



The 48th NCACC ANNUAL CONFERENCE IN PORTLAND, OREGON AUGUST 1ST – 6TH, 2021 BLAKE HAWTHORNE AND DEANA WILLIAMSON, HOSTS

Happy New Year! Here's hoping for a brighter 2021! While there is still so much uncertainty about the year ahead, we remain optimistic that we will be able to meet in Portland. We will rely on the wisdom of the Executive Committee, and they have another hard decision ahead of them.

Greg Hilton and the Program Committee are working on creating an exciting program for us. We are hoping to cover a variety of topics, including a session on recovering after a ransomware attack, (which unfortunately happened to many of us this year), human resources, technology in the law, appellate courts in the time of COVID, and others. The program will be informative and we look forward to seeing the results of their hard work.

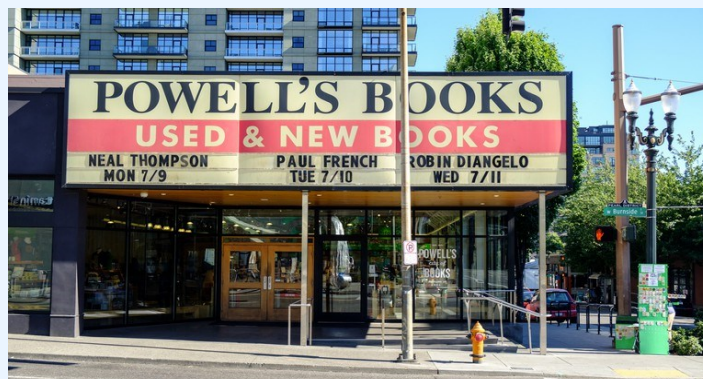
To get excited about all that Portland has to offer, here are a few websites to visit:

[Portland Monthly](#)

[TimeOut Portland](#)

[Eater Portland](#)

We hope to see everyone in Portland
in August!



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THE DOCKET

News of the National Conference of Appellate Court Clerks

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THE PRESIDENT'S PAGE

EDYTHE GAISER



THE IMPORTANCE OF TRACKING CASE STATUS IN APPELLATE COURTS

The COVID-19 pandemic has impacted the processing of cases in courts across the country. In addition to influencing the case status characteristics of appeals, the COVID-19 pandemic has also had an adverse impact on clearance rates. However, the Supreme Court of Appeals of West Virginia has taken proactive measures to ensure the Court continues to process appeals effectively and efficiently, even during times of such great complexity and uncertainty.

The Supreme Court of Appeals of West Virginia was prepared when the COVID-19 pandemic struck, because the Court had already been monitoring its appeals case status statistics closely. By proactively monitoring the Court's appeals timeline, the Court was able to swiftly counteract the impact of the COVID-19 pandemic. Therefore, it is imperative for courts to identify the impact the COVID-19 pandemic has had on its case status statistics. Courts across the country should analyze the effects the pandemic has had on their operations and should implement the necessary measures to help alleviate and counteract the potential long-term effects the pandemic could have on a court's appeals timeline. This will ensure a court remains efficient and effective during challenging and uncertain times.

OUR STATISTICS TRACKING AND REPORTING METHODS

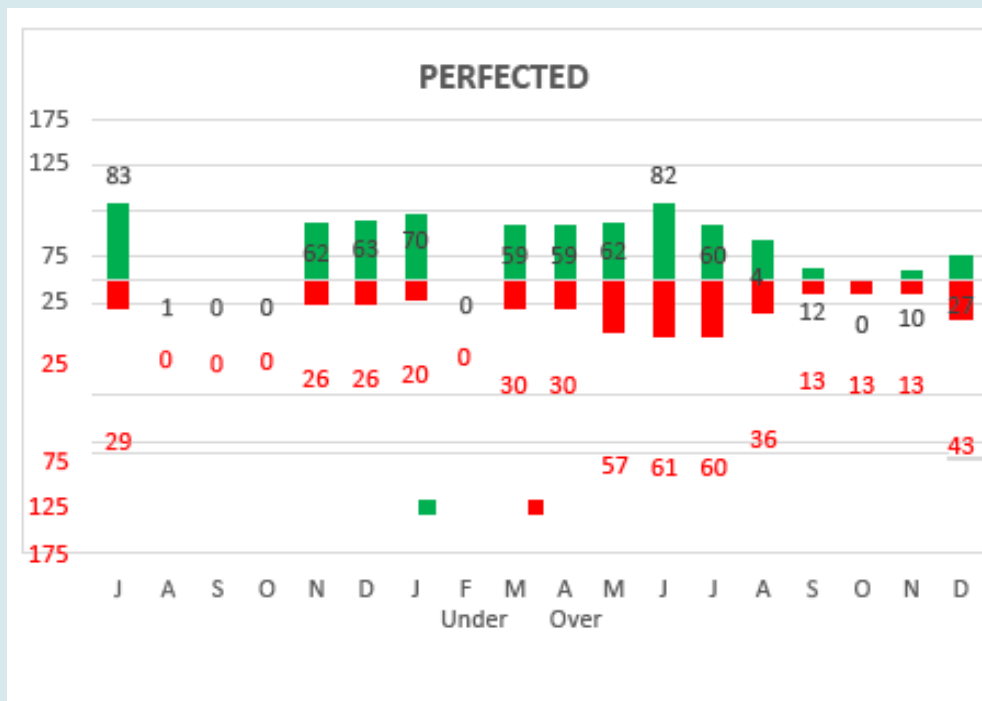
To monitor the efficiency of the Supreme Court of Appeals of West Virginia, the Clerk's Office uses a two-step approach. The first step is to use statistics to track the life of each appeal. The second step is to take our statistical findings and turn them into concise reports. We were able to monitor the life of appeals in our court thanks to what we refer to as our 'Train Stop' tracking method. The term "train stop" in our process refers to the various statuses of an appeal. For example, a typical appeal will first board the train and be reported as "created." That appeal would then continue its travel through the court, possibly making stops in our reporting system as its status changes to "docketed," "perfected," "mature," and so on.

THE PRESIDENT’S PAGE

EDYTHE GAISER (CONTINUED)

Eventually, a typical appeal will reach our reporting system’s final stop – “decided.” Additionally, we keep track of every appeal’s age and how many days it has been at each stop.

The second step, reporting, is achieved in our office through creating monthly and annual graphs. Each train stop in our tracking system is given a target number of days, which we hope the age of an appeal will not reach while at that train stop. We then divide the appeals at each stop into two categories: Over Target and Under Target. The number of appeals that are over target are then illustrated as red in our graphs, whereas appeals under our target number of days are colored green. An example is provided here:



BENEFITS OF MONITORING CASE STATUS STATISTICS

Graphs like the example provided above allow our office to easily identify delays and inefficiencies. The Supreme Court of Appeals of West Virginia’s proactive measures have lessened the impact of the COVID-19 pandemic on the number of cases under review. The current and long-term effects of the pandemic can be best managed by identifying case status characteristics of appeals that deviate from the prior corresponding time periods. Comparing case status characteristics and the percentage of case statuses

THE PRESIDENT'S PAGE

EDYTHE GAISER *(CONTINUED)*

that are over or under target gives a court a better indication of what areas have been impacted and those that need to be addressed. Proactive monitoring allows a court to ensure that a court's operations remain efficient and effective. For example, over the past year, our tracking methods allowed us to isolate the exact point in the life of an appeal where cases were stalling. Our current statistics show that efficiency has greatly improved in these areas, even in the face of a pandemic, and this was only possible due to our statistics gathering and reporting methods.

The COVID-19 pandemic also affected the Supreme Court of Appeals of West Virginia's case clearance rates. Case clearance rate is a CourTools appellate performance measure that gauges whether a court is keeping up with its incoming caseload. To counteract the pandemic's current and future impact on case clearance rates, the Supreme Court of Appeals of West Virginia took several proactive measures to ensure the Court retained its ability to process appeals promptly and accurately. For example, the Supreme Court of Appeals of West Virginia added additional argument dates to its fall 2020 docket and increased the number of cases on each docket from six to eight. The Court added additional judicial conferences to July and August 2020.

Fortunately, the Supreme Court of Appeals of West Virginia had a very successful fall term where the Court heard a steady number of oral arguments in person while adhering strictly to the recommended COVID-19 protocols. (You may ask me about personal microphone covers.) The Supreme Court of Appeals of West Virginia's spring term has already gotten off to a great start, and thanks to our case status statistic monitoring methods, the Court expects our clearance rate and case age to continue to improve.

Thanks to interns Charles Jenkins and Thomas Francke for their contributions to this article.



RETIREMENT NOTICES

Lillian Richie — Lillian announced her retirement last summer, so she is well into the groove by now. She was the Clerk of the Louisiana Second Circuit Court of Appeal in Shreveport, where she served November 2009 - July 2020. She has been very active in NCACC, serving on the Executive Committee and several other committees. Lillian shared that “I cherish my 'NCACC' family!” But, she wants to spend more time with her own family, especially being a hands-on “Yee Yee” to her granddaughter, Vivian.

Janet Johnson – Janet, a past Treasurer of the NCACC, announced her retirement earlier this month. After nearly 9 years as the Clerk of the Supreme Court of Arizona, Janet will depart at the end of February. Janet shared in a recent email that she has “had the good fortune of working with and learning from some incredibly talented and smart people including all of you, my colleagues and fellow members of NCACC. I truly appreciate all the support and guidance you have given me over the last nine years. I hope to stay in touch as a retired member of NCACC.”

Our best wishes go out to Lillian and Janet for a healthy and fun-filled retirement. We hope you will continue to be a part of the NCACC family as a Retiree in the years to come!



Call for Nominations for Officers and Executive Committee Members

Deadline: Monday, March 15, 2021

The President is now accepting nominations for the following offices:

Office of Vice-President, Treasurer, and Executive Committee Members

As you know, the success of NCACC is dependent on its members participating and serving in any way possible. Please take time to think about who could be an effective leader for each position listed. You may also nominate yourself. To be eligible to serve, the member must be a regular member in good standing for the two years preceding the election. The duties of each position are listed on the following page. Please see the NCACC Bylaws for more information.

Please submit nominations directly to President Eydie Gaiser [via email](#) by **Monday, March 15, 2021.**

Offices to be filled:

Office of the Vice-President (one-year term, succeeding to office of President-Elect):

Presently held by Chris Prine (TX)

Office of Treasurer (two-year term, eligible for reelection):

Presently held by Jim Hivner (TN)

Executive Committee Members, 3 Positions (two-year terms):

Position 1: _____

Presently held by Debbie Autrey (TX)

Position 2: _____

Presently held by Greg Hilton (MD)

Position 3: _____

Presently held by Meredith Montgomery (AK)

Description of Offices and Duties of Officers:

Article V, paragraph 3: Election and Succession of Officers. The President-Elect shall succeed to the office of the President at the expiration of the term as President-Elect. The Vice-President shall succeed to the office of the President-Elect at the expiration of the term as Vice-President. The President shall succeed to the office of Past-President at the expiration of the term as President. At each annual business meeting, the Vice-President shall be elected by a vote of a majority of the members present at the meeting and entitled to vote; the Secretary and the Treasurer shall be elected for two-year terms, the Secretary in even-numbered years and the Treasurer in odd-numbered years. The Treasurer and the Secretary shall be eligible for reelection.

Article IV, paragraph 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.

Article V, paragraph 6: Duties of Treasurer. The Treasurer shall be responsible for overseeing the receipt 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 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.

Article VII, paragraph 2(a). Executive Committee; 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.

CALL FOR AWARD NOMINATIONS

Nominations for the **J.O. Sentell Award and the Morgan Thomas Award** are being sought by the 2020-2021 Awards Committee. These awards will be presented at the 2021 NCACC Annual Conference in Portland, Oregon. If we are unable to meet together in person, they will be announced in whatever virtual forum we find ourselves.

James Oscar Sentell, Jr. was a founding member and the first president of the NCACC. The **J.O. Sentell Award** is given to a NCACC member who has contributed substantially to the objectives of the conference by improving skill and knowledge through conferences, seminars or other educational programs; promoting and improving the contribution of appellate court clerk offices within the areas of effective court administration; and the collection and dissemination of information and ideas concerning the operation and improvement of the offices of appellate court clerks (See Article II of the Bylaws). Last year's recipient of the **J.O. Sentell Award** was Susan Clary, the Clerk/Court Administrator (now retired) of the Kentucky Supreme Court.

The **Morgan Thomas Award** is given in recognition of an individual who is not a member of the NCACC, but who has made significant contributions to professionalism and supports the goals of the NCACC, as a body and of its member individually. The most recent recipient of the **Morgan Thomas Award** was Shauna Strickland of the National Center for State Courts.

Please send nominations via email to [Jenny Kitchings](mailto:jenny.kitchings@ncacc.org) by **March 15, 2021**. Awards Committee Members: Jenny Abbott Kitchings (Chair); Ed Hosken (VA); Kevin Lane (CA); and Sherry Williamson (TX).

**AWARDS NOMINATION FORM
J.O. SENTELL AWARD**

I nominate: _____
Reasons:

MORGAN THOMAS AWARD

I nominate: _____
Reasons:

Past recipients of the **J.O. Sentell Award**:

<u>Recipient</u>	<u>Court</u>	<u>Year/Conference</u>
J. O. Sentell	Alabama Supreme Court	1979, Monterey CA
Ronald L. Dzierbicki	Michigan Court of Appeals	1980, Orlando FL
Wilfried J. Kramer	California COA – Third District	1981, Jackson Hole WY
Morgan Thomas	Georgia Court of Appeals	1982, Boston MA
Lewis C. Carter	Kansas Supreme Court & Court of Appeals	1983, New Orleans LA
Mary Ann Hopkins-Young	Arizona Supreme Court	1984, Seattle WA
Alexander L. Stevas	U.S. Supreme Court	1985, Lexington KY
Luella Dunn	North Dakota Supreme Court/COA	1986, Austin TX
Jean M. Kennett	Massachusetts Supreme Court	1987, Hartford CT
John C. Scott	Kentucky Court of Appeals	1988, Helena MT
Joline B. Williams	Georgia Supreme Court	1989, Charleston SC
Frans J. Labranche	Louisiana Supreme Court	1990, Tucson AZ
Gloria J. Engel	South Dakota Supreme Court	1991, St. Louis MO
Reba Mims	South Carolina Court of Appeals	1992, Washington DC
Stephen W. Townsend	New Jersey Supreme Court	1993, Nashville TN
Peggy Stevens McGraw	Missouri Court of Appeals	1994, San Diego CA
Kevin A. Swanson	California COA – Fifth District	1995, San Antonio TX
Glen D. Clark	Arizona COA – Division One	1996, Des Moines IA
William S. Fulton, Jr.	US Army Court of Criminal Appeals	1997, Point Clear AL
Ella M. Williams	Michigan Court of Appeals	1998, Portland OR
Joyce A. Goldsmith	Arizona COA – Division Two	1999, Portsmouth NH
John H. Wilkerson, Jr.	Alabama Court of Civil Appeals	2000, Savannah GA
R. Keith Richardson	Iowa Supreme Court and COA	2001, Newport Beach CA
Marilyn L. Graves	Wisconsin Supreme Court/COA	2002, Minneapolis MN
David G. Beach	Virginia Supreme Court	2003, Asheville NC
Penny L. Miller	North Dakota Supreme Court	2004, Anchorage AK
Kenneth J. Deblanc	Louisiana COA – Third Circuit	2005, Key West FL
Joseph A. Lane	California COA – Second Division	2006, Fort Worth TX
Sherie M. Welch	Georgia Supreme Court	2007, New Orleans LA
Leslie D. Gradet	Maryland Court of Special Appeals	2008, Pittsburgh PA
Diana Pratt-Wyatt	Louisiana COA – Second Circuit	2009, Sacramento CA
Christie Cameron	North Carolina Supreme Court	2010, Whitefish MT
Ed Smith	Montana Supreme Court	2011, Annapolis MD
Tom Hall	Florida Supreme Court	2012, Charleston SC
William K. Suter	U.S. Supreme Court	2013, Seattle WA
Steven F. Lancaster	Court of Appeals of Indiana	2014, Richmond VA
Marilyn May	Alaska Appellate Courts	2015, Snowbird UT
Bill DeCicco	U.S. Court of Appeals Armed Forces	2016, Denver CO
Rory Perry	West Virginia Supreme Court	2017, Lake Tahoe NV
Deena Fawcett	California COA – Third District	2018, San Diego CA
Sherry Williamson	Texas Eleventh Court of Appeals	2019, Lexington KY
Susan Clary	Kentucky Supreme Court	2020, ZOOM(Point Clear AL)

Past recipients of the **Morgan Thomas Award**:

<u>Recipient</u>	<u>Association</u>	<u>Year/Conference</u>
Charles D. Nelson	West Publishing Company	1991, St. Louis MO
Justice James Duke Cameron	(AZ) retired	1992, Washington, DC
Justice Harry A. Spencer	(NE) retired	
Justice William A. Grimes	(NH) retired	
Sandra M. Roos	American Bar Association	1995, San Antonio TX
Jane Sanchez	Bureau of National Affairs	1996, Des Moines IA
Lew Tippett	Lexis Nexis	
Michael J. Whetson	West Publishing Company	1997, Point Clear AL
Dwight D. Opperman	West Publishing Company Dwight D. Opperman Foundation	2003, Asheville NC
Brenda Stephens	Louisiana Court of Appeal, Second Circuit	2005, Key West FL
Linda Watson	Louisiana Court of Appeal, Third Circuit	2007, New Orleans LA
Lisa Hall		2011, Annapolis MD
Tom Leighton	Thompson Reuters	2012, Charleston SC
Nikki Dougherty	Lexis Nexis	2012, Charleston SC
Brenda Williams	National Center for State Courts	2014, Richmond VA
Karyn Bowie	Bloomberg BNA	2016, Denver CO
Shauna Strickland	National Center for State Courts	2017, Lake Tahoe NV

Call for Scholarships

Might funding or budget constraints keep you from attending the 48th Annual Conference in Portland, Oregon? If so, please consider applying for a scholarship, even at this early date. Scholarship funds are awarded to promote attendance at annual meetings of the NCACC by members who would otherwise be unable to attend.

Scholarship funds may be used for transportation to and from the meeting, as well as lodging at the meeting. The application may be accessed on the NCACC website, or in this issue of *The Docket*. Scholarship criteria may be found in the NCACC directory under the Committee Operation Guidelines/NCACC Scholarship Committee.

Please submit your application by email or postal mail to Nikiesha Cosby, National Center for State Courts by **May 3, 2021**. Feel free to contact President Eydie Gaiser or Treasurer Jim Hivner if you have any questions.

Scholarship Application

48TH ANNUAL MEETING

Portland, Oregon

August 1-6, 2021



National Conference of Appellate Court Clerks

If lack of funding could prevent you from attending the annual meeting held in Portland this year, please consider applying for a scholarship. Scholarship funds are awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend. Scholarship money may be used to pay for transportation to and from the meeting and/or lodging. Please do not hesitate to apply. If you apply for a scholarship and later discover that your court will fund your trip, please advise the Scholarship Committee. If you have any questions or concerns, please contact President Eydie Gaiser [via email](mailto:eydie@ncacc.org).

INSTRUCTIONS: Please review the scholarship selection criteria outlined in the NCACC directory.

Applicants must complete the entire application. Completed forms should be signed and sent by email or postal mail to Nikiesha Cosby at the National Center for State Courts, by **May 1, 2021**.

Nikiesha Cosby
ncosby@ncsc.org

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

— FUNDING REQUESTED FOR THE ANNUAL MEETING TO BE HELD IN PORTLAND, OREGON AUGUST 1 – AUGUST 6, 2021—

Name: _____

Title: _____

Employing Court: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Telephone: _____ Fax: _____

NCACC member in good standing? Yes No

Total number of NCACC members employed by your court: _____

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

If yes, what amount? _____

Are there any restrictions on these funds? Yes No

If yes, please list the restrictions:

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

Would your court have funded the attendance of NCACC members from your office to other educational programs during the twelve months immediately preceding the 2020 Annual Meeting? Yes No

If yes, how many programs did you attend: _____

If yes, please identify the program(s) and total amount expended: _____

What amount of financial assistance are you seeking from NCACC: _____

TRAVEL

List the estimated fare for economy or coach airline ticket: _____

-OR-

List the total roundtrip mileage from your home to the conference site: _____
(mileage reimbursement rate will be determined by the Executive Committee)

LODGING

Number of nights (may not exceed six nights): _____ Rate per night: _____

OTHER EXPENSES

List the nature of expenses and amount:

STATEMENT IN SUPPORT OF YOUR APPLICATION

Please explain why you believe you should receive a scholarship. Please attach additional pages if necessary.

I hereby certify that the foregoing answers are true and correct to the best of my knowledge and belief. I acknowledge my obligation to keep the NCACC apprised of any changes in my funding status that might affect my eligibility for scholarship assistance. I understand that my attendance at all education program is required should I receive scholarship assistance.

Applicant's Signature: _____ Date: _____

CALL FOR FUTURE CONFERENCE SITE BIDS!

Have you ever wanted to show off your state to your friends in the NCACC? Or is there a place you have always wished the NCACC would meet? Here is your chance! The Site Selection committee is looking for NCACC members to host the 2024 NCACC Annual Meeting.

If you worry that hosting will be too large of a burden or will take up too much of your time, consider co-hosting with other NCACC members. This year's upcoming annual meeting will be co-hosted by Blake Hawthorne and Deana Williamson. Several previous annual meetings had co-hosts such as Seattle in 2013, New Orleans in 2007, Newport Beach in 2001, Savannah in 2000, and Austin in 1986. Previous hosts are encouraged to host again, and retired members are also encouraged to consider co-hosting.

Various resources are available to hosts including the services of a group to help locate and negotiate your contract, convention and visitors' bureaus, the knowledge of prior hosts, the Program Committee, and Convention Assistance Committee, the Executive Committee, and many others.

If you are interested in hosting, feel free to contact any member of the Site Selection Committee. We are requesting that bids for hosting be submitted no later than **March 15, 2021**.

Be an economic engine and bring the NCACC tourism dollars to your state!



Sincerely,
Scott Mitchell, Chair (AL)
Ron Carpenter (WA – Ret.)
Amy Funderburk (NC)
Patricia Harrington (VA – Ret.)
Ed Hosken (US Ct. App. – Ret.)
Jenny Kitchings (SC)
Dan Shearouse (SC)
Sherry Williamson (TX)

Last Call

Meredith Montgomery (AK)

In my mind, I nicknamed this edition of The Docket "the call issue" because almost every page is a "call" for a nomination of some sort. Call it what you will, but please indulge me for a minute and allow me make a final call to arms: if you have an article, or an idea for an article, or something you want to share in the April issue, please give me a shout.

Take care, everyone!