



## CALL FOR THE ANNUAL MEETING

President Laura Roy, 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 via Zoom on Sunday, August 2, 2020. The link for attending the Zoom meeting will be provided at a later date by President Roy.

Respectfully submitted,

Sherry Williamson

## EDUCATIONAL FUND DONATIONS

*Since we will not be able to hold the silent/live auction at the annual meeting this year, please consider sending in a donation equal to the amount of what you would have normally spent to donate or purchase an item. As you are aware, this fund is used for conference scholarships and educational programs for future conferences, so it is important to maintain the funding. I am sorry you will not be subjected to my “YABBA-DABBA-DOO” this year!*

*Sherry Williamson*

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## THE DOCKET

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

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President:	Laura T. Roy (MO)
President-Elect:	Edythe (Eydie) Gaiser (WV)
Vice-President:	Larry Royster (MI)
Past-President:	Daniel E. Shearouse (SC)
Secretary:	Sherry Williamson (TX)
Treasurer:	Jim Hivner (TN)
Executive Committee:	Debbie Autrey (TX) Timothy A. Gudas (NH) Greg Hilton (MD) Meredith Montgomery (AK) Renee Simien (LA) Deana Williamson (TX)

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# THE PRESIDENT'S PAGE

LAURA ROY (MO)

## Keep Calm and Clerk On, Part Deux

This is my last President's Page column. In this column, I wanted to write about all the wonderful educational sessions and experiences planned for the upcoming annual conference in Point Clear, Alabama. I had hoped to write about my gratitude that we all survived COVID-19, how we made it to the other side of this pandemic, and that now was the time to celebrate together in Alabama. It is with sadness that I tell you that, for the first time in this organization's history, the Executive Committee decided to cancel the in-person conference in Alabama. Instead the NCACC will host a virtual business meeting with election of officers, as well as conduct three educational webinars in lieu of an in-person educational program. This was not an easy decision, but we believe it is the correct one. I remained cautiously optimistic through April, but the health and safety of our members is the committee's top priority. Ultimately, we believed it was impossible to safely travel and convene our large group in a confined hotel space.

First, I want to thank all of you for your overwhelming response to the committee's survey. Your thoughtful comments made this difficult decision a little easier. It also made me realize just how much I will miss seeing you in August and hearing firsthand your recent experiences and lessons learned during these unprecedented times. Next, I want to thank Chris Prine and the Program Committee for their hard work. This year's educational program was going to be truly exceptional, and it is devastating that we are unable to go forward with these scheduled sessions. Scott Mitchell, our Host, worked tirelessly and planned a wonderful conference experience at a magnificent property. The NCACC held a conference at the Marriott Grand in 1997, and this year we eagerly anticipated a return visit to Point Clear. To see all this hard work dissipate into thin air due to a global pandemic is gut wrenching to me. Chris and Scott, I am so grateful for you, and I cannot begin to thank you enough as you now shift gears and proceed to a virtual format.

Lastly, I want to thank my fellow committee members – Eydie, Larry, Jim, Sherry, Dan, Renee, Tim, Deana, Meredith, Greg, and Debbie. Please know that I could not do any of this without your advice and assistance. In very short order, Eydie Gaiser will assume the role of President. I would ask all of you to support her and give her the same extraordinary consideration that you have so generously given to me. I encourage all of you to get involved and sign up for at least one committee or more. Committee work is the lifeblood of this organization. The NCACC has no paid permanent full-time executive staff, and we rely on our members to sustain our organization and its work. This year, you will sign up for committees virtually, and I ask everyone to get involved. You will get better acquainted with your colleagues and develop lifelong friendships that will sustain you during good times and bad.

# THE PRESIDENT'S PAGE

LAURA ROY (*Continued*)

## Virtual Reality 101

I am currently working with the National Center for State Courts to plan a virtual meeting and election of officers. This meeting is tentatively scheduled for Sunday August 2, 2020, at 11 a.m. central time. We wanted to maintain our schedule in the most consistent way practical, as well as account for the time zone differences in our national membership. Once details of the meeting's logistics are finalized, I will send further instructions to join the virtual business meeting. Traditionally, we start the business meeting on Sunday and conclude on Thursday. In light of these unusual circumstances there will be one streamlined meeting on Sunday. I encourage all NCACC members to join this meeting, and I hope there are members who will attend this virtual meeting who have not been able to travel and attend a previous conference.

The program committee has scheduled three sessions in a webinar format following the Sunday business meeting. The NCACC would like to offer these sessions so that our members can obtain some CLE credit this year. Please stay tuned for further scheduling details and instructions concerning joining any webinars.

While the in-person conference is cancelled, the Executive and Program committees continue to work on the logistics of scheduling and presenting a virtual meeting and program. Your patience as we develop an alternate plan is greatly appreciated. The fluid situation is exhausting and I confess that I find myself daily making up procedures to adapt to the COVID environment. As always, please feel free to contact me if you have an idea or suggestion about our virtual meeting and program webinars. These are unprecedented times indeed, but I remain grateful for all of you and your support. I have always loved this organization and consider its members to be my extended family. It has been my honor to be your president this past year. Keep calm and clerk on.

## **Who Needs Clear Sky and Sandy Beaches – 2020 NCACC Virtual Conference**

Christopher Prine, Clerk of Court  
First and Fourteenth Courts of Appeals, Houston, Texas

How quickly things change. Just when we were ready to set our sights on Alabama, it is only fitting in this crazy year of 2020, we are now focusing on the first-ever NCACC Virtual Conference. The Program Committee is once again hard at work to line up great speakers. The business meeting will start us off, but thanks to the responses to the survey, we are focusing on topics most requested by our members.

We are still very much excited to have Gary Marchant as our Opperman Speaker. Mr. Marchant is the Lincoln Professor of Emerging Technology Laws and Ethics at the Sandra Day O'Connor School of Law at Arizona State University. Mr. Marchant will provide a futuristic look at the judicial system, which includes computers deciding cases, virtual trials, and greater use of artificial intelligence.






In a look at current court technology, the West Palm Beach Clerk's Office will discuss the use of artificial intelligence technology for the clerk's docketing system. Six "robots" work 24/7/365 to review filings before docketing. Now 29% of their filings are never looked at by a human being before docketing.

We will also have a speaker on employment law and current employment law issues. The committee is still at work finalizing plans and speakers. More information on a date and time to come.

The 47<sup>th</sup> Annual Meeting of the National  
Conference of Appellate Court Clerks  
Virtual Meeting  
August 2, 2020

**Business and Education Schedule**  
(All Times are Central Standard Time)  
**August 2, 2020**

90 min.	11:00 a.m. – 12:30 p.m.	<b>Roll Call of the States and Conference Welcome and Business Meeting –</b> Laura Roy, President, National Conference of Appellate Court Clerks; Clerk, Missouri Court of Appeals – Eastern District	
	12:30 p.m. – 12:45	<b>Break</b>	
90 min.	12:45 p.m. – 2:15 p.m.	<b>Courts of the Future –</b> Gary Marchant - A futuristic look at the judicial system which includes computers deciding cases, virtual trials, and greater use of artificial intelligence	
	2:15 p.m. – 2:20 p.m.	<b>Break</b>	
60 min.	2:20 p.m. – 3:20p.m.	<b>Use of Artificial Intelligence for Document Review -</b> West Palm Beach Clerks	
	3:20 p.m. – 3:30 p.m.	<b>Break</b>	
60 min.	3:30 p.m. – 4:30 p.m.	<b>Labor Law Update</b>	
	4:30 p.m. – 5:30 p.m.	<b>C-Track User Group</b>	

 Educational Session	 Business Meeting	 Vendor Show	 Vendor Supported or Sponsored	 Filmed Session
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**THE NOMINATING COMMITTEE**  
**PRESENTS THE FOLLOWING CANDIDATES:**

**Vice President—Christopher Prine (TX)**

**Secretary—Claudia Jenks (TX)**

**Executive Committee—**

**Carolyn Taft Grosboll (IL)**

**Greg Pachmayr (IN)**

**Doug Shima (KS)**

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**CHRISTOPHER A. PRINE**



Christopher A. Prine was first appointed as Clerk of the Court for the 14th Court of Appeals on August 1, 2008. In 2013, Chris was appointed to also serve as the Clerk of Court for the 1st Court of Appeals.

After law school, Chris served as a briefing attorney at the 14th Court of Appeals and, in 1998, he served as a chambers attorney at the 1st Court of Appeals. Chris also engaged in private practice, where he

focused on insurance defense and probate and estate litigation.

As a member of the NCACC, Chris has served on various committees, including Membership, Convention Assistance, Strategic Planning, and the Nominating Committees. He has also served on the Executive Committee and chaired the Educational Fund, Vendor Show, Program, and Technology Committees.

## CLAUDIA JENKS

Claudia Jenks is the Chief Deputy Clerk of the Supreme Court of Texas and has been serving the public in that capacity since March 2003. As the Chief Deputy Clerk, she assists the Clerk of the Court in providing management and supervision for the operation of the Clerk's Office. She also prepares the daily and weekly orders and handles requests from the Court. Prior to working for the Court, she was employed in the Transportation Litigation Division at the Office of Attorney General. In the Transportation Division, Claudia processed filings for all the Assistant Attorney Generals who represent the Texas Department of Transportation, and she distributed warrants on behalf of the agency for settlements and judgment claims.



Claudia holds two bachelor's degrees, in Speech and in Mass Communication, and holds a Masters Degree in Public Administration from Texas State University-San Marcos. Along the way, Claudia made many connections with her professors and classmates.

Claudia has been an active member of the National Conference of Appellate Court Clerks since 2003. She enjoys serving on the Convention Assistance Committee and has done so many times. She also enjoys new opportunities to serve the organization and meet new people.

Claudia was born and raised in Atascosa County in the small town of Pleasanton, Texas, "Birthplace of the Cowboy." Growing up 30 miles south of San Antonio, she was close to her family and many generations of cousins. She is a descendant of Gregorio Esparza, one of the Tejano Defenders of the Alamo. Today, Claudia and the many descendants of Gregorio Esparza continue to preserve the history of his sacrifice as an Alamo defender and Texas hero.

Claudia loves and enjoys spending time with her close family and her rescue dogs. She enjoys traveling with her mom, Gloria, and her twin sister, Claudette. She also enjoys spending time with her brother and her three beautiful nieces and handsome nephew.



## CAROLYN TAFT GROSBOLL



Carolyn Taft Grosboll was appointed Clerk of the Illinois Supreme Court in January 2011. She received her B.A. in History from Southern Illinois University at Carbondale and her J.D. from Southern Illinois University School of Law.

Prior to her appointment as Clerk, Carolyn worked as an attorney for the Illinois Secretary of State, Illinois Legislative Reference Bureau, the Illinois Nature Preserves Commission where she also served as Director, and in private practice at the law firm of Giffin, Winning, Cohen & Bodewes, P.C.

Carolyn has been a member of the National Conference of Appellate Court Clerks since becoming Clerk in 2011 and has served on the Program and Membership committees. She is married to Allen D. Grosboll and they have one son, John.

## GREG PACHMAYR

Greg Pachmayr was appointed Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court in June 2016, after serving as Deputy Clerk for two years. Before joining the Appellate Clerk's Office, he was Director of the Indiana Board of Pharmacy. From 2004 to 2006, he served as a Peace Corps Volunteer in the Kingdom of Lesotho.

Greg is a graduate of the Indiana University Maurer School of Law – Bloomington (J.D.), the Indiana University School of Public and Environmental Affairs – Bloomington (M.P.A., Policy Analysis), and the University at Buffalo (B.A., English and Political Science).

Greg is a member of the Indiana State Bar Association's Appellate Practice Council and Written Publications Committee. Greg has been a member of the National Conference of Appellate Court Clerks since 2014 and has served as a member of the Communications Committee since his first conference in Richmond, VA. He is currently the Chair of the Contracts Committee.



## DOUG SHIMA



Doug Shima grew up in Rocky Ford, Colorado, a small farming community in southeastern Colorado, along the Arkansas River. He is a self-proclaimed small-town-city-boy and the son of one of only two doctors in Rocky Ford at the time. Doug attended Bethel College in North Newton, Kansas, and then Washburn Law School graduating in 1994. He started his law career in the Kansas Court of Appeals central research staff and then hired on as chambers counsel with the Hon. G. Joseph Pierron, Jr., in 1995. Doug was with Judge Joe from 1995 until January of 2016 when Chief Justice Lawton Nuss appointed Doug as Clerk of the Kansas Appellate Courts, overseeing the Kansas Supreme Court and Kansas Court of Appeals. Doug is married to Michelle and they have three kids – Tyler, Zach, and Kaitlyn. Doug never gave up on having a daughter so he would have someone to look after him when he got old.

Doug is a past chairman of the board of directors of the Topeka Bar Association. He has served in many capacities on the TBA board and its committees, including serving as board chair and board secretary. Doug received the TBA's Outstanding Young

Lawyer Award in 1997. In April 2014, Doug received the TBA's prestigious award, the "Hon. E. Newton Vickers Professionalism Award," as a member who by his or her conduct, honesty, integrity, and courtesy, best exemplifies, represents or encourages other lawyers to follow the highest standards of the legal profession. Doug has also been active in the Sam A. Crow American Inn of Court since graduating from Law School and stepped down this year as the Inn's secretary/treasurer after serving in that position for 8 years.

Doug is active in many organizations in addition to the Topeka Bar Association and Inn of Court. He is a long-time supporter of Meals on Wheels, having served meals on wheels for over 25 years, and for the last 15 years has organized two corporate routes -- one for the Kansas Judicial Center and the other for his church, Southern Hills Mennonite Church. He served in many capacities with the board of directors of Meals on Wheels, and ended his tenure after serving as board chairman for two years. In 2013, Doug was awarded the Rueter Award for distinguished service to Meals on Wheels.

In his spare time, Doug enjoys watching his kids in their many activities. He also enjoys playing many sports including basketball, softball, and golf. Any time left after that, he is usually gardening at Topeka West High School, where his daughter attends. In October 2014, the Topeka Public Schools recognized Doug with its "Above and Beyond Award" for his gardening efforts.

## COURT TECHNOLOGY IN THE TIME OF CRISIS

*Gregory Hilton, Clerk, Maryland Court of Special Appeals*

Change is often wrought in difficult times. When confronted by the rapid growth of COVID-19, we NCACC members had to suddenly confront how to conduct our day-to-day business in an environment that did not condone business as usual. So, to paraphrase Gunny Highway in *Heartbreak Ridge*: We innovated, we adapted, we overcame.

We are all aware that bureaucracies are not well known for the ability to innovate in good or bad times, but it was truly impressive to see our members quickly find ways to continue business as usual when things are not – well - usual. As the chair of the Technology Committee, it is difficult to find ways to make the job of an appellate court clerk seem innovative. So much of what we do exists in a world that seems terribly comfortable adding glosses on things that might have been done in the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> Centuries.

Certainly, we have adopted “new” technologies to make our work a bit easier, but I think it is fair to say that we are not normally on the forefront of technological innovation: while Maryland’s IAC has fully adopted electronic filing, we still insist on getting paper copies from the parties; some of us live-stream our arguments (Maryland’s IAC does not, but maybe soon!); we still insist that lawyers travel long distances to come to the state capital to spend a half an hour or so, talking to a slate of judges sitting on a bench. Bottom line, normally the jobs we perform do not insist that we innovate.

What follows, is a brief review of what Maryland’s IAC went through in the last three months and how we adapted to changes. All of you have stories like this. I especially like the innovative ways that many of you provided timers for remote oral argument, but I want to use Maryland’s story to illustrate the role of technology in responding to an unprecedented crisis.

While the onset of COVID-19 itself was not sudden, Maryland’s IAC did not have much time to adapt our technology footprint and business processes before we were forced to make changes. Meanwhile, it was imperative that we continue to move cases forward to avoid a tsunami of backlogged cases sometime in the future, while at the same time minimizing risk to the public and our employees. So, with little time to plan and few “new” tools in our toolkit, we acted. We assessed our current business processes, analyzed what work could be done

## COURT TECHNOLOGY IN THE TIME OF CRISIS *(Continued)*

remotely and who had the capability to do so. We quickly assessed what new tools/equipment/processes were needed to permit us to continue to work at near capacity and we set about acquiring them.

But time was not on our side. The decision to shut down our building and minimize staff was foreseeable, but, for practical purposes, took place overnight. We did have some tools in place though. One tool, perhaps our biggest, was a knowledgeable and adaptive workforce. Another was a little used, but available to all, VPN system. The most important, in light of the fact that COVID-19 not only affected our employees, but all of our customer base as well, was our new(ish) e-filing and integrated case management system. Because we have a top-to-bottom e-filing/CMS system, 21 of our 24 jurisdictions could seamlessly conduct business with us without paper files. That also meant that the litigants from those jurisdictions were already using e-filing.

Of course, there are rules and procedures in place that impeded some of our ability to adapt to the changing circumstances. Fortunately, in our rapid planning sessions, we identified areas of our processes that we could easily modify to facilitate efficient operations. Some of these changes were ad hoc and skirted the limits of our authority, but all were ultimately proven up when statewide administrative orders from our Chief Judge validated the changes. The easiest and most effective was the authorization for the use of our e-filing system for all appeals, even when they did not generate from an e-filing jurisdiction. This became critical when one of our biggest “customers,”<sup>1</sup> the Maryland Office of the Public Defender (OPD), within days of the Courts’ transition to limited operations, was struck by a ransomware attack on all of its IT systems,<sup>2</sup> while its employees were forced to work remotely.

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<sup>1</sup> Year on year, the Office of the Public Defender represents a party in close to 40 % of the Court of Special Appeals’ caseload.

<sup>2</sup> <https://www.capitalgazette.com/news/ac-cn-public-defender-computer-compromise-20200407-sraoazsejtrddvkjio5sjory-story.html>



## COURT TECHNOLOGY IN THE TIME OF CRISIS *(Continued)*

As I said, time was not on our side when the COVID-19 emergency hit. We were just days away from our April argument docket and had to figure out a way to hold arguments without being in the courtroom. Through several fits and starts, we explored an existing video tele-conference technology that was not successful. Someone mentioned “Zoom.” I had not heard of it, but quickly immersed myself in “zoominess.” After a few tests, we decided to dive head first into Zoom and hold our April oral arguments on that “platform.” Although we initially postponed some of our early April arguments, we held our first April argument on Zoom – just one case the first day. It went well – for a few days.

While we were conducting our initial April arguments, press reports surfaced that cast doubt on Zoom’s security protocols that might cause, at best, embarrassment to the court and, at worst, harm to the court’s IT systems. Even though we had to shut down our Zoom arguments, we were able to use conference calls and Skype to finish out our April session. It was a bumpy ride, but we got to the finish line!

What has COVID-19 taught us – at least from a technology perspective? First, we can never foresee all of the things we will need in advance of a crisis.<sup>3</sup> Second, the pace of technological development is not always driven by today’s needs. Sometimes the things we need may be available, but we may not need to know they exist until a crisis has hit. Third, technology is not a solution in itself; rather, it is a tool to reach a solution. That is why it is incumbent upon us, as leaders, to maintain awareness of what tools are around us – some that we have and some that are obtainable. Those tools include: an educated and resilient work force that can adapt quickly to change; an open mind about modifications to business processes to adapt to changing times and limitations; and the ability to adapt “what we have” to meet what we need.

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<sup>3</sup> Writing this, my mind was instantly drawn to Secretary of Defense Rumsfeld’s truism: “You go to war with the Army you have, not the army you might want or wish to have at a later time.” COVID-19 is not a war, but necessity does not care if you are ready for it.

## **COURT TECHNOLOGY IN THE TIME OF CRISIS** *(Continued)*

So ...

**IMPROVISE** – use existing systems, processes and resources in innovative ways to work through the problem.

**ADAPT** – modify things that can be modified to fit the current environment and requirements.

**OVERCOME** – do not let the adversity of the moment overwhelm the core mission. Focus forward and find new technological solutions to current and emerging needs and problems.



**2019 NATIONAL CONFERENCE OF APPELLATE COURT CLERKS  
FORTY-SIXTH ANNUAL MEETING**

**Lexington, Kentucky**

**Sunday, July 28, 2019  
through  
Thursday, August 1, 2019**

**Call to order:**

President Dan Shearouse called the Forty-Sixth Annual Meeting of the National Conference of Appellate Court Clerks to order at 8:30 a.m. on Monday, July 29, 2019. He welcomed everyone to the conference. Steve Lancaster (IN) was introduced as the parliamentarian for the meeting and confirmed that a quorum was present. President Shearouse then recognized the 2018-2019 NCACC Officers and Executive Committee, as well as Susan Clary, Host of the 2019 Annual Conference. President Shearouse next introduced the retirees for the past year: Kristen Brown (MT), Trish Harrington (VA), Joseph Lane (CA), Marilyn May (AK), Ed Smith (MT), and Kevin Stinson (CA). All new NCACC members and first-time attendees were welcomed.

**Roll Call of States:**

Prior to a special evening at the Supreme Court of Kentucky on Sunday, July 28, 2019, Secretary Sherry Williamson (TX) called the roll of states, recognizing each person registered and present.

**Approval of minutes:**

President Shearouse asked for the approval or amendments to the minutes of the 2018 NCACC Annual Meeting, which were published in the June edition of *The Docket*. Greg Hilton (MD) moved that the minutes be approved; Chris Crow (LA) seconded; motion carried.

President Shearouse reported that we had three members pass away during the last year. Those members were Robert G. "Bob" Esdale, Tom Harris, and Ron Barrow. A moment of silence was held in remembrance of these members.

## **Host Report:**

Susan Clary welcomed everyone to Kentucky. She reported that tonight will be a fun trip to Keeneland Racecourse, sponsored by Thomson Reuters. President Shearouse presented Susan with a special coin in appreciation of all her hard work on the conference.

## **President's Report:**

President Shearouse reported that the fall Executive Committee meeting was held in Point Clear, Alabama. The last conference held there was in 1997. Scott Mitchell is a wonderful host and this will be a beautiful conference. For the spring Executive Committee, we met at the offices of National Center for State Courts in Williamsburg. This was intentional to work on our ties with NCSC. It was a very good meeting and we worked through some issues. He stated that he is deeply troubled that a large number of the California members are not present due to the travel ban, but he is thankful that several California retirees are in attendance. President Shearouse attended the Conference of State Court Administrators, the meeting of the Council of Chief Justices, and also the Rehnquist dinner. He said it is interesting to see how other meetings are run and how the money is spent. He thanked the Chief Justice of his Court, Don Beatty, for the encouragement and financial support he has given to him and NCACC. He did not submit any claims for travel while serving as President because his court covered the expenses. He shared some thoughts about the NCACC's revenue vs. expenses. He said we are not on the brink of bankruptcy, but we must break the pattern of losing more money than we gain. He gave a few suggestions of what can be done, including raising registration fees or dues and better budgeting. Several factors need to be improved in negotiating the hotel contracts. He mentioned using the same hotel negotiator as NCSC because they are able to get better contracts, with less liability and lower costs than we are able to do on our own. President Shearouse next mentioned that Steve Lancaster, Chair, and the Strategic Planning Committee have been reviewing the structure of the conference. This should be added to the schedule at the next conference for discussion.

## **Committee Reports**

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

Ed Hosken (DC) thanked the members of the committee: Bill DeCicco (DC); Deena Fawcett (CA); Joseph Lane (CA), Terry Lord (MO), and Eileen Fox (NH). Ed reported that nominations were solicited for the J.O. Sentell Award and the Morgan Thomas Award. The Executive Committee has approved the selections and all of the awards, resolutions, and memorials will be presented on Thursday.

### **Bylaws Committee:**

Jim Hivner (TN) thanked Jakob Trierweiler (AZ), Ron Carpenter (WA), Greg Hilton (MD), Joseph Lane (CA), and Malcolm H. Squires, Jr. (VA) for serving on the Committee. He thanked the retirees for participating in the conference. He said that the proposals for the amendments to the Bylaws were published in the June issue of *The Docket*, with most of them being clean-up and not substantive, and one is for budgeting. He asked for the membership to review them before the business meeting on Thursday.

### **Communications Committee:**

Sherry Williamson (TX) thanked the committee members: Clarissa Hodges (TX), Polly Brock (CO), Colette Bruggman (CA), Trish Harrington (VA), Greg Pachmayr (IN), Doug Robelen (VA) (Editor), Jakob Trierweiler (AZ), 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 newly elected officers. She also thanked all members who wrote articles for *The Docket*.

### **Contracts Committee:**

Larry Royster (MI) thanked the members of the committee: Greg Pachmayr (IN), Meredith Montgomery (AK), Amy Wood (AZ), and Stacey Pectol (AR). The committee only reviewed one major contract, which was the contract for the 2021 conference in Portland, Oregon. The Committee did work on the RFP, which will serve as the model contract going forward.

### **Convention Assistance Committee:**

Meredith Montgomery (AK) stated that the sole mission of the Committee is to assist the host during the conference. She introduced the members of the committee: Claudia Jenks (TX), Debbie Autrey (TX), Deena Fawcett (CA), Lisa Matz (TX), Dorian Ramirez (TX), Mark Reynolds (NM), Laura Roy (MO), Doug Shima (KS), Renee Simien (LA), Debra Spisak (TX), Renee Townsley (WA), Monica Zamarripa (TX), and Deana Williamson (TX). She announced that the Committee is available during the week as needs arise.

### **Educational Fund Committee:**

Malcolm Squires (VA) thanked the members of his committee: Laura Roy (MO) and Janet Johnson (AZ). He mentioned that \$4,300 was raised at the auction last night.

## **Finance and Investment Committee:**

Janet Johnson (AZ) thanked the members of the committee: Jim Hivner (TN), Chris Crow (LA), Ed Hosken (VA), and Sonya Stromberg (CO). Janet reported that the investment account has increased over the last few months and the balance, as of June 30, 2019, is \$153,568. There is a little over \$81,000 in the checking account. With the expenses of speakers' travel, fees, and scholarships up to \$7,500, the expenses are often exceeding the revenue.

## **Membership & Pictorial Committee:**

Polly Brock (CO) thanked the members of the Committee: Petra Hulm (ND), Lisa Collins (UT), Clarissa Hodges (TX), Charles Johnson (CA), Lisa Matz (TX), Scott Mitchell (AL), Kristina Samuels (FL), Monica Zamarripa (TX), and Doug Robelen (VA). She said that keeping the NCACC directory updated is challenging. We need a new way to allow members to update his/her own information, which would be to obtain online management software. Discussion ensued.

## **Nominating Committee:**

Eileen Fox (NH) recognized the members of the Committee: Deana Williamson (TX), Lisa Collins (UT), Irene Bizzoso (PA), Eydie Gaiser (WV), Ed Hosken (VA), Chris Prine (TX), Doug Robelen (VA), and Malcolm Squires (VA). The Committee offers the following slate of nominations:

Vice-President: Larry Royster (MI)

Treasurer: Jim Hivner (TN)

Executive Committee (replacing Doug Robelen (VA)): Debbie Autrey (TX)

Executive Committee (replacing Stacey Pectol (AR)): Meredith Montgomery (AK)

Executive Committee (replacing Malcolm Squires (VA)): Greg Hilton (MD)

Membership will vote on Thursday.

## **Program Committee:**

Jenny Abbott Kitchens (SC) thanked the members of the committee: Christopher Prine (TX), Vendor Chair, Patty Bennett (WY); Colette Bruggman (CA); Eydie Gaiser (WV), Carolyn Grosboll (IL), Blake Hawthorne (TX), Mary Beth Kuenzel (FL), Sheila Reiff (WI), Doug Shima (KS), Deana Williamson (TX), Amy Wood (AZ), Carolyn Ziogas (CT), and Laura Roy (MO). Jenny reported that the Operating Guidelines were updated this year. She is excited to begin the program for the week. President Shearouse thanked Chris for all his hard work on being the Vendor Chair.

### **Scholarship Committee:**

Amy Funderburk (NC) thanked the committee members: Amy Reitz (OH) and Timothy Gudas (NH). Two scholarship applications were received, and only one was funded in the amount of \$756.

### **Site Selection Committee:**

Irene Bizzoso (PA) thanked the committee members: Lonn Weissblum (FL), Debbie Autrey (TX), Ron Carpenter (WA), Amy Funderburk (NC), Jim Hivner (TN), Ed Hosken (VA), Ann Marie O'Neill (MN), Lisa Matz (TX), Kelly McNeely (LA), Sonya Stromberg (CO), and Renee Simien (LA). Irene reported that no member volunteered to host the conference in 2022, so it will be held in Williamsburg, Virginia. The hotel is still being negotiated. She encouraged members to sign up to host. President Shearouse mentioned that Doug Robelen (VA) immediately offered to host after the site was decided.

### **Strategic Planning Committee:**

Steve Lancaster (IN) reported that this has been a busy year and thanked the committee members: Polly Brock (CO), Lisa Collins (UT), Greg Hilton (MD), Penny Miller (ND), Scott Mitchell (AL), Deana Williamson (TX), and Timothy Gudas (NH). Steve reported that until 2007, NCACC had no budget. Issues have evolved over the years requiring the need for a budget. This year has been spent looking at how to restructure the annual conference. The ideas were not taken very far because input is needed from the entire membership. Steve suggested putting the ideas in *The Docket* for everybody to review and continue this topic through the year.

### **Technology Committee:**

Amy Wood (AZ) thanked the members of the committee: Greg Hilton (MD), Sheila Reiff (WI), Larry Royster (MI), and Eydie Gaiser (WV). She said that the Committee's Bylaws have been modified. Articles were submitted for each issue of *The Docket*. Next year, the plan is to update the e-filing white paper and write a white paper on digital evidence.

President Shearouse announced that the presentation of committee reports was concluded. He then read the inscription on the NCACC gavel box.

There being no further business, Lillian Richie (LA) made a motion that the meeting be adjourned; Polly Brock (CO) seconded; motion carried. The meeting was adjourned at 9:50 a.m. on July 29, 2019.

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The Forty-Sixth Annual Business Meeting resumed at 9:50 a.m. on Thursday, August 1, 2019 with a call to order by President Dan Shearouse (SC). Steve Lancaster (IN), Parliamentarian, noted the presence of a quorum.

### **Retiree Awards:**

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

- Kevin Stinson, California State Court of Appeal, Fourth Appellate District
- Marilyn May, Alaska Appellate Courts
- Trish Harrington, Virginia Supreme Court
- Joseph Lane, California State Court of Appeal, Second Appellate District
- Kristen Brown, Commonwealth Court of Pennsylvania
- Ed Smith, Montana Supreme Court

### **Bylaws Committee:**

Jim Hivner (TN) made a motion to accept the Bylaws as presented in the June issue of *The Docket* en banc; Jakob Trierweiler seconded. There was a called question: Does a “member” include retired members? The answer is: Yes, any active member, regular or retired. President Shearouse called for a vote and the motion carried. All amendments are approved.

### **Nominating Committee:**

Eileen Fox (NH) presented the slate of nominations:

Vice-President: Larry Royster (MI)

Treasurer: Jim Hivner (TN)

Executive Committee (replacing Doug Robelen (VA)): Debbie Autrey (TX)

Executive Committee (replacing Stacey Pectol (AR)): Meredith Montgomery (AK)

Executive Committee (replacing Malcolm Squires (VA)): Greg Hilton (MD)

President Shearouse called for additional nominations from the floor; none were presented; motions were closed. Susan Clary (KY) moved to accept the nominations by acclimation, Blake Hawthorne (TX) seconded, motion carried.

President Shearouse called for a motion to accept all the committee reports. Laura Roy (MO) moved to accept all of the committee reports; Blake Hawthorne (TX) seconded; motion carried.

Scott Mitchell (AL) gave a presentation to the membership about Point Clear, Alabama, location of the 2020 annual conference.



President Shearouse thanked Susan for her hard work in providing such a great conference. He presented her a gift for going above and beyond in hosting. He said all events have been excellent and is due to her handiwork.

President Shearouse called for any further business. None was offered. John Olivier (LA) moved to adjourn the meeting; Blake Hawthorne (TX) seconded; motion carried. The meeting was adjourned at 10:20 a.m.

## **RESOLUTIONS**

The committee will present resolutions at the annual meeting honoring the following individuals and/or groups (as well as any others who should be recognized that we are not aware of at this time):

**46th Annual Meeting Host:** Susan Stokely Clary

**Conference Assistants:** Office of the Clerk of the Kentucky Supreme Court -- Gina Hill; Jaclyn Farmer

**Technology/Audio Visual:** Kentucky Administrative Office of the Courts – Pauline Roberts, Daniel Frazier, Kit Walden

### **Venue/Accommodations:**

The Griffin Gate Marriott Resort & Spa - Morgan Lucchese

Keeneland - Morgan Whitney

Woodford Reserve - Donna Hecker

The Ripy House - George Geoghegan

**Convention Assistance Committee Chair:** Meredith Montgomery (AK)

**and Members of the Committee:** Claudia Jenks, Vice-Chair (TX), Debbie Autrey (TX), Deena Fawcett (CA), Lisa Matz (TX), Dorian Ramirez (TX), Mark Reynolds (NM), Laura Roy (MO), Doug Shima (KS), Renee Simien (LA), Debra Spisak (TX), Renee Townsley (WA), Deana Williamson (TX), Monica Zamarripa (TX)

**Program Committee Chair:** Jenny Abbott Kitchings (SC)

**and Members of the Committee:** Colette Bruggman (CA); Christopher Prine (TX); Patty Bennett (WY); Edythe Gaiser (WV); Carolyn Grosboll (IL); Blake Hawthorne (TX); Mary Beth Kuenzel (FL); Sheila Reiff (WI); Laura Roy (MO); Doug Shima (KS); Deana Williamson (TX); Amy Wood (AZ); Carolyn Ziogas (CN)

**Continuing Legal Education Credits Coordinator:** Christine Crow (LA)

## **Dwight D. Opperman Foundation**

**Education Program Speakers:** Jenny Abbott Kitchings

Honorable Bill Cunningham, Retired Justice, Supreme Court of Kentucky

Honorable Michelle M. Keller, Justice, Supreme Court of Kentucky

Chief Justice John D. Minton, Jr., Supreme Court of Kentucky

Melissa Bybee-Fields, Chief Clerk, Kentucky House of Representatives

Steve Kring, Supervisor, Kentucky Legislative Research Commission

Mark Lanterman, Chief Technology Officer, Computer Forensic Services

Tom and Lisa Hall

Honorable Samuel Anderson Thumma, Judge, Arizona Court of Appeals, Division 1

Nial Raaen

Patricia L. Bennett, Clerk of the Wyoming Supreme Court

Brian Cotta, California Court of Appeal, Fifth Appellate District

Mariana Cordova, California Court of Appeal, Fifth Appellate District

Honorable Barbara P. Hervey, Judge, Court of Criminal Appeals of Texas

Pauline Brock, Clerk of the Court of Appeals of Colorado

Tricia Knox, Supreme Court of Florida Public Information Office

Blake Hawthorne, Clerk of the Supreme Court of Texas

Mary Beth Kuenzel Clerk of Florida Second District Court of Appeal

Lisa Collins, Clerk of the Court of Appeals of Utah

**The Docket Publication Committee and Communications Committee:** Doug Robelen (VA), Editor; Sherry Williamson (TX), Chair and Assistant Editor; Clarissa Hodges (TX), Vice-Chair; Polly Brock (CO); Colette Bruggman (CA); Trish Harrington (VA); Greg Pachmayr (IN); Jakob Trierweiler (AZ); Deana Williamson (TX)

**Vendor Show Coordinator:** Chris Prine (TX)

### **Sponsors, Supporters, Exhibitors, Vendors, and Donors:**

**Thomson Reuters (Partner, 3 Showcases, 2 Booths)**

**Thomson Reuters – Westlaw**

Tom Leighton, Nancy Owens, Jason McNerney, Rob Mosimann. Matt Dahn

**Thomson Reuters - C-Track**

Manoj Jain, Jamison Sarno, Chris Percy, Dave Baldwin, Judy Rankin, James Hunt

**LexisNexis (Partner, 3 Showcases, 1 Booth)**

Nikki Daugherty, Alison Manchester, Andrea Lay, Gina Lawwill, Anna Bell Garcia, Leslie Metheney

**Pivot Legal Services (1 booth)**

Matt Hollister

**JAVS (Justice AV Solutions) (1 Booth)**

Jay Ackert, Elaine Bush, Brian Green, Shelly Knopf, Rosemary Moore, Kevin Otey

**Decisia by Lexum (1 Booth + Showcase)**

Joseph Khayat

**ImageSoft (1 Booth + Showcase)**

Brad Smith

Amber Innis

**Fastcase (1 Booth)**

Natalie Dowd

Eric Holt

**For the Record (1 Booth + Showcase)**

Cecily Waters, Jeremy Millar

**National Center for State Courts (1 Booth)**

Shauna Stickland, Nial Raaen

**The Award Group (1 Booth)**

Christy Tedeschi

**Tyler Technologies (1 Booth + Showcase )**

Phillip Vaden, Matt Whitecar, Tamara Devers

**TLH Consulting**

Thomas Hall, President (Donor; not exhibiting/showcasing)

**Hon. Donald W. Beatty, Chief Justice of the South Carolina Supreme Court (Dan will supply language for Resolution)**

## **MEMORIALS**

The Resolutions and Memorials Committee received information regarding the following memorials:

1. **Robert G. “Bob” Esdale**, former Clerk of the Alabama Supreme Court (1983- 2013) passed away on April 16, 2019.

### **ROBERT GRAHAM “BOB” ESDALE, SR. (Scott Mitchell)**

The National Conference of Appellate Court Clerks lost a valued former member on April 16, 2019, with the death of Robert Graham “Bob” Esdale, Sr., at the age of 91; and

Bob Esdale faithfully served as Clerk of the Supreme Court of Alabama from November 21, 1983, until June 30, 2013; and

Mr. Esdale was instrumental during his tenure as Clerk in the construction of a new judicial building and innovations such as the development and implementation of an electronic case management system, electronic filing, and a successful appellate mediation program; and

Mr. Esdale was the quintessential Southern gentlemen who was a friend to every justice and an advocate and ally of the attorneys who practiced before the Court; and

As observed by one former Chief Justice of the Alabama Supreme Court, Mr. Esdale’s “sense of balance and fairness allowed the Court to accomplish its mission of providing a fair and just tribunal to all litigants that came before us;”

The officers and members of the National Conference of Appellate Court Clerks honor the memory of our former colleague, Robert Graham Esdale, Sr., and recognize the contributions that he made to our profession, and express our sincerest condolences to his family.

2. **Tom Harris**, Chief Assistant Clerk of the Nevada Court of Appeals, passed away on February 21, 2019.

### **TOM HARRIS (Tracie Lindeman)**

Tom Harris, long-time member of the NCACC from Nevada passed away unexpectedly at the age of 50 on February 21, 2019, at his home in Las Vegas. Tom began working as a staff attorney in the Clerk’s Office at the Nevada Supreme Court

on the first Monday in 2000. For 15 years, Tom headed up the court's settlement program, continually improving the program's procedures and training countless settlement judges. Tom crafted the program into one of the most successful programs of its kind, with a settlement rate hovering around a remarkable 50 percent,

After Nevada voters approved the Court of Appeals in November 2014, one of the most important decisions in putting the court on a successful path was choosing the court's primary staff member, its clerk. In January 2015, Tom was appointed the Chief Assistant Clerk for the Court of Appeals.

Tom was an integral part of the new court and was eventually designated as the court's first Chief of Staff, which put him in a supervisory role over all the court's staff attorneys, in addition to his duties as clerk.

Before he decided to pursue a law degree at the University of Utah, Tom was a doctoral candidate in philosophy there. He had previously received a bachelor's degree in philosophy and international business management at King's College in Pennsylvania and a master's degree in philosophy at the University of Wyoming.

While his professional success was significant, those of us lucky enough to work with Tom know that he was even more successful at being a human being—the best part of working with Tom was his personality. A sports fanatic who usually managed several fantasy teams (baseball, football, and hockey) at a time, his knowledge of sports rivaled his knowledge of appellate procedure, and he rooted enthusiastically for the Yankees, Steelers, and Knights. Tom also had a mischievous sense of humor and a laugh that invited you to share in his delight in finding the hilarity (or absurdity) of a situation.

Tom was an enthusiastic member of the NCACC, who was always quick to answer a question on the listserv. He served on various committees, including several years on the contracts committee, and was a regular attendee at the annual meetings.

Tom grew up in Pennsylvania, but once Tom moved to Nevada in 2000 to work at the Supreme Court, he was here to stay. But he didn't just fall in love with the state itself—he also met and made a life with native Nevadan Beth Mammen. Although they were together for thirteen years, their laughter and affection tended to make those who did not know them guess that they had just started dating.

Tom's loss is deeply felt by the legal community in Nevada and the NCACC.

**3. Ron D. Barrow**, Clerk of the California Court of Appeals, First Appellate District, 1985-2000 and NCACC president 1993-94, passed away on March 1, 2019.

**RON BARROW (Charles Johnson)**

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.

Ron was very involved implementing the first case management system, PROMIS, beginning in 1982. After PROMIS was implemented in the First District Court of Appeal, he actually left the 1DCA and went to the Judicial Council as a systems administrator and travelled to the other Courts of Appeal to assist in implementation and training. He returned to the First District Court of Appeal when he was selected as Clerk of the First District Court of Appeal in 1985. Ron was always a champion of technology in the courts, even when it was not particularly popular, and went on to champion the development of two more case management systems that were implemented first in the 1DCA.

Ron also collaborated with then Administrative Presiding Justice Carl West Anderson to implement strategies to reduce delay in the processing of appeals. He used his knowledge of computer programming to develop reports that could track the timeframes of milestones in appellate procedure in order to learn where case processing was being delayed. Again, this was not always popular, but Ron knew that justice delayed meant that the public was not being served.

Ron was Clerk when the Loma Prieta earthquake necessitated the relocation of the court in 1989. Ron was instrumental in ensuring the continuing operation of the court and its return to its home in San Francisco's Civic Center in 1999.

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, son Scott, daughter-in-law Jill, and a granddaughter.



## ***TIMES ARE A‘CHANGING!***

***The first ever Executive Committee meeting via Zoom was held on April 25, 2020.***

***Below is a group picture from the meeting.***

