July 2021 Volume 49, Issue 4

NCACC

News of the National Conference of Appellate Court Clerk

CALL FOR THE ANNUAL MEETING

President Eydie Gaiser, through Secretary Claudia Jenks, 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 Saturday, August 7, 2021. The link for attending the Zoom meeting will be provided at a later date by President Gaiser.

Respectfully submitted,

Claudia Jenks

Please join us online: The 2021 NCACC Conference will take place online Friday August 6, 2021, and Saturday, August 7, 2021. There is no charge for this year's conference. You may register using this link:

https://online.ncsconline.org/ncscssa/f?

p=EVTSSA:4010::::4010:P0_EVENT_ID:3585

The conference schedule can be found on page 13 of this edition of *The Docket*.

Educational Fund Donations

Once again, in lieu of a live or silent auction, we will have some fun with our "pledge drive" in the chat box on zoom. Let's try and beat last year's number of \$3,450! Even if you cannot attend the conference, you can still contribute to this important fund by mailing a donation to the NCACC c/o NCSC, 300 Newport Avenue, Williamsburg VA 23185-4147.

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THE DOCKET

News of the National Conference of Appellate Court Clerks

President: Edythe (Eydie) Gaiser (WV)

President-Elect: Larry Royster (MI)

Vice-President: Christopher Prine (TX)

Past-President: Laura T. Roy (MO)

Secretary: Claudia Jenks (TX)

Treasurer: Jim Hivner (TN)

Executive Committee: Debbie Autrey (TX)

Carolyn Taft Grosboll (IL)

Greg Hilton (MD)

Meredith Montgomery (AK)

Greg Pachmayr (IN) Doug Shima (KS)

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Greg Pachmayr (IN)

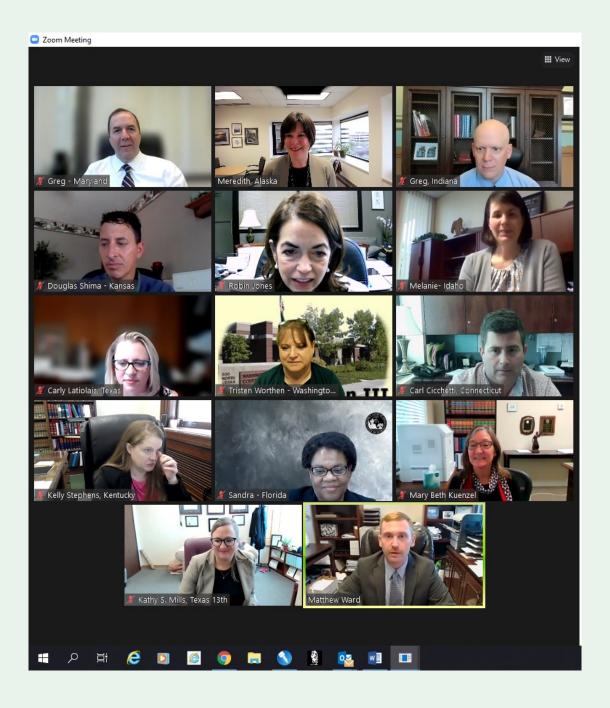
greg.pachmayr@courts.in.gov

Doug Shima (KS)

shimad@kscourts.org

NEW MEMBERS

On July 28, 2021, a Zoom meeting was held with our 30 new members to welcome them to NCACC. Below is a screenshot of the attendees:



(NCACC) National Conference of Appellate Court Clerks

For the period ending: 7/15/2021

NEW MEMBERS

Ms. Carla Bender Clerk of the Court

Fourth District Appellate Court of Illinois

Joined: 01/01/2020

Ms. Kimberly K. Boeding

Clerk of the Court

Missouri Court of Appeals, Western District

Joined: 11/01/2020

Ms. Chantal Carbonneau

Strategic Advisor

Supreme Court of Canada

Joined: 01/01/2021

Mr. Julio A. Castillo Clerk of the Court DC Court of Appeals

Joined: 01/01/2021

Mr. Carl D Cicchetti

Chief Clerk

Connecticut Supreme and Appellate Courts

Joined: 01/01/2021

Mr. Michael A. Cruz Clerk of the Court

Fourth Court of Appeals, Texas

Joined: 01/01/2020

Ms. Christina Davis

Deputy Clerk III

Florida Supreme Court

Joined: 01/01/2020

Ms. Amy L. Dreibelbis

Deputy Prothonotary

Supreme Court of Pennsylvania

Joined: 01/01/2020

Lea Ennis

Court Administrator/Clerk

Washington Court of Appeals, Division I

Joined: 01/01/2021

Ms. Melanie Gagnepain

Clerk, Idaho Supreme Court

Joined: 01/01/2021

Shawna Goetz

Clerk of Court

Wyoming Supreme Court

Joined: 01/01/2021

(NCACC) National Conference of Appellate Court Clerks

For the period ending: 7/15/2021

NEW MEMBERS (Continued)

Robin N. Jones

Clerk of Court/Judicial Administrator 2nd Circuit of Appeals, State of Louisiana

Joined: 01/01/2021

Mr. Jeffrey H. Kaplan Clerk of the Court

Illinois Appellate Court, Second District

Joined: 01/01/2020

Ms. Lori Knaebel Deputy Clerk, Court en banc Supreme Court of Missouri

Joined: 01/01/2020

Ms. Carly Latiolais Clerk of Court

Ninth Court of Appeals of Texas

Joined: 01/01/2021

Ms. Kathy S. Mills Clerk of Court

Texas 13th Court of Appeals

Joined: 01/01/2020

Ms. Tiffany Mortier Counsel to the Chief Judge Colorado Court of Appeals Joined: 01/01/2020

Mr. Thomas Palella

Clerk

Illinois Appellate Court, First District

Joined: 01/01/2020

Mr. Curtis B. Pursell

Clerk of Court

Louisiana Fifth Circut Court of Appeal

Joined: 01/01/2020

William E. Raftery PhD

Sr. Knowledge & Information Services Analyst

National Center for State Courts Knowledge & Information Services

COMP MEMBER
Joined: 07/01/2020

Ms. Kelly Stephens

Clerk

Supreme Court of Kentucky

Joined: 10/01/2020

For the period ending: 7/15/2021

NEW MEMBERS (Continued)

Mr. Craig Street Clerk of Court Missouri Court of Appeals, Southern District

Joined: 01/01/2021

Ms. Lauren M. Vint Chief Deputy Clerk Court of Appeals of Maryland Joined: 01/01/2020

Falena L. Vittetoe-Moore Director, Court en Banc Supreme Court of Missouri Joined: 01/01/2021

Ms. Pamela Waggoner Deputy Clerk Supreme Court of Missouri Joined: 01/01/2020

Matthew Ward Assistant Clerk Supreme Court of Alabama Joined: 01/01/2021

Mr. D. Jeremy Whitmire Clerk of the Mississippi Supreme Court Mississippi Supreme Court and Court of Appeals Joined: 10/01/2020

Ms. Sandra Williams
Clerk of Court
Fifth District Court of Appeal Florida
Joined: 01/01/2020

Ms. Tristen Worthen
Clerk/Court Administrator
Washington Court of Appeals, Division III
Joined: 01/01/2021

Cyber Security in the Age of Ransomware

Meredith Montgomery (AK), with assistance and slides from John Fargo, Chief Technology Officer of the Alaska Court System

Cyber security has been on our collective radar for decades, not only because of the work we do as appellate court clerks, but simply because of the world in which we live. And despite our best efforts to be informed and prepared, cybercrimes are on the rise and increasingly exploitative.

The May 7 attack on Colonial Pipeline Company made headlines in the U.S. because of the days long, multi-state disruption in fuel distribution it caused. Less than a month later, a food supply chain was disrupted when the global beef manufacturer JBS USA was forced to shut down operations after a cyberattack. But, as some of us are painfully aware, these attacks are happening at state and local levels, too. Cyber criminals are wreaking havoc on governments, schools, hospitals, and yes, courts. Here are some recent examples:

Texas:

Ransomware Attack Hits 22 Texas Towns, Authorities Say

The state declined to say which towns were affected by the coordinated cyberattack. But one expert said it could signal more such attacks in the future.



The Texas State Capitol and state offices, where the Texas Department of Information Resources is based. The department is leading the response to the cyberattacks. James Leynse/Corbis, via Getty Images

Georgia:



- The Administrative Office of the Courts was reportedly targeted with ransomware and had its systems taken offline.
- The agency provides support to state, probate, magistrate, and municipal court councils in Georgia.

Philadelphia:

'No End In Sight': Possible Cyber Attack Wreaking Havoc On Philadelphia's Judicial Website

By Cleve Bryan May 30, 2019 at 5:10 par Filed Under: Local, Local TV, philadelphia, Philadelphia Courts



PHILADELPHIA (CBS) — Officials are battling a possible cyber attack on Philadelphia's judicial website. In addition to creating headaches for employees, it's causing some delays and confusion for those who access the courts.

Cyberthreats: Review of Basic Definitions

Here are some terms that we are probably all familiar with by now:

<u>Hackers</u>: People who secretly get access to a computer system in order to steal information or cause damage.

<u>Identity Thieves</u>: People who obtain unauthorized access to your personal information---such as your SSN, bank accounts and passwords. They use this to commit crimes such as fraud or theft.

<u>Logic Bomb</u>: Malware logic that executes upon certain conditions. For example, software that malfunctions if the maintenance fee isn't paid, or an employee triggering a database or file erase if they are fired.

<u>Malware</u>: Malware (short for "malicious software") is any program or file that is harmful to a computer user, including computer viruses, worms, Trojans and spyware.

<u>Phishing</u>: Phishing steals personal information by tricking you into clicking a link or entering your username and password. Phishing comes in many forms: emails, phone calls, website downloads.

<u>Trojan</u>: Masquerades as a benign program such as a screensaver or a free game but brings along a virus.

<u>Virus</u>: A type of malicious code or program written to alter the way a computer operates. A virus operates by inserting or attaching itself to a legitimate program or document.

<u>Vishing</u>: Like phishing, only using phone calls as the means of gaining information.

Ransomware: Newest Kid on the Block

The latest round of cybercrimes --- and all the examples listed above --- involve what is called ransomware.

<u>What it is</u>: Ransomware is a form of malware that can encrypt a victim's files or deny access to your computer. The attacker then demands a ransom from the victim to restore access to the data upon payment. Users are shown instructions for how to pay a fee to get the decryption key. The costs range from a few hundred to millions of dollars, payable to cybercriminals usually in Bitcoin.

<u>How it works</u>: The most common delivery system is phishing spam – attachments that come to the victim in an email. Once they're downloaded and opened, they can take over a victim's computer and exploit security holes to infect networked computers without needing any further action by the victim.

Types of Ransomware include scareware, screen lockers, and encrypting ransomware.

<u>Scareware</u> is usually not too bad. It includes rogue security software and tech support scams. You might receive a pop-up message claiming that malware was discovered and the only way to get rid of it is to pay. You can ignore the message and be bombarded with pop-ups but your files are essentially safe.



When <u>screen-lock</u> Ransomware infects your computer, it means you're frozen out of your PC entirely. Upon starting a computer, a full-size window will appear, often accompanied by an official looking seal from the FBI.



Finally, <u>encrypting</u> ransomware. These viruses are the truly nasty stuff. Once your PC or server is infected, they encrypt all of your files and then demand payment in order to decrypt them. Once the cybercriminals get ahold of your files, no security or decryption software can get your files back. You will need to either pay or restore your files from a backup.

What can we do?

Even if the courts in your jurisdiction have not yet experienced a cyberattack in the form of ransomware, it is practically guaranteed that your IT department is already working to fortify your cyber-defenses. This may include conducting audits of backup and disaster recovery

protocols; upgrading email and endpoint protection, and shoring up firewalls. Your IT department may also ask court employees to do such things as:

- Not connect outside PCs or thumb drives to your internal network;
- Close pop-ups by clicking on the red x (not on words such as "no" or "cancel");
- Make sure your browser is secure if you are entering a credit card or username and password;
- Store work files on drives that are backed up (i.e., servers or "folders" don't save to your desktop, which can't be recovered if there is a malware infection);
- Not store personal files such as vacation photos, music, or movies on server drives;
- Not open email attachments unless you are expecting the email with the attachment and trust the sender
- Not click on links in emails unless you are sure of their validity and trust the sender;
- Secure your password easy but important: an 8-character password takes about 4 minutes to crack using (cyber) brute force, but a 12-character password using all types (upper case, lower case, number, special character) takes about 100 years; and
- Be "cyber-situation" aware: don't fall for vishing calls; contact your HelpDesk if your computer is unusually slow, you have endless pop-ups, new files appear, your browser homepage changes, mouse moves by itself, or new icons or favorites appear.

Other things the court clerks may want to consider before an event like a cyberattack takes out electronic connectivity:

- Communicating with your staff;
- Communicating with attorneys, litigants, and other end users;
- Recording/live streaming oral argument; and
- Does your COOP have any provision for cyberattack?

To hear more on this topic and the real-life effects of a ransomware attack on court operations, attend the panel discussion on Ransomware Response at the virtual conference on **Saturday**, **August 7, 2021 at 1:30—2:30PM EST**. The conference is free; click <u>here</u> to register.

The 48th Annual Meeting of the National Conference of Appellate Court Clerks Virtual Meeting, August 6 and 7, 2021

The 2021 NCACC Annual Conference, originally scheduled for August 1 through August 6, 2021, in Portland Oregon, has been converted into a virtual business meeting and abbreviated conference using Zoom on Friday, August 6, 2021 and Saturday, August 7, 2021. Please save this date on your calendar. Here is our 2021 Conference schedule of events. All times listed below are Eastern Standard Time.

Friday, August 6, 2021

30 min	12:00 Noon – 12:30	Conference Welcome	Gregory Hilton – Program Committee Chair.			
	p.m.	and Administrative				
		Remarks				
90 min	12:30 p.m. – 2:00 p.m.	ADA in the Workplace.	David K. Fram, National Employment Law			
			Institute.			
15 min	2:00 p.m. – 2:15 p.m	Break				
60 min	2:15 p.m. – 3:15 p.m.	"Return to Ourselves:	Stephanne Cline Thornton, Criminal Justice			
		Post-Pandemic Habits	Specialist, Public Defender Services, WV			
		of Life."				
30 min	3:15 p.m. – 3:45 p.m.	Thomson Reuters -				
		vendor show				
30	3:45 p.m. – 4:15 p.m.	Lexis/Nexis - vendor				
Min		show				
15	4:15 p.m. – 4:30 p.m.	Break				
Min						
As	4:30 p.m	Virtual Happy Hour –	Meredith Montgomery, Clerk, Supreme			
long		Education Fund.	Court of Alaska.			
as it						
takes						

Saturday, August 7, 2021

90 min	12:00 Noon – 1:30	Roll Call of the States	Edythe Gaiser, President, National			
	p.m.	and Business Meeting.	Conference of Appellate Court Clerks; Clerk;			
			West Virginia Supreme Court of Appeals.			
60 min.	1:30 p.m. – 2:30 p.m.	Panel Discussion -	Blake Hawthorne, Clerk, Supreme Court of			
		Ransomware Response.	Texas, et al.			
15 min	2:30 p.m. – 2:45 p.m.	Break				
60 min	2:45 p.m. – 3:45 p.m.	Panel Discussion –	Gregory Hilton, Clerk, Court of Special			
		Appellate Court	Appeals of Maryland, et al.			
		Responses to COVID-19				
		 what worked and what 				
		didn't.				
15 min	3:45 p.m. – 4:00 p.m.	Closing Remarks	Edythe Gaiser.			

THE NOMINATING COMMITTEE

PRESENTS THE FOLLOWING CANDIDATES:

Vice President – Greg Hilton (MD)

Treasurer – Jim Hivner (TN)

Executive Committee—

Member – Mary Beth Kuenzel (FL)

Member - Kevin Lane (CA)

Member – Amy Wood (AZ)

GREG 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.

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 four years--serving as the Chair the last two years. Jim has also served on various committees since 2014.

MARY BETH KUENZEL



Mary Elizabeth (Mary Beth) Kuenzel joined the Florida Second District Court of Appeal after graduation from Stetson University College of Law in 1993. She served as law clerk and career staff attorney for three different judges at the court and also worked as an assistant county attorney. Prior to law school, Mary Beth worked for the Florida Legislature, finishing her service there as Director of Communications for the Speaker of the House. She is a native Floridian and earned her bachelor's degree in Communications from Florida State University. Mary Beth was appointed Clerk of the Second District in 2015 and has been an NCACC member since that time.

KEVIN LANE

Kevin Lane has been involved in NCACC since 2004 when he joined the Court of Appeal in California. He has been involved in many of our committees including being the Chair of the Public Relations committee, the Chair and Editor for the Publications committee bringing you the Docket from 2012-2015, the Bylaws Committee and the Awards and Resolutions Committee. He was also on the Executive Committee from 2011-2013. Since California was unable to participate the last two years, Kevin has been the Social Media Coordinator for our sister organization, NACM. He was a presenter at our 2010 Conference in Montana and most recently was our host for the 45th Annual Conference in San Diego.



AMY WOOD



Amy Wood was appointed the Clerk of the Court for the Court of Appeals, Division One in August of 2016. Division One handles civil, criminal, juvenile, family, mental health, and probate appeals for eight of Arizona's counties. Additionally, the court reviews tax cases statewide and decisions made by the Industrial Commission, Arizona Corporation Commission, Arizona Department of Economic Security as well as special action petitions seeking pre-judgment and emergency relief. The role of the Clerk also encompasses administrative responsibilities related to human resources, technology and budgeting.

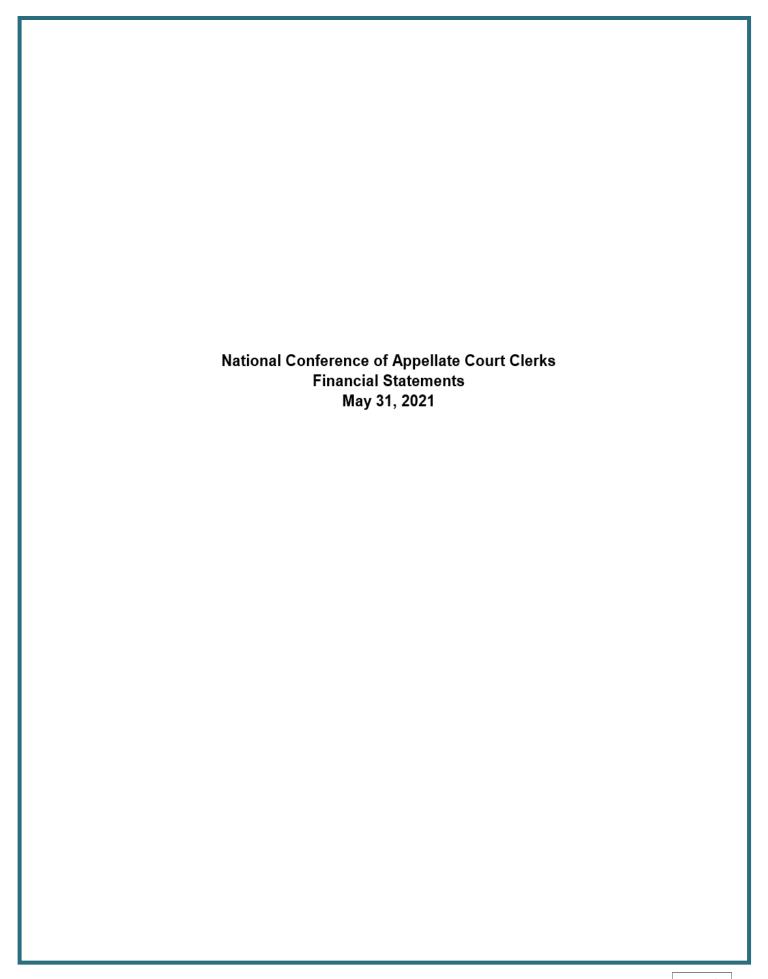
Prior to her time as Clerk, Amy was the manager of the Caseflow Management Unit in the Court Services Division of the Administrative Office of the Courts (AOC). The unit she managed was responsible for oversight of statewide programs and projects such as grants, statistics, the Commission on Victims in the Courts, DUI case

processing improvement, interpreting program, CourTools, Time Standards, and the business side of the statewide e-filing amongst other projects.

Ms. Wood began her judicial system career with the Hawaii Judiciary, initially as a caseflow manager and then as a project manager before moving to Arizona in 2001.

Preview of Committee Sign-ups

Don't see your name on the executive committee nominations? You can still participate in the NCACC. In fact, joining a committee is **strongly encouraged** and makes a real impact on this organization. Also, it's a great way to get to know people and it's fun! Check out the <u>website</u> or the printed directory for a list and description of all our committees. Pick out one or two to join when asked later this year.



National Conference of Appellate Court Clerks Statement of Financial Position As of May 31, 2021

ASSETS

A00E10		
Cash and Cash Equivalents	\$	113,054
Accounts Receivable		135
Investments		188,317
TOTAL ASSETS	\$	301,506
LIABILITIES & NET ASSETS		
Total Liabilities	\$	
Net Assets		
Without Donor Restriction		198,345
With Donor Restriction - Education Fund		103,161
Total Net Assets		301,506
TOTAL LIABILITIES & NET ASSETS		301,506

These financial statements have not been subjected to an audit, review or compilation engagement, and no assurance is provided on them.

The accompanying notes are an integral part of these financial statements.

National Conference of Appellate Court Clerks Statement of Activities For the Five Months Ended May 31, 2021

		Without Donor Restriction				
	Annual Conference 1000	Education Fund 2500	General Operations 9000	Without Donor Restriction Total	Education Fund 2500	Total
Revenue						
4000 · Membership Dues/Regular	\$ -	\$ -	\$ 17,350	\$ 17,350	\$ -	\$ 17,350
4015 · Membership Dues/Retired	-		650	650	-	650
4065 · Donation/Other	-	-	8	8	2,475	2,483
4070 · Interest Income/Regular	-	-	4	4	-	4
4120 · Sponsorship Income	500	-		500		500
Total Revenue	500	-	18,012	18,512	2,475	20,987
Expense						
5300 · Conference Exps	3,410	-	-	3,410	-	3,410
6200 · Postage	-	-	114	114	-	114
6810 · Licenses & Fees	-	-	25	25	-	25
6820 · Admin Supp/Contract Fee	-	-	2,671	2,671	-	2,671
6900 · Other Expenses			24	24		24
Total Expense	3,410	-	2,834	6,244	-	6,244
Change in Net Assets from Operations	(2,910)	-	15,178	12,268	2,475	14,743
Investment Income (Net of Fees)	-	-	7,487	7,487	-	7,487
Unrealized Gains/(Losses) on Investment	-	-	2,114	2,114	-	2,114
Change in Net Assets	\$ (2,910)	\$ -	\$ 24,779	21,869	2,475	24,344
Net Assets at beginning of year				176,476	100,686	277,162
Net Assets at end of period				\$ 198,345	\$ 103,161	\$ 301,506

National Conference of Appellate Court Clerks Notes to Financial Statements For the Five Months Ended May 31, 2021

Departures from Generally Accepted Accounting Principles (GAAP)

For interim reporting, management has determined that the additional cost to prepare fully GAAP compliant interim financial reports outweighs the benefits and prefers to use the savings to support programmatic and operational expenditures. As a result, certain GAAP requirements are not incorporated in the interim financial statements. This is an acceptable and common practice used for the purpose of interim financial reporting for nonprofit organizations. The following lists the significant departures from GAAP for this set of interim financial statements:

- 1. Substantially all disclosures have been omitted.
- 2. The Statement of Cash Flows has been omitted.
- Conference and membership dues revenues for the current year are recognized when received. Conference expenses for the current year are recognized when paid.
- The Statement of Activities does not show functional expenses and we are not presenting a statement a functional expense.

If the above departures from U.S. GAAP were included in the financial statements, they might influence the user's conclusions about the Organization's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

These financial statements have not been subjected to an audit, review or compilation engagement, and no assurance is provided on them.

The accompanying notes are an integral part of these financial statements.

PROPOSED BYLAW AMENDMENT

By Dan Shearouse

Last year, the COVID-19 pandemic required the NCACC to hold the annual business meeting and educational program using remote communication technology. President Gaiser (WV) has charged the Bylaws Committee to draft an amendment to the NCACC Bylaws to specifically authorize business meetings and educational programs to be held remotely. The Bylaws Committee recommends that Article IV of the Bylaws be amended to add the following:

6. Remote Meetings, Seminars and Educational Programs. The Executive Committee may, in its sole discretion, determine that any meeting, seminar, or other educational program under Article VI shall not be held at any place, but may instead be held by means of WebEx, Zoom, Microsoft Teams or similar products. Members shall receive at least ten (10) days advance notice of any remote meeting, seminar, or other educational program, and shall be provided instructions for participation and for voting, if applicable. Participation in an annual business meeting or special meeting held by remote means shall constitute presence in person at the meeting for all purposes, including quorum and voting.



IN MEMORIAM

DOUGLAS B. ROBELEN

September 25, 1965 -

July 23, 2021

Doug worked with great dedication as the Clerk of the Supreme Court of Virginia, a post he assumed in February 2019. Before that, Doug served as the court's Chief Deputy Clerk for more than 15 years. He was a long-time member of the National Conference of Appellate Court Clerks, where he served as Editor of *The Docket*, as well as a member of the Executive Committee from 2017 to 2019. Doug was a true gentleman with a keen mind and will be tremendously missed by his NCACC family.