

EDUCATION PROGRAM

2014 Annual Conference Richmond, Virginia

By Blake Hawthorne (TX)

The educational program will kick off this year on Sunday with a presentation from Roger Bilodeau, the Registrar of the Supreme Court of Canada. Mr. Bilodeau will talk about the Canadian judicial system, the appellate process in Canada, and the roll of the Supreme Court of Canada. He will also give a virtual tour of the Supreme Court of Canada, which is located in a remarkable building constructed on a bluff overlooking the Ottawa River.

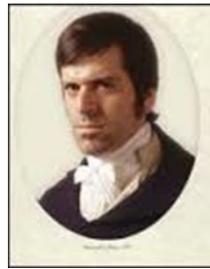


The Supreme Court of Canada viewed from the Ottawa River

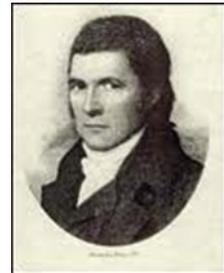
Richmond was home to both Thomas Jefferson and John Marshall and on Monday we will kick off the educational program with a head-to-head debate between these two Founding Fathers. Both of the presenters, William Barker and Matt Greenough, are renowned for their portrayals of these two native sons of Virginia.



William Barker as Thomas Jefferson



Mark Greenough



John Marshall

We will then turn our attention overseas with a presentation from Jeff Apperson, Vice President, NCSC International, who will lead a discussion via Skype with appellate clerks from other countries about the rolls of appellate courts around the world. After lunch we will hear a panel discussion about ways to help pro se litigants. And we will conclude with a presentation from Judge Russell Carparelli about different approaches to dealing with vexatious litigants.

On Tuesday we will start the day with What's Bugging You, hosted by Polly Brock and Doug Robelen. And the educational program will conclude for the day with the Judge Rogelio Flores who will discuss ways to identify and deal with attorneys and staff members who have substance abuse problems.

The vendor show will take place on Wednesday again this year. The day is all about technology as we kick off with a discussion about statewide electronic filing initiatives. Jenny Kitchens and Tim Gudas plan to present an updated E-Filing in State Court: An Appraisal, which the NCACC originally published in February, 2010. We will then hear about lessons learned from appellate clerks that have participated in statewide electronic filing initiatives. After the vendor show, we will reconvene to hear a

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THE DOCKET

News of the
National Conference of Appellate Court Clerks

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HELP KEEP US INFORMED!!

To Remit NCACC Membership Dues:

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





From the **President's Desk** **Deena Fawcett (CA)**

As I prepared to write this article, I came across a quote by Oprah Winfrey that I will share with you, “Cheers to a new year and another chance for us to get it right.” Every year our Executive Committee works hard on getting it right, and the fall meeting was no exception.

In November the Executive Committee met at the Snowbird Ski and Summer Resort in Snowbird, Utah. Lisa Collins, Clerk, Court of Appeals, Utah State Court, coordinated our visit. If this visit is any indication of how our 2015 annual meeting will flow, I think everyone will be excited about that upcoming meeting. Lisa is an incredible host!



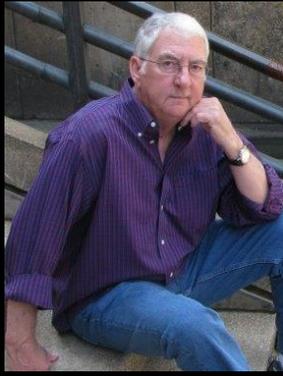
My trip into Salt Lake City was uneventful, thank goodness. As a past Trailblazer Award recipient, I always wonder when I begin a flight if I will experience those challenges again. Fortunately, I was spared that craziness. The shuttle ride to Snowbird went quicker than I expected. I was very surprised to arrive into a snow-covered Snowbird. Seriously, I am from Sacramento, California—we do not have snow. It was definitely a cold visit to Snowbird.

The Cliff Lodge building where we stayed will be the location of our 2015 meeting. The resort staff were very attentive, the rooms were beautiful, the restaurant food was delicious, and the tour of the resort was enlightening. All of the educational sessions will be located on one floor. This will reduce the chances of getting lost between classes (are there others that get lost or just me?). Lisa will share more about Snowbird’s social events and outdoor recreational activities in a later article.

Now, down to business. All members of the Executive Committee attended the fall meeting. The meeting began with the presentation of the President’s gift to Rory Perry to acknowledge his excellent leadership during the 2012-2013 year. Thank you, Rory! The committee liaisons then presented the committee reports. A few report highlights follow.

- **Awards Committee:** Due to the size of the Trailblazer Award and the difficulty for the recipient to pack the award in his/her luggage, the conference host will now engrave the award and ship it to the recipient. The recipient will bring the award to the following annual meeting or ship it if the recipient will not attend.
- **Bylaws Committee:** We discussed that all committees should submit their Bylaws changes to the Bylaws Committee by February 1, 2014. However, because we are into the end of January, I am extending that date to February 18, 2014. This will allow ample time for the Bylaws Committee to consider the changes and submit its written report to the Executive Committee by April 1, 2014.
- **Contracts Committee:** The Committee is drafting language for the Operational Guidelines to include liquidated damage provisions in hotel contracts to protect the NCACC interests.
- **Educational Fund Committee:** I suggested that this Committee send a Listserve notice to all members at calendar year-end to encourage donations and remind members that the donations are tax deductible. This notice was sent, and I am happy to report that donations to the Educational Fund Committee were received. Thank you!
- **Finance and Investment Committee:** The funds from the defunct CATO (Conference of Appellate Technology Officers) will be named the “Technology Fund” and will be designated as a separate budget line item.
- **Past-Presidents’ Committee:** The archival issues of The Docket and other historical documents were added to the NCACC website. Frans Lebranche has made significant progress in digitizing the past Morgan Thomas slides. I will address this later in my article.

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Facts, Fiction, and Foolishness

Les Steen (AR)

“Why did the chicken cross the road?”

The usual response to this question is, “To get to the other side.” The usual response in Arkinsaw is, “To show the possums and armadillos it can be done.” Here are some answers to the question from several people you might know.

SARAH PALIN: The chicken crossed the road, gosh-darnit, because he is a maverick!

BARACK OBAMA: The chicken crossed the road because it was time for a change. The chicken wanted change.

JOHN MCCAIN: My friends, that chicken crossed the road because he recognized the need to engage in cooperation and dialogue with all the chickens on the other side of the road.

HILLARY CLINTON: When I was the First Lady, I personally helped that little chicken cross the road. This experience makes me uniquely qualified to ensure right from Day One that every chicken in this country gets the chance it deserves to cross the road. But then, this really isn't about me.

GEORGE W. BUSH: We don't really care why the chicken crossed the road. We just want to know if the chicken is on our side of the road or not. The chicken is either against us or for us. There is no middle ground here.



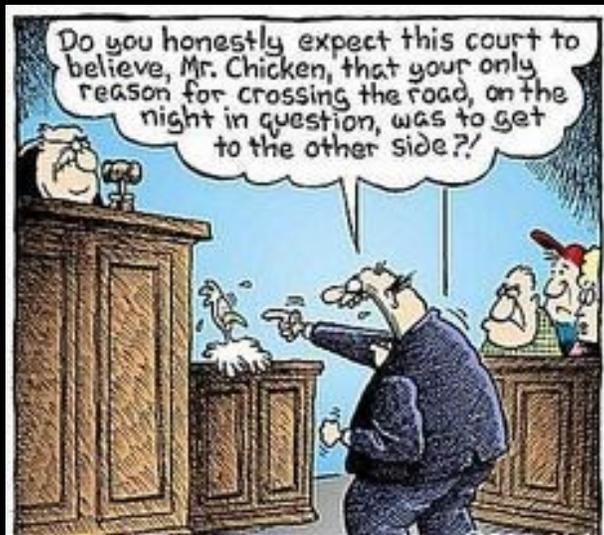
DICK CHENEY: Where is my gun?

BILL CLINTON: I did not cross the road with that chicken.

AL GORE: I invented that chicken.

JOHN KERRY: Although I voted for the chicken to cross the road, I am now against it! It was the wrong road to cross, and I was misled about the chicken's intentions. I am not for it now, and will remain against it.

DR. PHIL: The problem we have here is that this chicken won't realize that he must first deal with the problem on this side of the road before it goes after another problem on the other side of the road. What we need to do is help him realize how stupid he's acting by not taking on his current problem before adding new problems.



PAT BUCHANAN: To steal the job from a decent, hard working American.

GRANDPA: In my day we didn't ask why the chicken crossed the road. Somebody told us the chicken crossed the road and that was good enough.

ARISTOTLE: It is the nature of the chicken to cross the road.

ALBERT EINSTEIN: Did the chicken cross the road or did the road move beneath the chicken?

COLONEL SANDERS: Did I miss one?

In Sympathy



NCACC has lost a member and friend in the passing of Glen Clark, Clerk of the Arizona Court of Appeals, Division One. Glen served the court from 1976 until his retirement in 2003, during which time he also served NCACC as a member of the Executive Committee, as an Officer, and as President.

Prior to working with the court, Glen served as Infantry, Armor and Aviation Officer and served two tours in Vietnam. Following active duty, Glen served as an Aviator, Commander, and General Staff Officer with the rank of Colonel in the Arizona Army National Guard.

SCHOLARSHIP ASSISTANCE



If the lack of funding would prevent you from attending the 2014 annual conference, you may be eligible for a scholarship. The Scholarship Assistance Guidelines and Selection Criteria are outlined in the NCACC directory. The application is posted on the NCACC website and is included in this issue of *The Docket*.

Please note that the deadline for applying for a scholarship is May 1, 2014. All applications should be submitted to Brenda Williams at the National Center for State Courts.

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 Debbie Autrey, Scholarship Committee Chair, at debbie.autrey@txcourts.gov if you have any questions or concerns.

Retirement!

Congratulations to John Wilkerson, Clerk of the Court of Civil Appeals of Alabama who is retiring after 38 years of service to the court and to the public. John served the NCACC as president and was also a recipient of the J. O. Sentell Award.



(Continued from page 1)

presentation entitled Court Technology for Dummies: Everything You Need to Know About Technology in Plain English, presented by three appellate court IT gurus, John Reynolds (SC), Casey Kennedy (TX), and Jorge Bastos (GA). We will conclude the educational program with Tablet Wars, which will bring us up to date on the evolution of tablet computers and how they are being used by the Court. Be sure to stick around for the vendor show drawing to see if you are going home with a new tablet!

On Thursday, Police Chief Bob Paudert talks about threats to the judiciary. And we will conclude the educational program with Judge William Moorman, Judge Advocate, US Air Force, who will talk to us about leadership and inspiring our staff's to achieve excellence.



Bob Paudert, Police Chief



William Moorman, Judge Advocate General

Nomination Form

Officers and Executive Committee

2014-2015



The deadline to submit nominations is March 1, 2014.

Office of Vice-President: _____
Presently held by: Blake A. Hawthorne (TX)

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

Executive Committee Position 1: _____
Presently held by: Tracie K. Lindeman (NV)

Executive Committee Position 2: _____
Presently held by: Heather Smith (IN)

Executive Committee Position 3: _____
Presently held by: Eileen Fox (NH)

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. Do what you can, but please do something.

Please email nominations to:
Colette M. Bruggman (CA)
Colette.Bruggman@jud.ca.gov

SITE FOR 2017 CONFERENCE

The Site Selection Committee is in the process of selecting a site for our Conference in 2017. Might you be willing to be our Host or Hostess? If you are interested in this opportunity to invite your fellow clerks to your home town, please contact Sandra Skinner at 417 895-6811 or by email to sandra.skinner@courts.mo.gov. I would be more than happy to talk with you about what is involved and offer any assistance you might need. Think about it.

Sandra Skinner, Chair
Site Selection Committee

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- Program Committee: Blake Hawthorne, Program Chair, reported that half of the speakers have committed. The Program Committee is hard at work developing an excellent educational program. Just recently Trish Harrington, our Richmond host, arranged for our Opperman speakers. I think you will be pleasantly surprised.

Because some committee reports were not included in this summary does not mean that the committees were not active. These committees have ongoing activities and continue to work on their assignments. Further committee progress will be discussed at the spring meeting.

The Executive Committee addressed the issue of the online registration fee for the annual meeting. Good news! The Committee agreed that the NCACC will absorb the online registration fee for the 2014 annual meeting.

Some more good news...our Seattle hosts, Tom Hall, Marilyn May, and Vickie VanLithe, returned a little over \$10,000 to our general operating fund after payment of the 2013 conference expenses. Great job!

I want to take this opportunity to recognize Frans Lebranche for all of his time and effort in collecting and assembling the photographs for the slide show exhibited at the 2013 conference in Seattle. If you missed the show, it will be displayed again at the 2014 Richmond conference. We were all so excited to see NCACC members from many years ago. As an added note, Frans continued to work on this project following the hurricane and the flood. Fortunately, the slides were not damaged. Thank you, Frans, for your generosity and many hours of dedication to this important project.

I realize that this "President's Page" is longer than a page. However, much has occurred in the last few months. Thank you to all that volunteer your time to the NCACC. This is truly a wonderful organization, and I am honored to serve as your President.

Good luck on enjoying 2014 and accomplishing all of your resolutions!



The Executive Committee met at the Snowbird Ski and Summer Resort in Snowbird, Utah, the site for the 2015 Conference. Above, left to right: Tracie Lindeman (NV), Jenny Polek, Heather Smith (IN), and Deena Fawcett (CA).

NCACC AWARDS COMMITTEE WANTS YOUR SUGGESTIONS

The 2014-2015 Awards Committee wants your nominations for the **J. O. Sentell Award** and the **Morgan Thomas Award**. These awards will be presented at the 2014 NCACC Annual Conference to be held in Richmond, Virginia.

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 dissemination of information and ideas concerning the operation and improvement of the offices of appellate court clerks. (See Article II of the Bylaws.)

This award not only honors the recipient, it also pays homage to a founding member, James Oscar Sentell, Jr. He was born in Alabama in 1909 and practiced law there until 1967, when he was appointed deputy clerk of the Alabama Supreme Court. A year later he became clerk of that court, serving until 1982. He was first president of the NCACC. In a tribute entered into the Congressional Record, Senator Heflin stated: Mr. Sentell made immeasurable contributions to Alabama's justice system as clerk of the Supreme Court of Alabama. Senator Heflin further described J. O. Sentell as a great public servant possessing a keen and analytical mind with perceptive insight and integrity beyond reproach.

Past recipients of the **J. O. Sentell Award**:

<u>Year</u>	<u>Recipient/Court</u>	<u>Conference City/State</u>	<u>Year</u>	<u>Recipient/Court</u>	<u>Conference City/State</u>
1979	J.O. Sentell Alabama Supreme Court	Monterey, CA	1989	Joline Williams Georgia Supreme Court	Charleston, SC
1980	Ronald L. Dzierbicki Michigan Court of Appeals	Orlando, FL	1990	Frans Lebranche Louisiana Supreme Court	Tucson, AZ
1981	Wilfried J. Kramer California Court of Appeals Third District	Jackson Hole, WY	1991	Jill Engel South Dakota Supreme Court	St. Louis, MO
1982	Morgan Thomas Georgia Court of Appeals	Boston, MA	1992	Reba Mims South Carolina Court of Appeals	Washington, DC
1983	Lewis Carter Kansas Supreme Court And Court of Appeals	New Orleans, LA	1993	Steve Townsend New Jersey Supreme Court	Nashville, TN
1984	Mary Ann Hopkins-Young Arizona Supreme Court	Seattle, WA	1994	Peggy Stevens McGraw Missouri Court of Appeals	San Diego, CA
1985	Alexander L. Stevas Supreme Court of United States	Lexington, KY	1995	Kevin Swanson California Court of Appeal Fifth District	San Antonio, TX
1986	Luella Dunn North Dakota Supreme Court and Court of Appeals	Austin, TX	1996	Glen D. Clark Arizona Court of Appeals Division One	Des Moines, IA
1987	Jean Kennett Supreme Judicial Court for the Commonwealth of Massachusetts	Hartford, CT	1997	William S. Fulton, Jr. (Retired) U.S. Army Court of Criminal Appeals	Point Clear, AL
1988	John Scott Kentucky Supreme Court and Court of Appeals	Helena, MT	1998	Ella Williams (Retired) Michigan Court of Appeals	Skamania, WA

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Scholarship Application

41st Annual Meeting

Richmond, Virginia

July 12-18, 2014



National Conference of Appellate Court Clerks

If obtaining funding to attend the annual meeting in Richmond 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 Debbie Autrey, Scholarship Committee Chairperson.

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, 2014**.

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 12-18, 2014, RICHMOND, VIRGINIA –

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:

(Continued on page 11)

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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 2014 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: _____

Awards Committee Suggestions 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 14, 2014

by FAX ► Laura Roy, Clerk
FAX: (314)539-4324

by E-MAIL ► Laura.Roy@courts.mo.gov

OR by MAIL



Laura Roy, Clerk of Court
Missouri Court of Appeals
One Post Office Square
815 Olive Street
St. Louis, Missouri 63101



Thomas Jefferson on The Constitution and The Courts

Clay S. Jenkinson

Author, Cultural Commentator, First Person Interpreter
Dakota Sky Education
Dwight D. Opperman Speaker

By Colette M. Bruggman (CA)

Clay S. Jenkinson is a humanities scholar, author and social commentator, and one of the nation's leading interpreters of Thomas Jefferson. Jenkinson is widely regarded as one of the most articulate public speakers in the country, and he brings a humanities perspective to everything he does. In Seattle this year, Jenkinson portrayed Thomas Jefferson, providing a thought provoking, educational, always entertaining, and sometimes humorous performance. (See Clay S. Jenkinson's biography provided with the educational materials.) After attending Jenkinson's performance, members should be able to practice their "artificial good humor," which might lead to conciliation in difficult matters.

Thomas Jefferson appreciated the opportunity to visit the Pacific Coast, and remarked that Seattle was surely not as described, always raining and with the sun shining only six times on the Pacific Shore. Jefferson never traveled beyond 75 miles from his birthplace of Virginia, but expressed that he would have liked to see the mouth of the river in his time.

Jefferson was the foremost advocate of liberty and equality that America produced. (The Paradox of Thomas Jefferson, provided with the educational materials.) His closest friend and ally was James Madison. Jefferson made no public appearances during the election of 1800; he received no campaign money and asked for no vote. Jefferson believed it to be ungentlemanly to campaign on his own behalf. Jefferson believed that the presidency was something one was called to do, but he took no particular pride in it. If he were to write his own epithet, it would state: Here lies Thomas Jefferson, author of the Declaration of Independence, the Virginia Statutes for Religious Liberty, and founder of the University of Virginia.

Jefferson surveyed and laid out the design of the White House. He was the first president to be inaugurated at Washington, D.C., the new capitol. Jefferson took the oath of office from John Marshall, his second cousin and first Chief Justice of the U.S. Supreme Court. Marshall's appointment to Chief Justice by John Adams was done in an attempt to stymie the incoming Democratic-Republican Congress and was seen as a slight to the incoming Jefferson. Jefferson had no respect for the federalist Marshall, and Marshall viewed Jefferson as an impracticable visionary. According to Jefferson, Marshall had his coup d'état in 1803 with *Marbury v. Madison*, 5 U.S. 137, (1803), wherein he laid out judicial review in the United States under Article III of the Constitution. Jefferson challenged the audience to find judicial review in the Constitution.

Jefferson's friend and ally, James Madison, wrote the Bill of

Rights. Of these amendments, Jefferson believed the Tenth Amendment to be the most important because it enshrined to protect the sovereignty of the states. Jefferson believed that the people were sovereign and would govern themselves. To that end, government is a servant of the people. Because of this belief, Jefferson believed the legislative branch to be supreme and the House of Representatives to have the most power. This is demonstrated in that all taxation and all war powers must start in the House, not in the Senate.

According to Jefferson, the executive is not to be monarchical or aggrandizing. Jefferson did not give the State of the Union address in person because he believed it to be aggrandizing the executive. Instead, he sent a report to Congress in writing, which saved at least twelve thousand dollars and two weeks of time. Jefferson leaned toward simplicity and humility, but recognized that the President was the first among equals. He loved dinner conversation and removed the rectangular tables, replacing them with round tables. There was no protocol to the seating, for which he received criticism from some diplomats. Jefferson espoused that we not take ourselves too seriously because we are a republic.

The judicial branch was created only to solve crime, maintain order, and provide a forum to resolve civil disputes. The judicial branch is to have a deferential attitude toward the other branches. Jefferson bemoaned that judges serve for life and that there has never been a successful impeachment of a Supreme Court justice. In his time, federal judges served for five or six years because they died. Now, federal judges serve for 38, 48, 58 years--more than a generation. Jefferson suggested that federal judges, including Supreme Court justices, should be required to stand for a vote of confidence or no confidence from time to time, so at least the senile may be retired. However, to give them virtually unlimited power with a lifetime appointment is to have seriatim decisions in all cases.

In his time, only two federal judges had ever been successfully impeached. In 1803, Judge Pickering was impeached for alcoholism and frequent insanity, and his family asked for Pickering's removal for his own good. Pickering was convicted and removed from office in 1804. This type of removal is not stated in the impeachment clause, and Jefferson admitted that the impeachment clause was not written very well, only allowing the impeachment of a civil officer for the conviction of treason, bribery, or other high crimes and misdemeanors. He suggested

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the need for a mechanism for this type of removal from the bench. Jefferson suggested that impeachment powers be expanded.

Jefferson believed the American Experiment to be unique. Americans were born in the age of enlightenment and with rights. Jefferson espoused the view that the Constitution should be torn up approximately every 19 years, so each generation would have the opportunity to consent to it, and stated, "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors."

Jefferson died on July 4, 1826, at noon. It was the 50th Jubilee of the Signing of the Declaration of Independence.

"While you weren't looking, Richmond got cool."

July 12 - 18, 2014

Trish Harrington (VA), Host



So says Frommer's travel guide in its list of 14 places to visit in 2014. Richmond, therefore, joins locations that include Berlin, Rio de Janeiro, Bali, Scotland, Taiwan, Hawaii, India, the Dominican Republic and Liverpool. I'd love to claim that this was my grand plan all along - to schedule the NCACC's 41st annual conference for a city that would be named a top destination for that year. Instead I'll just acknowledge being way ahead of the curve in deciding to attend law school and then remain in Richmond, a city I've grown to love more and more each year.

According to Frommer's, the following reasons were crucial in putting Richmond on the list: history and the start of the sesquicentennial of the Civil War, since many of its biggest battles, "are within striking distance of Richmond;" a "growing slate of breweries [and] farm-to-table restaurants;" as well as white water rapid activities "cutting right through downtown." I am currently working on the social events for the conference and hope to have one event at The American Civil War Center for Historic Tredegar and another at the John Marshall Hotel, both of which are not far from the Omni Hotel.

The Tredegar site is located on the James River and was an ironworks company that manufactured cannons, locomotives and related parts, ships and various naval hardware, munitions, and brass items. There is both a National Park Service welcome center and a museum on the grounds.

The John Marshall Hotel opened in 1929 and was, at the time, the largest hotel in Virginia. It has since been renovated and includes a beautiful ballroom where I hope to hold an event that will include dinner and dancing. These plans are still in the process of being finalized, but I am optimistic that everything will work out. Therefore, I hope to see you in Richmond, a top destination for 2014, the week of July 13.

Click [here](#) for more information about things to see and do while in Richmond.

Council of Chief Judges of the State Courts of Appeal Annual Meeting

October 29- November 2, 2013
St. Louis, Missouri



By
Terry Lord (MO)

When President Deena asked me to travel from Kansas City to St. Louis to represent the NCACC at the annual meeting of the Council of Chief Judges, she didn't have to twist my arm. I was confident that my St. Louis Cardinals would be in the World Series during the conference. What better place to celebrate their world championship than in the hometown? Well, the Cardinals were in the World Series in late October. However, the only game I got to watch in St. Louis was Game 6 where those Duck Dynasty wannabes from Boston clinched the series. It's a good thing the CCJSCA conference was well worth the trip across the state of Missouri.

The general mix of topics that made up their educational program was very similar to any of the more recent educational programs of the NCACC. A couple of sessions focused on the chief judge as the court's leader. The NCACC also has had a number of sessions dealing with the Clerk/Court Administrator as leader. The emphasis is different. The sessions at the St. Louis conference dealt more with the chief judge as the leader of the judges and what it takes to lead judges when you are, for the most part, no more than the first among equals. In contrast, our sessions focus more on the clerks as the undisputed leader of the Clerk's Office.

Three of the sessions focused on technology. Apparently, CCJSCA has a redesigned web site: www.ccjsca.org. A couple of members of the CCJSCA Website Committee explained how the site worked and encouraged members to utilize it. Another session focused on the use of iPads, apps and related technology. It seemed like I had heard this all before, like in the first week of August in Seattle.

Finally, their ethics session discussed "real ethics in the virtual world." The speaker was Judge Daniel Carothers from the North Dakota Supreme Court. Many will recall that Judge Carothers spoke to the NCACC on a similar topic three conferences ago in Annapolis.

The CCJSCA conference had a little more emphasis on substantive law topics than we do, but not by much. One of the very best sessions was one entitled "Lessons Learned from the Dred Scott Case." As some of you know, Dred Scott was actually tried in downtown St. Louis at what is now known as the Old Courthouse. Before the appeal of the decision of the Circuit Court of the City of St. Louis ended up in the U.S. Supreme Court, it was first heard by the Missouri Supreme Court. Judge Duane Benton, formerly chief justice of the Missouri Supreme Court, and now a judge on the U.S. Court of Appeals for the 8th Circuit, recounted the briefs, oral arguments and opinions of both courts. Suffice it to say, the Dred Scott case stands out as an object lesson that judges sometimes just get it wrong.

One other session really stood out. It was entitled: "The Brain: Making Decisions and 'Judging' Others." The thesis of the session was that chief judges need to be able to recognize when one of their colleagues are beginning to suffer from a loss of cognitive function. However, the real treat of the session was listening to two professors from the Washington University School of Medicine in St. Louis (one of the very best med schools in the country) describe in laymen's terms how the brain suffers when dementia or Alzheimer's Disease is at work. They explained that Alzheimer's is a form of dementia, but that dementia encompasses much more than Alzheimer's. It was a little jarring for those of us in the 60 + set.

Finally, like our NCACC conferences, the social aspect of the CCJSCA conference was fun and rewarding. Laura Roy's court, the Missouri Court of Appeals, Eastern District, hosted a very nice reception. Before I left for the conference, I took a good look at our Clerk's Directory so that when I met a judge I could do a decent job of associating the judge's court with its clerk. In all seriousness, I can report to you that every judge I met was a big fan of the clerk of their court. I came away from this conference with the impression that chief judges understand that the chief and the clerk occupy different but complementary leadership roles in the appellate courts.



Presented by Richard D. Johnson, (WA) Administrator/Clerk

“Managing Technology in Courts”

By Ronald R. Carpenter (WA)



In recent years appellate court clerks have been facing an ever increasing amount of paperwork that must be effectively processed. Most of us have struggled with how to efficiently meet one of our fundamental core responsibilities: to create and maintain complete and accurate court records and files, even though we may face staff limitations resulting from tight budgets. In the twenty first century, the availability of technology in various forms has dramatically increased, and it offers the means to assist us in managing the paper-intensive nature of our jobs. Technology presents the promise of a solution, but only if we understand what is available and can successfully manage its implementation. In that regard, Richard Johnson, our fellow longstanding NCACC member, and the Administrator/Clerk of Division I of the Washington State Court of Appeals in Seattle, Washington since 1998, kindly came forward and presented a dynamic program entitled: “Managing Technology in Courts.” His presentation was both energetic and engaging, while offering insights, suggestions, and some wisdom as to how to face the sometimes daunting challenge of managing technology in the appellate courts.

Rich’s power-point presentation covered numerous pertinent management areas and techniques - providing a good overview of basic project management principles, touching on the practical application of them in order to keep a handle on a major IT project. In his introduction, he discussed basic assumptions, as well as the strategies and approaches for effective implementation. He acknowledged that even with intensive planning, and an understanding of both the available technology and the appellate court environment, progress in a governmental setting can be extremely slow – “glacial”.

In discussing management of major IT projects, he focused in on the characteristics of their scope, governance, external funding, and general project oversight. His discussion covered the purposes of implementation plans: that is, identifying responsibilities and priorities; identifying consequences to the plan in failing to meet due dates; controlling slippage and costs; and ensuring that adequate resources have been assigned to the project, He also stressed the importance of Project Control Documents; observing that: “You can’t manage what you can’t measure.”

Regarding Project Control Documents (PCDs), he addressed how to utilize the same. Rich covered both the components and construction of PCDs through the use of a schematic, as well as displaying and discussing the components of a GANTT Chart¹ and reviewing a sample GANTT Chart. Rich covered the basic elements of Project Evaluation and Reporting Technique (PERT) and presented a sample PERT chart with typical representative time period dates shown for the four stage process:(1) “CONFIRM PROJECT SCOPE AND OBJECTIVES” (8/1/95); (2) a two layered process of “PREPARE TECHNICAL ARCHITECTURE” (9/1/95) and “PREPARE USER REQUIREMENTS” (9/1/95); (3) “PREPARE SYSTEM SPECIFICATIONS” (10/1/95); and (4) “DEMONSTRATE TECHNICAL FEASIBILITY” (10/15/95). He emphasized the overarching importance of planning – at the beginning, during, and towards the end of a major IT project –planning being the key factor to reaching a successful outcome.

Rich commented that major IT projects have a 50% failure rate, and discussed “project warning signals”, e.g. work underestimated. But he also discussed the critical factors, that if utilized, can lead to a successful project.

He gave a brief overview of successfully managed local IT projects (in-house projects) that have been implemented at his Court, including criteria for managing the same. He talked about reducing “lost or missing files” by use of file trail technology to manage records from creation to destruction, use of file and record pouch labeling (Bar-coding and RFID tracking technology), and the resulting bar code scanning for file check-out and check-in. His remarks also addressed the use of “Docushare” at his Court (1) to improve operational efficiency by converting paper documents into searchable digital documents; (2) the development of online calendars and the organization of case materials by day; and (3) facilitating organizational readiness for electronic court records. Finally he gave a quick overview of the technology they utilize in their Courtroom.

The wealth of information covered by Rich in his allotted one hour time slot suggested that significantly more time could have been allowed for this excellent presentation.

¹ A type of bar chart, developed by Henry Gantt in the 1910s, that illustrates a project schedule from start to finish.