



**THE 45th NCACC  
ANNUAL CONFERENCE IN  
SAN DIEGO, CA  
JULY 29—AUGUST 3, 2018**



Happiness is calling in San Diego this year for the gathering of the 45th annual conference of the NCACC. You are going to have a great time and will have plenty to do.

We will be staying at the Sheraton San Diego Hotel & Marina. It is right across from the airport, but also right on the water. The room rate is the Federal Per Diem rate which is a mixed rate as our conference crosses fiscal years: July 27 - 31, it is \$167.00 and from Aug 1-4, 2018 it is \$153.00. The hotel provides a free shuttle to and from the airport. Hotel reservations can be made on the website or by calling 1-877-734-2726 and reference the NCACC to get the group rate. Make your reservation by June 27, 2018.

Conference registration is Saturday, July 28 from 2:00 pm. to 5:00 p.m., and on Sunday, July 29 from 11:00 a.m. to 12:30 p.m. The Program Committee has put together a terrific program that you can read about in the following pages.

Our social events begin on Sunday evening with a reception featuring the Morgan Thomas Slide Show as well as the infamous Education Committee's fund-raising auction. Bring an item to donate to the auction! On Monday, Thomson Reuters will be hosting us at the USS Midway, the longest serving carrier in the Navy history. With dinner and dancing on the flight deck, you are sure to see the best of San Diego.

On Tuesday evening, you are off on your own to explore the city. Our website has many options for you to explore or just relax at one of the many waterfront restaurants and bars at the hotel. Lexis kicks off Wednesday evening with the Flagship harbor dinner cruise and dancing. Talk about service, they are picking us up in the boat right from the hotel!

We finish off the week early Thursday morning with our fun run/walk around the harbor. The golf tournament takes place over in Coronado. For those not golfing, why not hop aboard the Old Town Trolley Tour and we will show you everything this city has to offer.

We did not forget the kids either. There are activities for families and kids to do each day while you are at the conference. Be sure to attend the family orientation for a full schedule.

## Inside This Edition:

<b>45th Annual Conference</b> <i>Kevin Lane, Host (CA)</i>	Page 1
<b>The President's Page</b> <i>Eileen Fox (NH)</i>	Pages 3-4
<b>Welcome New Members!</b>	Page 5
<b>Trolley Tour</b> <i>Kevin Lane, Host (CA)</i>	Page 6
<b>Setting our Sights on San Diego</b> <i>Jakob Trierweiler (AZ)</i>	Pages 7-8
<b>Scholarship Assistance for Annual Meeting</b> <i>Lisa Matz (TX)</i>	Page 9
<b>NCACC T-Shirt</b> <i>Kevin Lane, Host (CA)</i>	Page 9
<b>Michigan Supreme Court's Prisoner E-filing Program</b> <i>Larry Royster (MI)</i>	Page 10-11
<b>1995 Executive Committee Members Picture</b>	Page 12

# THE DOCKET

## News of the National Conference of Appellate Court Clerks

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President:	Eileen Fox (NH)
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# THE PRESIDENT'S PAGE

EILEEN FOX (NH)



Hello Spring! It's been a long, snowy winter in New Hampshire. Even though I have lived here for many years, I still view winter as a season to be endured. As I write this, there is still snow on the ground, but there are sure signs of Spring, like crocuses emerging and the sound of birds in the early morning.

Since my last report to you in January, the Executive Committee has dealt with two important matters. The first concerned our relationship with the National Center for State Courts (NCSC). As many of you know, the NCSC has for some time maintained the NCACC's membership records, handled its accounting and maintained its financial records. This has been done pursuant to a contract between the NCACC and the NCSC. The contract for these services expired at the end of 2017, and, as a result, in December 2017, the NCACC Executive Committee considered whether to renew the contract for another three-year period. Treasurer Janet Johnson and I had a telephone conference with NCSC staff to discuss the services that the NCSC provides. We also asked the Contracts Committee to review the proposed contract. Considering the numerous reports in the news of data breaches, the Contracts Committee suggested that we strengthen the contract provision regarding the NCSC's obligation to safeguard NCACC data. After discussions with the NCSC about this concern, a provision was added to the contract requiring the NCSC to safeguard NCACC data and notify us in the event of a breach. After this change and other minor changes were agreed to, the Executive Committee voted to renew the contract for another three-year period. I would like to thank the Contracts Committee for its help reviewing and improving the NCSC contract.

The Executive Committee also approved the hotel contract for next year's conference in Lexington, Kentucky. As I reported to you in January, the Executive Committee met in Lexington in October. We stayed at the Marriott Griffin Gate Resort, which is a lovely resort on the outskirts of Lexington. With Susan Clary's help, we finalized a contract with the resort, which will be a wonderful setting for next year's meeting.

# THE PRESIDENT'S PAGE

EILEEN FOX (NH)*(Continued)*

The Executive Committee is scheduled to meet on April 21 in Chicago to deal with regular NCACC business and receive updates on planning for the annual meeting. The annual meeting begins on Sunday, July 29 and ends Friday, August 3. You'll find information about the annual meeting elsewhere in this issue, including a preview of the program from Jakob Trierweiler, this year's Program Chair. Jakob and our host, Kevin Lane, have regularly updated me on plans for both the educational program and the social events, so I know that an informative and enjoyable meeting is in store. I hope that everyone will try to attend.

Every year the Executive Committee sets aside money for scholarships for members who may be in need of financial assistance to attend the conference. If you believe that you may need funding to attend the annual conference, please consider applying for a scholarship. The deadline for applying for a scholarship is May 1. The application form is available on the NCACC website. Applications should be sent by mail or e-mail to Nikiesha Cosby at the National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. Her email address is [ncosby@ncsc.org](mailto:ncosby@ncsc.org).

Sometime this month, you will receive a survey from the Strategic Planning Committee asking for your input on the format and structure of the annual meeting. The purpose of the survey is to gather input from members about how future annual meetings should be structured to enable as many members as possible to attend, and to meet the needs of members for continuing education and training. The committee is interested in your thoughts on the length of the annual meeting, the format of sessions, the range of subjects covered during the meeting, and any other topic important to you. I hope that you will give this some thought and respond to the survey when you receive it.

I would like to remind you to send any updates that you may have for your biography or photo to Membership Committee Chair, Lisa Collins. Her email address is [lisaac@utcourts.gov](mailto:lisaac@utcourts.gov).

In closing, I hope that Spring finds you in good health and reinvigorated for the year ahead. Please be in touch if you have any ideas or concerns. My email address is [efox@courts.state.nh.us](mailto:efox@courts.state.nh.us).

## **WELCOME NEW MEMBERS!**

**Julia Breeding,  
Staff Attorney, Florida Supreme Court**

**Emma Culotta,  
Deputy Clerk, Supreme Court of Texas**

**Amy Funderburk,  
Clerk of the Court, North Carolina Supreme Court**

**Tiffany Gilman,  
Deputy Clerk, Supreme Court of Texas**

**Scott Sutherland Harris,  
Clerk of the Court, Supreme Court of the United States**

**Charles Johnson,  
Clerk/Executive Officer, California Court of Appeal, First District**

**Karel Lehrman,  
Clerk of the Court, Idaho Supreme Court/Court of Appeals**

**Natalie McDemon,  
Deputy Clerk, Supreme Court of Texas**

**Kelley Reyes,  
Chief Deputy Clerk, Court of Criminal Appeals, Texas**

**Yaira Torres,  
Deputy Clerk, Supreme Court of Texas**

**Blanca Valdez,  
Deputy Clerk, Supreme Court of Texas**

**Monica Zamarripa,  
Deputy Clerk, Supreme Court of Texas**

*Looking for something to do on Thursday afternoon while the golfers wade for their balls in the bay? Why not join the Old Town Trolley Tour? It picks up right at the hotel, and we will take you on a great tour of the city. This is a narrated two-hour city tour throughout San Diego and Coronado. You'll see the historic Old Town State Park, the Embarcadero along the harbor next to the USS Midway & Maritime Museums, Seaport Village, the convention center, Horton Plaza, San Diego's Historic Gaslamp Quarter, the Bay Bridge, the Island of Coronado, Balboa Park and Little Italy. Once you have done this, you can say you have truly seen San Diego. Sign up on the registration page; space is limited unless we get enough for a second trolley.*



## Setting Our Sights on San Diego!

Jakob Trierweiler (AZ)

The Program Committee has been hard at work the past few months putting together a superb program for our annual meeting in San Diego, and we are excited to share the line-up with you! We're clocking in with 18.5 hours of CLE eligible hours for our upcoming gathering.

After the afternoon business meeting and conference welcome Sunday, the education section of the program begins with a presentation from our Opperman Speaker, **Shon Hopwood**. Shon, an appellate lawyer and professor at Georgetown University Law Center, started his legal career in a federal prison while serving his sentence for a string of bank robberies. In addition to his duties at Georgetown, Shon is a founding partner of Prison Professors, an organization that assists defendants with legal issues. Shon will also be bringing copies of his memoir for anyone interested in purchasing a signed copy, and is "excited to meet a room full of clerks" (his actual words!).

Monday morning starts with **Michael Roosevelt**, Principal Consultant at Maat Consulting Services, and a program on Implicit Bias. Some of our members have heard Mr. Roosevelt speak previously and spoke very highly of him as a presenter, so we are excited to have him on board. Following Mr. Roosevelt, **California Chief Justice Tani Cantil-Sakauye** will discuss Civic Engagement with our members. This is a topic that the Chief Justice is quite involved with, and she is committed to improving civic learning and engagement throughout California. After lunch Monday, we will see the return of **Robert Lowney** as a presenter (building off his excellent presentation last year, *Honing Your Leadership Skills Using the MBTI*), and closing out Monday is **Georgia Court of Appeals Chief Judge Stephen Dillard**, presenting on Social Media Ethics.

Tuesday gives us **Aron Ching**, Captain of the California Highway Patrol Judicial Protection Section, presenting a Threat Assessment course. Captain Ching has been interested in speaking with and working with our group for some time, so this should be a good experience for both our members and his team.

Additionally on Tuesday, committee members have assembled a panel discussion on Language Access in the Courts. Panel members for this presentation include **Associate Justice Jonathan K. Renner** (California Third Appellate District Court of Appeal), **Stacey Marz** (Director of Self-Help Services of the Alaska Court System), and our very own **Polly Brock** (Clerk of the Court of Appeals, Colorado). Tuesday also brings us **Regina Schnell** (Founder and Conflict Resolution Specialist, Work Place Symphonies), who will spend the afternoon with us sharing information on Regulations and Relationships, as well as Conflict Resolution. Closing out the day on Tuesday for most members is a ‘**What We Learned**’ session, giving us a chance to discuss and share what we have taken away from some of the presentations so far.

Wednesday kicks off with a morning all about different aspects of COOP (Continuity of Operations Plans). **Joseph Thomas**, Security Officer for the State of Michigan Court of Appeals, will present on this topic, and there may be room for a panel discussion as well that will allow members to share some “real world” COOP successes (and learning opportunities). After that, the **2018 Vendor Show** begins, and Jenny Abbott Kitchings has been working hard to ensure that we have a full slate of showcases and booths ready to impress. After the showcases, we will have a return of the “**What’s Bugging You?**” session, with a chance for candid and constructive conversation about topics that our community may be currently experiencing.

Thursday, our last day of education, begins with a discussion panel with **Judge Robyn Aoyagi** (Oregon Court of Appeals) and **Blake Hawthorne** (Clerk of the Court, Supreme Court of Texas), detailing some of the issues and opportunities that result as more and more courts enter the e-filing world, and the next logical step that comes from that (e-briefing, and the functionality and readability of those documents). Thursday wraps up with the continuation and conclusion of our business meeting (if needed), before we disassemble for the afternoon to play in the golf tournament, take part in an old town trolley tour, or partake in other activities before we reconvene for the banquet at 7:30 that night.

We hope you enjoy these programs, with the goal of being able to bring a little something back from each presenter in the course of our day-to-day workplace operations. It will be great to see everyone together again for a week of education and connecting in sunny San Diego!

## SCHOLARSHIP ASSISTANCE DEADLINE APPROACHING

If you are uncertain whether or not your court will fund your attendance at the annual meeting in San Diego, California, consider applying for a scholarship. The application is posted on the NCACC website and the scholarship criteria are detailed in the NCACC directory, page 364 – Committee Operational Guidelines/NCACC Scholarship Committee.

Please submit your scholarship application by email to Nikiesha Cosby at [ncosby@ncsc.org](mailto:ncosby@ncsc.org), National Center for State Courts, by May 2, 2018. If you apply for a scholarship and later discover that funding is available for your trip, please advise the Scholarship Committee.

**You went to San Diego and didn't get me a T-shirt? You don't want to be "that guy!"**

**Remember to order your T-shirt at the time you register for the conference and get these one of a kind designs made just for NCACC. Not convinced? Well, because we like you, we lowered the price to only \$20.00 for most sizes. Get yours today!**



# ***MICHIGAN SUPREME COURT'S PRISONER E-FILING PROGRAM: AN UPDATE***

***by Larry Royster, Chief of Staff/Clerk of the Michigan Supreme Court***

In the April 2017 edition of *The Docket*, I wrote an article about a pilot program in the Michigan Supreme Court that allowed self-represented persons in two state prisons to transmit their filings to the court by email. The pilot program is based on programs successfully operating in several federal district courts across the country. This article will provide more information about the program's implementation and its current status.

In the spring of 2017, the court purchased two digital senders that the Department of Corrections installed in correctional facilities located close to the court's mid-Michigan office. A digital sender scans a paper document and transmits the digital version to a pre-programmed email address. The program is meant to address the lack of internet access in the prisons and the resulting inability of incarcerated persons to access our web-based e-filing system, an ImageSoft, Inc., product called TrueFiling. Of the approximately 2,000 cases filed annually with the court, 70% are criminal appeals. The vast majority of those are filed *in propria persona* by incarcerated defendants in paper form. Consequently, we receive a large number of paper documents that must be scanned by court staff before uploading them to our digital case files (we stopped maintaining hard copy files two-and-one-half years ago). Those documents are often in poor condition and in varying sizes, which increases the time and difficulty in scanning them.

With the pilot program, the prisoner gives his hard copy documents to the prison librarian for scanning and transmission to an email address monitored by the clerk's office. After being scanned, the papers are returned to the prisoner. The court's email server generates an automated reply acknowledging receipt of the emailed filings so that the prisoner immediately knows that his documents were received by the court. Staff of the clerk's office review the documents to verify jurisdiction and compliance with the court rule requirements. We then email a one-page notice of acceptance or rejection, along with a date-stamped copy of the document's cover page, to the prison librarian who prints copies for the prisoner to retain. We also electronically serve accepted filings on opposing counsel and provide notices of the filings to the Court of Appeals and the trial court. Those responsibilities previously fell on the prisoners, but we have undertaken them as an incentive to participate in the program and, candidly, to eliminate the myriad service and notice problems that often take more time to resolve than doing it ourselves.

The first prisoner e-filing was transmitted to the court on May 2, 2017. In the subsequent ten months, 105 appeals have been filed under the program. While not a huge number, we are expanding the program to two more correctional facilities in the near future, thanks to its perceived success by everyone involved—the prisoners and prison librarians, the court staff, and perhaps most importantly, the Department of Corrections.

Having the Department of Corrections fully on board with the program is no small deal. I first approached the Department about implementing the program in January 2015. After many months and several unreturned letters and phone calls, an official finally agreed to schedule a meeting to discuss the program. At the first meeting, it was clear we had some convincing to do.

The Department officials thought the program would increase the work of prison staff and were worried that the digital senders might allow the prisoners to access the internet. Also, the Department had suffered public backlash a short time before for allocating money to train select prisoners to assist other prisoners in preparing legal documents. Some people accused the Department of spending taxpayer dollars to teach prisoners how to sue the state and its subdivisions. The officials feared the public might similarly perceive the prisoner e-filing program. That did not occur. In January 2018, I contacted the lead Department official about expanding the program to additional correctional facilities. This time, there was no reluctance or concerns. The program has saved time for prison staff overall and there have been no incidents of abuse by the prisoners.

Michigan has 39 correctional facilities, seven of which are located in the Upper Peninsula. One of the two machines will be installed in the state's only all-women's prison in the Detroit area. The other will be installed in a prison in the Upper Peninsula. Installing the machines at the remote prisons will be especially beneficial given the short filing times of certain document types (e.g., 21 days for motions for reconsideration) and the long mail delivery times. The state's most remote prison, Ojibway Correctional Facility, is located at the far western edge of the U.P., just six miles from the Wisconsin border. Mail delivery to and from our courthouse location, which is 529 miles away, can easily take three to four days. That delay significantly shortens the time a prisoner has to prepare his filing. Besides alleviating mail delays, the program also resolves the problem of mail *non-delivery*. Last year alone, the court was made aware of seven new case filings that were lost in the mail. Although the cases were eventually docketed, they were many months late (almost two years in one case) and required substantial staff time to verify their legitimacy. Prisoner e-filing eliminates the problem of delayed or lost mail.

After installing the new digital senders this spring, the plan is to expand into four to six more prisons in the fall. However, the digital senders are fairly expensive. Our model, the HP Digital Sender Flow 8500 fn 1, currently sells for \$1,000 to \$1,500. Newer models of the digital sender can be two or three times that amount. The court simply does not have the funds to purchase new machines and maintain old machines for all the prisons. Fortunately, there are a couple no/low cost options that we are exploring with the Department of Corrections. First, the documents can be scanned on existing prison equipment and manually attached to an email message and transmitted to the court by the prison librarian. Second, the prison librarians can register as users of the court's regular e-filing system, TrueFiling, and submit the documents directly through that system. Because those options require additional steps by the librarians, I anticipate the Department of Corrections will not be enthusiastic about them. But from the very beginning of Michigan's prisoner e-filing program, the key to its implementation has been persistence and patience, and the willingness to proceed at a pace comfortable for Department officials.





**1995 Executive Committee members:**

**Left to Right: Ella Williams (MI), Dave Beach (VA), Bill Fulton (US), Joseph Lane (CA), Cornelia Clark (WI), Joyce Goldsmith (AZ). Ron Barrow (CA), President in the middle. Penny Miller (ND), Nancy Foley (MA), Ed Smith (MT), Danielle Schott (LA), Leslie Gradet (MD).**