



**THE 43rd NCACC
ANNUAL CONFERENCE
DENVER, COLORADO
JULY 31 to AUGUST 5, 2016**

By: Eileen Fox (NH)



On Sunday, July 31, the first day of the 2016 Denver conference, we will meet at the Ralph L. Carr Colorado Judicial Center, the new home of the Colorado Supreme Court and the Colorado Court of Appeals. The judicial center is named in honor of Governor Carr, a lawyer who served as Colorado's 29th governor during World War II. After the conference's opening proceedings, we will hear a presentation by Adam Schrager, an investigative reporter and TV producer, who authored a biography of Governor Carr entitled "The Principled Politician." Mr. Schrager will describe Governor Carr's career and particularly his support for the rights of Japanese Americans during World War II. This presentation will be open to members and their guests.

During our visit to the judicial center, we will have the opportunity to tour the Colorado Judicial Learning Center, an innovative learning environment designed to help visitors develop a better understanding and appreciation for the rule of law and the role of the judicial branch in society.

During the rest of the week, we will meet at Denver's Crowne Plaza Hotel. On Monday, there will be a panel presentation on project management, which will use the planning and development of the Judicial Learning Center as an example of how to manage a major project. The panel members, who include the Chief Justice and Clerk, will discuss the lessons they learned about project management that they believe are applicable to major projects in general, whether the projects involves construction, the development and implementation of technology, or the overhaul of an appellate process.

Monday and Tuesday will also include presentations on hiring and disciplining employees by David Fram of the National Employment Law Institute, and on legislative backlash against controversial court decisions. John Olivier will lead a panel discussion on Managing Pro Se Appeals.

Justice Daniel Crothers of the North Dakota Supreme Court will make a presentation about ethics, and specifically about ethical issues that may arise from the use of technology and social media. His presentation is entitled "Real Ethics in a Virtual World."

Once again, the vendor show will take place on Wednesday this year. In addition, there will be a presentation by John Doerner of the National Center for State Court about the early results of the NCSC survey on appellate innovations, with a description of the most effective innovations. We will also hear about an initiative undertaken by the Colorado Supreme Court Law Library to provide a database of court legal resources, such as unpublished opinions and court rules, through a subscription service.

On Thursday morning, Dr. Ulrich Herrmann, a Justice on the BundesGerichtsHoff (Supreme Court of Germany) will join us. Dr. Herrmann serves as the technology liaison for his court, and he will describe the status of electronic filing and other technology initiatives at his court, in Germany, and throughout Europe. He will discuss some of the challenges faced by European courts in implementing these technologies.

The conference is still more than six months away so many of the details of the conference program are still being finalized. A complete schedule will be available in the next edition of *The Docket*. My thanks to all members of the Program Committee who are working hard to put together a stimulating and worthwhile educational program.

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THE DOCKET

News of the National Conference of Appellate Court Clerks

President	Blake Hawthorne (TX)
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THE PRESIDENT'S PAGE

BLAKE HAWTHORNE (TX)

The past few months have been productive for the National Conference of Appellate Court Clerks. As usual, the Executive Committee met in October at the hotel that will serve as the location for the annual conference two years from now, which in this case is Harvey's Resort Hotel & Casino in Lake Tahoe, Nevada. On the agenda were some of the usual business, like discussing the upcoming program for the annual meeting, discussing the current state of our finances, and touring the hotel to determine the best locations for the annual conference. We also talked about some new business, such as my proposal to merge some of our committees, and efforts to recruit Canadian appellate clerks into our organization. We discussed old unresolved business, like a proposal to update the NCACC logo (more about all



of this later). All in all it was a successful meeting in a beautiful location with great colleagues and a fantastic host—Tracie Lindeman, our Treasurer and the Clerk of the Nevada Supreme Court.

In November, I traveled to Washington, DC to represent the NCACC at the William H. Rehnquist Award Dinner, which is organized by the National Center for State Courts. The award is presented annually to a judge who demonstrates the outstanding qualities of judicial excellence. This year's recipient was Steven Leifman, Associate Administrative Judge of the Miami-Dade County Court Criminal Division in Florida. Judge Leifman was recognized for his groundbreaking work helping people with mental illness, who are either in the criminal justice system or at-risk of incarceration. Although the acoustics in the grand marble hall of the U.S. Supreme Court are not the best, I met some interesting people, whose company I truly enjoyed.

In December, I had the pleasure of joining the Conference of State Court Administrators (COSCA) at their mid-year meeting in Monterey, California—along with our Past President and COSCA member John Olivier, the Clerk of the Supreme Court of Louisiana. The COSCA members were genuinely welcoming and made me feel right at home. Their educational sessions focused in particular on access to justice issues, such as the need for bail reform. If you have not seen [John Oliver discuss the need for bail reform](#) on his HBO show Last Week Tonight, you should watch it on YouTube—it is both amusing and educational.

But now that it is a new year, it is back to business. I am working on an effort that the Executive Committee approved at the fall meeting to merge some of our committees. When

THE PRESIDENT'S PAGE

BLAKE HAWTHORNE (TX) *(Continued)*

one sits down to look at the number of committees we have and tries to appoint and then communicate with all of these committees, it can be a daunting task. And I often feel like the left hand does not know what the right hand is doing. So to make the NCACC more efficient and to improve communication, I have asked that we try to merge the following committees: (1) Membership Committee and Pictorial Directory Committee; (2) Publications Committee and Public Relations Committee; and (3) Awards Committee and the Resolutions and Memorials Committee. I know that change can sometimes be difficult, but please rest assured that I have vetted these proposed mergers with the Past President's Committee, the Executive Committee, and the chairs of these committees. And these proposed mergers will be discussed at the business meeting in Denver, so everyone will have a chance to comment before we vote as a group on whether to merge these committees.

I also mentioned the old business of a proposed redesign of the NCACC logo. Marty Gregg, the husband of NCACC member Polly Brock, is a talented artist and graphic designer. A couple of years ago, our then President, Rory Perry, suggested that we look at redesigning our logo to update the look and to make logo work better with modern website graphics and computer printers. Marty Gregg did some fantastic work on creating several different logos for the NCACC to consider, but unfortunately we never brought this to fruition. I want to revive this effort and give you all a chance to discuss it at our meeting in Denver.

Finally, last year John Olivier appointed a Special Committee to look at the ethical implications of the solicitation and acceptance of funds from persons doing business with the courts. Executive Committee member Greg Block, Clerk of the United States Court of Appeals for Veterans Claims, brought to our attention an ethics advisory opinion by the Committee on Codes of Conduct, an organization of the Judicial Conference of the United States, which suggests that United States Court employees may not accept gifts from persons doing business with their courts. I have asked the Special Committee to continue looking at what impact, if any, the ethics opinion may have on vendor sponsored events at our annual conference. And if there is an impact, how we can effectively address these issues without sacrificing the quality of our annual conference. I expect the committee to have a report to present to the Executive Committee at our spring meeting so that we can discuss possible solutions at our annual conference in Denver.

As you can see, we have some important work to do in the coming months. But we have some outstanding people contributing towards the betterment of the conference and the future is bright. I am looking forward to seeing everyone in Denver. I think it is going to be one of our best conferences ever!

HEALTH, WELLNESS, AND STRESS MANAGEMENT

Submitted by Bill DeCicco (DC)

Dr. Patricia Mann, a registered nurse, nutritionist and health educator, addressed the 2015 annual meeting as the not-so-advantageous final speaker on Monday just before leaving for the trip to the Utah Natural History Museum. However, by the time she finished her presentation, rather than looking for the door, the participants were begging for more. She engaged the audience with the statistic that 70 percent of the way adults experience their health and fitness after age 50 is a function of the way they live their lives. At no time in history, in no country of the world, has the potential for achieving optimal health and wellness been greater than for those living in the United States today. Given this, it would follow that Americans enjoy the highest level of wellbeing and longevity in the world. Sadly, this is not the case. While Americans spend more on health care than any other country, we lead the industrialized world in deaths from treatable and preventable causes, and we experience the shortest life span amongst similar nations. As appellate court clerks, we can be susceptible to some of the root causes of this condition: poor diet, lack of physical activity, and stress.

Dr. Mann, whose practice involves weight control, nutrition, fitness and health promotion, has lectured to over 225,000 federal employees and served as the team nutritionist for the Washington Capitals hockey team. She presented what she termed her “cornerstones” of lifetime fitness -- activity, walking, strength training, and combined flexibility, balance and agility, and warned against the greatest threats to our wellbeing, i.e., a sedentary lifestyle, smoking, and the American diet. To the great relief of the audience, she mentioned that coffee and moderate alcohol consumption, as long as no coffee is consumed after 2:00 pm, was perfectly fine. She is a strong advocate of movement in daily activities by standing and walking at least 2 minutes out of every 20, or at least of every 60 minutes.

Regarding stress in our lives, she emphasized that the only controllable stressor is the one that is occurring in the moment, and emphasized the importance of breathing, taking multiple deep breaths several times at intervals throughout the day.



The good news is that our bodies and genes never forget how to be healthy, and they are incredibly forgiving. So it is never too late to begin a healthy lifestyle of proper diet, adequate rest, and regular exercise.

NCACC NOMINATIONS - 2016
FOR OFFICERS AND EXECUTIVE COMMITTEE
Deadline: March 14, 2016

The strength and vitality of the NCACC depends to a large extent on the commitment of our membership. The officers and executive committee run the organization and are a critical component to our continued success. Please take a moment to provide suggestions to your nominating committee. You do not have to submit nominations for all the positions, but any input is valuable and much appreciated. Thank you and we look forward to receiving your recommendations.

Penny Miller (ND), Chair
Nominating Committee

Office of Vice-President: _____
Presently held by Eileen Fox (NH)

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

Executive Committee Position

1: _____
Presently held by Gregory O. Block (DC)

Executive Committee Position

2: _____
Presently held by Petra Mandigo Hulm (ND)

Executive Committee Position

3: _____
Presently held by Larry S. Royster (MI)

PLEASE SUBMIT NOMINATIONS TO: **pmiller@ndcourts.gov**

NOMINATIONS FOR AWARDS REQUESTED

Nominations for the **J.O. Sentell Award** and the **Morgan Thomas Award** are being sought by the 2015-2016 Awards Committee. These awards will be presented at the 2016 NCACC Annual Conference in Denver, Colorado.

James Oscar Sentell, Jr. was a founding member and the first president of the NCACC. **The J.O. Sentell Award** is given to a NCACC member who has contributed substantially to the objectives of the conference by 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 the collection and dissemination of information and ideas concerning the operation and improvement of the offices of appellate court clerks. (See Article II of the Bylaws)

The Morgan Thomas Award is given in recognition of an individual who is not a member of the NCACC, but who has made significant contributions to professionalism and supports the goals of the NCACC, as a body and of its members individually.

Past recipients of both awards are listed in the NCACC Directory and on the NCACC website. Last year's recipient of The J.O. Sentell Award was Marilyn May, Appellate Court Clerk (AK).

Award Committee Members:

Ruth A. Willingham (Chair) (AZ), Lillian Richie (EC Liaison) (LA), Lisa A. Collins (UT), Bill DeCicco (DC), Marilyn May (AK)

AWARDS NOMINATION FORM

J.O. SENTELL AWARD

Please make your recommendation below and provide your reasons.

I nominate: _____

Reasons: _____

MORGAN THOMAS AWARD

Please make your recommendation below and provide your reasons.

I nominate: _____

Reasons: _____

If more space is needed, you may attach a separate page.

Please submit the Awards Nomination Form no later than February 12, 2016 to:

Ruth Willingham, Clerk

Email: rwillingham@appeals.az.gov

mail: Arizona Court of Appeals, 1501 W. Washington St., Phoenix, AZ 85007

Scanning at the South Carolina Court of Appeals

By: Jenny Kitchings (SC)

Although this is not the most riveting topic you're likely to read about today, scanning all incoming paper documents in anticipation of the advent of e-filing has truly changed our business processes. With the implementation of a new case management system (CMS) in 2012, our workload nearly doubled when we began scanning all documents received for the first time. We currently maintain duplicate files, both electronic and paper, but our goal is to phase out the paper file in the future.

All incoming documents are routed through the front desk. Our receptionist opens mail, date-stamps it received, and looks the case up in CMS. She filters out high-priority filings in this process, which allows us to handle time-sensitive documents more efficiently. The scanning employee comes to check an inbox at the reception desk every 15-30 minutes throughout the day. We have a machine dedicated to scanning incoming mail, as well as two high volume machines that scan only records and briefs. We scan from the machine directly to a network folder named for the case owner to whom each case belongs, as our appeals specialists manage cases from beginning to end. When the receptionist sorts the mail, she identifies the case owner and the scanning employee creates individual stacks for each person. Once the documents have been scanned, they are placed in the case owner's individual mailbox.

At this point, we now have a dual filing system: the documents are digitized and named by case title, then saved in a personal network folder. The physical papers have also been placed in the case owner's mailbox in the file room. Case owners monitor both locations throughout the day. Upon receipt of a new filing, the case owner creates the appropriate event in CMS, then browses to their scan folder to upload the document to CMS. They must also hole-punch the document and insert it into the paper file. We emphasize the electronic CMS as the official record of our case.

Some of the benefits we have discovered as a result of having staff dedicated solely to scanning incoming documents are:

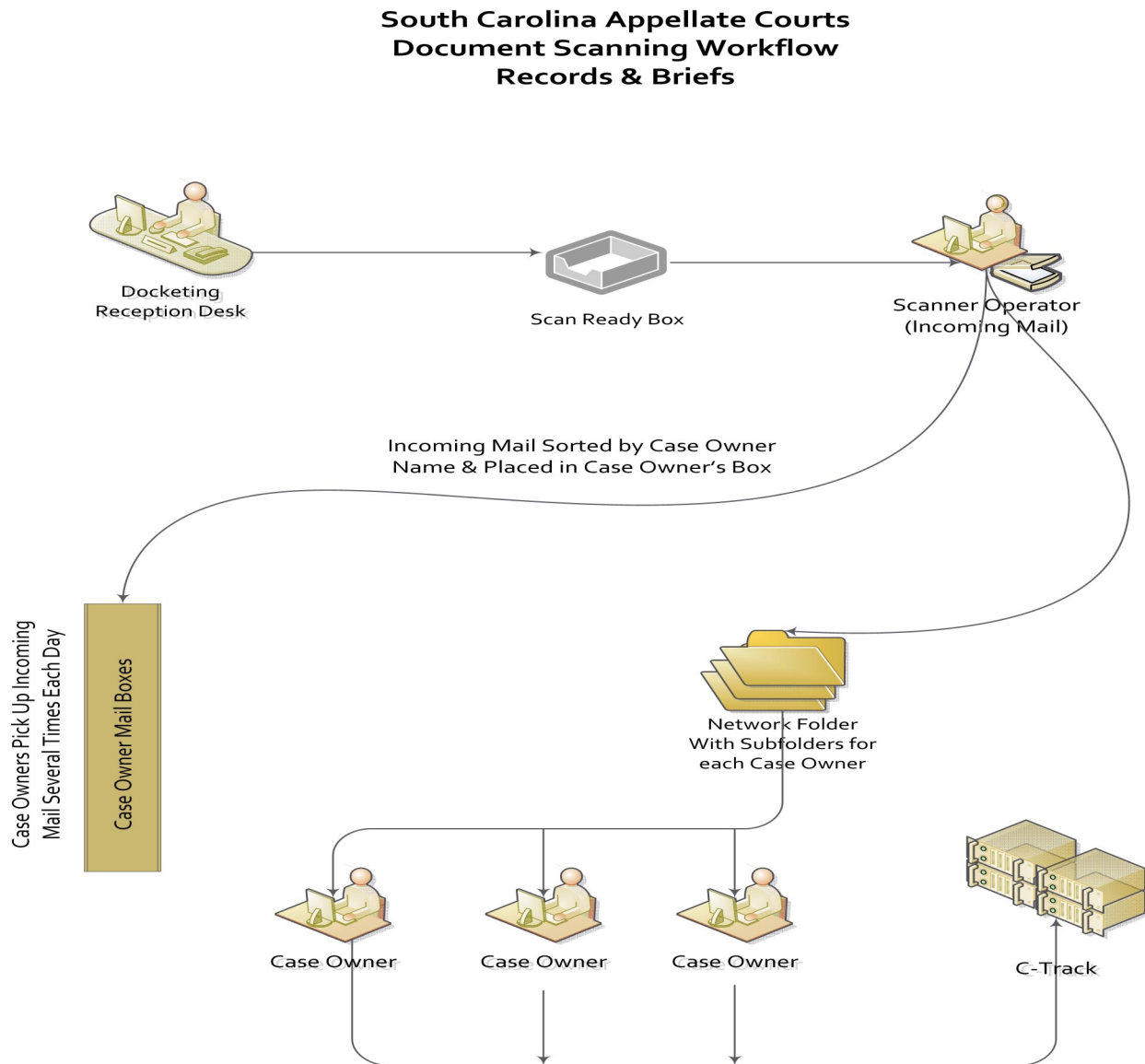
- Immense time savings: Case owners estimate they spend 5-10 minutes scanning each document. For 10-15 pieces of mail in a day, that is a per-person savings of 150 minutes.
- Organization: The scanning inbox can be sorted by date to see the most recent filing or by title to group items together by case.
- Fine-tuning: We can prioritize time-sensitive filings and catch errors as filings pass through reception desk, scanning desk, and case owner's desk before review by Clerk.
- Increased onsite storage: Since 2006, we have been working to scan all documents before they are boxed and sent offsite. As of 2016, we have finally scanned all documents onsite and are working to scan historical documents as well as current.

Scanning at the South Carolina Court of Appeals (Continued)

By: Jenny Kitchens (SC)

- Ease of reference: Scanning documents as soon as they come in the door allows us to have a real time record of the documents we have received without the delay caused by the time it takes a case owner to read, evaluate, and upload to the appropriate event in CMS.

As we look forward to automating some of these processes with e-filing, we are also working towards eliminating physical copies of outgoing correspondence utilizing the same network folder system. Maybe next year, the South Carolina Court of Appeals Clerk's office can entirely eliminate paper!



**SCHOLARSHIP ASSISTANCE FOR
43rd ANNUAL NCACC MEETING
DENVER, COLORADO**

Would you like assistance in funding your attendance at the 2016 annual meeting in Denver? If the lack of funding could prevent you from attending, please consider applying for a scholarship. Scholarship funds are awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend. Scholarship money may be used to pay for transportation to and from the meeting and/or lodging.

The application is posted on the NCACC website and is included in this issue of *The Docket*. The scholarship criteria are detailed in the NCACC directory under the Committee Operation Guidelines/NCACC Scholarship Committee.

Please submit your scholarship application by email or postal mail to Barry Forrest, National Center for State Courts, by May 2, 2016. If you apply for a scholarship and later discover that funding is available for your trip, please advise the Scholarship Committee. Feel free to contact Lisa Matz, Scholarship Committee Chair, at lisa.matz@5th.txcourts.gov, if you have any questions or comments.

Scholarship Application

43RD ANNUAL MEETING

Denver, Colorado

July 31 - August 5, 2016



National Conference of Appellate Court Clerks

If the lack of funding could prevent you from attending the annual meeting held in Denver this year, please consider applying for a scholarship. Scholarship funds are awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend. Scholarship money may be used to pay for transportation to and from the meeting and/or lodging. Please do not hesitate to apply. If you apply for a scholarship and later discover that your court will fund your trip, please advise the Scholarship Committee. If you have any questions or concerns, please contact Lisa Matz (TX), 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 by email or postal mail to Barry Forrest at the National Center for State Courts, by **May 2, 2016**.

Please complete and return application by email or postal mail to:

bforrest@ncsc.org

Barry Forrest

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 IN DENVER, COLORADO – JULY 31-AUGUST 5, 2016

Name: _____

Title: _____

Employing Court: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Telephone: _____ Fax: _____

NCACC member in good standing? ☐ Yes ☐ No

Total number of NCACC members employed by your court: _____

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

If yes, what amount? _____

Are there any restrictions on these funds? ☐ Yes ☐ No

If yes, please list the restrictions: _____

Would your court have funded the attendance of NCACC members from your office to other educational programs during the twelve months immediately preceding the 2015 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 programs is required should I receive scholarship assistance.

Applicant's Signature: _____ **Date:** _____



Appellate Tech Trends 2016

**Casey Kennedy, Director, Information Services,
Texas Office of Court Administration**

With the new year upon us, here's a quick look at court technology trends you can expect to see from industry and in-house shops alike:

1. Elimination of paper continues.

No matter where on the “paper on demand” continuum the court is, paper will continue to disappear in 2016. eFiling will continue to expand from attorneys to trial court clerks to court reporter transcripts. Outbound paper will also continue to disappear with electronic noticing and orders via email. Advances will also connect case management systems electronically to the department of corrections to enable electronic notices and order distribution to inmates as well.

2. Increased Case Management automation.

As the trial court case management market continues to full saturation, industry is starting to focus on appellate case management systems. Systems progression toward automated circulation and voting on anything the judges see will become more common.

3. Increased attorney access to records

As part of moving towards “paper-on-demand”, systems will be employed to allow attorneys of record and parties secure access to court records. This will eliminate the need to check-out the record or any other part of the case file. This also eliminates the need to copy larger files to CD in order to send to the parties. The clerk will have direct control over who has access to what and for how long.

4. Movement towards the “Cloud”

In the last few years, several providers like Google and Microsoft have created a separate, highly-secure government offering for “cloud” services including email and file storage (think of a secured dropbox). Moving these services to these providers eliminates the need for IT shops to perform routine maintenance and backups for email and electronic files.

5. New Innovations abound

Disruptors in the judiciary are taking advantage of the slow adoption of technology. Several companies exist today to use machine learning (like IBM's Watson) to learn about past court cases in order to better predict the outcome of future court cases. These companies are marketing themselves to litigants who think that the current court system is too slow or is too expensive.