



THE DOCKET

News of the National Conference of Appellate Court Clerks

MARK YOUR CALENDARS FOR MID-YEAR EDUCATION AND FUN!



Please plan to log in and join the programming being brought to us
on

Friday, April 21.

A virtual welcome to new members, educational sessions, and a happy hour are in the offering. Details to come. Watch your in-box!

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THE PRESIDENT'S PAGE

Gregory Hilton (MD)



CHANGE: WHAT IS IT GOOD FOR?

When I began writing this little essay, I was looking out over the snow-covered rooftops in Minneapolis on an early morning waiting for the next session of the NACM conference to begin. This was the second external conference I attended as President of the NCACC. I attended COSCA in December. I truly enjoy these “field trips” because they give me an opportunity to appear as a fly-on-the-wall and observe the organization and process of other “conferences.” I have to say that, although ours can appear small, it excels in the spirit, collegiality, and cohesiveness of our members.

In addition to providing a perspective on the operation of our conference, these experiences also expand the mind on the possibilities for our conferences, including finding interesting and engaging speakers and programs. Apropos of our recent flurry of interest in remote proceedings, at the NACM conference, I was able to hear from and meet executives from “Tech Unicorn”, a woman owned, Dubai based, start-up that has a unique spin on remote proceedings. Its product is, at this time, optimized for trial court proceedings, but seems to have some utility for appellate courts.

Thinking about Tech Unicorn and the disruptions, in both the positive and negative sense of that word, that have been laid at our feet recently, reminds me (reminds us?) that there is a problem

with becoming too complacent in what we do, be that in relationships, our work, and in our engagement with the world.

As you all have heard, I am lately the Clerk of the Supreme Court of Maryland. That change carried a double disruption: Me moving to a different court (two floors up), and that court gaining a new and powerful sounding name, the SUPREME COURT. The floor change, was, frankly, the most disruptive for me personally. It's easy to assume that an appellate court, is an appellate court, is an appellate court, but that isn't correct. Despite the decade I spent managing Maryland's IAC, it was a very particular appellate court. While the Supreme Court has a nominally smaller docket, it also carries with it many new things to learn: The bar admissions process, attorney discipline, judicial discipline, legislative re-districting. All of these carry a new set of responsibilities and stakeholders to engage. And, normally when you change jobs you don't get to bring your loyal foot soldiers from your prior position. So, you have to learn a whole new set of personalities, skills, and abilities, to say nothing of learning about your new bosses, the justices.

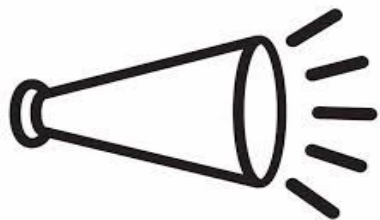
So, what have I learned from this? Well, I have learned that I am very prone to becoming comfortable with the status quo and, as a result, I had settled into some bad habits that were limiting my ability to lead and manage effectively. Being exposed to a new set of rules and different paradigms, I am now forced to consider the work that I do anew. Mind you, it isn't as if the work I am doing is vastly different than what I was doing before, simply that I could no longer approach the work in precisely the same forms that I had before.

Likewise, these changes forced me to accept that I wasn't always the smartest person in the room (truth be told, me being the smartest person in the room is very rarely the case unless it's just me and the cat). That is to say, with new processes and paradigms, I needed to find out what could and should be done. I couldn't simply brute force my way through managing and leading using my tried-and-true processes and plans. Instead, I had to ask questions, observe, seek guidance, and read, read, read. That process freshened my perspective on even some of the more mundane tasks associated with being the clerk of an appellate court.

None of this is to say that I didn't still have something valuable to contribute. While my new staff is very, very good at their jobs - diligent, conscientious, and dedicated – they too had fallen into an understandable complacency about how to do their work. So, I brought them a new perspective and a new approach to solving the very same problems. Together then, my new staff and I have begun to grow, mature, and improve the operation of the court.

Of course, none of this is easy and managing change is fraught with pitfalls and failures that can cause one to become despondent. But that is where our conference and others like it are so beneficial. We get to come together, share common stories and problems, work through potential solutions, and gain the confidence that we are not alone. In essence, attending our conferences allows us to impart a small, if artificial, change in the works so that we can look at ourselves and our offices with a fresh perspective.

I am finishing this essay in Austin, Texas a week after I started. I am again sitting in my hotel room, but, instead of snow, I am looking over Austin's riverside development and beyond are the gray-green colors of the foliage that dominates the landscape here. I am attending the Conference of Chief Justices and grabbing another opportunity to watch, listen, and learn about how we can all do business better.



Call for Nominations:

The Nominating Committee respectfully requests nominations for the following Executive Committee seats, known to be open at the upcoming annual meeting:

VICE PRESIDENT [currently held by Doug Shima (KS)]

TREASURER [currently held by Jim Hivner (TN), who is eligible for re-election]

MEMBER [currently held by Mary Beth Kuenzel (FL)]

MEMBER [currently held by Kevin Lane (CA)]

MEMBER [currently held by Amy Wood (AZ)]

Please submit nominations by April 15, 2023 to the Chair, Meredith Montgomery, at mmontgomery@akcourts.gov. Self-nominations are welcome!



NCACC OFFICER & EXECUTIVE COMMITTEE NOMINATION FORM

CANDIDATE INFORMATION

Candidate's name: _____

Title & Court: _____

Phone: _____ E-mail: _____

Position: Executive Committee Vice President Treasurer

Candidate's previous NCACC committee memberships, if known:

Brief statement of why you want to be an officer or executive committee member (if self-nomination) or why you are nominating the candidate for an officer or executive committee position (if other than self-nomination):

Nominator Information (if other than self-nomination)

Nominator's name: _____

Title and Court: _____

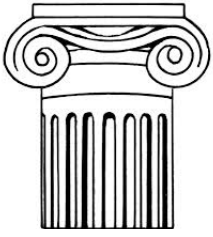
Phone: _____ E-mail: _____

I confirm that the candidate has been contacted and has indicated a willingness to serve if nominated and approved.

Email this nomination form by April 15, 2020, to the chairperson of the

Nominating Committee, Meredith Montgomery at

mmontgomery@akcourts.gov



WELCOME TO FLORIDA'S NEWEST IAC



By: Mary Beth Kuenzel (FL)

Florida's current appellate court system—a supreme court and intermediate appellate courts (IACs)—began in 1956 with the creation of three IACs. Before that, appeals were heard by the Supreme Court of Florida. As the state grew and caseloads increased, the state added IACs in 1965, 1979, and 2022. Each court needed headquarters and judges, cases, and a clerk. This article briefly traces the history of new appellate courts in Florida.

Headquarters

The first three IACs were in Tallahassee (the state capital in North Florida), Lakeland (Central Florida), and Miami (South Florida). When the fourth IAC was added in 1965, the legislation directed that the headquarters would be selected by a commission comprised of the supreme court justices, the governor, and six cabinet members. Vero Beach was the first location, but in 1967 the headquarters was moved to West Palm Beach.

In 1979, the fifth IAC was created. The legislature selected the headquarters, bypassing Orlando and choosing Daytona Beach, a move attributed to the strong legislative leadership from the area.

Also around this time, the legislature amended the statute to allow for branch headquarters. The Lakeland-based IAC promptly designated Tampa as a branch, the only court to have done so. This court operated in two locations until 2023.

In 2021, a sixth IAC was proposed, and it was created in 2022. Three existing courts were reconfigured in the process. The legislature chose to locate the new court in Lakeland, rather than follow the recommendation to place it in St. Petersburg. The Tampa branch became the headquarters for one of the original three IACs. On Jan. 3, 2023, this court consolidated its operations in Tampa as a temporary headquarters until a new courthouse can be completed in St. Petersburg. Courthouse funding is now being requested for the Lakeland courthouse as well.

Judges

Florida has both created new judgeships and reassigned existing ones. The 1965 legislation creating the fourth IAC provided for the appointment of three new judges in staggered terms. In 1979, however, judges who lived in a realigned county could "opt in" to service in the new court. Two judges elected to transfer, and a circuit court judge was assigned to serve temporarily in an associate capacity.

In 2022, existing judges were moved to the IACs where they resided as of Dec. 22, 2021; and seven new appellate judges were added. The legislature is now considering whether two courts have "excess capacity" that should be reduced by attrition when judges from these courts retire.

Transfer of Cases

In 1965 and 1979, pending cases were transferred to the courts that now had territorial jurisdiction over the counties or circuits where the cases originated. In 1979, an administrative order directed that case records

were physically transferred unless judicial labor had begun or was scheduled in the near future. For the cases underway, jurisdiction vested with the new court but the case records were retained in the original court. The clerks and deputy clerks were designated deputy clerks of the new court for these cases. And assigned judges in the original courts were designated temporary judges of the new court.

By 2021, electronic records eliminated the need to load a truck with boxes of paper files. Just a year earlier, the IACs had received electronic transfers of pending cases due to a change in jurisdiction over appeals from county court. These case records were electronically transferred from the circuit clerks to the IACs. But the computer systems are not the same between the circuit and appellate courts, and the transferred files left something to be desired.

Fortunately, the IACs all use the same case management systems (CMS). There were interesting questions about the best approach. Florida is midway through a multi-year project to adopt C-Track as its new appellate CMS. The new court would open on Jan. 3, 2023; and C-Track was set to go live in the first courts at the end of that month. Instead of standing up new versions of an old CMS, should the new court be in the first group for C-Track? After review, this option looked too risky and more expensive. The new court would go to the end of the C-Track schedule.

Consideration was given to whether a single case management system could house cases for two different courts in a commingled database. This was rejected because of the complexities in case numbering; the problem of pulling case information from the e-filing portal for separate courts; and the difficulties in populating forms and templates. Programmatically, it was estimated to be much more complex to commingle data than to create a new CMS.

Housing the new court on servers that are dedicated back-ups—also considered but rejected for various reasons, including what was likely to be a sluggish response time with the use of long-distance servers. Ultimately, new versions of the existing CMS were set up to run on new servers. Case data for the transferred cases was migrated from original courts to new courts in a way that allowed the dockets to be recreated in whole.

In the process, CMS accounts for attorney access were migrated, even for attorneys who had accounts at multiple IACs. The Florida Courts E-Filing Portal was able to transfer the case data and electronic service lists for transferred cases. And the portal added a warning for filers who attempted to file in the old case numbers, even providing the new case number.

Clerk of Court

The newest court started with a core group of 6 judges from existing IACs who would be recommissioned based on their residence in the new court's territory. The supreme court charged them with planning for the new court to open its doors on Jan. 3, 2023. The success of their mission was certainly assured by their early decision to hire Stacey Pectol as the clerk of court. She brings to the job her valuable experience as clerk of the Arkansas Supreme Court and Court of Appeals. With her assistance, the court has adopted administrative orders and internal operating procedures, designed a website and document templates, and done the thousand other things that we take for granted in an on-going operation.

Please join me in wishing a happy birthday to Florida's newest IAC!



Tell us about your Courthouse... This is the sixth article in a series

started last year—we want to learn about each other’s workplaces.

BONEY COURTHOUSE, Anchorage Alaska

Meredith Montgomery (AK)

Even from the barren wasteland of the Far North in Alaska, the rule of law is being upheld. Albeit in some rather unattractive courthouses. At least in comparison to the ones previously shared in this series. In this article, I would like to tell you about the Boney Courthouse in Anchorage, Alaska.

The Boney Courthouse, 303 K Street, was built in 1973. It is named for the second chief justice of the Alaska Supreme Court, George F. Boney, who served from 1970 to 1972. Like most office buildings in downtown Anchorage, it is a square concrete box. It was not Anchorage’s original courthouse, but for a long time, it was “the” courthouse. In 1996, a second courthouse was built next door to the Boney Courthouse. Today, downtown Anchorage has a thriving “campus” consisting of two large courthouses and a sprawling building (former newspaper office with printing press) containing the Alaska Court System’s administrative offices.



Circa: 1996

[Side note: While Anchorage is not Alaska’s capitol, it is the largest, most populous city. The Alaska Court System is a unified court system with centralized administration, serving Alaska residents in 40 courthouses throughout the vast State. The Alaska Supreme Court conducts most of its business in Anchorage and hears arguments in the State’s three largest cities: Anchorage, Fairbanks, and Juneau. Three justices reside in Anchorage, one in Fairbanks, and (as of this month) one in Juneau.]

The Boney Courthouse is the current home of the Alaska Supreme Court, the Alaska Court of Appeals, and the Appellate Clerks Office, as well as district courts, parenting plan facilitators, some therapeutic court offices, the customer service counter for protective orders, and two courtrooms for issuing said protective orders and for other after-hours business. The justices’ chambers are on the fifth floor, along with the courtroom, which seats 200. The court of appeals judges’ chambers and the appellate clerk’s office are located on the fourth floor. The courthouse was fully remodeled in 2012, including the addition of a semicircular bumped out entry way to break up the box. The roof remains flat.



Boney Courthouse exterior on a January morning, 2019

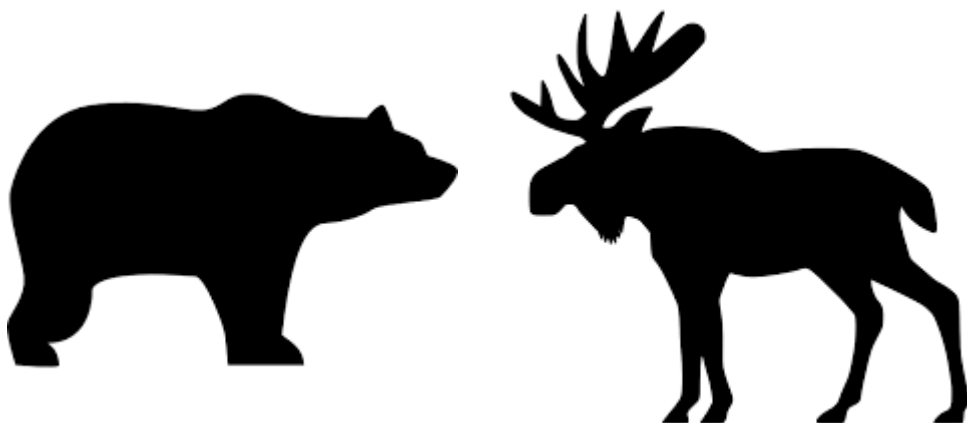
The courtroom is grand in a late-seventies sort of way. It's large. It's wood paneled. The overall impression is of a large room with a huge ceiling, a lot of exposed pine and light oak, and green. Dark emerald green carpet and pads on the pews. The eye is drawn to the front of the room where a giant wooden seal of the State of Alaska hangs behind the bench. It has been hand-carved and assembled in multiple horizontal pieces. It probably weighs a ton. In the "great-enough-for-me" earthquake in 2018 (7.0), the seal split at its' seams, but did not fall.



From left to right in the Boney Courthouse Supreme Court and Court of Appeals Courtroom: facing bench from speaker's podium; carved wooden seal of the State of Alaska; facing audience from bench.

In addition to the seal, the Boney Courthouse maintains a treasure trove of museum-quality Alaska Native art, both old and new. Finally, it wouldn't be in Alaska without mentioning wildlife. It is not unusual to see moose in our courtyard. It is unusual to see a black bear in downtown Anchorage, but one day a few years ago, a small cub appeared to be trying to go thru security. Bald eagles and ravens fly by my window. If you are ever in Anchorage, please do not hesitate to contact me. It would be my absolute pleasure to show you my work home, the Boney Courthouse.

Right, Urban wildlife sighting of a different kind: Meredith Montgomery and Mac Squires outside the Boney Courthouse, September 1, 2022.



Executive Committee: Fall Meeting Recap and 2024 Conference Teaser

By: Polly Brock (CO)



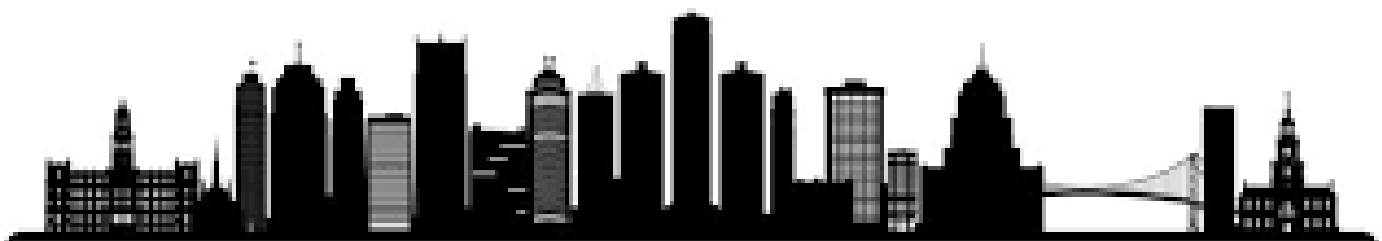
Burlington, Vermont

The NCACC Executive Committee meets three times each year—at the NCACC Annual Conference, once in the Fall, and once in the Spring. This October 27-28th, the Executive Committee met in our 2024 Conference site—Burlington, Vermont. In addition to meeting and learning about the many projects and work of the NCACC, the Committee was graciously hosted by your 2024 Conference Host, Tim Gudas, Clerk of the New Hampshire Supreme Court.

Burlington is beautifully situated on Lake Champlain. It has amazing historical sites and extraordinary natural beauties. This will be a once in a lifetime meeting!

P.S.--Please check out this super cool video of Tim giving a tour of the New Hampshire Supreme Court:

<https://www.youtube.com/watch?v=Vwy8Yb8tRmc>



DON'T FORGET: DETROIT

JULY 30—AUGUST 3, 2023