistent, should not cut corners, and should not rush to discipline. Mayo describes these as common mistakes to be avoided.



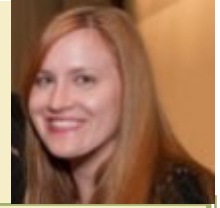
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Things to Think About When Planning an Imaging Project

Tiffany J. Shropshire, Archivist Texas Supreme Court

By: Colette M. Bruggman (CA)



Tiffany Shropshire, an Archivist with the Supreme Court of Texas since 2010 and a new member of NCACC, was called upon to present a program entitled “Things to Think About When Planning an Imaging Project.” Planning is key to a successful Imaging Project, and the first important question to ask is “Should I Digitize?” Part of that analysis is understanding who is benefitting; what the relevant retention periods are; what is the quality of the records to be scanned; what are the equipment requirements; what storage capacity will be needed; will the material go online; can the materials be maintained into the future; and is there staff, money, and time to do the project?

Shropshire described the benefits of digitization as improving accessibility within the court; allowing for integration with a content management system; allowing online posting and increased public access; allowing keyword searching and indexing; reducing the handling of physical documents; and potentially reducing the costs for paper storage. Along with the benefits, the cost of such a project needs to be considered and included in the court’s budget. Aside from budget, other options for funding an Imaging Project could include a vendor agreement, non-profit assistance (e.g., interns), or grant funding from the Bar Foundation, Historical Society, or other Government grants.

Along with budget, Shropshire stresses the importance of considering how the project will be accomplished. Will the project be done in-house? In this analysis, it

Preservation is core responsibility of the Clerk as the keeper of the record, and it must be balanced with accessibility, authenticity, cost, and convenience.

is important to determine the technical requirements of the project; how staff will be trained; what type of scanners are needed; if there is a database software for metadata; what editing software will be needed; what naming convention will be used for the project; who will perform quality assurance checks on the project; and what prep work will be required and how much time will it take. Will a vendor be contracted to do the work? If so, who will provide the software and scanning equipment; will the vendor do the prep work, or will this be done by staff; will it be done offsite or onsite; what is the risk of damage to the originals; what are the technical requirements for the project? Confidentiality and copyright issues must also be considered in the requirements for the project.

As part of the Imaging Project, Shropshire notes that there may be some pitfalls with digital preservation, such as authenticity and chain of custody verification; maintenance and physical decay of the media carrier; obsolescence of the file format, player, hardware, software, and storage medium; and vendor support may cease to exist. Hard drives have rapid obsolescence (5-year life expectancy), are vulnerable to heat damage, and dust can clog moving parts, which are also subject to wear and tear. Solid state drives have no moving parts to fail mechanically

and also have a 5-year life expectancy, but each block of flash memory can be written a limited number of times before failure; and firmware bugs are a common cause of data loss. Another consideration is where to store the imaging: on magnetic tape; CDs, DVDs, WORM disks; or in the Cloud. Magnetic tapes may be the most reliable but have backward compatibility, usually offered for one to two generations, and require re-tensioning after each use and every one to three years. CDs, DVDs, and WORM (write once, read many) disks may not have longevity and have substrate separation risk with high humidity. The Cloud is convenient but may be risky because of its reliance on a private company’s solvency and disaster prevention, maintenance and backup abilities. Care for storage media may also be tricky. The temperature should be controlled (68°F) with 40% relative humidity. Exposure to magnetic fields, light, and chemical fumes is to be avoided. Disks should be stored vertically, in electrically grounded, closed cabinets. Optical media should not be flexed nor written on. Disks will likely become obsolete before they degrade.

As a final consideration, according to Shropshire, there is the question of what to do with the paper. As part of this analysis, consider whether authenticity and chain of custody is satisfied by the digital record, e.g., can you guarantee the authenticity and unbroken chain of custody for the digital files without a paper original; will the digital file become inaccessible

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Law in Popular Culture

Jennifer Thompson, Author, *Picking Cotton*

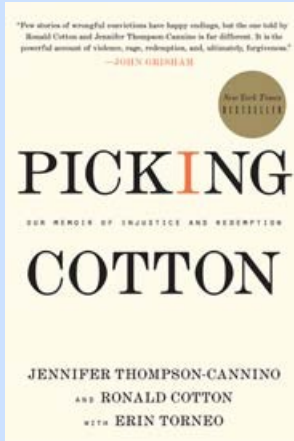
By Amy Reitz (OH)



On July 29, Jennifer Thompson, author of *Picking Cotton*, kicked off the educational component of the NCACC's 39th Annual Meeting, in Charleston, South Carolina. Jennifer recounted the night of July 29, 1984 (28 years ago to the day) when she was raped, at the age of 22. Jennifer said that once she realized she was going to be raped, she made the decision not to fight, but to stay present so she could notice and remember her assailant's physical features, including scars, tattoos, piercings, and missing teeth. She wanted to remember him so she could identify him later. She managed to earn her assailant's trust to the point that he let his guard down long enough for her to escape. She found help and was then taken to the hospital, where a rape kit was administered.

After Jennifer worked with the police to create a composite sketch of her assailant, reviewed police photos, and identified a person in a physical lineup, Ronald Cotton was charged with the crime. In 1985, Ronald was convicted, and he spent eleven years in prison. He continued to assert his innocence. Eleven years later, it was discovered through DNA testing that it was not Ronald who had raped Jennifer. Jennifer ultimately met with Ronald to apologize and they formed a friendship.

Jennifer and Ronald lobbied together to change compensation laws for the wrongly convicted. Jennifer also promotes the following practices: using sequential lineups rather than simultaneous lineups to minimize misidentifications, since simultaneous lineups lead to comparisons between individuals; audio and videotaping the photo and physical identifications made by eyewitnesses and victims; and utilizing a double-blind method, in which the person administering the photo or physical lineup does not know who the suspect is, so that no verbal or nonverbal cues are given to persuade the person attempting to make the identification.



Jennifer Thompson's educational session was one of two educational sessions videotaped this year. Through the Thanksgiving weekend, the video from her presentation is available to the general public on the NCACC website. The link is:

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

After the Thanksgiving weekend, the video will only be available for review on the members-only area of the website. After November 26, 2012, use the "Member Login" link at the top of the home page to view the video online.

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is a very smart lawyer, technically savvy, and administratively gifted. We have been fortunate to have him as our Clerk."

Lisa Goodner, State Courts Administrator of Florida, said, "I am so pleased that my great colleague, Tom Hall, has received this prestigious award from the National Conference of Appellate Court Clerks. Tom and I work together on a daily basis and he is as equally generous with his time, talent and energy on projects for the Florida Supreme Court as the award reflects he is with Conference endeavors. It truly has been one of my privileges as Florida's State Courts Administrator to be able to work with Tom."

Hall said he has no regrets about breaking his promise to sit on the sidelines, and he continues to be one of NCACC's most reliable "yes men." While he has handed off responsibility for the annual slide show, Hall has teamed up with Marilyn May to serve as long distance co-hosts for our 2013 conference in Seattle.

Protecting the Appellate Court:

What Appellate Court Administrators Need to Know About Security and Why!



**Thomas F. Lorito, Senior Consultant
National Sheriffs' Association
The Community Safety Institute**

By: Mark Neary (NJ)

Mr. Lorito had a lengthy career of more than 35 years in the New York Courts. This included 18 years as the Chief Court Officer for the 10th Judicial District in Suffolk County. In that capacity, he was responsible for all aspects of court security in 12 court facilities and commanded more than 300 court officers. Drawing on that considerable experience, Mr. Lorito offered his views on the importance of safety in the judicial system and what steps court administrators can take to ensure the safety of judges, staff, and the public.

One of the keys to a successful security initiative is active participation by all of the relevant groups and entities. These groups must communicate and cooperate. An initial step would be establishing a court security committee, consisting of judicial officers, administrators, security personnel, lawyers, and other end users. It is crucial for security personnel to have access to the highest levels of judicial officers and court administrators.

The next step is to do a vulnerability assessment to identify areas of weakness in the existing system. The areas that require close attention are those of high criticality to the operation and which also pose a high risk. Usually, these would include entrances to the facilities or courtroom and other areas of screening. By contrast, those areas of low criticality and low risk receive less priority.

Court administrators and security personnel must establish standard operating procedures that are followed by all. These procedures should cover courtroom operations, screening operations (points of entry), prisoner operations, and regular facility security. These procedures also should include regular surveys of key facilities before the start of and at the end of each day. Once these standard operating procedures are established, all staff must be trained in them and follow them.

An effective security initiative should also include detailed and specific incident reports. These reports should be reviewed regularly by key personnel and shared by the relevant entities to ensure that threats are identified, assessed, and managed. Threats need not be explicit. Threats may

be implicit through inappropriate communications that contain ominous, unsettling or questionable language. These, too, must be reported and assessed by security personnel.

Mr. Lorito discussed some of the more public incidents of violence in court facilities or against judicial officers. In at least one instance, he and his colleagues had consulted with a jurisdiction prior to one such incident and found a significant lack of communication and cooperation among the critical entities. Unfortunately, recommendations to address these problems were not addressed prior to the incident.

Mr. Lorito suggested that it is far better to be proactive and take the steps to address security issues prior to an incident occurring. Not only can one avoid possible injury or damage to facilities, but there is a better chance that your actions will be more appropriate and cost effective. Once there is a public incident, everyone tends to overreact.

For questions or to discuss these and other topics with Mr. Lorito further, you may contact him at tlorito@gmail.com or call 631-953-5550.



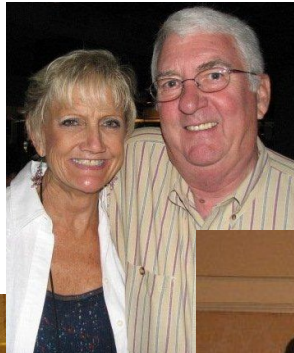
NATIONAL SHERIFFS' ASSOCIATION

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must be a consistent source of funds. To assure this, the courts must identify and respond to specific needs. Ms. McQueen did not address this in the appellate court context, but did suggest the example of the creation of drug courts at the trial court level. She acknowledged the limits imposed by short term budget cuts imposed in many states; union contracts; internal resistance to change; the size of initial investment in new technology and other resources; fear of external stakeholder input; parochialism regarding what can be accomplished; and the impact higher efficiency could have on staffing. She nonetheless argued that the reasons past efforts may have failed, reasons such as lack of a sense of urgency, absence of coalition of forces, failure to present a sense of what the future should be and poor communications, should not be allowed to control the future of court funding. The courts must focus on protecting constitutional rights when talking to both the legislatures and the public.

Ms. McQueen ended her hour by assuring us that the National Center for State Courts stands ready to help in any way it can.

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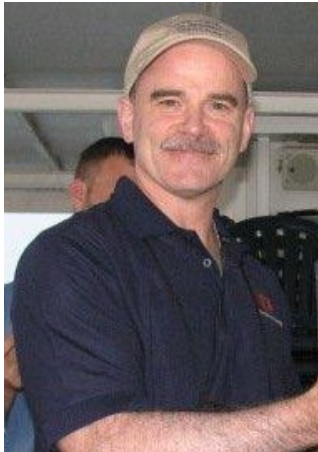


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NATIONAL CONFERENCE OF
APPELLATE COURT CLERKS



Morgan Thomas Award Bestowed upon Co-Recipients

Colette M. Bruggman (CA)



The Morgan Thomas Award is bestowed in recognition of an individual other than a regular member who has made distinguished contributions to enhancing professionalism and supporting the goals of the NCACC as a body and of its members individually. The award need not be given each year, and in fact, the award has not been presented since 2011 in Annapolis.

This year, the Morgan Thomas Award was presented to co-recipients Nikki Daugherty, Director of Government Relations and Contracts for LexisNexis, and Tom Leighton, Vice President of Content Acquisition for West, a Thomson Reuters business.



I asked our Morgan Thomas Award winners to describe their experiences with the NCACC, and here is what they had to say:

Q. When and where was your first conference?

ND. My first conference was in 2001 at Newport Beach. I missed the next two. I have attended the conference and managed the LexisNexis sponsorship every year since 2004 for a total of 10 conferences!

TL. Nashville Conference in 1993. I have great memories of the meeting and of our event on the General Jackson showboat. I remember how friendly and welcoming everyone in the group was.

Q. What is your fondest (or funniest) memory of attending the NCACC conference?

ND. Anchorage was the first conference where I managed our sponsorship. On a business trip to Anchorage I contacted Marilyn May who graciously offered to drive me around to see some possible venue sites. We had so much fun that day. I'll never forget the drive along Turnagain Arm. Spectacular! We did the glacier cruise for our event that year. The very next conference, in 2005, was in Key West where I worked closely with Tom Hall and his staff on the Sunset on the Pier event. We've now come full circle as Marilyn, Tom, and I are already planning for the 2013 conference in Seattle.

TL. It's really hard to narrow this down but I'd say my fondest memory was the reception at the United States Supreme Court for the 2011 Annapolis conference arranged by General Suter and his staff and hosted by Justice Alito. It was the perfect evening with great friends in an extraordinarily majestic and historic location. Funniest memory occurred during the 2003 Ashville conference. Our bus got lost on the way to the reception at the Western Governor's Mansion in the mountains outside Ashville and then a huge storm blew in just as the party was cranking up and cut short the event. When we returned to the Holiday Inn we found the power was out but the intrepid crew carried on the great NCACC hospitality suite tradition in candle light. It made for a fun evening and great stories.

Q. Describe how you felt when you received the Morgan Thomas award from the NCACC, recognizing your many years of support for the conference.

ND. Totally surprised and extremely honored!

TL. I'm not easily surprised but in this case I was stunned. It immediately brought to mind some of the great people, like Dwight Opperman, who have won the award and was deeply humbling. To be recognized by a group of people I hold in the very highest esteem is an honor I will always cherish.

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Q. Is there anything else you'd like me to know that might be of interest to the readers?

ND. Steve and Pauline Lancaster's son Nick and his family live right around the corner from me in Charlottesville, VA. They were all meeting at the beach following the Charleston meeting. I was worried about getting my award home in one piece. Steve and Pauline graciously offered to take it with them and give it to Nick to bring back to me. Now that's special service!

TL. I am very fortunate to work for a company that is genuinely interested in improving the administration of justice and is very supportive of my attendance at conferences and service on non-profit boards relating to the judiciary (e.g. the American Inns of Court Foundation, the American Judicature Society and the New York University Law School Opperman Institute of Judicial Administration). I feel like I've got the most interesting job in the world.

Q. Are there others you would like to acknowledge?

ND. I would like to thank all of the Host Clerks and Vendor Chairs I have worked with over the past 9 conferences for their patience, support and assistance in planning our social events, vendor booths and community outreach activities. It has been a pleasure working with each and every one of them!

TL. I'd like to acknowledge the appellate court clerks and staff around the country. You are an extremely intelligent, hard-working and interesting group of people who serve your courts and your customers in a very professional way day-in and day-out. I am blessed to have you as colleagues and friends.

I'd also like to thank the members of my team who work so closely and well with the appellate courts. Bob Smits, Brian Gallagher, Sue Schway, Rob Mosimann, Nancy Owens and TJ Murphy, among others, are the ultimate pros and make me look good every day through their work ethic and competence.

I'd also like to thank my wife and five children – they have been very supportive of my work and travel.

I particularly remember Nikki from the 2006 conference in Fort Worth, TX, and the LexisNexis event at Texas Motor Speedway. Nikki's name became legend when Bernie won a trip around the Speedway sponsored by LexisNexis, making it one of the all-time great conference moments relived in our house. The very next year, Bernie won a spot in another LexisNexis event--the Mardi Gras parade in New Orleans. It was settled; Nikki became part of the family.

Tom has been attending conferences since before my membership in the NCACC, but I really got to know Tom at the 2002 conference in Minneapolis, MN, where West rolled out the red carpet for the NCACC. In addition to the dinner and show at the Minnesota Zoo, West loaned us the use of its education facilities for much of our program. We were also treated to a tour of the West campus and bindery in Eagan. While this was remarkable, for me, it was sharing North Dakota martinis with Tom after hours that solidified our friendship!

The NCACC is enhanced by the efforts of these remarkable people, who continue to support our organization in times of shrinking resources. Not only is the conference richer for their support and that of their respective organizations, we, the members, are richer for calling them friends! Congratulations to Nikki and Tom, co-recipients of the Morgan Thomas Award.



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to reflect on the investigation; reflection can help make the process better.

Mayo's written materials can be viewed online at <http://www.appellatecourtclerks.org/>. Just click on Charleston Conference Materials.

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before the retention period is satisfied; and will the State Archivist accept the transfer of digital files (if not, we are responsible for maintaining the digital files in perpetuity)? A long-term alternative to paper is silver halide polyester substrate microfilm, which can also accommodate digital-born materials. Microfilm requires less

storage space than paper and can be easily digitized in the case of disaster. The only requirement for reading the microfilm is a light source, and it has 500+ years of life.

Shropshire's presentation was thought-provoking. Preservation is a core responsibility of the Clerk as the keeper of the record, and it must be balanced with ac-

cessibility, authenticity, cost, and convenience.

Quoting Dag Spicer of the Computer History Museum in Silicon Valley, California, Shropshire leaves us with this thought: "If Moses had gotten the Ten Commandments on a floppy disk, it would never have made it to today."