



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



“And We’re Off and Running!” Come Join Us for the 46th Running of the NCACC Annual Conference in Lexington, Kentucky, July 28-August 2, 2019.

Set atop a bed of limestone that makes fast horses and strong bourbon, Lexington is renowned for its thoroughbred horses, fine bourbon and gracious hospitality. Our Conference will be held in Lexington at the Griffin Gate Marriott Resort and Spa <https://www.marriott.com/hotels/hotel-photos/lexky-griffin-gate-marriott-resort-and-spa/> -a four star Marriott property in the heart of thoroughbred horse country, only minutes from Blue Grass Airport. The resort includes an 18-hole championship golf course, 3 lighted tennis courts, indoor and outdoor pools, a 24-hour fitness center, and a spa on the premises. Please make your hotel reservations before **July 5th**, the cut-off date for the \$102 conference rate, by going to our NCACC page or through this link: [Book your group rate for NCACC Annual Meeting](#). On-site parking is included as part of the \$102 room rate. Conference Registration is also accessible on our website.

Come early and join the group for an optional horse farm tour on Saturday, July 27th. Shaun Washington, the gregarious owner of Unique Farm Tours, will be hosting our group through several bluegrass farms not regularly open to the public. Tours will take place both Saturday morning and Saturday afternoon. To provide for a more personal experience, Shaun limits his tours to 25 persons. The price is \$20 per person.

On Sunday after our welcoming activities and the “Roll Call of the States,” we travel to Frankfort to hear a master storyteller, Justice Bill Cunningham, and see one of the most beautiful State Capitol buildings in the country. The Beaux Arts-style building houses a towering bronze statue of native son Abraham Lincoln and a dome patterned after Napoleon’s tomb in Paris. The Capitol holds the Governor’s main office, along with the Senate and the House Chambers, and is the home of the Supreme Court of Kentucky. You will be hosted by the Court and JAVS, dining in the halls of the second floor of the Capitol before returning to the Courtroom for Sherry’s famous Yabba-dabba-doo.

(CONTINUED ON PAGE 3)

### CALL FOR THE ANNUAL MEETING

President Dan Shearouse, through Secretary Sherry Williamson, and pursuant to the provisions of Article V, Section 5, of the Bylaws, hereby issues the call for the annual meeting of the National Conference of Appellate Court Clerks to be held at the Griffin Gate Marriott Resort and Spa, beginning Sunday, July 28, 2019 and continuing through Friday, August 2, 2019.

Respectfully submitted,  
Sherry Williamson

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## THE DOCKET

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

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President:	Daniel E. Shearouse (SC)
President-Elect:	Laura T. Roy (MO)
Vice-President:	Edythe (Eydie) Gaiser (WV)
Past-President:	Eileen Fox (NH)
Secretary:	Sherry Williamson (TX)
Treasurer:	Janet Johnson (AZ)
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After a full day of programming on Monday, we head to picturesque Keeneland Race Course <https://www.keeneland.com/> for a night of Kentucky hospitality hosted by ThomsonReuters. You will be greeted “out of the starting gate” at Keeneland with Kentucky cocktails and called to the Paddock by Keeneland’s bugler. After a tour of the nation’s only non-profit racetrack, dedicated to the Thoroughbred horse, we will head to the Clubhouse for dinner and dancing the night away to Judge Glenn Acree’s band.

Bon Appetit Y’all! After Tuesday’s meetings you are free to explore Lexington restaurants during Lexington’s Restaurant Week. Information on Restaurant Week is available on our website, along with other area activities such as Ballet Under the Stars.

On Wednesday, LexisNexis hosts us at the quaint two hundred-year-old Labrot and Graham Distillery <https://www.woodfordreserve.com/age> for an evening of music, food and bourbon “sippin.” Nestled amid white oaks and dogwoods along Glenn’s Creek, this is the only distillery in Kentucky where you will see both of the state’s two most famous products side by side: thoroughbred horses and bourbon whiskey. For those of you who would like to purchase personalized bottles of Woodford Reserve, please contact me ([susanc@kycourts.net](mailto:susanc@kycourts.net)), and I will make arrangements to take your order ahead of time so that it may be picked up on site that day.

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 change it up this year and “Cross the Finish Line” in Kentucky Style. We will end our Convention with “A Night of Racing” which includes entertainment, along with cocktails and dinner. You will receive betting instructions and tips from a “bettologist” before placing your bets on simulated thoroughbred races and horses, named after our members. Everyone will be a winner.

Don’t forget to sign up for our Critique Breakfast on Friday, August 2nd. Eat up...you will need sustenance before boarding the bus for the optional event-“Going where the Spirit leads us on the Bourbon Trail.” We plan to leave about 11:00 a.m. and head to Buffalo Trace Distillery in Frankfort for our first tour and tasting. A box lunch will be provided. Next, off to Lawrenceburg for a tour of George Geoghegan’s Ripy House for cocktails. We will wind up our day at Four Roses or Wild Turkey distillery for our final tour and tasting. Good thing there is plenty of room to recline in those seats on the bus as we travel back to the Marriott!

Welcome to My Old Kentucky Home.

Susan

## CONGRATULATIONS!!!!



**Susan L. Carlson, Clerk of the Washington State Supreme Court, has received a prestigious award from the Washington State Bar Association. Susan has been named the winner of the 2019 Angelo Petruss Award for Lawyers in Government Service. The Angelo Petruss award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system, and the public. Susan was given the award in recognition of her 37-year legal career spanning all three branches of government. She is the first woman to ever serve as the Washington State Supreme Court Clerk and she has played an important part in the development and rollout of the appellate court’s new electronic document management system.**

# THE PRESIDENT'S PAGE

## DAN SHEAROUSE (SC)



I find it hard to believe that our Annual Meeting in Lexington, Kentucky, will begin in a little less than a month and a half. Susan Clary (KY), our host, has selected an excellent hotel for this meeting at a very attractive price with free parking. Further, as you can see from the schedule included in this issue of *The Docket*, Susan has planned some very interesting outings for us, including a dinner at the State Capitol, a visit to the Keeneland horse racing complex, and a trip to the Woodford Reserve Distillery. Jenny Kitchings (SC), Chris Prine (TX) and the other members of the Education Committee have created an excellent education program and vendor show for us. Additionally, I know that the Convention Assistance Committee, under its chair, Meredith Montgomery (AK), is prepared to assist the host in making our Annual Meeting as enjoyable as possible.

If you have not already registered and made your hotel reservations for Kentucky, I would encourage you to do so immediately. You do not want to miss this Meeting in the Bluegrass State!

While I do not think this will be the case in Kentucky, the general trend is that the cost of our Annual Meeting continues to increase. While there is some fluctuation in our other expenses from year to year, these fluctuations are relatively minor, and the major expense, as we all know, is the Annual Meeting. To put this into perspective, I have prepared, with the assistance of our very talented Treasurer, Janet Johnson (AZ), the following table showing the revenue and expenses for each calendar year from 2014 until 2018, along with the resulting gain or loss (losses are in parentheses):

Calendar Year	Revenue	Expenses	Gain or Loss
2014	\$131,724.93	\$123,283.68	\$8,441.25
2015	\$132,572.76	\$137,470.14	(\$4,897.38)
2016	\$142,637.80	\$146,387.60	(\$3,749.80)
2017	\$139,625.30	\$138,320.03	\$1,305.27
2018	\$152,712.33	\$170,617.01	(\$17,904.68)
Average Annual Gain or Loss Over Five Years			(\$3,361.07)

# THE PRESIDENT'S PAGE

DAN SHEAROUSE (*Continued*)

With net assets of \$213,555.35 at the end of calendar year 2018, an average loss of over \$3,361 a year (almost a 1.6% loss) is troubling. We simply cannot afford to be in the "red" this often. Further, as a result of the recession in 2008, hotels are now generally including very stringent attrition and cancellation provisions in the hotel contracts. If applicable, these provisions could be very costly to our organization, and might even affect our continued viability as an organization if contracts in multiple years are involved.

The Executive Committee has responded to this financial challenge in several ways. The first was the very modest increase in the registration fees for the Annual Meeting which I outlined in the January Edition of *The Docket*.

The second was to seek the assistance of the commercial vendor which negotiates hotel contracts for all of the other organizations associated with the National Center for State Courts (NCSC). According to the NCSC, this vendor has been very successful in negotiating favorable contracts, including eliminating or ameliorating harsh attrition and cancellation provisions. I am delighted to advise you that we are currently in the process of using this vendor to obtain hotel bids for the 2022 Annual Meeting. I note that this is done at no charge to us, and the hotel which is selected pays the vendor's commission. I look forward to providing more information on this at the Annual Meeting.

The third action the Executive Committee, in consultation with the Bylaws Committee, proposes are amendments to the Bylaws to require the Executive Committee to establish a budget for each calendar year. These amendments, along with commentary, are included in this issue of *The Docket*, and I would encourage you to support these amendments at our Annual Meeting.

Our financial condition would be far less favorable if it were not for the generosity of our members. Many of you make cash gifts to our organization each year. Others contribute by donating items for our annual auction or bidding on those auction items. I thank you for these contributions, which are critical if we are to continue our mission of promoting best practices in appellate court administration through our education conferences, committee activities and publications.

Please remember to bring your auction items to the meeting in Kentucky! The auction will be on Sunday during our visit to the State Capitol. I am always amazed at the wide variety of items that are donated for this auction, and I look forward to seeing what you may bring this year!



# THE PRESIDENT'S PAGE

DAN SHEAROUSE (*Continued*)

I am extremely grateful for the advice and assistance I have received from our officers and the other members of the Executive Committee: Laura Roy (MO), Eydie Gaiser (WV), Eileen Fox (NH), Sherry Williamson (TX), Janet Johnson (AZ), Stacey Pectol (AR), Doug Robelen (VA), Malcolm Squires, Jr. (VA), Timothy Gudas (NH), Renée Simien (LA) and Deana Williamson (TX). It has been an honor and a joy to work with them. As I have indicated before, the committees are the very core of this organization, and I want to again thank those who volunteered to serve on a committee this year, along with this year's committee chairs: Douglas Shima (KS), Jim Hivner (TN), Sherry Williamson (TX), Larry Royster (MI), Meredith Montgomery (AL), Malcom Squires, Jr. (VA), Janet Johnson (AZ), Polly Brock (CO), Eileen Fox (NH), Jenny Kitchings (SC), Amy Funderburk (NC), Irene Bizzoso (PA), Steve Lancaster (IN), Amy Wood (AZ), Eileen Fox (NH), and Eydie Gaiser (WV).

I would strongly encourage you to sign up for a least one committee next year. The sign-up sheets will be available during the Annual Meeting. If you will not be able to attend the Annual Meeting, I would encourage you to contact Laura Roy (MO), the incoming president, to let her know if you want to serve on a committee next year. For new members, service on a committee is a great way to learn about the NCACC and many of us have developed lifelong friendships as a result of service on a committee. Finally, while I am deeply saddened that most of our California members will not be able to attend the meeting in Kentucky, I would hope that these members would continue to support our organization as they have so generously and conscientiously done in the past by service on our committees.

Since this will be the last president's page that I will write, I want to express what an honor and privilege it has been for me to serve as your president this year. I ask that you give President-Elect Laura Roy the same degree of support and assistance which you have so generously given to me. It has been my pleasure to serve as your president, and I will always be grateful for this opportunity to serve the National Conference of Appellate Court Clerks.

## **AUCTION TIME!**

We will be holding the auction at the 46th Annual Conference on Sunday evening, July 28, 2019. It's not too late to 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, baskets 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! BIG BONUS: The auctioneer(s) will be very entertaining!

*Sherry Williamson*

## **The Future Is Now: Preparing for a Great Program in Kentucky**

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 Lanterman, CTO of Computer Forensic Services, as our Opperman speaker. Mr. Lanterman 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. Lanterman will speak to us about cybersecurity and the issues the courts face as we head into the future.

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.

We expect an interesting presentation from retired member Tom Hall and his wife Lisa Hall regarding ethical considerations in media relations, before we load up to visit the Keeneland Race Course. At the request of the Technology Committee, Judge Samuel Anderson Thumma of the Arizona Court of Appeals, Division 1, is going to tell us about Arizona's digital evidence project. Judge Thumma's presentation will be followed by a discussion on developing an electronic records preservation and disposition plan by Nial Raaen from the National Center for State Courts.

We are pleased that members 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. The Honorable Barbara P. Hervey, judge of the Court of Criminal Appeals of Texas will speak to us regarding the Texas Judicial Commission on Mental Health.

We are bringing back the popular "What's Bugging You" session, which is a members-only event. Please send us your burning questions via the [listserv](#) so we can have a lively discussion! 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 led by Polly Brock, Clerk of the Colorado Court of Appeals, 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 consisting of Tricia Knox, Supreme Court of Florida Public Information Officer; Blake Hawthorne, Clerk of the Supreme Court of Texas; and Mary Beth Kuenzel, Clerk of the Florida Second District Court of Appeal to talk about how appellate courts use social media as a platform. On the last day of our conference, we are planning a joint session with the Reporters of Decisions.

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



## Business and Education Schedule

**Saturday, July 27, 2019** Griffin Gate Marriott Resort & Spa




	8:30 a.m. – 12:30 p.m.	<b>Executive Committee Meeting</b>	Elmendorf
	2:00 p.m. – 5:00 p.m.	<b>Registration</b>	Saxony Foyer
	1:00 p.m. – 5:00 p.m.	<b>OPTIONAL: Horse Farm Tour</b>	North Entrance

**Sunday, July 28, 2019** Griffin Gate Marriott Resort & Spa and  
Kentucky State Capitol Building



	1:00 p.m. – 2:30 p.m.	<b>Registration</b>	Saxony Foyer
	2:30 p.m. – 3:00 p.m.	<b>New Members and First Time Attendees Orientation</b>	Salon D
	3:00 p.m. – 3:30 p.m.	<b>Family and Guest Orientation</b>	Salon D
30 min.	3:30 p.m. – 4:00 p.m.	<b>Roll Call of the States and Conference Welcome</b> Daniel E. Shearouse, President Clerk of Court, Supreme Court of South Carolina	Salons A-C
	4:00 p.m.	<b>Load buses for “A Capitol Event”</b>	North Entrance
60 min.	5:00 p.m. – 6:00 p.m.	<b>"The Night Riders of Western Kentucky"</b> – The Honorable Bill Cunningham, Retired Justice, Supreme Court of Kentucky	Supreme Court of Kentucky Courtroom Kentucky Capitol Frankfort
	6:00 p.m. – 7:30 p.m.	<b>Dinner at the Supreme Court of Kentucky</b> Hosted by the Supreme Court of Kentucky and JAVS	Second Floor Capitol
	7:30 p.m. – 8:30 p.m.	<b>Educational Fund Silent/ Live Auction</b>	Supreme Court Courtroom
	9:30 p.m. – 11:30 p.m.	<b>Hospitality Suite Opening Night</b>	Suite 260



## Monday, July 29, 2019 Griffin Gate Marriott Resort & Spa


	7:30 a.m. – 8:20 a.m.	<b>Breakfast</b>	Salons A-C Foyer
	8:20 a.m. – 8:30 a.m.	<b>Announcements</b>	Salons A-C
90 min.	8:30 a.m. – 10:00 a.m.	<b>Business Meeting</b> (Session I)	Salons A-C
	10:00 a.m. – 10:30 a.m.	Break	Salons A-C Foyer
90 min. 	10:30 a.m. – 12:00 p.m.	<b>"Easiest Catch: Don't Be Another Fish in the Dark 'Net" (Part I)</b> Mark Lanterman, Chief Technology Officer, Computer Forensic Services <i>Opperman Speaker</i>	Salons A-C
	12:00 p.m. – 2:00 p.m.	<b>Lunch – On Your Own</b>	
60 min. 	2:00 p.m. – 3:00 p.m.	<b>"Easiest Catch: Don't Be Another Fish in the Dark 'Net" (Part II)</b> Mark Lanterman, Chief Technology Officer, Computer Forensic Services	Salons A-C
90 min. 	3:00 p.m. – 4:30 p.m.	<b>"Ethical Considerations In Media Relations"</b> Tom and Lisa Hall	Salons A-C
	6:00 p.m.	<b>Load Buses for "A Night at Keeneland"</b>	North Entrance
		<b>"Out of the Starting Gate-A Night at Keeneland"</b> Hosted by Thomson Reuters	Keeneland Race Course
	9:30 p.m. – 11:30 p.m.	<b>Hospitality Suite</b>	Suite 260



## Tuesday, July 30, 2019 Griffin Gate Marriott Resort & Spa

	7:30 a.m. – 8:20 a.m.	<b>Breakfast</b>	Salons A-C Foyer
	7:30 a.m. – 8:20 a.m.	<b>Past Presidents Breakfast</b>	Spendthrift
	8:20 a.m. – 8:30 a.m.	<b>Announcements</b>	Salons A-C
75 min. 	8:30 a.m. – 9:45 a.m.	<b>Digital Evidence</b> The Honorable Samuel Anderson Thumma, Judge, Arizona Court of Appeals, Division I	Salons A-C
60 min. 	10:00 a.m. – 11:00 a.m.	<b>Developing an Electronic Records Preservation and Disposition Plan</b> Nial Raaen, NCSC	Salons A-C
	11:00 a.m. – 11:15 a.m.	<b>Vendor Introductions</b>	Salons A-C
	11:15 a.m. – 11:30 a.m.	<b>Break</b>	


	11:30 a.m. – 12:00 a.m.	<b>Vendor Showcase I</b>  <b>Thomson Reuters</b>  <b>LexisNexis</b>  <b>Image Soft</b>	Dixiana  Lanes End  Salon G
	12:00 p.m. – 1:30 p.m.	<b>Vendor Lunch</b>	Bluegrass Pavillion
	1:30 p.m. – 2:00 p.m.	<b>Vendor Showcase II</b>  <b>Thomson Reuters</b>  <b>LexisNexis</b>  <b>Tyler Technologies</b>	Dixiana  Lanes End  Salon G
	2:00 p.m. – 2:15 p.m.	<b>Break</b>	
	2:15 p.m. – 2:45 p.m.	<b>Vendor Showcase III</b>  <b>Thomson Reuters</b>  <b>LexisNexis</b>  <b>For the Record</b>	Dixiana  Lanes End  Salon G
60 min.	2:45 p.m. – 3:45 p.m.	<b>What's Bugging You? (members only)</b> Moderator: Patricia L. Bennett, Clerk, Wyoming Supreme Court	Salons A-C
	4:30 p.m. – 5:30 p.m.	<b>C-Track User Group Meeting</b>	Dixiana
	9:30 p.m. – 11:30 p.m.	<b>Hospitality Suite</b>	Suite 260

### Wednesday, July 31, 2019 Griffin Gate Marriott Resort & Spa

	7:30 a.m. – 8:20 a.m.	<b>Breakfast</b>	Salons A-C Foyer
	7:30 a.m. – 8:20 a.m.	<b>Past/Future Host Breakfast</b>	Dixiana
	8:20 a.m. – 8:30 a.m.	<b>Announcements</b>	Salons A-C
120 min. 	8:30 a.m. – 10:30 a.m.	<b>"Grant-Funded Technology Innovations in California: Clerk's Transcript Assembly &amp; Self-Help Resource Center"</b> Brian Cotta and Mariana Cordova California Court of Appeal, Fifth Appellate District (Fresno)	Salons A-C
	10:30 a.m. – 10:45 a.m.	<b>Break</b>	Salons A-C Foyer

45 Min. 	10:45 a.m. – 11:30 a.m.	<b>Discussion on the Texas Judicial Commission on Mental Health</b> The Honorable Barbara P. Hervey, Judge, Court of Criminal Appeals of Texas	Salons A-C
60 min.	11:30 a.m. – 12:30 p.m.	<b>Applying Education: What We've Learned (members only)–</b> Moderators: Pauline Brock, Clerk of the Court of Appeals, Colorado	Salons A-C
	12:30 p.m. – 2:00 p.m.	<b>Lunch – On Your Own</b>	
90 min. 	2:00 p.m. – 3:30 p.m.	<b>Appellate Courts' Use of Social Media</b> Tricia Knox, Supreme Court of Florida Public Information Officer; Blake Hawthorne, Clerk of Supreme Court of Texas; Mary Beth Kuenzel, Clerk of Florida Second District Court of Appeal	Salons A-C
	5:00 p.m.	<b>Load buses for “A Spirited Evening of Dining and Bourbon Tasting”</b>	North Entrance
	6:00 p.m. – 9:00 p.m.	<b>“Summer Supper and Sippin”</b> Woodford Reserve Distillery Hosted by Lexis Nexis	Woodford Reserve Distillery
	9:30 p.m. – 11:30 p.m.	<b>Hospitality Suite</b>	Suite 260






**Thursday, August 1, 2019**      Griffin Gate Marriott Resort & Spa

	7:15 a.m. – 8:00 a.m.	<b>OPTIONAL: Fun Run/Walk</b>	Front Entrance
	7:30 a.m. – 8:20 a.m.	<b>Breakfast</b>	Salons A-C Foyer
	8:20 a.m. - 8:30 a.m.	<b>Announcements</b>	Salons A-C
60 min. 	8:30 a.m. – 9:30 a.m.	Joint Session with Reporters of Decisions	Salons A-C
	9:30 a.m. – 9:45 a.m.	<b>Break</b>	Salons A-C Foyer
	9:45 a.m. – 11:00 a.m.	<b>Business Meeting (Session II)</b>	Salons A-C
	11:00 a.m. – 11:30 a.m.	<b>Executive Committee Meeting</b>	Salons A-C
	12:45 p.m. – 6:00 p.m.	<b>OPTIONAL: Golf Tournament</b>	Greenbrier Golf and Country Club

	6:30 p.m. – 9:00 p.m.	<b>“Crossing the Finish Line in Kentucky Derby Style”</b> Cocktail Party, Banquet and Entertainment	Bluegrass Pavilion and Patio
	9:30 p.m. – 12:00 midnight	<b>Hospitality Suite</b>	Suite 260

**Friday, August 2, 2019** Griffin Gate Marriott Resort & Spa

	8:30 a.m. – 10:00 a.m.	<b>Critique Breakfast</b>	Terrace Ballroom
	11:00 a.m.-until	<b>OPTIONAL: “Let’s Hit the Bourbon Trail and Go Where the Spirit Takes Us”</b>	North Entrance

 Educational Session	 Business Meeting	 Vendor Show	 Vendor Supported or Sponsored	 Filmed Session
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## **Vendor Show for Lexington: Off to the Races!**

*Christopher Prine, Clerk of Court, 1st and 14th Courts of Appeals, Houston, Texas*

As in previous years, the NCACC annual meeting’s Vendor Show will allow you the opportunity to meet new faces, reconnect with previous contacts and see what products are available to assist you daily in your work. This year’s Vendor Show is scheduled for Tuesday, July 30th!

Many exhibitors have signed up and are anxious to show you what they have to offer, both in specialized showcases and at their vendor booths. As in years past, passports will be provided and you are all encouraged to visit the vendors at their booths and showcases to gain a signature and learn about their product. Turn in your signed passports for an opportunity to win fantastic prizes at the vendor happy hour!

Please join me in welcoming and supporting our vendors and help make this “Vendors’ Day at the Races” a fun and successful experience for all.

## NCACC 2019 – Lexington, Kentucky

### *Family Activities Update*

Welcome from the Bluegrass State! This year our host property was chosen for its location and the number of onsite activities for families. Relax with resort amenities that include an indoor pool, a sprawling outdoor pool complex, a full-service luxury spa, a 24-hour fitness center, or play golf on a scenic course set on a horse farm. The property sits along Lexington's Legacy Trail, a biking and walking trail that runs in one direction from the hotel to the Kentucky Horse Park, 1,224 acres dedicated to our historic relationship with the horse, and in the other direction to downtown Lexington. Bikes may be rented at the hotel.

All social events are family friendly. Keeneland is a spacious venue and our event there includes an outdoor portion as well as a tour of the premises. Likewise, the Woodford Reserve event is family friendly. While the cost of a distillery tour and tasting is included with your ticket, if your children do not choose to tour they may remain in the visitor's center, patio and terrace area, which are separate and uphill from the distillery.

#### Recommended Day Trips In "Horsey" Country

- Kid-Friendly:** Living Arts & Science Museum, Lexington Children's Museum, Malibu Jack's, Champs Entertainment Complex-Lexington
- Arts and Crafts:** Kentucky Artisan Center, Berea College Crafters-Dine at Boone Tavern-Berea
- Candy, Candy, Candy:** Rebecca Ruth Bourbon Ball Factory, Old Kentucky Chocolates, Sharp's Candies
- Cars, Cars, Cars:** Toyota Plant Tour-Georgetown, Corvette Plant Tour-Bowling Green
- Brewsky:** "Brewgrass Trail" of Lexington
- Doughnuty:** Doughnut Trail-Spaldings Bakery, Magee's Bakery, Doughdaddy's, Burke's Bakery, North Lime Coffee and Donuts
- Earthy:** Wilson Nurseries & Sage Café, Frankfort Pemberton's & Michler's Café, Lexington
- Fishy:** Newport Aquarium, Newport
- Flighty:** Aviation Museum
- Glitz:** The Glitz in Nonesuch-Lunch and Antiques
- History:** The Old State Capitol, Kentucky History Museum, and Kentucky Military History Museum -Frankfort
- Shaky History:** Shakertown, River Cruise to see Palisades and Dine at Beaumont Inn- Harrodsburg
- History and Shopping:** Ashland Home of Henry Clay (lunch in the Ginkgo Café on premises) Mary Todd Lincoln House, Tea and shopping at Greentree Tea Room, shopping on Clay Avenue-Lexington
- Horsey:** Kentucky Horse Park and Old Friends Thoroughbred Retirement Farm- Georgetown
- Moonbowy:** Cumberland Falls-Corbin. Only moonbow in this hemisphere.
- Museumy:** Speed Museum, Frazier Museum, Slugger Museum, Muhammed Ali Museum and Children's Science Museum-Louisville
- Outdoorsy:** Raven Run, Red River Gorge and Natural Bridge State Park, Canoe KY in Frankfort
- Quirky:** Dinosaur World and Wigwam Village-Cave City
- Silvery:** Wakefield Scarce Gallery in Shelbyville and lunch at Science Hill
- Spelunky:** Mammoth Cave National Park. World heritage Site. Longest cave system in the world. 400 miles of surveyed passages. Canoeing in lakes, ziplining, horseback riding and balloon rides.
- My Old Kentucky Homey:** Bardstown, Ky. My Old Kentucky Home, Makers Mark and Jim Beam distilleries, art galleries and Old Talbott Tavern.
- Kentucky Foodie:** Hot browns, country ham, bourbon balls, Benedictine and beer cheese-Claudia Sanders House and Ramsey's in Lexington
- Get your Shopping On:** The Summit, Hamburg, Chevy Chase, Bella Rose, Fayette Mall, etc.
- Scenery:** Scenic drives through horse country to small towns surrounding Lexington-Midway, Paris, Frankfort-Tour, lunch and shop



## A Review of Technology in *The Docket*

Contributed by Greg Hilton (MD)

While I am not “new” to the NCACC (my first conference was in Charleston, SC – my first home-port in the Navy!), I regret that I have not fully engaged with the resources that it provides. When I was asked to write a technology-related article for *The Docket*, I feared that I would write an article covering some well-traveled ground. As an antidote to that fear, I surveyed past editions of *The Docket* for articles that addressed technology. This brief article is a review of those past “technology” related articles, a discussion of how I have related to technology in the Clerk’s Office of the Court of Special Appeals of Maryland, and some lessons learned/considerations when integrating technology.

Because I remain a bit of a paper dinosaur, on my desk is a one-inch stack of paper representing most of the articles from *The Docket* relating to technology. I tried to read the articles on-line, but found that I did not retain as much or, frankly, remember where I found the information I was reviewing. Many people have adapted to a more “non-physical” environment when it comes to interacting with information – apparently, I am lagging behind. See discussions about paper on demand and related topics in the October 2012, January 2013, and January 2016 editions of *The Docket*.<sup>1</sup>

In reviewing the back issues of *The Docket*, I was happy to find that technology has long been a topic of discussion for the NCACC. The January 1974 edition of *The Docket* trumpets New Jersey’s integration of a computer system to help with its caseload management.

Tracking the rapid integration of technology through the 1980’s, an interview with NCACC President Gloria “Jill” Engel, revealed that appellate court clerks were going to have to come to grips with the “explosion” of technology in the courts that occurred in the 1980s. (January 1990). Jill described how the traditional docket books were going by the wayside to be replaced by computer systems. Jill acknowledged that courts were slow to adopt technology. In the same edition, a reprinted article announced the incredible innovation of “on-line” access to court opinions via paid bulletin board systems. Twelve years later, Arkansas had completed this innovation by making its on-line opinions the “official” version of the opinions (April 2012).

A little further on in history, the April 1995 edition of *The Docket* reported that California had created a Court Technology Committee with the aim of modernizing judicial computer systems and making them uniform across the State. Now court systems are faced with managing a lot more data and in very different ways. Cloud-based data storage (January 2012, April 2015) presents some massive increases in efficiency, but comes with a new set of problems – privacy and confidentiality concerns that did not arise with stand-alone systems or limited networks.<sup>2</sup>

As I am writing this, the City of Baltimore was struck by a ransomware attack. Most city services are now constrained in meeting the needs of its citizens. The less than \$100,000 ransom demand to release the city’s data is estimated to have cost the already beleaguered city \$18.2 million. The root cause of the problem

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<sup>1</sup>All date references are the month and year of the edition of *The Docket* where an article appears.

<sup>2</sup>For more information about Cloud Computing see *Cloud Computing for the Courts*, a white paper published by the IJIS Institute and referenced in the April 2015 edition of *The Docket*. See the IJIS webpage ([www.ijis.org](http://www.ijis.org)) for access to this white paper.

## A Review of Technology in *The Docket* (continued)

(besides the obvious bad actors) was the failure to update some city systems to correct for a known security flaw in computer operating systems.<sup>3</sup> Fortunately, from the Maryland Judiciary's perspective, the Baltimore City Courts have remained largely unaffected because they are on a separate network and operate under different security and maintenance protocols. See discussions about cybersecurity in the October 2018 edition.

This cyber-event came during Maryland's years-long effort to create a case-management/efiling system for all levels of the State's courts. While that effort now covers almost all jurisdictions and our appellate courts, our biggest challenges are ahead as we address our three largest jurisdictions. The work, cost, and stress that this new integration has caused has not been insignificant, but with excellent leadership and top-to-bottom management, it has been very successful. Maryland has now rid itself of its last paper dockets, has a modern and seamless case management system, and provides greater service to our customers, lawyers and litigants, through e-filing and other improvements. See discussions about technology management in the January 2014 and June 2018 editions of *The Docket*.

Sometimes technology innovations do not fully work and have to be abandoned. A few years ago, the Maryland Judiciary bought iPads for its appellate judges, thinking that the iPad would reduce the need to have paper briefs and similar documents, and provide the judges portability of their files. In the end, the judges did not uniformly adopt the iPad and it has been dropped as a tool for our judges. Nonetheless, the adoption of "tablet" style laptops, docking stations and dual monitors has afforded the portability and functionality that our judges need. For a different perspective on the adoption of iPads in the courts, see the October 2015 edition of *The Docket*.

Other articles of interest include:

1. Using technical resources to help self-represented parties with fillable forms and quick translations (October 2015, April 2017, April 2018, and January 2019).
2. Technology integration (June 2018).
3. Ethical use of technology (June 2008, April 2009, June 2009, October 2009, and April 2010).
4. Productivity tools (October 2015, June 2017, and April 2019).
5. Management of technology (January 2014, and June 2018).
6. Technology as a tool for data management. (October 2015, April 2016).
7. Digital and digitized documents and exhibits. E-filing (January 2011, October 2016, April 2017, October 2017, and April 2018).
8. And more!

So, what have I learned from this tour of the back issues of *The Docket* and my experience with technology integration in the Maryland Courts? First, I do not have all of the answers, but I am surrounded

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<sup>3</sup>Ian Duncan, *Baltimore Estimates Cost of Ransomware Attack At \$18.2 Million As Government Begins to Restore Email Accounts*, The Baltimore Sun, May 29, 2019, retrieved from [www.baltimoresun.com](http://www.baltimoresun.com).

## A Review of Technology in *The Docket* (continued)

by great people who can help me find them. I have office staff who face technology head on in their daily work lives. I have access to an information systems staff and business process staff who can help guide my way to a solution. Second, that the NCACC has a wealth of resources that were just awaiting my interested eye.

In closing, from my experience with technology integration in Maryland and my review of past issues of the *The Docket*, I have developed a list of things to consider and questions to ask whenever you are contemplating the acquisition of technology in the Courts:

1. Know your business processes.
2. Know your regulatory (legal, policy, budgetary, and ethical) limits for applying technology.
3. Know what you want the technology to do. That is, don't just buy the shiny new gizmo – purchase something that will solve a problem for you.
4. Engage your employees to ensure you know what they need and that the technology you are considering will solve the problems they are encountering.
5. Do you want to be an early adopter of new technology, or wait until it matures?
6. Get to know something about the technology in which you are interested. You do not have to be an expert, but you should understand the basics of how it will operate and the limits on what it can do. Read reviews of the technology.
7. Ensure that you know the risks to your business processes, your data, and the data of your customers in adopting a technology, and that those risks can be eliminated or mitigated. Sometimes technology projects fail or expose your systems to too great a risk.
8. Do not expect technology to solve all of your problems.

See you in Lexington!


## NCACC Treasurer's Report

### Janet Johnson (AZ)

The Treasurer's Financial Report consists of year-end 2018 documents, including the Comparative Balance Sheet (2017 and 2018), a Comparative Income and Expense Statement (2017 and 2018) and Income and Expenses by Project (General, Annual Conference, Education and Technology) for 2018. As of April 2019, the total value of the investment account was \$151,879.33.

The Finance and Investment Committee composed of Jim Hivner, Sonya Stromberg, Christine Crow and Ed Hosken revised the annual conference host financial report template to assist the conference hosts in tracking revenue and expenses. The Executive Committee approved the revised report template at the meeting on October 20th and agreed to guarantee funding for hosts up to 85 regular members. To assist the hosts with covering costs of the Sunday reception, the Executive Committee voted to increase registration fees by \$25 for regular and retired members and for guests who are age 21 and over. The Executive Committee also voted to ask scholarship recipients to pay their own registration fee. But, if that would result in the member not being able to attend the conference, the fee will be included as part of the scholarship award.

Proposed Bylaws changes were also submitted by the Finance and Investment Committee to clarify the responsibilities of the Treasurer and the Committee to prepare a budget for approval by the Executive Committee. The proposed modifications also include modifications to the conference hosts' financial accounting responsibilities. The Executive Committee submitted these modifications to the Bylaws Committee for further review.

<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <b>National Conference of Appellate Court Clerks</b>  <b>Comparative Financial Report 2017 and 2018</b> </div> </div>		
	2017	2018
<b>Balance Sheet</b>		
Cash in Bank	\$ 111,165.56	\$ 73,885.65
Money Market - Education Fund	\$ 91,178.34	\$ 139,410.58
Money Market - Technology	\$ 18,422.37	
Prepays and Advances	\$ 21,488.16	\$ 259.12
<i>Assets</i>	<u>\$ 242,254.43</u>	<u>\$ 213,555.35</u>
<i>Total Assets</i>	<u>\$ 242,254.43</u>	<u>\$ 213,555.35</u>
Accounts Payable	\$ 35.57	\$ 741.64
Accrued Fees and Income	\$ 300.00	
<i>Liabilities</i>	<u>\$ 335.57</u>	<u>\$ 741.64</u>
Education Fund	\$ 123,754.70	\$ 139,410.58
Technology Fund	\$ 18,422.37	
Unrestricted Fund Balance	\$ 99,741.79	\$ 74,144.77
<i>Total Net Assets</i>	<u>\$ 241,918.86</u>	<u>\$ 212,813.71</u>
<i>Total Liabilities and Net Assets</i>	<u>\$ 242,254.43</u>	<u>\$ 213,555.35</u>

**NCACC Treasurer's Report (continued)**  
*Janet Johnson (AZ)*



**National Conference of Appellate Court Clerks  
 Comparative Financial Report 2017 and 2018**

**Income & Expense Statement**

	<u>2017</u>	<u>2018</u>
<b>Revenue</b>		
Membership Dues	\$ 22,675.00	\$ 24,100.00
Donations	\$ 6,998.76	\$ 7,470.00
Interest/Investment Income	\$ 17.40	\$ 1,732.23
Interest/Education Fund	\$ 27.34	\$ 15.89
Interest/Technology Fund	\$ 5.51	\$ 3.20
Investment Gains/Losses		\$ (11,585.73)
Fees/Registrations	\$ 52,685.00	\$ 52,897.00
Sales & Other Income	\$ 57,216.29	\$ 66,521.01
<b>Total Revenue</b>	<u><u>\$ 139,625.30</u></u>	<u><u>\$ 141,153.60</u></u>
<b>Expenses</b>		
Executive Committee Meeting	\$ 1,547.48	\$ 746.39
Travel	\$ 8,194.46	\$ 6,627.23
Honoraria	\$ 500.00	
Audio Visual	\$ 12,449.65	\$ 10,039.95
Food and Beverage	\$ 27,067.50	\$ 54,048.76
Conference Expenses	\$ 68,987.46	\$ 77,535.02
Speaker Fee	\$ 2,000.00	\$ 3,000.00
Office Expenses	\$ 1,342.62	\$ 465.34
Insurance/Licenses and Fees	\$ 792.12	\$ 698.74
Scholarship/Awards/Contrb.	\$ 5,348.74	\$ 5,358.61
Other Expenses		\$ 2,006.97
Admin Supp/Contract Fee	\$ 10,090.00	\$ 10,090.00
	<u><u>\$ 138,320.03</u></u>	<u><u>\$ 170,617.01</u></u>
<b>Current Gain (Loss)</b>	\$ 1,305.27	\$ (29,463.41)



**NCACC Treasurer's Report (continued)**  
**Janet Johnson (AZ)**



**Annual Financial Report**

**Income & Expenses by Project - 2018**

	Projects				
	General Operations	Annual Conference	Education Fund	Technology Fund	Total Revenue
<b>Revenue</b>					
Membership Dues	\$24,100.00				\$24,100.00
Donations			\$ 7,470.00		\$ 7,470.00
Interest Income			\$ 1,732.23		\$ 1,732.23
Interest - Education Fund			\$ 15.89		\$ 15.89
Interest - Technology Fund				\$ 3.20	\$ 3.20
Investment Gains/Losses			\$ (11,585.73)		\$ (11,585.73)
Fees/Registration		\$ 52,897.00			\$ 52,897.00
Sales and Other Income		\$ 66,521.01			\$ 66,521.01
<b>Total Revenue</b>	<b>\$ 24,100.00</b>	<b>\$ 119,418.01</b>	<b>\$ (2,367.61)</b>	<b>\$ 3.20</b>	<b>\$ 141,153.60</b>
<b>Expenses</b>					
Executive Committee Meetings	\$ 746.39				\$ 746.39
Travel	\$ 485.65		\$ 6,141.58		\$ 6,627.23
Honoraria					
Audio Visual		\$ 10,039.95			\$ 10,039.95
Food and Beverage		\$ 54,048.76			\$ 54,048.76
Conference Expenses		\$ 74,488.77	\$ 3,046.25		\$ 77,535.02
Speaker Fee			\$ 3,000.00		\$ 3,000.00
Office Expenses	\$ 465.34				\$ 465.34
License/Fees	\$ 25.00				\$ 25.00
Insurance Expenses	\$ 673.74				\$ 673.74
Scholarships			3771.59		\$ 3,771.59
Admin Supp/Contract Fee	\$ 10,090.00				\$ 10,090.00
Awards	\$ 937.02				\$ 937.02
President Gifts	\$ 650.00				\$ 650.00
Other Expenses	\$ 2,006.97				\$ 2,006.97
<b>Total Expenses</b>	<b>\$ 16,080.11</b>	<b>\$ 138,577.48</b>	<b>\$ 15,959.42</b>	<b>\$ -</b>	<b>\$ 170,617.01</b>
<b>Current Gain (Loss)</b>	<b>\$ 8,019.89</b>	<b>\$ (19,159.47)</b>	<b>\$ (18,327.03)</b>	<b>\$ 3.20</b>	<b>\$ (29,463.41)</b>

## **The Nominating Committee Presents the Following Candidates:**

### **Vice President**

Larry Royster (MI)

### **Treasurer**

James Hivner (TN)

### **Executive Committee**

Debbie Autrey (TX)

Greg Hilton (MD)

Meredith Montgomery (AK)

### **LARRY ROYSTER**



Larry Royster is the chief of staff and clerk of the Michigan Supreme Court. Before joining the Supreme Court in 2013, Larry worked for the Michigan Court of Appeals for 27 years, initially as a staff attorney and ultimately as the research director and chief clerk. As a member of the NCACC, he has served on the Executive Committee (2013-2015) and on the Educational Fund, Technology, Contracts, and Program Committees. Larry earned a bachelor's degree from Michigan State University and a law degree from Thomas M. Cooley Law School. Larry and his wife, Dawn McCarty, have two adult daughters, Meghan and Jordan.

### **JAMES HIVNER**

Jim was appointed to a six-year term as Clerk of the Supreme Court of Tennessee on June 3, 2014. The Clerk of the Supreme Court also serves as the Clerk of the Court of Appeals and the Court of Criminal Appeals in Tennessee. Prior to his appointment, Jim served for two years as Chief Administrative Officer of the Shelby County Chancery Court. Before working in a Clerk's office, Jim was in private practice for almost twenty years as a solo practitioner in Alabama and later as an associate in the law firm of Waring Cox, PLC in Memphis, TN and as an associate and member in the law firm of Glankler Brown, PLLC in Memphis, TN. Prior to his legal career, Jim worked at NASA as an accountant. Jim earned a bachelor's degree in business administration with high honors from the University of Tennessee and received his J.D and LL.M. in Taxation from the University of Alabama School of Law. He is married to Brenda Flippo and has two adult children, Hadley and Lexi. Jim has been a member of the NCACC since 2014 and has served on the Finance and Investment Committee the past two years serving as the Vice-Chair this past year. Jim also currently serves on the Site Selection Committee and as Chair of the Bylaws Committee.



## **DEBBIE AUTREY**

Debbie Autrey was appointed Clerk of the Sixth Court of Appeals, Texarkana, Texas, in January 2006. She has been employed with the Court for 33 years, and prior to becoming Clerk, served in positions of Accountant, Deputy Clerk, and Appellate Secretary. Debbie has a BA in business education from Harding University and an MBA from Texas A & M University – Texarkana. Since becoming a part of the NCACC in 2006, she has served as Chair of the Scholarship and Site Selection Committees and as a member of various other committees.

Debbie is married to Tony Autrey, and they have two daughters.



## **GREGORY HILTON**



Gregory (Greg) Hilton was appointed the Clerk of Maryland's Court of Special Appeals in 2013 upon the retirement of Leslie Gradet. Prior to his appointment, Greg was the Chief Deputy Clerk and a Staff Attorney with the Court. He was in private litigation practice from 1996 through 2007 following his service as a law clerk to a Maryland Circuit Court Judge.

Following college, Greg served in the United States Navy as an active duty and reserve officer. Among other assignments, he served in the USS Richmond K. Turner (CG 20) and participated in Operation Earnest Will during the Iran/Iraq War, and in Afghanistan in support of Operation Enduring Freedom. In 2017, he retired from the Navy after 30 years of service.

Greg is a graduate of Holy Cross College (BA), Catholic University of America Law School (JD), and the United States Naval War College (MA). Greg serves on the National Conference of Appellate Court Clerk's Strategic Planning, Technology, and Bylaws Committees. He is also a member of the Mid-Atlantic Association for Court Management. Greg lives near Annapolis with his wife; their two children, Elizabeth and Jack, have mostly flown the coop.

## **MEREDITH MONTGOMERY**

Meredith was appointed Clerk of the Appellate Courts of Alaska in January 2019. Prior to that appointment, she has been employed by the Alaska Court System since 2012, first as a Trial Court Staff Attorney, and then as Chief Deputy Clerk of the Appellate Courts. Meredith joined the NCACC in 2016 and attended her first conference that year in Denver, Colorado. She has served the NCACC on the Contracts, Nominating, Awards Resolutions and Memorials, and Program Committees. She is currently Chair of the Convention Assistance Committee.



## Proposed Amendments to the Bylaws

The Bylaws Committee and the Executive Committee recommend the adoption of the following amendments to the Bylaws of the National Conference of Appellate Court Clerks at the 2019 Annual Meeting in Lexington, Kentucky. The changes from the current Bylaws are shown by underline and strikeout (to avoid confusion the underlying of the titles in the Bylaws has not been included). Further, while they are not a part of the proposed amendments, commentary has been provided following each amendment to explain the purpose of the amendment.

### (1) Article III, Section 3 is amended to read:

Eligibility for Elective Office. Eligibility for office is limited to regular members in good standing with the Conference for the two years immediately ~~proceeding~~ preceding the election or an appointment to fill a vacant elective office.

#### *Commentary*

*This corrects a scrivener's error in the current Bylaws.*

### (2) Article V, Section 6, is amended to read:

Duties of Treasurer. The Treasurer shall be responsible for overseeing the receipt ~~by the National Center for State Courts~~ of all dues, registration fees and other monies paid to the Conference, including those collected by the National Center for State Courts or the host clerk. ~~The Treasurer shall be responsible for the investment of funds and the finances of the Conference as the Executive Committee deems proper.~~ The Treasurer shall serve as the chairperson of the Finance and Investment Committee. The Treasurer, with the assistance of the Finance and Investment Committee, shall recommend appropriate investment strategies to the Executive Committee and shall be responsible for the investment of funds as approved by the Executive Committee. The Treasurer shall serve as a member of the Educational Fund Committee and shall be responsible for overseeing the receipt and deposit of revenues into the Educational Fund which is a restricted educational account maintained for the Conference by the National Center for State Courts. The Treasurer shall be responsible for furnishing all members with a financial report by the annual business meeting each year; this requirement may be met by publishing the financial report in The Docket, the NCACC newsletter.

#### *Commentary*

*This amendment makes it clear that the Treasurer has supervisory responsibility over all monies paid to the Conference, including those which may be paid to the National Center for State Courts or the host clerk. Further, the language has been amended to reflect the involvement of the Finance and Investment Committee in making investment recommendations to the Executive Committee. See Article VII, Section 3(d)(7) of the Bylaws ("The purpose of [the Finance and Investment Committee] is to recommend finances and investments to the Executive Committee.").*

## Proposed Amendments to the Bylaws (continued)

### (3) Article VII, Section 2(a) is amended to read:

Powers and Duties. The Executive Committee is the Board of Directors. It shall direct the affairs of the Conference and shall meet annually prior to the annual business meeting of the Conference and at other times at the call of the President or seven members of the Committee. All matters before the Executive Committee shall be determined by a majority vote of those present. Seven members of the Executive Committee shall constitute a quorum. The Executive Committee shall decide any question raised on the interpretation and application of these Bylaws. The budget for the Conference shall be based on the calendar year, and the budget for a calendar year shall be approved by the Executive Committee at least thirty days prior to the start of the year.

#### *Commentary*

*Under the current Bylaws, the only mention of a budget is in Article VIII, Section 1. That section states: "The host clerk shall prepare, with the assistance of the Treasurer, a detailed budget and accounting of income and expenses that relate to the management of the annual meeting." With the steadily increasing costs of the annual meeting, the Executive Committee felt that it should take more of the responsibility for setting a budget for the annual meeting. In response to this concern, the Bylaws Committee recommended that the Executive Committee should set a budget for all of the activities of the Conference, and not just the budget for the annual meeting. The Bylaws Committee pointed out that most similar organizations have a comprehensive annual budget. Therefore, the proposal that is being submitted to the members for their consideration requires the Executive Committee to set an annual budget for each calendar year at least thirty days prior to the start of the year. Since the budget from the Conference will be a matter that will most likely need to be discussed at the Fall Executive Committee Meeting (usually held in October), the thirty day period was chosen to give the Executive Committee time to resolve any concerns that may have been raised at the Fall Executive Committee Meeting.*

### (4) Article VII, Section 2(b), is amended to read:

Composition. The Executive Committee shall consist of the ~~five officers, the immediate past President who shall serve for one year~~ six officers, who shall serve during their respective terms of office, and six members of the Conference who shall each serve for two years. Three members of the Conference shall be elected in even-numbered years and three shall be elected in odd-numbered years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six member positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.

#### *Commentary*

*Article V, Section 1 of the Bylaws states "[t]he officers of the Conference shall be President, President-Elect, Vice-President, Secretary, Treasurer, and Past-President." This proposed amendment to Article VIII makes it clear that all of the officers, not just the Past-President, serve on the Executive Committee during their term of office.*



## Proposed Amendments to the Bylaws (continued)

### (5) Article VII, Section 3(d)(7), is amended to read:

Finance and Investment Committee. The purpose of this committee is to recommend finance and investment strategies to the Executive Committee, and to assist the Executive Committee, as requested, in developing the budget for the Conference. The Finance and Investment Committee shall consist of the Treasurer, who shall serve as its Chairperson for a term of two years coincident with his or her tenure as Treasurer (See Article V, Section 2), and four members appointed by the Executive Committee. One of the appointed members shall be designated by the Executive Committee as the Vice-Chairperson, and shall serve a two year term staggered with the Chairperson. The three remaining members of the Committee shall serve staggered two year terms. In implementing the staggered two year tenure requirement resulting from the 2018 amendments to these bylaws, and in filling any future vacancy on the Committee, the Executive Committee may extend or shorten the appointment of any member to ensure the staggered tenure of the members of the Committee.

#### *Commentary*

*This amendment clarifies the role of the Finance and Investment Committee, including adding language regarding its involvement in developing a budget for the Conference.*

### (6) Article VII, Section 3(d)(15), is amended to read:

Technology Committee. The purpose of this committee is to ~~provide technical support and advice to research technological innovations or tools, and to bring these to the attention of~~ appellate court clerks and their staffs along with support and advice regarding the use of technology. The committee will also and to coordinate communications between the Conference and other organizations regarding technology issues.

#### *Commentary*

*This amendment, which was proposed by the Technology Committee, improves upon the statement of the purpose of that Committee.*

### (7) Article VIII, entitled Host Clerk, is amended to read:

1. ~~Assigned Duties~~ Designation of Host Clerk and Responsibilities. The host clerk for any annual meeting will be the member(s) designated by the Executive Committee to fulfill the responsibilities of this Article. A host clerk shall have the obligation to establish a separate financial account for the deposit of registration fees and any other incoming funds received by the host clerk for the annual meeting, and for payment of the expenses of the annual meeting as appropriate. The account may be reviewed by the Treasurer at any time. The host clerk shall prepare, with the assistance of the Treasurer, ~~a detailed budget and an accounting of income and expenses that relate to the management of the annual meeting.~~ The financial statements shall be made a part of the reports by the Treasurer to the Executive Committee.

2. ~~Alternate Duties.~~ Additional Responsibilities. ~~Other responsibilities may be assumed by the host clerk as provided in the procedures developed by the Convention Assistance Committee.~~ The host clerk shall have such additional responsibilities as may be specified by the Executive Committee or set forth in the Operational Guidelines of the Convention Assistance Committee.

## Proposed Amendments to the Bylaws (continued)

### Commentary

*This amendment clarifies that a budget will now be set by the Executive Committee rather than the Treasurer and host. Further, it simplifies the language regarding the use of the financial account established by the host. Finally, it reflects that the additional duties specified by the Convention Assistance Committee are contained in the Operational Guidelines of that Committee (see the Appendix to those Guidelines entitled "Guidelines for Annual Meeting Host Clerks.") and adds a provision reflecting that the Executive Committee may give the host additional responsibilities.*

**Tee shirts are here! Don't leave Lexington without one!**



**2018 NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
FORTY-FIFTH ANNUAL MEETING**

**San Diego, California**

**Sunday, July 29, 2018  
through  
Thursday, August 2, 2018**

**Call to order:**

President Eileen Fox (NH) called the Forty-fifth Annual Meeting of the National Conference of Appellate Court Clerks to order at 2:00 p.m. on Sunday, July 29, 2018. She welcomed everyone to the conference. Steve Lancaster (IN) was introduced as the parliamentarian for the meeting and confirmed that a quorum was present. President Fox then recognized the 2017-2018 NCACC Officers and Executive Committee, as well as Kevin Lane, Host of the 2018 Annual Conference. Each new NCACC member and first-time attendee was welcomed.

**Roll Call of States:**

Secretary Sherry Williamson (TX) called the roll of states, recognizing each person registered and present.

**Approval of minutes:**

President Fox asked for the approval or amendments to the minutes of the 2017 NCACC Annual Meeting, which were published in the June edition of *The Docket*. Polly Brock (CO) moved that the minutes be approved; Irene Bizzoso (PA) seconded; motion carried.

**President's Report:**

President Fox reported that the first item on her agenda was to hold the fall Executive Committee meeting in Lexington, Kentucky. The purpose of this meeting was in part to visit the area and decide on a hotel to host the conference. She next thanked Eydie Gaiser (WV) and the West Virginia Supreme Court for continuing to host the NCACC website and paying the host fee. President Fox next emphasized the importance of the committees and each member volunteering to be part of one or more committees.

**Committee Reports**

**Awards, Resolutions and Memorials Committee:**

Deana Williamson (TX) thanked the members of the committee: Bill DeCicco (DC); Ed Hosken (DC); Terry Lord (MO); Joe Perlak (DC); Doug Shima (KS) and Sherry Williamson. Deana reported that nominations were solicited for the J.O. Sentell Award and the Morgan Thomas Award. The J.O. Sentell Award will be presented at the end of the week. The retiree awards will also be presented on Thursday. The resolutions will be presented during the business meeting on Thursday. There are no memorials to present. Deana also reported that she has scanned in all the previous binders from the Awards Committee and the Resolutions Committee onto a flash drive and this can be sent to the new Chair each year.

### **Bylaws Committee:**

Ron Washington (WA) thanked Joe Perlak (DC) for serving as Chair for the Committee and recognized the members of the Committee: Sandra Grosko (OH); Greg Hilton (MD); and Michael Krimmel (PA). Ron reported that on Thursday some amendments to the Bylaws will be voted on, as published in the June issue of *The Docket*. The first amendment to Article VI, Paragraph 2 will be to provide vice-chairs on some of the committees. The second amendment to Article VII, Paragraph 3(d)(7) is to extend the terms of membership on the Finance and Investment Committee from one to two years.

### **Communications Committee:**

Sherry Williamson (TX) thanked the committee members: Lisa Dolph (DE); Trish Harrington (VA); Kevin Lane (CA); Greg Pachmayr (IN); and Deana Williamson (TX). She reported that all four issues of *The Docket* have been published timely. The news releases have been prepared for the former officers and the newly-elected officers. A request to consider a structural change wherein there would a vice-chair is being voted on Thursday during the Bylaws amendments.

### **Contracts Committee:**

Tom Harris (NV) thanked the members of the committee: Tom Hall (FL); Tracie Lindeman (NV); Greg Pachmayr (IN); Stacey Pectol (AR); Laura Roy (MO); and Larry Royster (MI). The committee has reviewed five contracts this year—two for the hotels for two of the annual conferences, one for the hotel for an Executive Committee meeting, the NCSC contract for renewal, and the contract for hosting the golf tournament.

### **Convention Assistance Committee:**

Deena Fawcett (CA) introduced the members of the committee: Debbie Autrey (TX); Claudia Jenks (TX); Scott Mitchell (AL); Meredith Montgomery (AK); Rebecca Oates (AL); Christopher Prine (TX); Dorian Ramirez (TX); Douglas Shima (KS); Sandra Skinner (MO); Renee Simien (LA); and Deana Williamson (TX). She stated that all committee members are ready to assist during the conference.

### **Educational Fund Committee:**

Malcolm Squires (VA) thanked the members of his committee: Dan Shearouse (SC) and Janet Johnson (AZ). He reminded the members that this fund helps pay for the speakers at the conference, and the main way for it to be funded is through the donations at the auction.

### **Finance and Investment Committee:**

Janet Johnson (AZ) thanked President Fox and the members of the committee: Chris Crow (LA); Jim Hivner (TN); Ed Hosken (VA); and Penny Miller (ND). Janet reported that the organization's finances are in great shape. The current Treasurer's Report is published in the June issue of *The Docket*. One of the major things the Committee accomplished this year was to rewrite the Investment Policy. This revised policy will help to build the organization's portfolio and put us in a more stable environment going forward. We are working with SunTrust to determine the appropriate financial strategy in keeping with the investment policy. Direction has been given to NCSC that we are ready to move forward with the proposed investment of \$150,000 of NCACC funds, including the balance of Educational and Technology funds currently in money-market accounts, and approximately \$40,400 from the operating account. We will still have the checking account, but no money-market accounts.

### **Membership & Pictorial Committee:**

Lisa Collins (UT) thanked the members of the committee: Carol Anne Harley (TX); Brandon Henson (CA); Joseph Lane (CA); Rebecca Oates (AL); Kristina Samuels (FL); and Ed Smith (MT). Welcome letters and tips/helpful hints have been sent to all new members. She has made a complete update and overhaul of the NCACC directory, identifying all members without a picture or biography. Delinquent accounts have been purged. There are 19 new members and three first-time attendees.

### **Nominating Committee:**

Janet Johnson (AZ) thanked Marilyn May (AK) for serving as Chair of the Committee and recognized the members of the Committee: Eydie Gaiser (WV); Blake Hawthorne (TX); Ed Hosken (VA); Janet Johnson (AZ); Lillian Richie (LA); and Dan Shearouse (SC).

Vice-President: Eydie Gaiser (WV)

Secretary: Sherry Williamson (TX)

Executive Committee (replacing Scott Mitchell (AL)): Deana Williamson (TX)

Executive Committee (replacing Lisa Collins (UT)): Renee Simeon (LA)

Executive Committee (replacing Christopher Prine (TX)): Tim Gudas (NH)

Membership will vote on Thursday.

### **Program Report:**

Jakob Trierweiler (AZ) thanked the members of the committee: Jenny Abbott Kitchings (SC), Vendor Chair; Patty Bennett (WY); Polly Brock (CO); Colette Bruggman (CA); Trish Harrington (VA); Marilyn May (AK); Scott Mitchell (AL); Meredith Montgomery (AK); Laura Roy (MO); Larry Royster (MI); and Deana Williamson (TX). Jakob reported that the pocket programs are available. The individual evaluations for each speaker are on the NCACC website. He encouraged everyone to complete those. There will be both the "What's Bugging You" and "What We Learned" sessions this week. The Opperman Speaker, Shon Hopwood, will speak at 4:00 on Sunday afternoon. A total of 18.5 CLE hours will be available for this conference.

### **Scholarship Committee:**

Lisa Matz (TX) thanked the committee members: Ed Hosken (VA); and Lonn Weissblum (FL). Five scholarships were awarded, with a total of \$7,461.00.

### **Site Selection Committee:**

Debbie Autrey (TX) thanked the committee members: Ron Carpenter (WA); Deana Fawcett (CA); Tom Hall (FL); Trish Harrington (VA); Jim Hivner (TN); Lisa Matz (TX); Kelly McNeely (LA); Scott Mitchell (AL); Renee Simien (LA); Sandra Skinner (MO); and Sonya Stromberg (CO). Debbie reported that the only bid submitted to host the 2021 NCACC annual conference is from Blake Hawthorne (TX) and Deana Williamson (TX) to be held at the Doubletree Hotel in Portland, Oregon.



### **Strategic Planning Committee:**

Steve Lancaster (IN) reported that this has been a busy year and thanked the committee members: Timothy Gudas (NH); Greg Hilton (MD); Michael Krimmel (PA); Penny Miller (ND); and Christopher Prine (TX). The first task the Committee completed was to review changing the Bylaws for the Finance and Investment Committee. This recommendation was approved and Bylaws amendments were drafted. The next task was to review the structure of the annual conference. A survey was sent out and the results were reviewed. The Committee has made the following recommendations: 1) have the awards banquet during the week of the conference, but not on Thursday night; 2) have an awards luncheon, rather than an awards banquet; 3) move the critique session from Friday morning to after the business meeting on Thursday; and 4) continue to study the necessity of having an annual vendor show. These recommendations are based on the comments received from the members who completed the survey.

### **Technology Committee:**

Larry Royster (MI) thanked the members of the committee: Brian Cotta (CA); Tracie Lindeman (NV); Rory Perry (WV); Andrea Rohmann (CA); Renee Townsley (WA); and Amy Wood (AZ). He also thanked Eydie Gaiser (WV) and the West Virginia Supreme Court for continuing to host the NCACC website. He reported that the Committee has submitted articles in every issue of *The Docket* for this year.

There being no further business, Janet Johnson (AZ) made a motion that the meeting be adjourned; Jenny Kitchings (SC) seconded; motion carried. The meeting was adjourned at 2:45 p.m. on July 29, 2018.

The Forty-fifth Annual Business Meeting resumed at 9:55 a.m. on Thursday, August 2, 2018 with a call to order by President Eileen Fox (NH). Steve Lancaster (IN), Parliamentarian, noted the presence of a quorum.

### **Retiree Awards:**

Deana Williamson (TX) presented a Retiree Award to the following retirees:

- Paula Garcia, California Court of Appeal, Fourth Appellate District
- Diana Herbert, California State Court of Appeal, First Appellate District
- Sandra Skinner, Missouri Court of Appeals, Southern District
- Jon Wheeler, Florida First District Court of Appeal

### **Special Committee Final Report:**

The responsibility of this Committee is to study the issue of the eligibility of deputy clerks (or similar) to serve as NCACC officers. The Chair of this Committee is Marilyn May (AK), with the following members: Bill DeCicco (DC), Blake Hawthorne (TX), Amy Reitz (OH), and Doug Robelen (VA). The NCACC membership was surveyed regarding their views on this issue and 78% of respondents were in favor of all offices being open to all regular members. The consensus of this Committee is that the Bylaws are clear on this issue and there is no restriction on any regular member serving as an officer. Despite the fact that the Bylaws are clear, the Special Committee

recommends that the Bylaws and Operational Guidelines be amended to further clarify this issue, as follows:

#### Bylaws - Article III – Membership

3. Eligibility for Elective Office. Eligibility for office is limited to regular members in good standing with the Conference for the two years immediately preceding the election or an appointment to fill a vacant elective office, without regard to the member's professional title.

The Special Committee thought that this amendment would clarify that a person's title does not limit his/her ability to serve as an officer.

The Special Committee also proposed an amendment to the Nominating Committee Operational Guidelines to clarify that the Nominating Committee should consider a number of factors in making nominations, including full regular member representation "regardless of professional title."

President Fox reported that the amendment to the Nominating Committee Operational Guidelines was approved by the Executive Committee at the Spring Executive Committee meeting and will be incorporated. A red-lined version of the amended guidelines is included with these minutes.

At the same meeting, the Executive Committee discussed the Special Committee's suggestion that an amendment to the Bylaws be considered. The Executive Committee felt that the language of the existing Bylaws provision regarding eligibility for elective office was clear and voted not to recommend an amendment to the Bylaws at this time.

President Fox stated that no further action was required by the membership at this time.

#### **Bylaws Committee:**

President Fox explained to the membership that the Bylaws Committee has recommended two amendments to the Bylaws. The first amendment gives the President standing authority to appoint vice-chairs to various Committees, as he/she deems appropriate. This vice-chair will assume some of the duties of the chair. The Executive Committee agrees with this amendment. Malcolm Squires moved for the amendment of Article VI, Paragraph 2 of the Bylaws, giving the President as he/she deems appropriate, standing authority to appoint vice-chairs of committees; Janet Johnson seconded; motion carried.

The second amendment is requested by the Finance and Investment Committee. There are three parts to this amendment: 1) to appoint a vice-chair to the Finance and Investment Committee; 2) to extend the terms of the Finance and Investment Committee to two years for continuity; and 3) to stagger the terms to prevent each member's term ending at the same time, but instead would overlap. The Treasurer and the vice-chair will have staggered terms.

When this proposal came before the Executive Committee, there was a slight error in the recommended amendment. In Article VII, Paragraph 3(d)(7), the reference was to "two remaining members." Since the Finance and Investment Committee consists of the Treasurer and four members, the amendment should have read "three remaining members."

President Fox explained the procedure for amending the Bylaws. The Bylaws provide that the Bylaws may be amended at the annual business meeting of the Conference by a majority vote of the members present and entitled to vote, provided that each amendment to be considered shall have been submitted to the Executive Committee no later than April first of that year. There is a procedure for considering late amendments to the Bylaws submitted after April first, but this requires a vote of 75% of the members present and entitled to vote and a determination that the quorum requirement has been met. President Fox stated that to correct the error in the second proposed Bylaws amendment the first step to be taken is to take a vote to suspend the April first deadline.. Steve Lancaster, the Parliamentarian, verified the quorum requirement, and explained that 75% of the members present must agree to waive the April first deadline to allow the membership to consider whether to change the wording from “two remaining members” to “three remaining members.”

Pursuant to Article XI, Paragraph 2, Malcolm Squires moved to suspend the April first deadline of Article XI, Paragraph 1 for the purpose of considering the needed amendment of Article VII, Paragraph 3(d)(7); Amy Wood seconded; motion carried and the April first deadline was waived.

Having waived the April first deadline, President Fox called for a motion to propose the change to Article VII, Paragraph 3(d)(7) of the Bylaws. Malcolm Squires moved to amend Article VII, Paragraph 3(d)(7), relating to the organization of the Finance and Investment Committee, by changing the wording from “two remaining members” to “three remaining members”; Janet Johnson seconded; motion carried.

The membership having approved the change to the proposed Bylaws amendment, Malcolm Squires then moved to amend Article VII, Paragraph 3(d)(7) to restructure the Finance and Investment Committee to add a vice-chair to the Committee, to extend the terms of members from one to two years, and to stagger the terms of the members; Janet Johnson seconded; motion carried.

A red-lined version of the amended Bylaws is included with these minutes.

### **Nominating Committee:**

Dan Shearouse (SC) read the slate of officers presented to the membership during the business meeting on Sunday, July 29, 2018:

Vice-President: Eydie Gaiser (WV)

Secretary: Sherry Williamson (TX)

Executive Committee (replacing Scott Mitchell (AL)): Deana Williamson (TX)

Executive Committee (replacing Lisa Collins (UT)): Renee Simien (LA)

Executive Committee (replacing Christopher Prine (TX)): Tim Gudas (NH)

The call for nominations from the floor was offered. No further nominations were presented; therefore, the nominations were closed. Janet Johnson (AZ) moved for the approval of the slate of nominations offered by the Nominating Committee; Trish Harrington (VA) seconded; motion carried.

### **Awards, Resolutions and Memorials:**

Deana Williamson (TX) read the language for the following resolutions:

**44th Annual Meeting Host:** Kevin Lane

**Conference Assistants:**

Gaynell Hunter, Executive Secretary to Clerk/Executive Officer  
Brandon Henson, Asst. Clerk/Executive Officer  
James-Anthony Chavez

**Convention Assistance Committee Chair:** Deena Fawcett (CA)

**and Members of the Committee:** Debbie Autrey (TX), Diane Fremgen (WI), Claudia Jenks (TX), Scott Mitchell (AL), Meredith Montgomery (AK), Rebecca Oates (AL), Chris Prine (TX), Dorian Ramirez (TX), Doug Shima (KS), Sandra Skinner (MO), Renee Simien (LA), Deana Williamson (TX)

**Program Committee Chair:** Jakob Trierweiler (AZ)

**and Members of the Committee:** Jenny Abbott Kitchings, Vice Chair (SC), Patty Bennett (WY), Polly Brock (CO), Colette Bruggman (CA), Trish Harrington (VA), Marilyn May (AK), Scott Mitchell (AL), Meredith Montgomery (AK), Laura Roy (MO), Larry Royster (MI), Deana Williamson (TX)

**Vendor Show Coordinator:** Jenny Abbott Kitchings (SC)**Continuing Legal Education Credits Coordinator:** Christine Crow (LA)**Dwight D. Opperman Foundation****Education Program Speakers:**

Shon Hopwood, Associate Professor of Law, Georgetown University Law Center  
Michael Roosevelt, Principal Consultant, Maat Consulting Services  
Honorable Tani G. Cantil-Sakauye, Chief Justice, Supreme Court of California  
Honorable Carolyn M. Caietti, San Diego Superior Court  
Bob Lowney, Director, Appellate Court Services/Court Operations Services, Judicial Council of California  
Honorable Stephen Dillard, Chief Judge, Georgia Court of Appeals  
Edwin Olavi, Investigator, California Highway Patrol  
Pauline Brock, Clerk of the Court of Appeals, Colorado  
Douglas T. Shima, Clerk of the Court, Kansas Appellate Courts  
Honorable Jonathan K. Renner, Associate Justice, California Third Appellate District Court of Appeal  
Stacey Marz, Director of Self-Help Services, Alaska Court System  
Kristine Van Dorsten, Senior Education Developer, Center for Judicial Education and Research, Judicial Council of California  
Tom Weber, PEM, State and Local Planning Unit Manager, Michigan State Police  
Carol Anne Harley, Clerk, Texas Court of Appeals, Ninth District  
Christopher A. Prine, Clerk, Texas Court of Appeals, Fourteenth District  
Lonn Weissblum, Clerk, Florida Fourth District Court of Appeal  
Patricia L. Bennett, Clerk, Wyoming Supreme Court  
Laura Roy, Clerk, Missouri Court of Appeals, Eastern District  
Honorable Robyn Ridler Aoyagi, Oregon Court of Appeals  
Blake Hawthorne, Clerk, Supreme Court of Texas

**Registration Technology:** Isaac Counts

**The Docket Publication Committee:** Kevin Lane, Editor (CA), Sherry Williamson, Chair and Assistant Editor (TX)

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**Tyler Technologies**

Jen Fukushig - Trade Show Coordinator

Michael Hose - Account Executive - Courts & Justice

Bona Nasution - Director of Sales - Courts & Justice

**MEMORIALS**

The Resolutions and Memorials Committee is not aware of the passing of any members since the last annual meeting; accordingly, no memorials are necessary this year.

Janet Johnson (AZ) moved to approve the resolutions; Patricia Bennett (WY) seconded; motion carried.

Irene Bizzoso (PA) moved to accept all committee reports; Trish Harrington (VA) seconded; motion carried.

**2019 Host Presentation:**

Susan Clary, host of the 46th NCACC conference in Lexington, Kentucky gave a presentation about the hotel and activities available. The conference will be held at the Griffin Gate Marriott Resort and Spa.

President Fox opened the floor for any further business. There was none offered.

There being no further business, Malcom Squires (VA) made a motion that the meeting be adjourned; Janet Johnson (AZ) seconded; motion carried. The meeting was adjourned at 11:10 a.m. on August 2, 2018.

Respectfully submitted,

Sherry Williamson  
NCACC Secretary



## COMMITTEE OPERATIONAL GUIDELINES

### NCACC NOMINATING COMMITTEE

The following are guidelines for nominating and electing conference members to positions of leadership in the NCACC.

#### NOMINATIONS

1. After the Nominating Committee is appointed by the President with approval of the Executive Committee, it should obtain from the secretary the names of those officers and executive members whose terms are expiring and for whom nominations are needed.
2. The chairperson shall include in the January issue of *The Docket* and send out on the NCACC listserv a notice informing the membership of those known terms that are expiring and solicit suggestions to fill those positions. This will provide sufficient time to receive, tabulate and forward the results to the Nominating Committee, and make a report to the Executive Committee and membership in compliance with Article VII, sec. 3(c)(6)(a).
3. Membership suggestions should be tabulated and sent to committee members with a request for their responses.
4. Factors for the committee to consider in recommending any regular member for nomination include eligibility, geographical and gender balance, full regular member representation **regardless of professional title**, and each candidate's interest in and contribution to the organization.
5. The chair should tabulate committee members' responses. In the event of a tie, it will be necessary to re-contact committee members.
6. The chairperson should contact prospective nominees to determine whether they are interested in serving and explain their duties and responsibilities. Nominees should also be made aware that they or their courts may have to provide funding for transportation and per diem to the Executive Committee and annual meetings.
7. Prior to April 1, the chairperson of the Nominating Committee shall submit a written report to the Executive Committee. An announcement of the committee's nominations shall be made to the Conference membership in a separate mailing or included in the call for the annual business meeting by publication in the NCACC Docket at least thirty days before the annual business meeting. The announcement should state the office each person is being nominated for and provide a brief synopsis of each nominee. A picture of each nominee may be desirable for purposes of identification.

#### ELECTION

1. The report of the Nominating Committee is given at the annual business meeting.
2. The chairperson should nominate separately the nominee for each office. The three individuals nominated for Executive Committee may be presented together. In the event there is a vacancy to fill for an unexpired term, that position should have a separate nomination.
3. The President or presiding officer shall conduct the election process.

## **AMENDMENTS TO BYLAWS**

### **ARTICLE VI**

#### **Office of the President**

1. Duties of the President. The President shall serve as the chief executive officer and shall preside at all meetings of the Conference and its Executive Committee.

2. Power of President to Appoint Committee Members; Parliamentarian. The President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chairperson for each committee, **and where the President deems it appropriate, vice chairs**, except as provided in Article VII. The President may appoint a regular or retired member as Parliamentarian, to serve at his or her pleasure.

3. Agenda Distribution for Executive Committee Meetings. Two weeks prior to each meeting of the Executive Committee, the President shall prepare and distribute an agenda to all officers and members involved. The agenda should be a clear and reasonably explicit list of the topics to be discussed and should be accompanied by necessary and pertinent supporting materials.

4. Voting Restriction of Presiding Officer. The Presiding Officer shall have a vote in all matters coming before the Executive Committee and in all matters at the annual business meeting of the Conference if: (1) a vote is by written ballot or (2) when necessary to decide a tie non-written vote by the members present and eligible to vote pursuant to Article IV, Section 4.

5. Eligibility for Office After Being President. Two years from the expiration of a term as Past-President, a member shall be eligible for election or appointment to any office in the Conference, provided the requirements of Article III, Section 3, have been met.

6. President as Official Representative of the Conference. The President shall serve as the official representative of the Conference when attending meetings that relate to the business of the Conference. With the approval of the Executive Committee, the reasonable expenses incurred in connection with attending such meetings shall be borne by the Conference. The President may designate a Conference member as the representative of the Conference. Expenses incurred by such a designee shall be paid in the same manner as those of the President.

7. Authority of the President. Unless specifically enumerated, nothing in this Bylaw shall be construed to limit the authority of the President to perform such tasks as may be reasonably necessary to promote the goals and objectives of the Conference.

8. Absence of Officers.

(a) Absence of President. In the absence of the President, the President-Elect shall preside.

(b) Absence of President and President-Elect. In the absence of the President and President-Elect, the Vice-President shall preside.

(c) Absence of President, President-Elect and Vice-President. In the absence of the President, President-Elect, and Vice President, the most immediate Past-President in attendance shall preside.

## **ARTICLE VII**

### **Committees**

1. Statement of Committees' Work. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive Committee, standing committees, and special committees. Standing committees shall have Committee Operational Guidelines. Proposed changes to these guidelines will be made in writing to the Executive Committee by April first for approval. The Chairperson of each standing and special committee shall submit a written status report for dissemination at the spring Executive Committee meeting.

#### 2. Executive Committee.

(a) Powers and Duties. The Executive Committee is the Board of Directors. It shall direct the affairs of the Conference and shall meet annually prior to the annual business meeting of the Conference and at other times at the call of the President or seven members of the Committee. All matters before the Executive Committee shall be determined by a majority vote of those present. Seven members of the Executive Committee shall constitute a quorum. The Executive Committee shall decide any question raised on the interpretation and application of these Bylaws.

(b) Composition. The Executive Committee shall consist of the five officers, the immediate past President who shall serve for one year, and six members of the Conference who shall each serve for two years. Three members of the Conference shall be elected in even-numbered years and three shall be elected in odd-numbered years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six member positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.

#### 3. Standing Committees.

(a) Duties. Standing Committees are constituted to perform a continuing function of the Conference.

(b) Creation and Termination. Standing Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner.

(c) Composition. Except as otherwise provided herein, standing committees shall consist of at least three members, one of whom shall be designated by the President as the Chairperson. The membership of the Program Committee shall also include a Vice-chairperson appointed by the President-Elect. The Finance and Investment Committee shall include the Treasurer who shall serve as the Chairperson. The term of the members, the Chairperson and, when applicable, the Vice-chairperson, of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chairperson, or upon its own initiative, may remove a member of a standing committee for good cause.

(d) List of Committees

(1) Awards, Resolutions and Memorials Committee. The purpose of this committee is to recommend to the Executive Committee nominees for the J.O. Sentell Award and Morgan Thomas Award, to prepare appropriate resolutions for adoption by the Conference as formal expressions of its will and intent and to prepare memorials for deceased members.

(2) Bylaws Committee. The purpose of this committee is to consider amendments to these Bylaws and to make written report to the Executive Committee each year by April first. The Bylaws Committee shall consist of no more than five members, including the Chairperson and any ex-officio members.

(3) Communications Committee. The purpose of this committee is to:

(a) inform the membership of the activities of the Conference, to provide information to enhance the professionalism of appellate court clerks and their offices, and to publish the NCACC newsletter at least quarterly, and

(b) promote the mission and objectives of the NCACC by providing information about the Conference and its members to appropriate individuals and groups.

(4) Contracts Committee. The purpose of this committee is to review any contract referred to it by the President or the Executive Committee. The committee shall report its recommendation to the President and the Executive Committee.

(5) Convention Assistance Committee. The purpose of this committee is to provide practical guidance, advice and assistance to Clerks who are hosts of upcoming annual meetings. The Convention Assistance Committee shall consist of an unlimited number of members.

(6) Educational Fund Committee. The purpose of this committee is to develop sources of income to be invested in a restricted fund, the proceeds of which shall be used for educational purposes as more fully set out in the Operational Guidelines. The Educational Fund Committee shall be composed of the President-Elect, the Treasurer, and one Executive Committee member to be named by the President. The President shall appoint one of these members as Chairperson.

7) Finance and Investment Committee. The purpose of this committee is to recommend finances and investments to the Executive Committee. The Finance and Investment Committee shall consist of the Treasurer, who shall serve as its Chairperson **for a term of two years coincident with his or her tenure as Treasurer (See Article V, Section 2)**, and four members appointed by the Executive Committee. **One of the appointed members shall be designated by the Executive Committee as the Vice-Chairperson, and shall serve a two year term staggered with the Chairperson. The two remaining members of the Committee shall serve staggered two year terms. In implementing the staggered two year tenure requirement resulting from the 2018 amendments to these bylaws, and in filling any future vacancy on the Committee, the Executive Committee may extend or shorten the appointment of any member to ensure the staggered tenure of the members of the Committee.**