



NCACC's 50th Anniversary Conference Detroit, MI – July 30 to August 3, 2023

By Larry Royster
Clerk of the Michigan Supreme Court



THE DOCKET

News of the National Conference of Appellate Court Clerks

Please mark your calendars and start making plans to attend next summer's conference to celebrate the NCACC's 50th anniversary. I hope that you'll also be able to arrive early or stay late to enjoy more of what the city has to offer. In the next edition of *The Docket*, I will provide specific information on the conference, including the hotel where we'll be staying, the special activities being planned (sorry Jim Hivner, no cornhole), and the educational sessions that will be offered.

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THE DOCKET

News of the National Conference of Appellate Court Clerks

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THE PRESIDENT'S PAGE

Gregory Hilton (MD)



Wow! Wow! Wow! What a great conference in Williamsburg!

And, what a great way to emerge out of the COVID 19 Pandemic.

The success of the Williamsburg Conference stands as a testament to our resilience as a group but, most importantly, of our resilience as individual leaders in our respective States. After two years of remote conferences, remote arguments, and remote workers we were finally able to bring ourselves back to a sense of normalcy. So, first let me thank **Jim Hivner**, **Amy Funderburk** (Amy gets special kudos because she isn't even a clerk anymore!), and **Mac Squires** for hosting us this year. As you know, they took over under sad circumstances when we lost **Doug Robelen** in July 2021, just when he would have begun planning for the conference. Sad as we are at that event, we were blessed to have Amy, his wife, with us at the conference.

Like good soldiers, Amy, Jim, and Mac leaped into action when duty called and put on a spectacular conference full of fun, camaraderie, knowledge, and "togetherness." What a strange thought that we would feel so energized by just being together, but there it is. After two long years we could mark off another normal event.

And a big thank you to **Scott Mitchell** for putting together such a superb program. From discussions of leadership as an appellate court clerk, changing technology in the courtroom, the outsized role of George Wythe in the history of the founding of the United States, and even a bit of calm as we practiced mindfulness and learned about setting boundaries for ourselves.

Speaking of fun, who can forget **Doug Shima**'s late-night karaoke in the hospitality suite ("Good ole Rocky Top!"), a competitive round of golf on a beautiful course in honor of **Joe Lane**, and a rocking and very successful auction. I think we found our own auctioneer in Jim Hivner.

Bottom line, being in Williamsburg together just felt normal. Onward to bigger and better things in Detroit!

Our Detroit conference will be a special event. In addition to what is certain to be a bang-up program, we will be celebrating the 50th Anniversary of the NCACC! Having just recently celebrated the 50th anniversary of my Court, clicking off the 50th year is quite an accomplishment when you consider that if we were doing our current jobs then, I would be pecking out this note on a typewriter and likely dropping it into the mail for delivery. Likely most of us would still be working off of paper dockets or, as the Court of Special Appeals did, a large format docket book. So, let's celebrate our Golden Anniversary in style! **Deana Williamson**, disappointed with the ill-fated Portland Conference, is raring to make Detroit awesome.

Now, what about me? My ascendency to the Presidency wasn't supposed to be until next year. Unfortunately, my should-have-been predecessor, **Chris Prine**, had to bow out for work related reasons. Knowing Chris, he would have been much better at this job than I. But, fortune being what it is, here I am. I am taking over a very sound ship from Past-President **Larry Royster**. He has truly set me up for success (so long as my inner procrastinator does not get in the way – did I tell you when I started this note?). As he was passing the famed "gavel" to me, Larry let me know that there are so many small things to know in the Presidency and they come out at the oddest times. Larry, I'm still learning and happy to have you still on the Executive Committee team to guide me through this year.

Speaking of Larry, he is our host in Detroit next year, which is cool because he is actually from Michigan. I am looking forward to seeing Canada for the first time.

So, what do we have to look forward to in the coming year and beyond?

For starters we have an excellent Executive Committee, including some new members. In addition to myself, we have: **Jenny Kitchings** as President-Elect, **Doug Shima** as Vice-President, Larry Royster as Past President, Jim Hivner as Treasurer, **Claudia Jenks** as Secretary, and members **Polly Brock, Lonn Weissblum, Mary Beth Kuenzel, Tracey Lindeman, Kevin Lane, and Amy Wood**. There is so much talent in this group.

Capitalizing on the energy for this first post-Covid year, we are diving into planning the Detroit Conference and pre-planning the 2024 Burlington, Vermont conference. The Executive Committee was so excited that we inverted our planned executive committee meeting sites and are about to embark on that trip as I am writing this.

I have some goals for this year:

1. Continue the great work done to get our new website up and running.
2. Incorporating DEI initiatives into our work.
3. Developing a long-range strategic plan.
4. Encouraging new members to join the group and take up leadership roles (I had some great talks with our newest members and am excited about integrating them into the organization).
5. Celebrating our 50th Anniversary.
6. Continuing to assess how the vendor show fits in with the annual conference.
7. Exploring increased engagement with the NCSC.

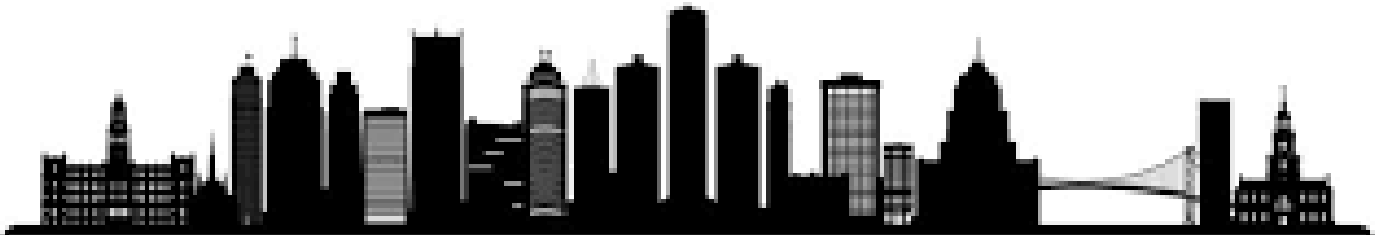
I have charged each of the committees to align with these and related goals. From what I have seen, they are already off and running. If you are new to the NCACC or have never worked on a committee before, join one at your next opportunity. The NCACC Committees are where the hard work of the Conference is really done and is its life blood. You won't regret it and will learn so much in the process.

Well, that is it for now. I have remarked before that the role of the clerk is certainly diverse; we run from being mere record keepers, to budget analysts, legal advisors, building designers, crisis managers, building managers, webmasters, and human resources officers. Now I am embarked on a career as a designer of heraldry. Thankfully my Chief Judge has some experience there.

I look forward to hearing from you all soon, and meeting again in Detroit. Mark your calendars for July 30 through August 3, 2023, for our next stupendous conference!

Au revoir!

Gregory Hilton
President, NCACC
Clerk of the ~~Court of Special Appeals of Maryland~~ Supreme Court of Maryland
(410)260-1459
Greg.hilton@mdcourts.gov



CONTINUED FROM COVER: NCACC's 50th Anniversary Conference

Detroit, MI – July 30 to August 3, 2023

By Larry Royster

Clerk of the Michigan Supreme Court

Next summer's conference in Detroit, Michigan, marks the 50th anniversary of the National Conference of Appellate Court Clerks. The NCACC began in 1972 as a discussion among J.O. Sentell (clerk of the Alabama Supreme Court and namesake of one of the NCACC's prestigious awards), Hyman Gamso (chief clerk of the Appellate Division of the New York Supreme Court, First Department), John Powers (clerk of the Massachusetts Supreme Court), and Ron Dzierbicki (clerk of the Michigan Court of Appeals) about forming a professional organization just for appellate court clerks.

In that same year in the City of Detroit, the Rochester Street Massacre occurred (an off-duty police officer was shot to death while surrendering with his hands up by other law enforcement officers in a mistaken raid on a private apartment), Evel Knievel jumped 13 cars on a motorcycle at the Michigan State Fairgrounds Coliseum (he crashed upon landing, breaking his collar bone), a federal judge ordered cross-district busing throughout metropolitan Detroit (that decision was later reversed by the U.S. Supreme Court), and Motown Records shut down its operations in Detroit and moved to Los Angeles. Detroit's "white flight" in the 1970s created a cycle of unemployment, poverty, violence, and drugs.

Evidence of the city's decline was very much present when I worked downtown during two separate time periods early in my legal career: first as a law clerk to a Court of Appeals judge in the late 1980s and then as a supervisor of a research division in the early



1990s. I have very fond memories of the work and my colleagues, but the city...not so much. Many of the stores and buildings were vacant and rundown (every day I walked past the iconic but abandoned Hudson's Department Store on my way to work), there were very few nice restaurants, and the night-life for young professionals was non-existent. Fortunately, the city has changed dramatically for the better in the past three decades.

The website *Travel Lemming* ranked Detroit as number 10 of the 50 best places in the world to travel in 2023. The blurb about Detroit states:

The United States boasts some of the world's most famous cities, and though Detroit doesn't receive the same recognition as New York or Los Angeles, it certainly deserves to. This Michigan metropolis is filled with character, a diverse range of things to do, and friendly people.

As one of the country's best-kept secrets, Detroit isn't overly touristy, so you get the joy of exploring without crazy crowds. Some of the city's best elements are its architectural history, Motown music, thriving sports scene, art culture, and excellent selection of restaurants, craft breweries, and cocktail bars. [[https://travellemming.com/best-places-to-travel-2023/.](https://travellemming.com/best-places-to-travel-2023/)]

Detroit also made *Time* magazine's list of "The World's Greatest Places of 2022" (<https://time.com/collection/worlds-greatest-places-2022/6194455/detroit/>). The Detroit Metropolitan Airport, which you'll probably use if you fly to the conference next summer, recently tied for third place among major airports with the highest passenger satisfaction according to a J.D. Power survey (<https://www.jdpower.com/business/press-releases/2022-north-america-airport-satisfaction-study>). Finally, the 2022 USA TODAY 10 Best Readers' Choice Awards contest named the Detroit International Riverwalk as the best riverwalk in the country (<https://www.10best.com/awards/travel/best-riverwalk-2022/>).

Detroit is home to numerous world class museums, historical sites, and events. The Detroit Institute of Arts houses one of the largest art collections in the U.S., with over 100 galleries and more than 65,000 artworks. One of the most famous artworks is Diego Rivera's *Detroit Industry Murals*, which covers the upper and lower levels of the museum's grand marble Rivera Court. The collections at the Henry Ford Museum of American Innovation include the presidential limousine of John F. Kennedy that he rode in when he was assassinated, Abraham Lincoln's chair from Ford's Theatre, Thomas Edison's laboratory, the Wright Brothers' bicycle shop, and the bus on which Rosa Parks was arrested for refusing to give up her seat (https://en.wikipedia.org/wiki/The_Henry_Ford). The Motown Museum is located in the original headquarters and music recording studio of Berry Gordy's Motown Records. The museum, which is currently undergoing a \$55 million, 50,000 square foot expansion, is home to an extensive array of authentic company artifacts, photographs, costumes, and other valued memorabilia from such legendary musicians as The Temptations, The Miracles, The Supremes, Smokey Robinson, Marvin Gaye, Stevie Wonder, and the Four Tops (<https://www.motownmuseum.org/>). The Detroit Zoo covers 125 acres and is home to more than 2,000 animals, from aardvarks to zebras and everything in between (<https://detroitzoo.org/>). Eastern Market is the largest outdoor farmers market in the nation (24 acres), offering locally grown produce, fresh meat and fish, cheese, honey, preserves, flowers, and prepared food. It also showcases the works of local artists, cooks, jewelers, musicians, and more (<https://easternmarket.org/>). The beautiful Fox Theater, which was designated a National Historic Landmark in 1988, features award-winning Broadway plays, musical performances, interactive stage shows, and treasured holiday favorites (<http://foxtheatredetroit.net/>).



There is so much to see and do in the City of Detroit. Please mark your calendars and start making plans to attend next summer's conference to celebrate the NCACC's 50th anniversary.

CONFERENCE HOSTS WANTED! The Site Selection

Committee is seeking bids to host the NCACC annual conferences in 2025 and 2026. This is a wonderful opportunity to showcase your jurisdiction. This invitation is open to all members, including past hosts. There are plenty of resources to use to host a conference so that you are not alone in handling all the tasks. Your local visitors' organization can help solicit bids from local hotels and accompany you on site visits. There is a Host Handbook with lots of information compiled by former hosts to guide you. Former hosts (including several on this committee) are also willing to answer questions or give you advice as you plan the conference. If you are concerned about having sole responsibility for hosting, you can pair with another clerk to co-host and share duties. Please contact [Colette Bruggman](#) if you are interested in hosting.

2022-2023 NCACC

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Executive Committee liaisons in italics

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J.O. SENTELL INDUCTED INTO ALABAMA LAWYER'S HALL OF FAME!

Photos courtesy of the Alabama Bar Association. Edgar Sentell, son of J.O. receives the plaque from Alabama State law librarian, Tim Lewis on Sept. 16, 2022. Extended Sentell family members are also pictured.



Tell us about your Courthouse... This is the fifth article in a series started last year—we want to learn about each other’s workplaces.

A New Court of Appeals of Virginia

By: Megan Scanlon (VA)

Court of Appeals - Overview

In 2021 the Virginia General Assembly enacted legislation that made the Court of Appeals of Virginia the intermediate appellate court for all criminal and civil cases in the Commonwealth. Prior to 2022, Virginia was the only state in the nation without an automatic right of appeal from civil judgments and criminal convictions. Before this change in jurisdiction, the Court of Appeals of Virginia, which began operating on January 1, 1985, exercised appellate jurisdiction in criminal cases (by petition rather than by right); domestic relations cases; and appeals from the decision of an administrative agency and the Virginia Workers’ Compensation Commission. Litigants seeking review of a circuit court judgment in a civil case (other than domestic-relations, agency, and workers’ compensation cases) had to petition for appeal to the Supreme Court of Virginia.*

The change in the Court’s composition and makeup presented several challenges for the Clerk’s office. Necessary alterations were made to the organizational structure of the Clerk’s office and the Chief Staff Attorney’s office in preparation for the significant changes inherent with the Court’s expanded jurisdiction. Additionally, the number of judges on the Court of Appeals of Virginia increased from eleven to seventeen. With two other vacancies from retirements and an elevation to the Supreme Court of Virginia, three more judges joined the Court of Appeals. As a result, the Court needed to onboard nine new judges in a short period of time.

* This legislative change occurred just in time for the Court of Appeals to receive the Amber Heard/Johnny Depp cross-appeals.

As the Court grew, it also needed to find a space that would seat all seventeen judges for en banc sessions. For the first en banc session, held on April 25, 2022, the Court of Appeals used the en banc courtroom housed in the Fourth Circuit’s Lewis F. Powell Courthouse. The Commonwealth currently does not have suitable accommodations for the Court of Appeals to sit en banc and must often “borrow” courtroom space for oral argument panels, but a plan for a new appellate courthouse complex is in the works. In the meantime, the Court continues to operate out of the Supreme Court of Virginia Building and the Rose Lafoon Building.

Court of Appeals – Courthouse

The Rose Lafoon Building is named after the Rose & Lafoon realty firm, which had a building constructed at the corner of Eighth and Franklin in downtown Richmond in the 1930s. At some point, the Commonwealth acquired it and the building is now in use as the headquarters for the Court of Appeals of Virginia, where it’s known simply as the Rose Lafoon Building. Although judges for the Court of Appeals sit throughout the Commonwealth, the Clerk’s office is primarily housed in the Rose Lafoon Building.

The Rose Lafoon Building is adjacent to the Supreme Court of Virginia Building. The Supreme Court of Virginia Building is the larger, six-story structure originally built to house the Federal Reserve Bank of Richmond. The building—featuring a colonnade of Ionic columns above a high and simple granite base with low, projecting side wings—was designed by the Baltimore architectural firm of Sill, Buckler & Fenhagen. The main structure was completed in 1921, and the building was expanded three times during its service as a Federal Reserve Bank, resulting in its current footprint.

The exterior of the building, with its main entrance facing Ninth Street, is Indiana Limestone, and is influenced by the architecture of Ancient Greece. The courtroom, originally the banking room, also features walls of Indiana

limestone, and maintains its original Doric columns of Pink Tennessee marble. Two such columns are featured behind the mahogany bench that seats the seven justices of the Supreme Court of Virginia. The original

ceiling was an adaptation of Renaissance design also found in ceilings of Roman basilicas, but with Greek detail used in the ornaments of its coffers.

(When the Commonwealth retrofitted the building for the judicial branch, a dropped ceiling was installed which



hides the original ceiling.) The entrance to the courtroom is a marble-clad foyer.

During construction of the main building, it became apparent that the Federal Reserve Bank would require more space, and a six-story annex was constructed at the rear of the building. The original main building and the annex provided a combined total of about 47,000 square feet of workspace. In 1931 and again in 1941, the building was expanded to accommodate the growing workload of the bank. The two expansions added a combined 44,000 square feet to the building. A six-story addition to the building in 1952 more than doubled the premises by enlarging it another 64,000 square feet. The Eighth Street addition, architecturally like the main building, is joined to the original main building above the first story.

The original bank vault, which was designed “to be the strongest in the country,” still occupies the sub-basement of the building and features a door that is twenty-nine inches thick. On occasion, crooks attempted to rob the Fed, and bullet holes are still visible inside the building. *The New York Times* reported that on one occasion in 1972, a shootout among four bank security officers left one dead and the other three wounded.

The Commonwealth of Virginia purchased the building in 1977, and the Federal Reserve Bank of Richmond moved a few blocks away to its current location in 1978. In 1981, the Supreme Court of Virginia moved into the building. After its creation in 1985, the Court of Appeals of Virginia moved into offices on the first floor of the building. The courtroom for the Court of Appeals of Virginia now occupies the space that formerly housed an auditorium for the Federal Reserve Bank.

With the expansion of the Court of Appeals, the Virginia General Assembly has allotted money for the construction of a new appellate courthouse complex in Richmond, Virginia, which will house the Supreme Court of Virginia and the Court of Appeals. Construction should be completed in approximately five years (2027). In the meantime, the Court of Appeals of Virginia and the Supreme Court continue to operate out of the Supreme Court of Virginia Building and the Rose Lafoon Building, above the old Federal Reserve Bank that remains speckled with bullet holes.



*Happy Holidays, NCACC!
May your days be merry
and bright.
See you in 2023.*

