



# THE DOCKET

News of the National Conference of Appellate Court Clerks

## NCACC's 51<sup>st</sup> Annual Conference Burlington, VT — August 4 to August 8, 2024

By Tim Gudas

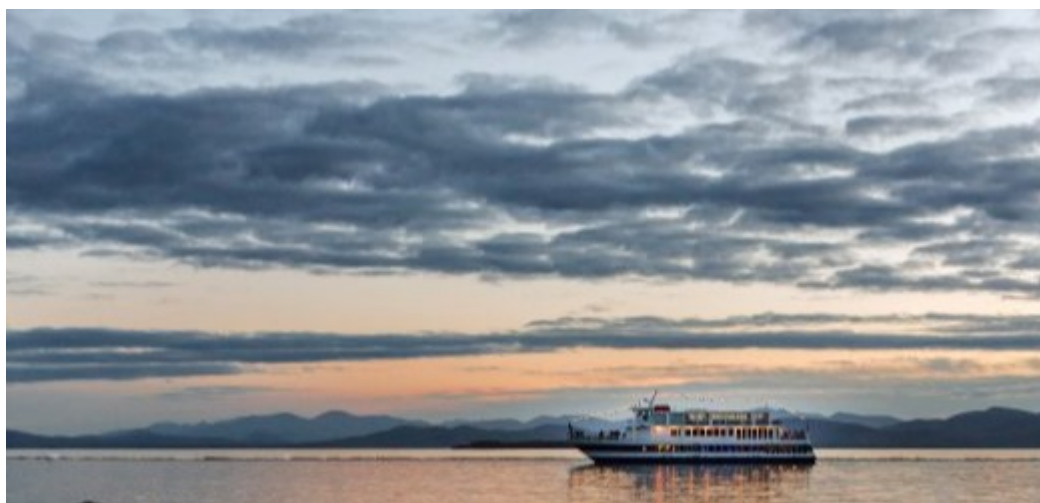
### Clerk of the New Hampshire Supreme Court

With the calendar having turned from 2023 to 2024, temperatures may be dropping but planning for the 51<sup>st</sup> annual conference in Burlington is heating up. The Program Committee, chaired by Polly Brock (CO), is putting together an exciting and informative agenda of educational sessions and speakers. Casey Forbes — recently appointed Clerk of the Supreme Court of Appeals of West Virginia and the Intermediate Court of Appeals of West Virginia — is organizing Vendor Day to keep us all abreast of available technology and other products that have the potential to make our courts run more smoothly.

In keeping with the schedule that worked so well in Detroit last summer, expect the core of the week to play out as follows:

Sunday — registration; family and new member orientation; business meeting (part I); educational program in the afternoon; evening reception; education fund auction; and Morgan Thomas slideshow. Bring an item for the auction and bid aggressively, all for a good cause!

Monday — full day of educational programming. We'll cap off our day with a social event on the *Spirit of Ethan Allen* for a dinner cruise on Lake Champlain, which is just a short bus ride away from our hotel.



## Inside This Edition:

Vermont Conference Details <i>Tim Gudas (NH)</i>	Page 1
Awards Committee Suggestions <i>Laura Roy (MO)</i>	Page 4
Awards Suggestions Form	Page 7
Feature Article: Establishment of a Centralized Digital Evidence Portal in Arizona <i>Amy Wood (AZ)</i>	Page 8
Honoring the Legacy of Frans J. Labranche, Jr. <i>John Olivier (LA)</i>	Page 12

# THE DOCKET

## News of the National Conference of Appellate Court Clerks

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Megan Scanlon (VA)
John Tomasino (FL)

Tuesday — full day of educational programming and vendor sessions, followed by an evening social event at the Burlington waterfront. We'll be staying on land for this one, but enjoying the lake from the ECHO Leahy Center, a science and nature museum, <https://www.echovermont.org>.



Wednesday — educational sessions in the morning. The afternoon is yours to catch up on email, return phone calls, play in the Joe Lane Memorial Golf Tournament, or explore Burlington and the surrounding area. Check out this website for food, recreation, and culture ideas: <https://www.helloburlingtonvt.com>

Thursday — educational sessions in the morning; business meeting (part II); and awards luncheon.

The conference page on the website will be updated as these plans get more detailed. In the meantime, if you have questions about logistics or activities, please contact me at [tgudas@courts.state.nh.us](mailto:tgudas@courts.state.nh.us). I look forward to seeing you in Burlington!

# NCACC AWARDS COMMITTEE WANTS YOUR SUGGESTIONS

The 2023-2024 Awards Committee wants your nominations for the J.O. Sentell Award and the Morgan Thomas Award. These awards will be presented at the 2024 NCACC Annual Conference to be held in Burlington, Vermont.

The **J.O. Sentell Award** is given to a member of the NCACC who has contributed substantially to the objectives of the conference, including improving skill and knowledge through conferences, seminars or other educational programs; promoting and improving the contribution of appellate court clerk offices within the area of effective court administration; and collecting and dissemination of information and ideas concerning the operation and improvement of the offices of appellate court clerks.

## Past Recipients of the J.O. Sentell Award:

<u>Year</u>	<u>Recipient/Court</u>	<u>Conference City/State</u>	<u>Year</u>	<u>Recipient/Court</u>	<u>Conference City/State</u>
1979	J.O. Sentell Alabama Supreme Court	Monterey, CA	1992	Rema Mims South Carolina Court of Appeals	Washington, DC
1980	Ronald L. Dzierbicki Michigan Court of Appeals	Orlando, FL	1993	Steve Townsend New Jersey Supreme Court	Nashville, TN
1981	Wilfried J. Kramer California Court of Appeals Third District	Jackson Hole, WY	1994	Peggy Stevens McGraw Missouri Court of Appeals	San Diego, CA
1982	Morgan Thomas Georgia Court of Appeals	Boston, MA	1995	Kevin Swanson California Court of Appeal Fifth District	San Antonio, TX
1983	Lewis Carter Kansas Supreme Court and Court of Appeals	New Orleans, LA	1996	Glen D. Clark Arizona Court of Appeals Division One	Des Moines, IA
1984	Mary Ann Hopkins-Young Arizona Supreme Court	Seattle, WA	1997	William S. Fulton, Jr. (Retired) U.S. Army Court of Criminal Appeals	Point Clear, AL
1985	Alexander L. Stevas Supreme Court of United States	Lexington, KY	1998	Ella Williams (Retired) Michigan Court of Appeals	Skamania, WA
1986	Luella Dunn North Dakota Supreme Court and Court of Appeals	Austin, TX	1999	Joyce A. Goldsmith Arizona Court of Appeals Division Two	Portsmouth, NH
1987	Jean Kennett Supreme Judicial Court for the Commonwealth of Massachusetts	Hartford, CT	2000	John Wilkerson, Jr. Alabama Court of Appeals	Savannah, GA
1988	John Scott Kentucky Supreme Court and Court of Appeals	Helena, MT	2001	R. Keith Richardson Iowa Supreme Court and Court of Appeals	Newport Beach, CA
1989	Joline Williams Georgia Supreme Court	Charleston, SC	2002	Marilyn L. Graves Wisconsin Supreme Court and Court of Appeals	Minneapolis, MN
1990	Frans Labranche Louisiana Supreme Court	Tucson, AZ	2003	David B. Beach Supreme Court of Virginia	Asheville, NC
1991	Jill Engel South Dakota Supreme Court	St. Louis, MO	2004	Penny L. Miller North Dakota Supreme Court	Anchorage, AK

Past Recipients of the **J.O. Sentell Award**, continued:

2005	Kenneth deBlanc Louisiana Court of Appeal	Key West, FL	2015	Marilyn May Alaska Appellate Courts	Snowbird, UT
2006	Joseph Lane California Court of Appeals, 2nd	Ft. Worth, TX	2016	William DeCicco U.S. Court of Appeals for the Armed Forces	Denver, CO
2007	Sherie Welch Georgia Supreme Court	New Orleans, LA	2017	Rory L. Perry Supreme Court of West Virginia	Lake Tahoe, NV
2008	Leslie Gradet Maryland Court of Special Ap- peals	Pittsburgh, PA	2018	Deena Fawcett California Court of Appeal, Third Appellate District	San Diego, CA
2009	Diana Pratt-Wyatt Louisiana Court of Appeal, Sec- ond Circuit	Sacramento, CA	2019	Sherry Williamson Eleventh Court of Appeals, Texas	Lexington, KY
2010	Christie Cameron North Carolina Supreme Court	Whitefish, MT	2020	Susan Clary Supreme Court of Kentucky	VIRTUAL ZOOM
2011	Ed Smith Montana Supreme Court	Annapolis, MD	2021	Dan Shearouse Supreme Court of South Caroli- na	VIRTUAL ZOOM
2012	Thomas D. Hall Supreme Court of Florida	Charleston, SC	2022	Blake Hawthorn Supreme Court of Texas	Williamsburg, VA
2013	Bill Suter Supreme Court of the United States	Seattle, WA	2023	Edward Hosken (Retired) United States Court of Appeals for the Federal Circuit	Detroit, MI
2014	Steve Lancaster Indiana Court of Appeals	Richmond, VA	2024	??????????	Burlington, VT

The **Morgan Thomas Award** is for recognition of an individual who is not a member of the NCACC and who has made distinguished contributions to enhancing professionalism and supporting the goals of the NCACC as a body and of its members individually.

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

Year	Recipient	Organization
1991	Charles Nelson	West Publishing Co.
1992	Justice James Duke Cameron (Retired)	AZ
	Justice Harry A. Spencer (Retired)	NE
	Justice William A. Grimes (Retired)	NH
1995	Sandra M. Roos	American Bar Association
1996	Jane Sanchez	Bureau of National Affairs
	Lew Tipett	Lexis/Nexis
1997	Michael J. Whetstone	West Publishing Co.
2003	Dwight D. Opperman	Former Chief Executive Officer West Publishing Co.
2005	Brenda Stephens	Administrative Assistant Louisiana Court of Appeals, 2nd Circuit

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

2007	Linda Watson	Louisiana Court of Appeals, 3rd Circuit
2011	Lisa Hall	
2012	Tom Leighton (Joint Award)	Thomson Reuters
2012	Nikki Daugherty (Joint Award)	LexisNexis
2014	Brenda Williams	National Center for State Courts
2016	Karyn Bowie	Bloomberg BNA
2017	Shauna Strickland	National Center for State Courts
2021	Nikiesha Cosby	National Center for State Courts
2022	West Virginia Supreme Court of Appeals	
2023	Sirena Kester	National Center for State Courts

Please complete and return the Awards Committee Suggestion Form by **February 14, 2024** to:

Laura Roy, Clerk  
Missouri Court of Appeals Eastern District  
One Post Office Square  
815 Olive Street  
St. Louis, Missouri 63101  
Or E-Mail ► [Laura.Roy@courts.mo.gov](mailto:Laura.Roy@courts.mo.gov)  
Fax ► 314-539-4324

**Awards Committee 2023-2024**

Ed Hosken (DC)	Claudia Jenks (TX)	Megan Rhodebeck (AL)
Sherry Williamson (TX)	Tristen Worthen (WA)	Laura Roy (MO)

# Awards Committee Suggestions Form

## J. O. SENTELL AWARD

Please make your recommendation below and give your reasons. If more space is needed, please attach additional page(s).

I nominate: \_\_\_\_\_ No nomination

**Reasons:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## MORGAN THOMAS AWARD

Please make your recommendation below and give your reasons. If more space is needed, please attach additional page(s).

I nominate: \_\_\_\_\_ No nomination

**Reasons:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return this form by **February 14, 2024**

by FAX ► Laura Roy, Clerk  
FAX: (314)539-4324

by E-MAIL ► [Laura.Roy@courts.mo.gov](mailto:Laura.Roy@courts.mo.gov)

# Establishment of a Centralized Digital Evidence Portal in Arizona

Amy Wood, Clerk of the Court, Arizona Court of Appeals, Division One

## Background

Digital evidence has long presented a problem across the justice community. A video recording taken by a police department must be transmitted to the prosecutors, offered into evidence at the trial court and conveyed as part of the record on appeal. This can lead to many copies of the same file as well as challenges for each organization to be able to maintain software necessary to view different formats.

The Chief Justice of Arizona's Judicial Branch created a Task Force to study the issue and make recommendations. They issued their [final report](#) in 2017. The Task Force presented numerous recommendations including training, rule changes and the development of a portal.

The Arizona Administrative Office of the Courts followed through with an RFP for a portal to hold digital evidence for the courts and the contract was awarded to Thomson Reuters with the Case Center (then known as CaseLines) product.

After establishing an environment and basic configuration, the Arizona Administrative Office of the Courts engaged trial courts in establishing policies and procedures related to digital evidence. Once a pilot began with the first trial court, work began thinking about appellate courts joining in the use of Arizona's digital evidence portal (an instance of Case Center).

At the time of this writing, the Court of Appeals, Division One has over 180 active cases with digital evidence in Arizona's Case Center implementation.

## Arizona's General Process Overview



The trial court allows exhibits offered into evidence in the courtroom to be uploaded into a Case Center case. The trial court clerk's office controls access to the case. Exhibits are admitted or rejected electronically and tagged electronically with the side of the case (e.g., Admitted P 4 is plaintiff's exhibit 4 in *Figure 1*).



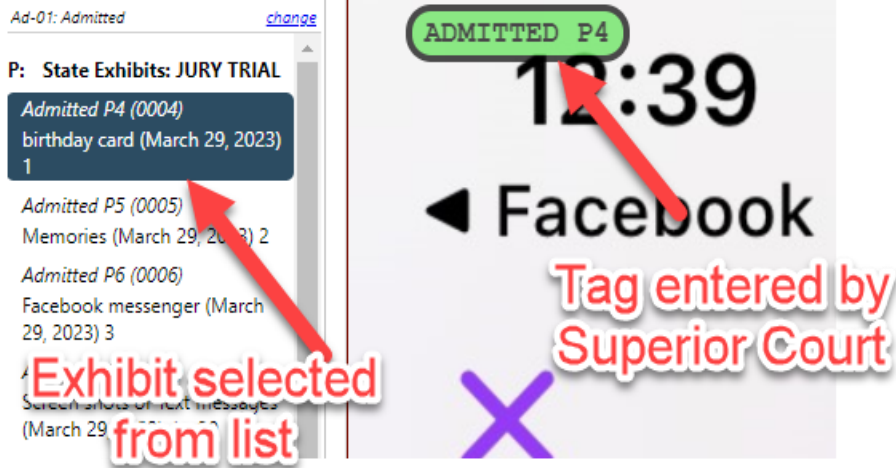


Figure 1 Exhibit in Case Center

While the trial court has jurisdiction, the trial court controls who has access to the exhibits through security settings in Case Center.

When a case is appealed, Arizona trial courts are responsible for preparing the record by creating an index of record and sending all documents electronically to the Court of Appeals using a custom application. Case Center has been incorporated into this process. The trial court creates a “Digital Exhibit Cover Sheet” that contains a link to the digital exhibits in Case Center, *See Figures 2 and 3*. The document also lists each piece of digital evidence. The link only works for those who have been granted access.

**EXHIBIT LIST COVERSHEET**

<https://digitalevidence.azcourts.gov/s/s/7a468>

██████████

V

████████████████████

CASE NUMBER: ██████████

HEARING DATE: ████████

HEARING TYPE: ██████

JUDICIAL OFFICER: ██████████

Figure 2 Arizona Exhibit List cover sheet format for Case Center

## **B: Respondent Exhibits**

Index	Name	Date	Offered	Shown to Jury	Admitted for Appeal Purposes	Admitted
0001	Calendar of [REDACTED]	August 15, 2023				
0002	[REDACTED]	August 15, 2023				
0003	Texts between [REDACTED]	August 15, 2023				
0004	Proof of Disclosure	August 15, 2023				RESP 4 ON 8/16/2023 08/18/2023
0005	Public Facebook Posts [REDACTED]	August 15, 2023				
0006	Sworn Statements from 4 witnesses	August 15, 2023				
0007	Therapy Summary [REDACTED]	August 16, 2023				RESP 7 ON 8/16/2023 08/18/2023

Figure 3 Arizona format of Case Center Exhibits as they appear on the list placed into the traditional record

### **Appellate Implementation**

Some of the important things that had to be worked through in extending the work to the appellate courts included the following:

**Receiving Access.** How the clerk's office receives access from the trial court,

Arizona chose to create and maintain an "Invite List" with all Appellate Clerk's Office Employees that is utilized by the trial courts to "invite" the Appellate Clerk's Office to the Case.

**Extending Access Internally.** How to provide access to the court.

Arizona had two logical choices, either extend access to a specific panel at the time they are assigned (for us this is "At Issue") or create and maintain a full court invite list. We chose to have the full court invite list because it keeps digital evidence accessible in the same manner as the rest of our record. Once the Clerk's Office brings the digital exhibit list into the electronic record in our case management system, we invite the rest of the court to the digital evidence case.

**Standardizing User Set Up.** How to ensure users register themselves in a consistent manner

Early on, there was recognition that new users would interpret the standard fields for registration in different ways and that this would create issues for maintaining access over time. Division One chose to keep the registration process centralized in the clerk's office. A Clerk's Office staff person sets up the new user and then sends them instructions for verifying the account and resetting their password.

**Reference in the Record.** How to maintain user accounts, and how to maintain an indication in the court case management system that digital evidence exists in a portal.

In Arizona, we chose to require the trial court to enter a document into the record which is sent to the appellate court along with the rest of the record. This includes a list of what is in the portal as well as a link to the digital evidence for the case.

**Appellate Counsel.** Access to the digital evidence for new appellate counsel.

In Arizona, we are using the "Notice of Appearance" to trigger inviting new counsel to the case. We have also advised the Bar that it can be noted in the Notice of Appearance that Digital Evidence access is necessary.

**Mandate.** What happens to access to the digital evidence after mandate/terminate

In Arizona, our mandates now tell the trial courts that access to the appellate court can be turned off (analogous to returning paper record).

**Sealed Digital Exhibits.** How to manage digital evidence that has been sealed.

Arizona chose to allow sealed digital exhibits in the portal and to follow the same security processes that are in place with other sealed material. No parties or attorneys may access the sealed material online through the portal.

**Public Access.** How to manage public access requests to digital evidence

Because of some limitations on security, features available for trial courts to share publicly in Arizona do not work at the Appellate level. In Arizona, we have, for the time being, relied on downloading digital exhibits and burning them to CDs whenever the digital exhibits include restricted or sealed exhibits.

**Multiple Appeals.** How to best manage evidence “bundles” relative to the same trial court case being appealed more than once.

A short list of advantages and struggles are noted below. Some of these may be product specific, but others may be things to consider regardless of the product used.

### **Advantages**

Record is checked in and maintained more easily without envelopes containing jump drives, CDs and the like.

The entire panel of judges (and their staff people) easily has access to evidence that previously might have only been available to one chambers at a time.

Tools are available to “mark” places in videos, notes on exhibits, etc. These can be stored by user or shared with a small group (such as the appellate panel of judges).

The viewers support a multitude of technology sets such that IT staff are spending less time trouble-shooting access to various digital formats.

Chambers return of digital exhibits to the clerk’s office is no longer necessary for items in the portal,

The mandate process is easier with fewer physical exhibits needing to be returned.

The goal of storing one copy for multiple entities to access has been met, and may be expanded.

### **Struggles**

Initially chambers were tempted to download the digital exhibits into another work area. That defeated the purpose of using one centralized area across organizations and the benefit of all of the viewers. This goal had to be reinforced across the court.

Appellate case number does not appear, we must rely on the trial court case number if searching directly in the portal (rather than following a link)

Adding new people to the court does not give them access to cases previously received (only going forward), user management has been one of the biggest challenges.

Initial training occurred with the pilot, but many cases that came in did not make it far enough into the process to go to chambers. As the number of cases increased, more training has been necessary.

Although extensive efforts by the Administrative Office were made to educate the Bar, members of the Appellate Practice Section were not initially targeted.

Invites come from a specific email address. Some folks who have been invited have not realized it and had to add the email to their accepted email address lists.

Security settings are limited. Trial courts retain the most access which has created some limitations for the appellate courts in terms of how to provide public access. The security functionality does not permit parsing at the level that would be most beneficial.

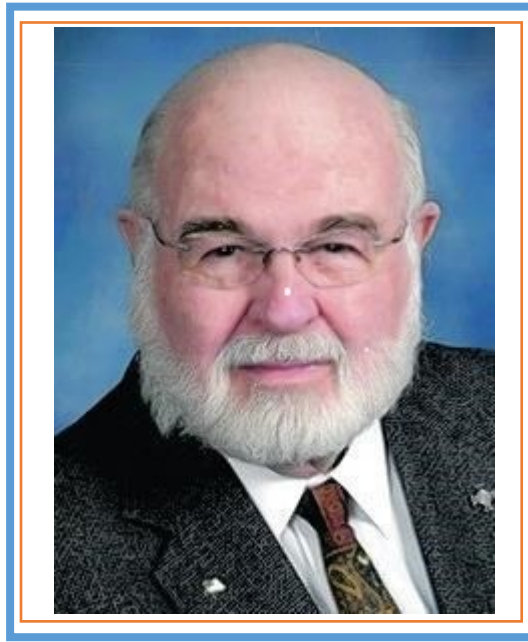
### **Related Resources:**

The Arizona digital evidence committee published a report: <https://www.azcourts.gov/Portals/74/Archive/DETF/DETFFinalReport.pdf?ver=2019-04-08-135615-987>  
The Arizona Administrative Office of the Courts has a webpage designed to assist Arizona Courts. It is important to note that this is an Arizona specific implementation, but there may be resources that would be helpful for other states to review: <https://www.azcourts.gov/digitalevidence/>

NCACC presentation from Arizona Judge Samuel Thumma at the 2019 conference: <https://youtu.be/ITHebTJP8Qw>

There is a Joint Technology Committee whitepaper on the topic of digital evidence: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0017/18521/digital-evidence-3-14-2016-final.pdf](https://www.ncsc.org/_data/assets/pdf_file/0017/18521/digital-evidence-3-14-2016-final.pdf)

## Honoring the Legacy of Frans J. Labranche, Jr.: A Life of Service and Leadership



On September 8, 2023, the legal and religious communities joined together in a poignant farewell to the remarkable Frans J. Labranche, Jr. At the age of 89, he left behind a legacy marked by legal excellence, military service, and an unwavering dedication to faith and community.

### **Early Life and Educational Journey**

Frans J. Labranche, Jr., born on June 17, 1934, in New Orleans, embarked on a notable educational journey that laid the foundation for his intellectual prowess. From St. Francis of Assisi Elementary to Jesuit High School, he pursued knowledge with unwavering commitment. This educational odyssey culminated in the attainment of a bachelor's degree from St. Joseph Seminary College and a juris doctor degree from Loyola University New Orleans College of Law in 1960.

### **Military Service and Legal Brilliance**

Dedicating a significant chapter of his life to serving his country, Frans served as a Captain in the United States Air Force. From 1961 to 1964, he served as a Judge Advocate General in the U.S. Air Force, followed by a decade as a reserve officer. His legal career thrived in private practice, first as an Associate at Frederick J. Gisevius, New Orleans, and later as a partner at Connolly, Connolly & Labranche (and successor firms) from 1964 to 1977.

His distinguished legal career reached its zenith during his tenure as the Clerk of the Louisiana Supreme Court from 1978 to 1996. Notably, his leadership ushered in a transformative shift from traditional bound “hernia” books to computerized data.

Frans was very active in the National Conference of Appellate Court Clerks, serving as President from 1986 to 1987 and newsletter editor from 1983 to 1987. In 2007 he hosted the conference in New Orleans. He described what the organization has meant to him throughout the years in a video he made (shortly before his passing) for the NCACC 50th Anniversary Conference in Detroit.

In addition to his legal pursuits, Frans played a pivotal role in legal education, serving as a lecturer in Business Law at Loyola and as an associate professor in Legal Medicine at Tulane University School of Medicine. His commitment to legal education resonated in leadership roles within various legal organizations, including the American, Louisiana State, and New Orleans Bar Associations. He served as president of the Loyola Alumni Association and the Loyola Law Alumni Association, leaving an indelible mark as secretary, vice president, and president.

His invaluable contributions were duly recognized, earning him prestigious awards, including the St. Ives Award for outstanding service to Loyola Law School and the community, the J.O. Sentell Award for Leadership and Outstanding Service, and the President’s Award from the National Conference of Appellate Court Clerks.

### **Devotion to Faith and Community Service**

Beyond the courtroom, Frans exhibited a profound commitment to faith. Ordained as a permanent deacon in 1981, he served faithfully at St. Jane de Chantal Parish in Abita Springs until his retirement. His commitment to the Church extended to roles as an Archdiocese Spiritual Director and an instructor for the Diaconate Formation Program from 1983 to 2016. Appointed as an Associate Judge of the Archdiocese of New Orleans Metropolitan Tribunal by Pope John Paul II in 1992, he served until 2013.

His commitment to community and church was further evident in his involvement with the Knights of Columbus, American Legion, the Royal Order of the Hibernians, Deutsches Haus, and the Boy Scouts of America.

Post-retirement, Frans remained an active community member, sustaining his involvement in various organizations, including the Knights of Columbus and the Loyola Law Alumni. His commitment to service and leadership earned him accolades such as Alumnus of the Year from St. Joseph Seminary.

### **Family Man and Private Life**

Frans was more than just an accomplished professional; he was, most importantly, a devoted family man. Survived by his loving wife of 64 years, Delphine “Del” LeBourgeois, and their five children—Michael, Jeannine, Gregory, Richard, and Robert—he left behind a familial legacy that extended to 12 grandchildren and 7 great-grandchildren. In his leisure time, Frans spent moments chasing children around the woods as both a father and a Scout Leader. He also found joy in playing golf, traveling, photography, and classical music.

As we reflect on the life and contributions of Frans, we recognize not only a distinguished individual, but a tapestry of experiences woven together by service, leadership, and an unwavering commitment to family, faith, and community. May his legacy inspire future generations to emulate the values he held dear, ensuring that the impact of his extraordinary life resonates through time.

