



**THE 46th NCACC  
ANNUAL CONFERENCE IN  
LEXINGTON, KENTUCKY  
JULY 28—AUGUST 2, 2019  
Susan Clary, Host**



**Welcome from the Bluegrass State!**

Springtime in Kentucky brings racing at Keeneland in preparation for the “Run for the Roses,” the bluish purple cast of spring that caused early pioneers to gather and trade in the “blue” grass of Kentucky, and final preparations for the 46th Running of the NCACC Conference in Lexington, Kentucky, July 28-August 2, 2019. Registration for the Kentucky Conference is now open on our website <http://www.appellatecourtclerks.org/conferences/index.html>. Rooms may be booked at the Griffin Gate Marriott Resort and Spa, also on our webpage, or directly through this link

<https://www.marriott.com/event-reservations/reservation-link.mi?id=1553523183576&key=GRP&app=resvlink>.

The Griffin Gate Marriott is a four-star Marriott property with a golf course, tennis courts, pools and a spa on the premises. The room rate is \$102.00, and on-site parking is provided at no charge. The resort is conveniently located in horse country, near the intersection of Interstates 64 and 75 and within minutes of Lexington Bluegrass airport.

Begin your Kentucky sojourn and join us on Saturday, July 27th for an optional tour through horse farm country; or take advantage of an afternoon at the Marriott, around the pool, in the spa, or on the golf course.

On Sunday, July 28th, we open the conference and then head out for “A Capitol Event”- Dinner at the Supreme Court of Kentucky in Frankfort, hosted by the Court and JAVS. We will pose for a group photo beneath Abraham Lincoln’s bronze statue in the Capitol Rotunda before going up to the Courtroom on the second floor to hear Justice Bill Cunningham’s presentation on Kentucky’s Night Riders. We will dine in the halls of the Capitol before returning to the Courtroom for Sherry’s famous auction.

After a full day of programming on Monday, we will head to Keeneland Race Course <https://www.keeneland.com/> for a night of Kentucky hospitality, hosted by Thomson-Reuters. You will be greeted “out of the starting gate” at Keeneland with Kentucky cocktails and whisked off on a tour of the nation’s only non-profit racetrack, dedicated to the Thoroughbred horse. Dinner and dancing will be in the Keeneland Show Ring, to the dulcet tones of Court of Appeals Judge Glenn Acree’s band.

Tuesday’s schedule includes our Vendor lunch and our Cocktail party; leaving you free to explore dinner options offered by Lexington restaurants in the Distillery District, downtown or elsewhere in the city.

Wednesday evening, we travel to the two hundred year old Labrot and Graham Distillery, maker of Woodford Reserve bourbon, for “Summer Supper and Sippin” at

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## THE DOCKET

### News of the National Conference of Appellate Court Clerks

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(CONTINUED FROM PAGE 1)

Kentucky's oldest working distillery, hosted by LexisNexis. <https://woodfordreserve.com/age> We will tour the distillery and receive a class in bourbon tasting, before enjoying the food of Chef Ouita Michel, James Beard chef.

This year's golf tournament will be held on Thursday, August 1st at Greenbrier Golf and Country Club, home of "Charlie's Bar," fondly named for a fellow some of you knew named Clary. Join Nicholas and spend a great day on the links at a club dedicated solely to golf. <https://www.greenbriergcc.com/>

Let's "Cross the Finish" line in Kentucky Style and end this year's convention with "A Night of Racing," along with our cocktail party and banquet. Win, Place or Show, bet on a winner at our Derby party; with an evening of simulated Thoroughbred racing and cuisine.

Don't forget to sign up for our Critique Breakfast on Friday, August 2<sup>nd</sup>. Eat up...you will need sustenance before we board buses for the optional event and Go Where the Spirit Leads Us-Along Kentucky's Famous Bourbon Trail. Stops include:

Buffalo Trace Distillery, <https://wwwbuffalotracedistillery.com>

George Geoghegan's Ripy House for lunch, [www.kentucky.com/news/local/news-columns-blog/tom-eblen/article162966593.html](http://www.kentucky.com/news/local/news-columns-blog/tom-eblen/article162966593.html)

Four Roses <https://fourrosesbourbon.com>

and/or Wild Turkey <https://wildturkeybourbon.com> distilleries.

Your Old Kentucky Home awaits,  
Susan

## SCHOLARSHIP ASSISTANCE FOR 46th ANNUAL MEETING Lexington, Kentucky

Are funding or budget constraints keeping you from attending the 2019 annual conference in Lexington? If so, 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 funds may be used for transportation to and from the meeting as well as lodging at the meeting. The application may be accessed on the NCACC website, or on the next two pages in this issue of *The Docket*. Scholarship criteria may be found in the NCACC directory under the Committee Operation Guidelines/NCACC Scholarship Committee.

Please submit your scholarship application by email or postal mail to Nikiesha Cosby, National Center for State Courts, by **May 1, 2019**. If you apply for a scholarship and your trip is later funded, please advise the Scholarship Committee so that the available scholarship funds may be appropriately awarded. Feel free to contact Amy Funderburk, Scholarship Committee Chair, at [alf@sc.nccourts.org](mailto:alf@sc.nccourts.org) if you have any questions or comments.

# Scholarship Application

46TH ANNUAL MEETING

Lexington, Kentucky

July 28 - August 2, 2019



*National Conference of Appellate Court Clerks*

If lack of funding could prevent you from attending the annual meeting held in Lexington 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 [Amy Funderburk](#) (NC), 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 Nikiesha Cosby at the National Center for State Courts, by **May 1, 2019**.

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

Nikiesha Cosby

[ncosby@ncsc.org](mailto:ncosby@ncsc.org)

National Conference of Appellate Court Clerks  
National Center for State Courts  
300 New Port Avenue  
Williamsburg, VA 23185

**-- FUNDING REQUESTED FOR THE ANNUAL MEETING TO BE HELD IN LEXINGTON, KENTUCKY JULY 28 – AUGUST 2, 2019 --**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Employing Court: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Are you an 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Have you or anyone in your office had a scholarship in the last four years? \_\_\_\_ Yes \_\_\_\_ No

Would your court have funded the attendance of NCACC members from your office to other educational programs during the twelve months immediately preceding the 2019 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 (may not exceed six 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: \_\_\_\_\_

# THE PRESIDENT'S PAGE

DAN SHEAROUSE (SC)



While it seems like just yesterday that we were saying good-bye at the end of the Annual Meeting in San Diego, California, the Annual Meeting in Lexington, Kentucky is now less than four months away. Our host for Kentucky, Susan Clary (KY), continues to add more and more details about this Annual Meeting on the NCACC Website. I applaud Susan for her

commitment and enthusiasm in being our host!

Meanwhile, the Program Committee and its chair, Jenny Kitchings (SC), and the vendor chair, Chris Prine (TX), continue their work to finalize our program for Kentucky. From what I have seen so far, I think we are going to have an exceptional program in the Bluegrass State. In addition, the Convention Assistance Committee and its chair, Meredith Montgomery (AK), are already planning how it will provide assistance to our host. I thank these committees for their work, and I eagerly await our upcoming Annual Meeting (July 28 - August 2, 2019).

In early February 2019, it was my privilege to represent the NCACC at the Conference of Chief Justices Meeting in Clearwater, Florida. As a result, I was able to meet many of your Chief Justices, and attend not only the general meetings, but also the committee meetings. I found it extremely beneficial to observe how they conducted their conference and, while some of the discussion was new to me, much of the subject matter related to issues we have discussed at one time or another during our annual meetings.

During the meeting in San Diego, I had the pleasure of attending the Past-President's Breakfast. During the breakfast, there was discussion about our relationship with the National Center for State Courts (NCSC), which serves as the secretariat for the NCACC. The observation was made that the Executive Committee had not recently met with the NCSC, and it was suggested that it might be beneficial for such a meeting to occur. As a result of this suggestion, the

# THE PRESIDENT'S PAGE

DAN SHEAROUSE (*Continued*)

Executive Committee held its spring meeting in Williamsburg, Virginia, on March 30, 2019, and the NCSC gratuitously allowed us to use its facility to conduct our meeting. In addition to the normal items of an Executive Committee Meeting (i.e., approving the minutes from the prior meeting, considering the reports of the committees and taking up any new business), the Executive Committee discussed a wide variety of issues with the representatives of the NCSC. This included the court statistics project, the secretariat relationship between the NCSC and the NCACC, the membership management software used by the NCSC, and the advantages of using a commercial vendor to negotiate our hotel contracts. The Executive Committee members thought this meeting was extremely beneficial to our relationship with the NCSC. My thanks to the Past-Presidents Committee (a committee I look forward to joining in the not too distant future!) for suggesting this meeting with the NCSC.

For all of the chairs, vice-chairs and members of our Committees, including the Executive Committee, I wish to express my gratitude for your willingness to devote your time and talents to service on a Committee. The care and dedication exhibited by our Committee members was readily apparent from the reports the Executive Committee received and reviewed during the Spring Meeting. Our Committees truly are the lifeblood of our organization, and I would encourage each of you to begin thinking about what Committees you may wish to serve on next year.

Finally, if you are aware of a fellow appellate court clerk, whether in your state or another, who is either not a member of our organization, or a member who has not recently attended an Annual Meeting, please pick up the phone and encourage that clerk to attend the Annual Meeting in Lexington, Kentucky. I look forward to seeing each of you in Kentucky!

## Social Media for the Bench and Bar

By Chief Justice Beth Walker,  
Supreme Court of West Virginia  
(previously published in *The West Virginia Lawyer* magazine)

An effective lawyer or judge keeps up with trends in the law and society. Even those who choose to avoid social media outlets, like Facebook and Twitter, inevitably will need to know something about them for professional or personal reasons. This article discusses the importance of social media in our lives and our profession and suggests that there are legitimate benefits from its responsible use.

An annual survey by the Pew Research Center revealed in March of 2018 that most American adults use social media, especially Facebook (68 percent) and YouTube (73 percent), and that three-quarters of those who use Facebook do so every day. Younger adults (age 18 to 24) are more likely to use Snapchat (78 percent), Instagram (71 percent) and Twitter (43 percent). About 73 percent of Americans use more than one social media platform.<sup>1</sup>

A more recent Pew study reported that about 68 percent of American adults rely on social media for their news, with most getting that news on Facebook (43 percent), YouTube (21 percent), and Twitter (12 percent). Ironically, a majority (57 percent) expect that news to be inaccurate. In that survey, convenience was the benefit most mentioned by those who rely on social media for news.<sup>2</sup>

I am not encouraging anyone to open a social media account and am not offering any legal opinion relating to social media. Rather, I hope lawyers and judges recognize the pervasive use of social media by employees, clients, and litigants, and understand the ethical rules that may apply.

West Virginia's ethical rules for lawyers and judges contemplate our use of social media. Rule 1.1 of the West Virginia Rules for Professional Conduct states, "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Comment 8 to Rule 1.1 notes, "[t]o maintain the requisite knowledge and skill, a lawyer must keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject."

As for judges, Comment 6 to Rule 3.1 of the West Virginia Code of Judicial Conduct states, "[t]he same Rules of the Code of Judicial Conduct that govern a judicial officer's ability to socialize and communicate in person, on paper, or over the telephone also apply to the Internet and social networking sites like Facebook." As a practical matter, ignoring social media is overlooking an economical and effective way for public servants to connect with voters.

Thirteenth Judicial Circuit (Kanawha County) Judge Joanna Tabit and I are both active on social media and have co-presented on the topic at continuing legal education sessions for both circuit judges and family court judges (so far). In those presentations, we have emphasized that social media should be undertaken thoughtfully with the end result in mind. Some users may only be interested in sharing photos with family members or following the news. Others like Judge Tabit and I use our social media accounts more proactively; both of us strive to be positive, pro-West Virginia and pro-judiciary.

<sup>1</sup> Aaron Smith & Monica Anderson, *Social Media Use in 2018*, PEW RESEARCH CTR. (March 1, 2018), <http://www.pewinternet.org/2018/03/01/social-media-use-in-2018/>.

<sup>2</sup> Katerina Eva Matsa & Elisa Shearer, *News Use Across Social Media Platforms in 2018*, PEW RESEARCH CTR. (September 10, 2018), <http://www.journalism.org/2018/09/10/news-use-across-social-media-platforms-2018/>.

## Social Media for the Bench and Bar

(Continued)

As she explains it, Judge Tabit gets her news from social media and uses her Facebook page as a way to keep in touch with family and friends. “As judges we don’t get to talk about a lot of things,” Judge Tabit told family court judges during a presentation last fall. “People can get an idea of who you are. It can personify you. I try to keep it light. I talk about the family, West Virginia University football, and West Virginia University sports.”

I joined Facebook and Twitter more than ten years ago as a then-candidate for the office I am now fortunate to hold. Once I was elected in 2016, I transformed my presence on those outlets to be appropriate for a judge. Over the past two years, I have joined a handful of state appellate judges who are active on Twitter. One of the pioneers of this group is Chief Judge Stephen Dillard (@JudgeDillard) of the Georgia Court of Appeals.

Chief Judge Dillard and I agree that public servants like judges need to be connected, accessible and transparent. As he recently observed during a panel discussion during the Federalist Society’s 2018 National Lawyer Convention, “I think voters are increasingly expecting the people who serve them will communicate with them in ways they actually use. Gone are the days when a judge would just go to a Rotary club and give a speech.”<sup>3</sup>

I use my Twitter account (@bethwalkr) to convey who I am, to educate the public about our court system, to promote excellence in appellate practice, and to encourage young women to pursue leadership roles in law and public service. I focus on being positive and try to be humorous (succeeding occasionally). Joining a diverse community of lawyers and judges who use the hashtag #AppellateTwitter, I participate in lively discussions about topics as important as effective oral advocacy and as nerdy as grammar and punctuation.

Of course, judges who use social media must do so judiciously. “If judges are exercising poor judgement online, they are probably exercising poor judgement in real life . . . . Transparency reveals what it reveals. That is not necessarily a bad thing,” Chief Judge Dillard has observed.<sup>4</sup> So, West Virginia judges who use social media must conduct themselves as they do in all other aspects of their lives – following the Code of Judicial Conduct. That means, for example, that our staffs comply with applicable provision of the Code, that our campaigns observe all fundraising restrictions, and that we take care not to engage in political activities.

As for proficiency on social media, Judge M. Sue Kurita, Vice-Chairwoman of the Texas Supreme Court’s Commission for Judicial Conduct, writes that “judges should strive to be appropriate in every comment, photograph, and status update. Judges must be vigilant and constantly review the posts, comments, and content of their pages. Judges should be technologically proficient to stay current with and understand the policies, control and privacy settings of the [electronic social media] site.”<sup>5</sup>

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<sup>3</sup> 2018 Federalist Society Lawyers Convention, *Technology, Social Media, and Professional Ethics*, YOUTUBE (November 17, 2018), <https://www.youtube.com/watch?v=QqbAn6e9Blc&t=175s>.

<sup>4</sup> *Id.*

<sup>5</sup> M. Sue Kurita, *Electronic Social Media: Friend or Foe for Judges*, 7 ST. MARY’S J.LEGAL MAL. & ETHICS 184, 235 (2017) (footnotes omitted).

## Social Media for the Bench and Bar (Continued)

In 2013, the American Bar Association recognized that “[j]udicious use of electronic social media can benefit judges in both their personal and professional lives. As their use of this technology increases, judges can take advantage of its utility and potential as a valuable tool for public outreach.”<sup>6</sup> I agree.

As for lawyers, many of these same principles apply. Judge Don Willett of the U.S. Court of Appeals of the Fifth Circuit recently noted, “[t]he legal community is an online community. We inhabit a wired world. For lawyers in 2018, technology is impossible to ignore.”<sup>7</sup> Judge Willett, a witty former Texas Supreme Court Justice (@justicewillett), attracted more than 100,000 followers on Twitter; he has recently taken a lower Twitter profile after his appointment to the federal bench.

Many lawyers are hesitant to embrace new technology or take risks with social media. “Lawyers can sometimes be luddites or technophobes. . . . At the end of the day, social media and technology are just like any other tools available to lawyers. They can be used wisely or unwisely. They can be used ethically or unethically. They are really just what you make of them,” David Lat, founder of the *Above the Law* blog, recently observed. But, consistent with the premise of this article, Lat also notes, “[i]f you are not using social media or not cognizant of it or understand the nuances, you could actually be violating your ethical duties.”<sup>8</sup>

Every lawyer should be familiar with social media sites and know how to operate their privacy settings, even if they choose not to have accounts of our own. Lawyers must be “mindful of their use of social media and social networking websites, as well as capable of assisting their clients in navigating the world of social media and social networking websites.”<sup>9</sup> For example, lawyers must deal with authentication of evidence their clients bring them from social media.<sup>10</sup> In the corporate world, lawyers often must ensure that corporate social media accounts abide by federal securities laws.<sup>11</sup>

All lawyers have to be cautious that airing their private opinions on public social media can lead to adverse consequences.<sup>12</sup> “Just because you can air your innermost thoughts on Facebook or Twitter doesn’t mean you should,” notes John G. Browning, a Dallas attorney who is the author of the *Social Media and Litigation Practice Guide*.<sup>13</sup>

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<sup>6</sup> ABA Comm’n on Ethics & Prof’l Responsibility, Formal Op. 462 (2013).

<sup>7</sup> 2018 Federalist Society Lawyers Convention, *Technology, Social Media, and Professional Ethics*, YOUTUBE (November 17, 2018), <https://www.youtube.com/watch?v=QqbAn6e9B1c&t=175s>.

<sup>8</sup> *Id.*

<sup>9</sup> ROBBY J. ALIFF, WEST VIRGINIA LAWYER DISCIPLINARY BOARD, SOCIAL MEDIA AND ATTORNEYS NO. 2015-02 7 (Sept. 22, 2015), (hyperlink omitted).

<sup>10</sup> See Angela M. Scafuri, *Authentication and Admissibility of Electronic and Social Media Evidence in Family Law Matters*, NEW JERSEY LAWYER, THE MAGAZINE (Feb. 2018).

<sup>11</sup> King & Spalding, *To Tweet or not to Tweet? Lessons in Careful Use of Social Media*, JDSUPRA (October 19, 2018), <https://www.jdsupra.com/legalnews/to-tweet-or-not-to-tweet-lessons-in-57068/>.

<sup>12</sup> John G. Browning, *Taking the Heat for a Tweet A Look at Lawyers, the First Amendment, and Social Media*, 81 TEX. B.J. 336 (2018).

<sup>13</sup> *Id.*

## Social Media for the Bench and Bar

(Continued)

A 2015 West Virginia Lawyer Disciplinary Board Legal Ethics Opinion details what lawyers can and cannot do on social media.<sup>14</sup> According to that opinion, lawyers may:

- Tell clients to delete content from social media if the deletion is not illegal or constitute spoliation. Attorneys must take steps to preserve that information if it is later deemed discoverable or otherwise relevant to the case;
- Connect with clients or former clients on social media if they use their own names and state the purpose of the contact;
- Review the public portions of jurors' social media sites;
- Use information posted on social media sites in discovery;
- Accept client reviews on their own sites if the posts are accurate;
- Endorse other attorneys on social media if the posts are accurate and not misleading;
- Advertise via social media or on a networking website, under certain circumstances; and
- Connect with judges on social media or social networking sites, but not for the purpose of *ex parte* communications or influencing a judge.

On the other hand, the opinion states that lawyers may not:

- Advise clients to post false or misleading information on their social media accounts;
- Use social media to contact someone who is represented by another attorney;
- Use a third party to contact someone who is represented by another attorney; and
- “The Lawyer Disciplinary Board cautions attorneys regarding their use of social media and social networking websites regarding any trial publicity.”

Technology in general and social media in particular changes rapidly, which requires diligence by a judge or lawyer who gets involved. Challenges aside, social media offers many benefits such as timely news, professional networking, and entertainment. And, social media offers a platform like no other for judges and lawyers to explain the court system to the public and promote confidence in the judiciary and in the rule of law.

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<sup>14</sup> ROBBY J. ALIFF, WEST VIRGINIA LAWYER DISCIPLINARY BOARD, SOCIAL MEDIA AND ATTORNEYS NO. 2015-02 7-24 (Sept. 22, 2015), (hyperlink omitted).

### AUCTION TIME!

We will be holding the auction at the 46th Annual Conference on Sunday evening, July 28, 2019. Please start thinking about the items you would like to donate. We will accept anything and everything! Items donated in the past have included artwork, jewelry, books, basket of goodies, and homemade items. We love to see creations by children and grandchildren! It is always more fun when everybody participates. But, most importantly, the proceeds go into the Educational Fund. Let's have a wonderful time supporting this important part of NCACC!

Sherry Williamson



**The Future Is Now: Getting Ready for Bourbon, Horses, and the Future of Appellate Courts**

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals

As the time for the annual meeting of the Conference approaches in Lexington, Kentucky, the Program Committee is preparing for a stellar program. We secured Mark Lanternman, CTO of Computer Forensic Services, as our Opperman speaker. Mr. Lanternman is a former member of the U.S. Secret Service Electronic Crimes Taskforce, and has 28 years of security/forensic experience. He is also a member of the Minnesota Lawyers Professional Responsibility Board. Mr. Lanternman will speak to us about cybersecurity and the issues the courts face as we head into the future. We are also hoping to have another speaker from the DC area to compliment Mr. Lanternman's topic.

We felt it would be a nice juxtaposition to move Vendor Day to Tuesday so we can spread out our more intensive CLE-heavy days to Monday and Wednesday, and also to have the Lexis and Thomson Reuters events on their own nights, rather than having one or the other in conjunction with Vendor Day. Retired Justice Bill Cunningham of Kentucky is going to tell us about the night riders of western Kentucky as part of a spectacular Sunday night at the Kentucky Capitol in Frankfort. To allow us ample time to hear Justice Cunningham's presentation and enjoy a dinner at the Capitol, we are moving the opening business meeting to Monday morning before we hit the ground running with our Opperman speaker.

At the request of the Technology Committee, the Chief Judge of the Arizona Court of Appeals, Division 1, is going to tell us about Arizona's digital evidence project. We are pleased that member Brian Cotta and Mariana Cordova from the California Court of Appeal, Fifth Appellate District, will come and share their experiences with two innovation grants to enable a project to create self-help videos and forms that will enable pro se litigants to create their own appellate briefs as well as a project to allow trial courts to e-file with the courts of appeal. We hope to have a discussion on the mental health courts in Texas.

We are bringing back the popular What's Bugging You session, which is a members-only event. Be on the lookout for an email on the listserv asking for your burning questions! The more questions we receive in advance, the better this session will be. We are also planning to include a members-only applying education session to help us take back as much information as we can to our courts. This is another opportunity to share experiences, which is always one of the best takeaways of the entire conference. Following up on last year's speaker about a judge's use of social media, we will have a panel of folks from Florida and Texas to talk about how appellate courts use social media as a platform.

**The Future Is Now: Getting Ready for Bourbon, Horses, and the  
Future of Appellate Courts**  
*(Continued)*

On the last day of our conference, we are planning a joint session with the Reporters of Decisions. For the joint session, we are pursuing a discussion with Tom and Lisa Hall regarding the ethical decisions faced by appellate court clerks and reporters of decisions when issuing opinions and answering questions from the media.

We are very excited about the program for Lexington and hope it will be an enjoyable and educational conference for everyone.

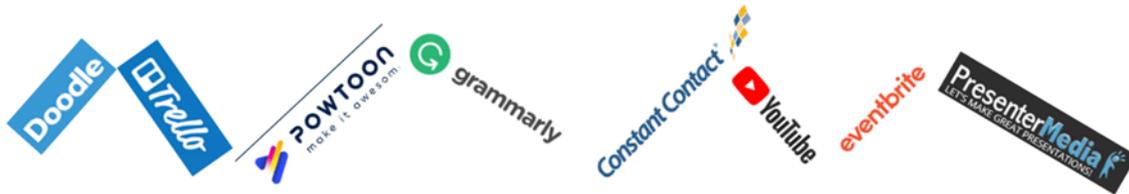


Fall Executive Committee Meeting  
Point Clear, Alabama

Spring Executive Committee Meeting  
Williamsburg, Virginia

***Does it look like we aged  
between meetings????***





## A Little Extra Help from Inexpensive Applications

*Contributed by Amy Wood (AZ)*

Every once in a while you are introduced to a tool that makes your work a whole lot easier and may even change the way you do things. As more and more applications (or “Apps”) become available, there are an ever-growing number of solutions that may make certain tasks easier, better, or both. This article provides an overview of several applications that may be beneficial with some tasks that a Clerk’s Office may encounter.

Usually, I’m not out looking for applications. I generally become acquainted with a tool when someone else is using it or shares the idea with me. There are a few that I have come to rely upon, and a few that I plan to use in the future. The group of applications summarized below seemed worthy of sharing.

With each tool, of course, one has to consider the types of information you might be entering and consider that free applications do not provide security or protection. As with everything, good judgment should be used when deciding whether to use any of these applications in any given situation.

### [Doodle](#) (Finding a Good Meeting Time Across Organizations), Cost: \$0

Some organizations’ calendaring systems have limitations when reaching outside of the organization. For example, you might be able to see the schedule of co-workers in your workplace through Outlook, but not be able to see the calendars of other committee members or others with whom you need to collaborate. Rather than spending a lot of time going back and forth with emails about people’s availability, Doodle can allow you to send out a poll to determine everyone’s availability, which often makes the selection of the best date/time obvious.

Doodle allows you to send meeting requests out directly, or provides you with the opportunity to copy the link. Copying the link allows you to frame what the meeting is about in a separate email and provide the link for people to indicate their availability.

Doodle can be used as a guest or by creating an account. Creating an account may give you more options in terms of synching directly to your calendar. I generally use Doodle to identify the timeframe and send a separate invite through my calendar so that I can be more descriptive in my more secure Outlook environment.

STEP 1 OF 4

### What's the occasion?

Title  
 Meet with NCACC

Location  
 Conference call

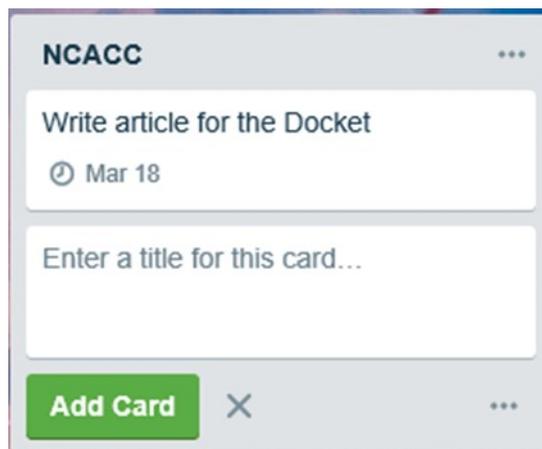
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**Trello (Tracking Tasks), Cost: \$0-(Advanced Options up to \$21/month)**

Have you moved to a paper-free office, only to then pull out the post-it note pad to keep track of your “to do” list? Do you have a whiteboard somewhere in the office that everyone can see to focus on projects you are working on collaboratively? Trello may be an alternate solution for you. Trello allows you to have “Boards” online with lists and “cards” representing tasks associated with each list. The cards can be associated with checklists, and/or have documents attached. Each card can have a deadline and cards can be assigned to others. Boards can be private or open to a team. Team members can be “invited” to participate in a board. I can, for instance, have one board for all of my personal “to do” items and another board for a team project that everyone on the team can see from their desktop. I can see both boards on my screen at the same time. Within each board, I might have lists for different types of “To Do” items or for different aspects of a project. Trello also allows you to sign up for alerts on updates to a board. It is a fairly intuitive application, cards can be dragged and dropped between lists. Lists can be moved between boards to which you have access. Trello has become popular enough that there are now many other applications that can be associated with Trello. For instance, there is an application that will add cards to your list at regular intervals to help you keep track of repetitive tasks. My Trello NCACC list, shown below has a card for writing this article.

The cost is free, but Trello Gold is available for a monthly (\$5) or yearly (\$45) subscription. Trello Business Class and Enterprise are available each with additional features, including increased security.





### **PowToon (Instructional Videos), Cost: \$0-\$99/month**

PowToon is an application that allows relatively quick and easy development of online presentations or tutorials. The free version allows for developing presentations up to 3 minutes in length. This might be just enough to explain a simple process in your office that might help either employees or litigants. For example, PowToon was used to create an online presentation explaining [merit selection of judges in Arizona](#). The ability to make longer presentations and store more information moves into the monthly subscription.

A basic version of PowToon can be used for free. Additional features are available for monthly plans that range from \$16/month to \$99/month. These plans include storage, exports, etc.



### **EventBrite (Event/Class Registration), Cost: \$0**

Are you responsible for tracking registration for continuing education? Do you have times when you offer training sessions to the public? If so, Eventbrite might be right for you. Eventbrite offers the ability to publish the existence of a class or event on the web and send out invitations to the class. The sponsor of the class has control over how many seats are available. People can sign up by responding to an invite or by going to a link that has been provided. As people register they get “tickets.” You can sell the tickets for \$0. Once a person has “purchased” a ticket they appear on the roster for the event. The roster can be downloaded and/or printed out. This then can be used as a sign-in sheet or other tool to track attendance when necessary. Using something like this for registration in advance can also help determine whether a class needs to be held and/or whether classes might be able to be combined through contacting those who have registered in low-enrollment classes. Eventbrite allows a “profile picture” to identify your organization, and multi-user access.

Ideas for using EventBrite include things like an internal training, or training on e-filing at different times for the public, first come/first served seating for a popular oral argument, or individual meeting slots for help at a law library. As it is free, Eventbrite does show advertising along with some of the classes.



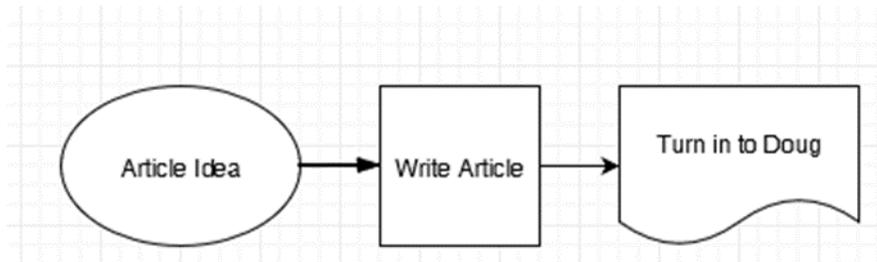
### **YouTube Videos, Cost \$0**

YouTube may be “old news” but there continue to be more and more videos added to YouTube. Sometimes they are professionally done, and available for no cost. One example of using YouTube in the workplace would be to show a [video on ergonomics](#) to new employees during orientation. Listing YouTube here is a reminder of a potential low-cost way to provide information.



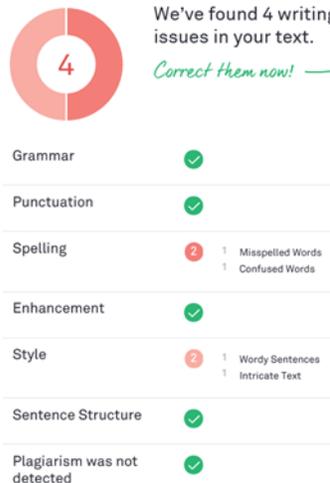
### Draw.io (Workflows), \$0 unless integrating with other documents

Need to get some basic workflows of processes in your court for training or for examining opportunities to make changes or to communicate to a new vendor? Draw.io allows you to build flow charts using online software or downloading to your computer. Draw.io also has interoperability with Visio. This means that if you can only afford one Visio license, you could still have other staff work on diagrams and then pull the into Visio for additional features. Information can be saved locally on a machine or in Onedrive. Drawio does not claim ownership of your data.



### Grammarly (Grammar Check)

Grammarly is an application that checks grammar and writing style. You can copy and paste text into the website or upload a file for Grammarly to check. I would not want to use this for unpublished/confidential/sensitive documents, but for the general memo or article that is not sensitive, it may come in handy as a quick way to improve your message.





**Constant Contact (Distribute Decisions/Information), \$45-\$70/month before discount for up to 2,500 contacts**

Often members of the bar and public are interested in being notified about decisions coming out of appellate courts. Although Case Management Systems may handle distribution to parties, they may not always provide a tool that allows people to sign up to receive notifications. Constant Contact is designed to help commercial businesses stay in touch with their customers. It allows people to sign up to receive notifications and it allows the business (or Court) to design a welcome email after sign up and to view who has signed up and to trigger sending them information. In Arizona's Court of Appeals, Division One, we use this to distribute opinions to the public (we use our CMS to distribute to the parties). We also use it to send out "news" items, such as when we post a new position on our website, when a policy changes, or when our annual report is published. We printed business cards that let people know that they can text COA1INFO to 22828 in order to sign up to receive notifications about both opinions and news items.

Constant Contact offers a free trial. Monthly rates are dependent on several factors including the number of contacts and the number of users. Constant Contact will give a discount for pre-payment.



**PresenterMedia, \$39.95 for one month, \$99 for a Year**

Have you ever been "Wowwed" by all of the animation in someone's PowerPoint presentation and wish there was an easy way to get that for your presentations? PresenterMedia provides a large variety of PowerPoint templates, GIFs, ClipArt and video backgrounds. Subscribing allows you access to download these items. Once downloaded, the items continue to be available to you following the subscription period. Some designs also allow you to customize them before downloading.





Ron D. Barrow, the 1993-94 president of the NCACC and Clerk of California Court of Appeal, First Appellate District from 1985 to 2000, passed away on March 1, 2019. As NCACC president, Ron presided over the 1994 conference in San Diego (hosted by Steve Kelly) that holds the distinction of including several notable firsts:

- The first Fun Run/Walk.
- Offering the first Conference tee shirt.
- The first split business meeting (previously, the business meeting was only on Thursdays).
- The first welcome session for new members and family.
- The first vendor show

Ron is survived by his wife, Susan.