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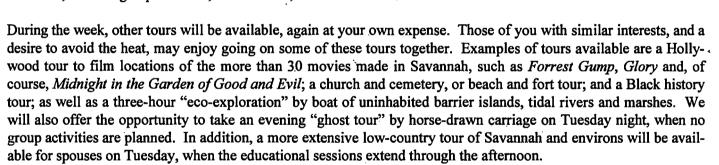
Volume 28 Issue 3 April, 2000

#### **COME TO SAVANNAH!**

by Sherie Welch (GA)

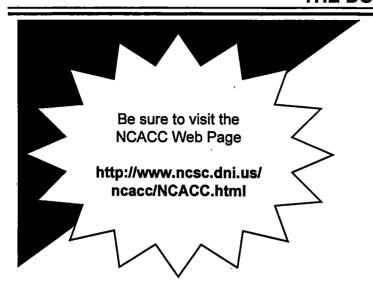
hope you plan to come to Savannah for the 2000 annual conference, August 5 through 11. Our sponsors' generosity provides us with an opportunity to experience the rich cultural heritage of the Georgia's southern coast, known as the "low country." Come join us!

Since the educational program begins on Sunday afternoon at 1:30, most of you will be likely to arrive on Saturday, August 6. Although check-in time on Saturday is 4:00 p.m., the hospitality suite will be open all afternoon. There you can visit with other conferees, and make dinner plans after you settle into your room, or while you wait until your rooms are ready. You may also wish to sit by the roof-top pool and work on your tan, or at your own expense, join others in our group for a 90-minute overview tour of the historic area in an air-conditioned bus at either 3:00 or 4:00 p.m. Be sure to stop by the registration desk in the Lobby to pick up your materials, packed in a bag provided by ExhibitOne, and to sign up for tours, tournaments, and other activities.



Sunday's program will kick off at 1:30 with a welcome, the opening educational session and the first part of the annual business meeting. Immediately after the meeting, a new sponsor, realLegal.com, formerly Pubnetics, is sponsoring the <u>Welcome Reception</u>, which will be held in the Harborview Room at the top of the hotel. This will provide a panoramic view of the historic area and give you a chance to meet and greet new and old friends. After dinner on your own, we will reconvene at 9:00 p.m. in the Center Ballroom on the first floor for Frans LaBranche's <u>Morgan Thomas Slide Show</u>, featuring last year's conference in Portsmouth, New Hampshire. The hospitality suite will be open after that.

Monday night, we will go a short distance from the hotel to the river for a <u>Celebration at Old Fort Jackson</u> sponsored by **West Group**. There we will be carried back in time to the years of the confederacy with costumed greeters and music, while we enjoy an oyster roast and a low country boil, featuring shrimp, sausage, chicken and spare ribs that melt in your mouth.



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# The Bocket News of the National Conference of Appellate Court Clerks

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Please submit items of professional or personal news to your regional reporter. Articles, letters and other submissions may be sent or faxed to the editorial office.

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HELP KEEP US

**INFORMED!!** 



#### PRESIDENT'S PAGE



By: Leslie Gradet (MD)

Since the beginning of the New Year, I have had the opportunity to represent the National Conference of Appellate Court Clerks at the Midyear Meeting of the Conference of Chief Justices (whose members are the chief justices of the state supreme courts) and at the Assembly of Court Associations. Both experiences were educational for me, and provided me with a golden opportunity to share ideas with judicial and non-judicial court employees, and to make them aware of our organization and our mission.

The midyear meeting of the Conference of Chief Justices was held in Austin, Texas at the beginning of February. A highlight of the conference was an allday educational program at the University of Texas School of Law. We had the opportunity to choose from panel discussions on class actions, current issues in criminal law, current issues in family law and interstate child support, current issues in bioethics, expert witnesses after Kumho Tire, federalism, and current issues in discovery reform. Panelists were faculty members and prominent attorneys in the community. I also attended a seminar on Leadership, Collegiality, and Personality: Exploring the Relationship. During the social events I spoke with the chief justices from many states about the varied roles of appellate court clerks and about the goals and accomplishments of the NCACC.

Last month, Ed Hosken (Chief Deputy Clerk for Administration, U.S. Court of Appeals for the Federal Circuit) and I attended the Assembly of Court Associations. There were 24 participants representing such groups as the International Women Judges Association, the Appellate Judges Conference of the ABA, the National Association for Court Management, the Association of Family and Conciliation Courts Family Mediation Program, the Conference of State Court Administrators, the American Association of Law Libraries, the National Judicial College, the American Judges Association, the National Association of Drug Court Professionals, the National Court Reporters Association, the National Governors Association, the National Association, the National Educators, the

American Association of Electronic Reporters and Transcribers, and the National Conference of Metropolitan Courts. The State Justice Institute was also represented, as was the National Center for State Courts, which sponsored the meeting.

The first Assembly of Court Associations was held in June, 1998. The objective of that meeting was to "explore the 'common ground' that can result in closer working relationships among national court associations in their mutual efforts to improve the administration of justice." During that meeting, six key opportunities for collaboration were identified: (1) dealing effectively with a multicultural society (the capacity of courts to respond to the changing society), (2) courts performing as an organization, (3) the gap between expectations and funding, (4) the changing roles of judges and courts, (5) public trust and confidence, and (6) threats to judicial independence.

This year, after attending discussion groups on issues (1), (4), and (5) above, the Assembly attendees chose to focus on issue (1) dealing effectively with a multicultural society, and issue (4) the changing roles of judges and courts. A listserv has been set up, and a task force on each of the two issues will be established. The NCACC will send a representative to one or both of the task forces. The Assembly will meet again in 2001.

As you know, the NCACC is also working with the National Center for State Courts in its project, *The Effective Use of Legal Staff in Appellate Courts*. The data we provided back in the fall are being processed by Carol Flango, director of the project. She was most grateful for our participation.

The NCACC also played a role in the State Justice Institute's acceptance of the National Center's concept paper to study expedited appeals for dependency cases. If the full proposal is accepted, I will be serving on the project's advisory committee as a representative of the NCACC.

(Continued on page 14)

(Come to Savannah! continued from page 1)

Tuesday you will be on your own to enjoy the many wonderful restaurants found in Savannah. You should Monday night, we will go a short distance from the hotel to the river for a <u>Celebration at Old Fort Jackson</u> sponsored by **West Group**. There we will be carried back in time to the years of the confederacy with costumed greeters and music, while we enjoy an oyster roast and a low country boil, featuring shrimp, sausage, chicken and spare ribs that melt in your mouth.

Tuesday you will be able to find shrimp any way you want them: fried, boiled, spiced, or grilled, plain and fancy. You may wish to reserve a table in advance if you wish to dine at the nationally acclaimed, Elizabeth's on 37th or at Times on the Bay, which is by reservation only. Savannah is popular year-round, so some advance planning will save you from disappointment. At 9:00, join the group back at the hotel for a romantic carriage ride "ghost tour." But, get to bed early, because we will be up with the sun on Wednesday morning for the fun run at 6:30, before it gets too hot.

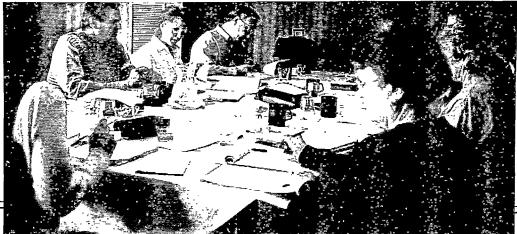
For those who would rather ramble than run or walk, Kenneth is planning a history walk as he wants to show you his favorite sites around the hotel. With everybody up and out so early, **BNA** is sponsoring a southern breakfast in the park behind the hotel at 7:00 a.m. We will have plenty of water and towels, along with grits and biscuits to restore your energy as you cool down in the park or the hotel atrium. Class won't start until 9:00 so you'll have a chance to shower beforehand, so don't forget your sneakers. Or your cleats, as golf will be at 1:00 on Wednesday afternoon. Joe Lane, Mike Yerly, Glenn Clarke and I will be on hand to defend our title from last year. (Couldn't resist!)

Wednesday evening, Lexis Publishing will sponsor a <u>sock hop</u>. I hired a band two years ago from Atlanta, that will play your old favorites, no matter what your vintage. Come casual, come dressed in your rolled-up jeans and a tee shirt, come in 50's or 60's or 70's attire, but come. Lexis Law Publishing is sponsoring a reception, followed by a Lexis/Nexis "diner" buffet, featuring hot dogs, hamburgers, grilled chicken and french fries, and a soda stand, where you can order cherry cokes, ice cream sodas, and a variety of sundaes. A pasta bar and caesar salad bar will round out the menu, but be ready to dance and be entertained by the Voltage Brothers from 7 to 11. It should be fun for all ages.

Thursday afternoon features Captain Emille Cox's tennis mixed-doubles championship, so be sure to throw your racquet into your bag, as well. The annual banquet, preceded by a reception, will end our social program and put new officers in place for next year's meeting at Newport Beach, California.

I hope I have mentioned something that peaks your interest and that we will soon be together in Savannah at the 2000 annual meeting. Kenneth will be mailing registration materials shortly. You can help a lot by sending in your form and money as soon as possible to help us finalize our plans. We are counting on you to make this year's meeting a success.

The Executive Committee works very hard, serving the membership



# REPORT-OF THE BYLAWS COMMITTEE

by Francis J. Drumm, Jr. (CT), Chairman.

The Bylaws Committee (Glen Clark, Robert Comeau, Emille Cox, Mary Ann Dix, Francis Drumm, Joyce Goldsmith, Jean Kennett and Jim Patterson) recommends the following:

- I. Proposal to change Article III (Membership)
- 1. Types of Members. ...
- 2. Eligibility Upon Retirement or Termination As Court Employee. A regular member of this Conference may continue as a member upon retirement or termination of his or her service with an appellate court, but shall not be eligible to hold office, OR SERVE AS A MEMBER OF A STANDING COMMITTEE, except that the immediate past president may continue to serve as a member of the Executive Committee as provided in Article VII, Section 2 (b), even though no longer serving with an appellate court.

Commentary: This change would limit retired, associate and sustaining members to service on select and special committees. There was consensus on the committee that service on standing committees should be limited because standing committees are heavily involved in the business of the Conference and depend, as does the Conference, on the constant infusion of new people. Members other than regular may serve on select and special committees that may from time to time be formed, where the seasoned experience of a retired or sustaining member may be invaluable.

- II. Proposal to change Article IV (Meeting and Voting)
- 1. Annual Business Meetings, [etc]. ...
- 2. Special Meetings. ...
- 3. Quorum of Meeting of Conference....
- 4. Voting. All matters coming before any meeting of the Conference shall be determined by a majority vote of the REGULAR members present and entitled to vote. Subject to Article III, Section 2, regular [and retired] members who are in good standing by virtue of the payment of dues pursuant to Article III, Section 4, shall be entitled to vote. RETIRED, [A]associate and sustaining members shall not be entitled to vote.
- (New)5. Rules of Order. The most current version of Robert's Rules of Order shall govern the conduct of all business meetings of the Conference except as provided otherwise in these Bylaws.

Commentary: Sec. 4: There was consensus on the committee that because the "matters" referred to in Art. IV, Sec. 4, will likely be of the utmost importance to the vitality of the conference, only regular members -- those with a strongest interest in the continuity of the organization -- should be entitled to vote.

Sec. 5: There was a reference in the Bylaws Committee guidelines to rules of order. The Committee thought it more appropriate to have a bylaw covering this important interest. The "current version" wording avoids the need for constant bylaw amendment, and to avoid formalizing all activity of the Conference and its committees, the provision is limited to the Conference business meetings.

(Report of the Bylaws Committee continued from page 5)

- III. Proposal to change Article VII (Committees)
- 1. Statement of Committees' Work. ...
- 2. Executive Committee. ...
  - (a) Powers and Duties. ...
- (b) Composition. The Executive Committee shall consist of the five officers, the immediate past President who shall serve for one year, and six REGULAR members of the Conference [("Conference members")] who shall each serve for two years. Three REGULAR [Conference] members [of the Conference] shall be elected in even-numbered years and three shall be elected in odd-numbered years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six REGULAR [Conference] members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six REGULAR [Conference] member positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.
- 3. Standing Committees.
  - (a) Duties. ...
  - (b) Creation and Termination. ...
- (c) Composition. Except as noted in (2), (4), (6), (10) and (12) of this subsection, standing committees shall consist of no more than nine REGULAR members, one of whom shall be designated by the President as the Chairperson. The membership of the Program Committee shall also include a Vice-chairperson appointed by the President [-Elect]. The term of the members, the Chairperson and, when applicable, the Vice-chairperson, of a standing committee shall be one year. The executive Committee, upon request of the President or the committee Chairperson, or upon its own initiative, may remove a member of a standing committee for good cause.
  - (1) Awards Committee. ...
  - (14) Technology Committee. ...
- 4. Select Committees. ...
  - (a) Creation and Termination. ...
  - (b) Composition. ...
    - (1) Past Presidents' Committee. ...
- (2) Public Relations Committee. The purpose of this committee is to gather news items promoting [conference] members and their accomplishments. ...

Commentary: Section 2(b) and 4(b)(2): These are housekeeping changes that delete the term "Conference member." The committee thought that the membership might confuse that term with a form of membership not defined in Art. III, Sec. 1.

Section 3(c): "Regular" was added before members in the first sentence. In the second sentence "-Elect" after the word "President" was deleted. The committee thought that the word unnecessarily limited the flexibility the President in making committee assignments.



New E-Mail Address for James Patterson james.patterson@oscn.net

# NATIONAL CONFERENCE ON PRO SE LITIGATION

Report from Noël K. Dessaint

Our president asked me to attend the National Conference on Pro Se Litigation held November 18 through 21, 1999, in Scottsdale, Arizona, as a representative of our Conference. The pro se conference was presented by the American Judicature Society with funding from the State Justice Institute, the Open Society Institute and the American Bar Association Standing Committee on Delivery of Legal Services was a co-sponsor. This was a major "kick-off" undertaking to encourage courts to provide programs and services to assist the unrepresented litigant. The conference materials and resources were extensive. The facility, presenters and participants were broad based and many. Overall, I would estimate that the conference had in attendance approximately 350 people, maybe more. State teams were invited to attend. The conference materials show that 49 state teams did, in fact, attend as did teams from Washington. D.C., Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and even Australia.

National representatives like myself represented several judicial and public interest organizations including AARP. Many thoughts were expressed that pro se litigants simply do not want to use attorneys or cannot afford to pay attorneys even if they wanted an attorney. For whatever reason, the number of self-represented litigants is dramatically increasing and the needs of all litigants need to be met. The overwhelming mood at this conference was that these needs should be met by the court system in some fashion.

The opening address was delivered by the Honorable Thomas A. Zlaket, Chief Justice of the Supreme Court of Arizona. The various panels, speakers and discussion meetings had a fervor about them in delivering the message that courts should and need to do something to assist pro se litigants. As one speaker observed, courts and court personnel need to overcome the sentiment that if they build a pro se service component, pro se litigants will, in fact, come. In reality, they are coming anyway. The predominant impression I received was that the so-called client or customer base was changing and that the courts had to also change to be more service and "customer" oriented.

The issues, topics and interests were extensive and well represented, including the following:

How to develop a customer-service attitude in the courts

Using technology to assist self-represented litigants

Challenges confronting court staff

Challenges confronting judges

Maintaining and funding pro se assistance programs

The role of the Bar in assisting self-represented litigants

Serving self-represented litigants in rural areas

Concerns about unauthorized practice of law

(Continued on page 9)

# Highlights of the Fall Executive Committee Meeting

Submitted by Carol Gilliam Green (KS), NCACC Secretary

The Executive Committee met on Saturday, November 6, 1999, in Newport Beach, California, site of the 2001 NCACC Annual Meeting.

- The Bylaws Committee is reviewing Committee Guidelines.
- The fund balance on August 31, 1999, was \$103,516.82 with an anticipated approximate return of \$4,000 to the treasury from the Portsmouth Annual Meeting.
- The Long Range Planning Committee has considered two issues at the request of President Gradet, the no-host conference and regional meetings. The no-host conference is not recommended, and budget considerations mitigate against regional meetings. The Executive Committee asked the Long Range Planning Committee to review guidelines with the objective of providing more guidance and additional committee assistance to the host clerk.
- The Membership Committee reports three new members: William L. Martin (GA), Karen Greer McGee (LA), and Lena M. Wong (MA).
- The Past Presidents' Committee's charge from President Gradet is to develop for publication in The Docket articles on the history of the NCACC.
- The Program Committee's focus for the 2000 Annual Meeting is on access issues. A sum of five thousand dollars was authorized for speaker fees in Savannah (exclusive of audio visual and travel expenses). The vendor show will be continued and expanded.
- The Site Selection Committee has initial proposals from Kansas City, Missouri, and sites in North Carolina for the 2003 meeting.
- The NCACC continues to interact with other organizations. Penny Miller as Program Chair

attended the National Symposium on the Future of Judicial Branch Education and the National Association of State Judicial Educators' Annual Meeting and Conference. President Gradet will attend the William H. Rehnquist Award Ceremony. Noël Dessaint will attend an AJS-sponsored Pro Se Conference and Mike Yerly the COSCA Mid-year Meeting.

#### **BRAIN TEASER**

Unfortunately, it appears that the questions last time were just too difficult. We received only one response. Fortunately, that one response contained the correct answers. Unfortunately, there must be at least two entrants to award the Super Grand Prize, which was a BMW 3 series crystal blue convertible. Fortunately, there are new Brain Teasers and you get another chance at the Grand Prize. Unfortunately it won't be the BMW 3 series crystal blue convertible. Fortunately, it will be something.

Congratulations to Corrine Pochop (CA) who submitted the earliest winning entry to the Brain Teaser that appeared in January's issue of THE DOCKET! Here are the two teasers and Corrine's answer:

1. I met my friend the test pilot, who has just received a lot of publicity for a record round-the-world flight by balloon. With the pilot was a little girl of about two. "What is her name?" I asked my friend, whom I had not seen in five or six years and who had married in that time. "Same as her mother." "Hello Susan," I said. How did I know if I had never seen the wedding announcement?

("Obviously your friend is female, she is the mother, and her name is Susan")

2. Why are 1980 pennies worth more than 1979 pennies?

(1,980 is the number of pennies you have. There is one less penny in 1,979 pennies.

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(National Conference on Pro Se Litigation continued from page 7)

Several specific programs were featured and showcased during this conference which included the Maricopa Superior Court Self-Service Center in Phoenix, the Quickfile system developed by the Missouri State Court Administrator's office (Peggy McGraw was there), and the Ventura County Superior Court's Self-Help Legal Access Mobile Center which actually drove over from California.

In preparing for the conference, I read the report and guidebook for judges and court managers provided in advance by the American Judicature Society. I think it is of some interest that the 1993 Ethics Code of the National Conference of Appellate Court Clerks Canon 3, sub-section B, was quoted in the materials concerning permissible court staff assistance when working with an unrepresented litigant.

The pervasive final message was that even if a court could not develop and establish extensive selfhelp centers, they should get started by doing something, e. g., creating and making available basic forms and instructions, preparation of brochures and pamphlets explaining how particular cases are processed, utilization of Internet technology and web pages, creating and producing educational video tapes, and providing staff members for informational assistance.

It was an unexpected pleasure and additional treat to talk with Penny Miller who had been chosen to lead the North Dakota team at this pro se conference.

#### **CONGRATULATIONS DEENA!**

By Anonymous Author

You remember Deena Fawcett with the balloon helmet at Night Court last August? Well, the embarrassment of that moment has caused Deena to change her last name.

Actually, on February 12th Deena married Timothy Trujillo and she is now Deena Trujillo. Tim has devised a unique way not to forget his anniversary. His birthday is also on February 12th. Good thinking, Tim! Those wishing to congratulate Deena can reach her at deena.trujillo@jud.ca.gov.

We wish Deena and Timothy the best and a happy life together.



#### **CONGRATULATIONS CORNELIA!**

Cornelia Clark has been appointed the new Clerk of the Wisconsin Supreme Court. Way to go, Cornelia!



SCHOLARSHIP APPLICATION
DEADLINE HAS BEEN
EXTENDED TO JULY 15, 2000

SEND APPLICATIONS (see insert) TO:

Ms. Shelley Rockwell NCACC C/o National Center for State Courts 300 Newport Avenue Williamsburg, VA 23185 FAX: 757-259-1520

#### A THREE-LEGGED ANGEL

Christie Cameron,
Clerk of North Carolina Supreme Court has a lot to be thankful
for and most especially a three-legged
Golden Retriever named Copper:

"We went to a benefit on the 26th of February. We got in about midnight, and I took a bath. Evidently, when I turned on the bathroom light, there was a short in one of the two recessed receptacles in the shower. We had a vaulted ceiling above the shower, and that ceiling was within a cathedral ceiling in the Master Bath. Once the fire broke through the attic space about 2:00 a.m., the attic space above us became consumed with fire. Dallas and I slept peacefully and cluelessly. At 2:15, Copper our three legged Golden Retriever nudged me and woke me up. It looked like it was day in our room. There was no smoke because the fire was above us and on our outside wall and the screened porch outside our second floor bedroom."

"From the time Copper woke us up until the fire broke through the windows in our bedroom was less than 1 and 1/2 minutes. I woke John and David up and when we got outside, the fire collapsed into our room and John's. To say we are blessed is an understatement of huge proportions."

"The third floor of the house is no longer there. Most of the second floor is gone. The firemen, unbelievably, moved furniture on the first floor under a tarp and many pieces escaped water damaged and can be treated for smoke damage. Many of our pictures were saved. Dallas and I got out with the clothes we had on me a gown and Dallas a pair of pajamas. For once in my life I could honestly say "I have nothing to wear!"

"We moved into a small rental house only two blocks from our house. The house has been demolished and the builder has already gotten the roof back on and has the house studded out. The insurance company is amazed at his progress. He is hoping to have us back in the house before David goes to college at the end of the summer. At the rate he is going, we may make it."

"We are all doing very well, but extremely busy between forms for items lost, purchasing new essentials, moving into a rental house, and working with the building on the "old/new" house. Everyone is settling in just fine. We are very blessed."

"A piece of advice: Get a smoke alarm in your attic. The firemen said it is very unusual for escape with the type of fire we had. Generally, it will break through before you are even aware it is there - especially at night."

"I'm going to look good in my new "ole" clothes in Savannah. We're truly okay. Say your blessings for a whole series of angels that have been swarming around us including a three-legged dog."



# QUIZ! RIGHT HERE. DON'T LOOK ANY FARTHER. DON'T SPOIL YOU CHANCE – READ THIS NOW

The following short quiz consists of 4 questions and test whether you are truly a professional, and may be suitable for use by your court in choosing your successor.

How do you put a giraffe into a refrigerator?

How do you put an elephant into a refrigerator?

The Lion King is hosting an animal conference, all the animals attend except one. Which animal does not attend?

There is a river you must cross. But crocodiles inhabit it. How do you manage it?

Write down you answers and proceed immediately to Page 11 to score your answers.

# HIGHLIGHTS OF THE SPRING EXECUTIVE COMMITTEE MEETING

Submitted by Carol Gilliam Green (KS), NCACC Secretary

The Executive Committee met on Saturday, April 1, 2000, in Annapolis, Maryland.

- The Bylaws Committee presented proposed amendments with regard to status of members who are no longer serving on appellate courts which the Executive Committee did not endorse. Amendments with regard to Robert's Rules of Order were endorsed.
- The fund balance on December 31, 1999, was \$100,468.75 with a subsequent return to the treasury of \$6552.62 from the Portsmouth Annual Meeting.
- The Long Range Planning Committee suggested the members be polled on the need for separate planned events during the day for family members. The committee also stressed that there should not be competition to exceed the past host's plans. Other convention assistance suggestions will be studied further.
- The Membership Committee reports six new members: Denise Pacheco (TX), Stephanie Lavake (TX), James E. Pelzer (NY), Cheri Timpel (WI), Pamela J. Twiford (U.S. Court of Appeals, Federal Circuit), and Roseann B. MacKechnie (U.S. Court of Appeals, Second Circuit).
- 2000 Conference Co-Hosts Sherie Welch and Ken deBlanc suggested that the Morgan Thomas slide show be moved to 9:00 p.m. on Sunday to allow everyone time to enjoy the evening in Savannah's historic squares.
- The Executive Committee voted to issue a resolution honoring Charles D. Nelson and recognizing his contribution to the NCACC.
- The Nominating Committee announced the slate for 2000-2001: Vice President, Christie Cameron (NC); Secretary, Diana Wyatt (LA); and Executive Committee Members, Terence

Lord (MO), Ed Hosken (DC), and Deena Trujillo (CA).

- The Scholarship Committee reported receipt of one scholarship application to date. The application deadline has been extended to July 15.
- Frans LaBranche sought suggestions on permanent storage for the NCACC archives he has assembled which consists of written material and over 8,000 slides.

The Executive Committee meets next on Saturday, August 5, 2000, in Savannah, Georgia.

#### **BRAIN TEASER II**

- 1. To get to the Executive Committee Meeting, Mike and Joe each flew to Baltimore, MA. Mike left San Jose, CA at 11 p.m. on 3/31 and connected out of Atlanta. Joe left Los Angeles at 12:01 a.m. on 4/1 and connected out of Denver. Both arrived at the same time in Baltimore where they met. Which one was farther from San Francisco?
- 2. They then left the airport at 10 a.m. and took separate cars to Annapolis. Mike took route 2 and Joe took route 95. It took Mike 2 and 1/2 hrs. and it took Joe 150 minutes. Who arrived first?

Send your answers to clerkdpw@lasccoa.state.la.us To be eligible, you must submit your answers in time for publication in the next issue of *THE DOCKET*.

#### Test you answers to quiz on page 10

- 1. Open the door, put in the giraffe and close the door. (This question tests whether you tend to do simple things in an overly complicated way).
- 2. Open the refrigerator, take out the giraffe, put in the elephant and close the door. (This question tests your ability to think through the repercussions of your actions.)
- 3. The Elephant. The Elephant is in the refrigerator. (This tests your memory.)
- 4. You swim across. All the crocodiles are attending the Animal Meeting. (This tests whether you learn quickly form your mistakes.)

A worldwide survey found that 4 year olds were most likely to get the correct answer. So if nothing else, you now have proof to refute the claim that you have the mind of a four-year-old.

# Savannah Drogram Offers & Variety By Penny Miller (ND)

### Sunday, August 6

#### 1:45 - 3:45 p.m.

After new NCACC members and conference attendees have been welcomed; the roll call of the states completed; and the official Georgia welcome marking the beginning of the conference has been received, Joseph M. Quinones, President and Senior Associate for Diversity Development Services Group, will open the 2000 educational session with "The Effect of Bias on Decision Making Within the Judicial System". Mr. Quinones, who presented "Color of Fear" at the Oregon conference, will present information from recent studies on the effect of race, class and gender bias on decision making from point of contact (police) to parole. Methods of identifying and mitigating bias in decision making will be presented and seminar participants will have the opportunity to apply the information to their specific situations.

Mr. Quinones has over 28 years experience working in the field of cross-cultural communication with a focus on cultural competency and organizational development. He provides consultation and training in diversity centered organization development and cultural competency to federal, state, county and city government agencies and non-profit community bases organizations. Mr. Quinones has worked for the State of Oregon for 13 years in human resources management and staff development, and is currently the Director of Diversity Development for the Oregon Department of Human Resources.

#### 3:45 - 4:45 p.m.

The first portion of the NCACC Annual Business Meeting will be held immediately following Mr. Quinones' Sunday presentation.

## Monday, August 7

#### 8:30 a.m. - 12:45 p.m.

"Power, Privilege and Perception" will be presented by Mr. Quinones on Monday, August 7. This workshop will provide participants with an overview of the underlying precepts that inform our interactions with people from different cultural backgrounds than our own. Power refers to institutional and positional authority which is allocated to individuals as representatives of organizations. The role of power in maintaining institutionalized bigotry and the impact of this bigotry on organization development and services will be explored and discussed. The issue of Privilege brings into focus the level of personal privilege that accrues to individuals due to their ability, or inability, to meet the assimilation requirements of specific institutions and society in general. The Melting Pot (Assimilation) and Pluralism (Crazy Quilt) Models will be explored and contrasted to provide a context for analyzing the nature of privilege and prejudice in the United States. The discussion of Perception will offer participants the opportunity to take a personal inventory of the impact of their early learning about differences. Participants will be able to explore and analyze how this early learning effects their interactions with others who come from different backgrounds than their own.

#### 9:00 a.m. - 4:00 p.m.

The NCACC EXPO is returning for two full days on Monday, August 7, and Tuesday, August 8. Be prepared to visit the vendors, see demonstrations of "trendy" technology, and sign up for door prizes.

## Cuesday, August 8

8:00 a.m. - 4:00 p.m. NCACC EXPO continues.

#### 8:30 - 9:30 a.m.

Several of NCACC's own members will share with us Tuesday morning. The morning will begin with "Technology - What's Hot In Our Courts". Terence Lord, Missouri, who chairs the Technology Committee, will lead us through an update of the NCACC technology survey that was originally done in 1997, and provide insight into what are the "hot" technology trends in our courts. We will then hear a brief report on the Court Technology Conference, CTC6, from Joseph Lane and Mike Yerly, California; and Christie Cameron, California, will give us an update on the North Carolina e-filing project.

#### 9:45 - 11:45 a.m.

Pro Se Assistance - What, When, How and Why will be presented by a panel of NCACC members. These panelists will present their courts' pro se assistance plans, policies and/or philosophies. They will share with us the advantages, and any disadvantages, their plans might have; staff development and training issues; whether their pro se numbers have increased as a result of the assistance; and solicit audience participation. Many states have expressed interest in developing a plan to assist this ever increasing litigant population. This is your chance to start the process!

#### 1:15 - 3:30 p.m.

Tuesday afternoon will be the only full afternoon of educational sessions. Three breakout sessions will be offered twice, so participants will have to choose which two to attend. The Office of Government Relations of the National Center for State Courts will present "A National Affairs Briefing" which will alert and educate us on issues currently pending before Congress or the Executive Branch that will impact the courts. A second breakout will have the former Chief Justice of the Georgia Supreme Court, Harold G. Clarke, lead a discussion on "Professionalism and Court Personnel". Justice Clarke chaired the Georgia Chief Justice's Commission on Professionalism from 1990 to 1994; he is a member of the ABA Standing Commission on Professionalism and was an original co-chair of the Georgia Alternative Dispute Resolution Commission. The third breakout will present information regarding how Delaware is overcoming their "Security Insecurities". The Honorable William C. Carpenter, Jr., of the Superior Court of Delaware, co-chair of the Delaware Court Security Task Force, will take us through the development of a comprehensive security policy, evaluation of court security, and share the report of Delaware's Task Force.

## Uednesday, August 9

#### 8:30 a.m. - 12 noon

Anna Eidson, a dynamic training specialist will focus us in on "Dealing With Difficult Court Customers". The term "customer" includes attorneys, pro se litigants, co-workers, other court staff, and even judges. Via the NCACC list-serv, members were asked to provide examples of difficult customers and situations we encounter in order to help Ms. Eidson plan a presentation that will be on-target and useful to all of us.

Ms. Eidson is an independent training consultant and motivational speaker specializing in customer service programs for employees facing a hostile or demanding customer base. Over the past decade, she has designed and conducted hundreds of workshops nationwide for state and federal government agencies, corporate clients undergoing change from top-down to team-based management, and dozens of state and municipal courts. For the past five years, Ms. Eidson has worked exclusively with courts and court associations across the country.

## Thursday, August 10

#### 8:30 a.m. - 12 noon

Our final educational session will continue last year's discussion on "Ethical Decision-Making: Beyond the Code of Professional Conduct", with Charles B. Doleac. Mr. Doleac will continue his thought provoking discussion from New Hampshire.

Mr. Doleac is a small town trial lawyer, practicing in Portsmouth, New Hampshire. He is a past recipient of a National Endowment of the Humanities Professions Fellowship to study the role of rule of law and the legal profession; moderated Aspen Institute seminars on both leadership and ethics and East/West comparative cultures; is certified by the Josephson Institute's applied ethics program, and has developed and moderated applied ethics programs for lawyers, court-appointed mediators, and law enforcement professionals in the United States and Canada.

#### 12 noon

The continuation of the NCACC Annual Business Meeting will be held following Mr. Doleac's presentation.

## Friday, August 11

#### 8:00 - 11:00 a.m.

The Critique Breakfast is your chance to give positive and negative feedback regarding the educational program. It is also your opportunity to provide topic and speaker ideas.

\*\*\*\*\*\*

Program Committee members: Penny Miller, Chair, North Dakota; Deena Trujillo, Vice Chair, California; Ashley Ahearn, Massachusetts; Colette Bruggman, North Dakota; Tom Granahan, Washington, D.C.; Ed Hosken, Washington, D.C., and Jon Wheeler, Florida, invite all of you to join us for an exciting week in Savannah!

(President's Page continued from page 3)

Although outreach to other court organizations is important to the NCACC, we never lose sight of our primary goal—to improve the skills and knowledge of our own members through our annual conference. Our Savannah 2000 Conference is going to be an exciting opportunity to gather, exchange ideas, and bring back to our courts what we have learned. Sherie Welch (GA) and Ken deBlanc (LA), our able co-hosts, have planned wonderful social activities for us that will enable us to enjoy the sights and flavors of Savannah while we are enjoying each other's company. And Penny Miller (ND) and her hard-working Program Committee have put together an engaging and illuminating educational program for us.

As my year as President continues, my admiration for all members of the Executive Committee and Standing Committee grows. All of us in the NCACC are busy professionals, and the committee members go above and beyond to provide hours of hard work and dedication to make the organization work for us all.

# EXECUTIVE COMMITTEE DOES NOT ENDORSE

#### PROPOSED BYLAWS AMENDMENT

by Leslie Gradet (MD)

At its spring meeting, the Executive Committee disagreed unanimously with the recommendation of the Bylaws Committee to limit the role of retired and other members who are no longer working as appellate court clerks as members of the Executive Committee or standing committees of the Conference. The Executive Committee believes strongly that these members are a significant resource to the Conference and that, to the extent that they are willing to serve, we should take advantage of their experience and institutional memory. The President appoints committee members, and if the President feels that retired members should not serve on standing committees, he or she won't appoint retired or other non-court employed members. And if those members themselves feel that retired or non-court employed members should not serve on standing committees, they can decline to so serve.

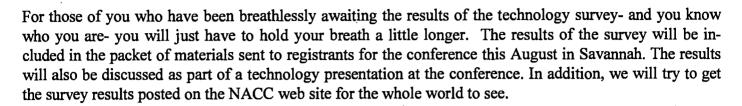
The Executive Committee did believe that, because of the strong stand taken by the Bylaws committee and (Continued on page 20)



Missouri-- www.osca.state.mo.us

# FROM THE TECHNOLOGY COMMITTEE

by Terry Lord (MO)



In the meantime, those of us on the NCACC listserve know what a valuable communication and information-gathering tool the listserve is. Presented in this issue are two compilations of listserve questions and responses. The first one: appellate court websites-- was done by me, and the second: court practices concerning recording of oral arguments-- was compiled by Joe Lane and is on pages 18 and 19.

#### APPELLATE COURT WEB SITES

Alaska-- www.alaska.net/~akctlib/homepage.htm Nebraska-- http://court.nol.org Arkansas-- http://courts.ar.us New Mexico-- www.nmcourts.com Cal3rd Appellate District-New York Court of Appeals-- www.courts.state.nv.us/ www.courtinfo.ca.gov/courts/courtsofappeal/3rdDistrict ctapps Cal5thAppellateDistrict-- www.courtinfo.ca.gov/courts/ North Carolina--www.aoc.state.nc.us courtsofappeal/5thDistrict North Dakota-- www.court.state.nd.us Cal6thAppellate District-www.courtinfo.ca.gov/courts/courtsofappeal/6thDistrict Ohio-- www.sconet.state.oh.us Delaware-- http://courts.state.de.us/supreme Oklahoma Supreme Court-- www.oscn.net Georgia-- www.state.ga.us/courts/supreme Oklahoma Court of Appeals-- www.occa.state.ok.us Iowa-- www.judicial.state.ia.us Pennsylvania-- www.aopc.org./index.htm Tennessee-- www.tsc.state.tn.us Kansas-- www.kscourts.org Louisiana Supreme Court-- www.lasc.org Virginia-- www.courts.state.va.us Louisiana Court of Appeals, 2nd Circuit-- www.lacoa2. Washington-- http://www.wa.gov/courts/opinpage/ home.htm org Maryland-- www.courts.state.md.us Wisconsin-- www.courts.state.wi.us Massachusetts-- www.magnet.state.ma.us/courts Wyoming-- http://courts.state.wy.us United States Court of Appeals for the Armed Forces--Minnesota-- www.courts.state.mn.us www.armfor.uscourts.gov

#### **COURT OF APPEAL DEFIES LABOR LAWS**

--A malnourished and mistreated Judicial Fellow writes about his time in the Court of Appeal.

By Mohammed Wardak

I came to the California Second District Court of Appeal last September, ready to overhaul the judicial system. I had graduated from college two weeks before and figured my degrees, along with the information I absorbed from politicians and the media, made me an expert in court administration. By the way, my degrees were in Neuroscience and Abnormal Psychology.

I have always been interested in the administration of justice so during my senior year I applied and was accepted into the Judicial Administration Fellowship (JAF). JAF was created in 1997, in a joint effort by the Judicial Council and the Center for California Studies to train and educate future leaders for the courts. Each year five individuals are picked from a national pool of applicants and for 11 months, are placed in various trial courts and (judicial) administrative offices throughout California. Within each placement, the Fellows work full-time under the guidance of a mentor and attend monthly academic seminars at the California State University, Sacramento. The program provides a "win-WIN" situation as both the Fellows and the placements benefit. Fellows receive valuable training, 12 graduate units and a small monthly stipend from the Center for California Studies while the placements receive 11 months of free, high quality work (slave labor).

Always on the lookout for free labor, the Clerk of the California Second District Court of Appeal, Joseph Lane (or as he likes to be addressed, "El Supremo"), inquired about the program as soon as he was made aware of its existence. He was shocked to find that despite program literature stating "Field assignments will include appellate and trial courts...", for the first two years of its existence, the Judicial Administration Fellowship did not have any Fellows placed in an appellate court or in any judicial office in Southern California. Being in an appellate court in Southern California, Mr. Lane felt that his rights to free labor were being violated and so he applied to have a Fellow placed in his office, thereby setting off the chain of events which eventually brought me to his office. My four colleagues were placed in the Sacramento and Alameda Superior Courts, Information Systems Bureau of the Administrative Office of the Courts and the Judicial Council Office of Governmental Affairs.

Within a week of my placement, all my preexisting notions of the judicial system were wiped clear. My mentor, Mr. Lane, had me analyze data for the court regarding such topics as time, demographics, budget and personnel over the past decade. This work is now part of court records, which is then updated anytime we receive new or revised data. This process of data analysis followed by detailed discussions and explanations by my mentor, proved invaluable in educating me about the administration of appellate courts. Analysis and practice, however, are two different things. Therefore, when the court began the process of installing an entirely new phone system, my mentor saw it as a perfect training exercise and assigned me a major role in the project. Satisfied with my work on the complex phone project, my mentor soon appointed me as his Chief Coffee Production Engineer and Director of Dry Cleaning Transport, assuring me that such roles "build character." During the past few months, I have developed quite an impressive "character".

Having studied the court's past and worked on its current projects, it seems logical that I would also be involved in planning for the future. As such, I have spent a great deal of time researching the incorporation of

(Continued on page 17)

(Court of Appeals Defies Labor Laws continued from page 16)

electronic filing within the Court of Appeal. I am also helping develop an easy to use, people-friendly structure for the court's website. "People friendly" seems to be the court's motto. Indeed, one of the greatest surprises I have encountered regarding the judicial system is its perception of the people who use the courts as "customers." Hence, there is a great focus on customer service and the administration of a legal process that is as pleasant as possible.

Although I'm kept busy with projects in the Clerk's Office, I have also had opportunities to explore other areas of the court. For example, I enjoy observing oral argument and do so frequently. I've also spent time exploring the Los Angeles Superior and (former) Municipal courts. In addition, the California Supreme Court holds session in Los Angeles four times each year. A few months ago, I picked a case from the Supreme Court's Los Angeles calendar and researched its history. tracked the case from its origin through the appellate process and when the Supreme Court heard oral arguments, I was present to observe. I have read a great deal of literature regarding the steps involved in the judicial process, yet nothing proved as educational as actively researching a case through the process and observing its conclusion.

In the short time since starting the Fellowship, I have learned a great deal about both the legal and administrative sides of the courts. My relative inexperience with the Judicial system has naturally resulted in a few mistakes, evident by the growing dent in the wall of my mentor's office as he has a habit of banging his head when frustrated. However, my role as a student is fostered and I feel comfortable in asking questions, taking chances and making mistakes.

My term as a Fellow will end this August when I will sadly leave the Court of Appeal. Judging from the progress of my colleagues in the Judicial Administration Fellowship and myself, I believe the program will be successful in developing individuals prepared to lead the Judicial system into the future. When I first enrolled in college, I never thought I would work in the courts however, ironically, given the various personalities I work with on a daily basis in Los Angeles, my courses in Abnormal Psychology are actually paying off.

#### **WELCOME NEW MEMBERS!!**

By Sandra Skinner (CA)

#### William L. Martin, III

Court of Appeals, Atlanta, GA

#### Karen Greer McGee

Second Circuit Court of Appeal, Shreveport, LA

Lena M. Wong, First Assistant Clerk Supreme Judicial Court, Boston, MA

Denise Pacheco, Clerk
8th District Court of Appeals, El Paso, TX

#### Stephanie Lavake

2nd District Court of Appeals, Fort Worth, TX

James Edward Pelzer, Clerk

Second Judicial Dept. Appellate Div., Brooklyn, NY

#### Cheri Timpel

Court System Personnel Office, Madison, WI

Pamela J. Twiford, Chief Deputy Clerk for Operations, U.S. Court of Appeals, Federal Cir., Washington, D.C.

Roseann B. MacKechnie, Clerk

U.S. Court of Appeals, Second Cir., New York, NY

Check out the NCACC Web
Page

http://www.ncsc.dni.us/
ncacc/NCACC.html

# ORAL ARGUMENT RECORDING QUESTIONNAIRE

	STATE	Record Oral Argument?	Allow Public to Listen to Tape?	Allow Public To Have Copies?	How Much Do you Charge?
1	ALASKA	YES	YES	YES	\$10.00
2	ARIZONA SUPREME COURT	YES	YES	YES	FREE
3	ARKANSAS	YES	YES	YES	FREE
4	CALIFORNIA 1 <sup>ST</sup> DISTRICT	YES	NO	NO	N/A
5	CALIFORNIA 3RD DISTRICT	YES	YES	YES	\$5.00
6	CALIFORNIA 5TH DISTRICT	YES	YES	YES	FREE
7	CONNECTICUT	YES	NO	NO	N/A
8	DELAWARE SUPREME COURT	YES	YES	YES	?
9	GEORGIA SUPREME COURT	YES	YES	YES	FREE
10	KANSAS SUPREME COURT	YES	NO	NO	N/A
11	LOUISIANA 2 <sup>ND</sup> CIRCUIT	YES	NO	NO	N/A
12	LOUISIANA 3 <sup>RD</sup> CIRCUIT	YES	NO	NO	N/A
13	LOUISIANA 5TH CIRCUIT	NO	N/A	N/A	N/A
14	LOUISIANA SUPREME COURT	YES	NO	NO	N/A
15	MASSACHUSETTS	YES	YES	YES	\$5.00
16	MARYLAND	YES	NO	NO	N/A
17	MISSOURI SOUTHERN DISTRICT	YES	NO	YES	\$25.00
18	NEBRASKA	YES	NO	NO	N/A
19	NEW MEXICO SUPREME COURT	YES	YES	YES	\$1.00
20	NEW YORK 2 <sup>ND</sup> DEPARTMENT	YES	NO	NO	N/A
21	NEW YORK	YES	YES	NO	N/A
22	NORTH CAROLINA	YES	YES	YES	FREE
23	NORTH DAKOTA	YES	YES	NO	N/A
24	OHIO SUPREME COURT	YES	YES	YES	FREE
25	OKLAHOMA CIVIL APPEALS	NO .	N/A	N/A	N/A
26	OKLAHOMA CRIMINAL APPEALS	YES	NO	NO	N/A
27	PENNSYLVANIA	NO	N/A	N/A	N/A
28	TENNESSEE	YES	YES	YES	\$10.00
29	WASHINGTON SUPREME COURT	YES	YES	YES	\$10.00
30	WISCONSIN SUPREME COURT	YES	YES	YES	\$5.00
31	WYOMING SUPREME COURT	YES	YES	YES	FREE

#### NOTES FOR SURVEY

- 1. All oral arguments before the Alaska Supreme Court and Court of Appeals are audio taped. In the past few months, the court has worked out a deal with a public TV station in Juneau to tape all Supreme Court oral arguments for broadcast on the statewide "Gavel to Gavel" system. The broadcasts usually occur in the week following the argument. Videotapes are available for \$40 per hour. More info about the program can be found at www.ktoo.org/gavel/tapes.htm
- 2. Blank tape must be provided for duplication.
- 3. Blank tape must be provided for duplication.
- 4. Only counsel is allowed to listen to the tapes in-house.
- 5. Tapes are kept about one year after the court's decision.
- 6. The audio recordings are made for internal use only, however the public can submit written requests for copies. The court considers the requests on a case-by-case basis.
- 7. Transcripts of the oral arguments may be purchased from the court monitor for a per-page fee.
- 8. Members of the public would have a court reporter prepare the recording and then pay for two copies. The court would get the original.
- 9. Oral Arguments are not considered official record, just a convenience to the courts. Members who want copies of tapes need to provide recorders and blank tapes.
- 10. The Court of Appeals does not record arguments.
- 11. Arguments are recorded for internal use only.
- 12. Oral Argument recordings are for the court's use only.
- 13. Oral Arguments are not video or audio taped.
- 14. On occasion, the court will allow the argument to be video taped and aired on a public broadcasting station or on the news.
- 15. Tapes are kept for about a year after opinion is final.
- 16. The Court of Appeals makes an audio recording of all arguments and keeps the tapes for five years. Copies are made available to attorneys/pro ses upon request with only a postage charge. The Court of Special Appeals audiotapes only the arguments that the judges request. When the judge is finished with the tape, the tape is returned to the court and normally is not available to attorney's/pro ses. Transcripts are not provided as well.
- 17. Copies of audio tapes are available to attorneys for a \$25 fee.
- 18. Both the Supreme Court and the Court of Appeals make audio tapes of oral arguments. The practice of providing free copies was discontinued because of time constraints. Currently, the tapes are available for court members and staff only.
- 19. The Supreme Court records all hearings. The Clerk's office transcribes tapes when requested by the court.
- 20. Arguments are video taped mostly for the convenience of staff attorneys who are housed in an office building several blocks from the courthouse.
- 21. All arguments are videotaped and can be viewed for free by the public at the Government Law Center at Albany Law School.
- 22. Blank tape must be provided for duplication.
- 23. The public can come to the court, listen to the tapes, take notes from them or hire someone to transcribe them. However, the public is not allowed to make copies.
- 24. Members of the public must submit a written request and a blank tape for duplication.
- 25. The Supreme Court and Court of Appeals do not record arguments.
- 26. The Court of Criminal Appeals does record arguments but these are not available to the public.
- 27. Oral arguments are not recorded in any way.
- 28. The Supreme Court and the Court of Appeals tape oral arguments.
- 29. The fee for copies (\$10) plus sales tax and postage comes out to a total of \$11.73 per 60 minute cassette. Also, since the Spring of 1995, oral arguments have been aired on local public television. Video copies of oral arguments can be purchased from the station starting at \$45 (depending on length of video)
- 30. Cassette copies of oral arguments are available for \$5 but anyone with the appropriate equipment can access an audio copy of the arguments at the court's web page usually within 24 hours of the actual argument.
- 31. The public can listen to audiotapes of oral arguments but only in-house. The tapes may not be purchased or checked out.

#### Facts, Fiction, & Foolishness By Les Steen (AR)

Last summer we took great delight in hearing quotes taken from federal employee performance evaluations. We have discovered some more of these gems to share with our members, but we are going to throw a curve ball.

\*\*\*\*\*\*\*\*\*\*\*\*

- "His men would follow him anywhere, but only out of morbid curiosity."
- "He would be out of his depth in a parking lot puddle."
- "This young lady has delusions of adequacy."
- "This employee should go far. The sooner he starts, the better."
- "Got a full six-pack but lacks the plastic thing that holds it all together."
- "A gross ignoramus 144 times worse than an ordinary ignoramus."
- "He doesn't have ulcers, but he's a carrier."
- "He's been working with glue too much."
- "He brings a lot of joy whenever he leaves a room."
- "When his IQ reaches 50, he should sell."
- "A photographic memory with the lens cap glued on."
- "Gates are down, the lights are flashing, but the train isn't coming."
- "If he were any more stupid, he would have to be watered twice a week."
- "The wheel is turning, but the hamster is dead."
- "If you stand close enough to him, you can hear the ocean."

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Did we mention curve ball? As we snicker and consider applying some of these jewels to our own employee evaluations, perhaps we should sit back and consider what our targets are thinking.

- "The next time I waive, I'll use all my fingers."
- "This isn't an office. It's Hell with fluorescent lighting."
- "I pretend to work. You pretend to pay me."
- "I started out with nothing, and I have most of it left.".
- "Sarcasm is one more service we offer."
- "Does your train have a caboose?"
- "Errors have been made. Others will be blamed."
- "Well, this day was a total waste of makeup."
- "A cubicle is just a padded cell without a door."
- "Can I trade this job for what's behind door number one?"
- "I thought I wanted a career. Turns out I just wanted paychecks."
- "Chaos, panic, & disorder. My job here is done."

We just didn't want the rest of you to become too complacent while filling out your employee evaluations. Remember, there are two sides to a story - our side and the wrong side.

(Executive Committee Does Not Endorse... continued from page 14)

because of the importance of this issue, the amendment should be brought before the general membership for discussion and a vote at the upcoming annual business meeting in Savannah.