The Docket
News of the National Conference of Appellate Court Clerks

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NATIONAL CONFERENCE OF APPELLATE COURT CLERKS – NOMINATION FORM

1. For the Office of Vice President: (1 year term) (Office presently held by David Beach)
Nominee: Qualifications:

2. For the Office of Secretary: (2 year term) (Office presently held by Nancy Foley)
Nominee: Qualifications:

3. For Member of the Executive Committee: (2 year term) (Office presently held by William S. Fulton, Jr.)
Nominee: Qualifications:

4. For Member of the Executive Committee: (2 year term) (Office presently held by Cornelia Clark)
Nominee: Qualifications:

5. For Member of the Executive Committee: (2 year term) (Office presently held by Ed Smith)
Nominee: Qualifications:

Name: (Optional)

Date:

Send by February 15, 1994, to: Michael Yerly, Clerk
Sixth District Court of Appeal
333 West Santa Clara St., Suite 1060
San Jose, CA 95113

The President's Page
Ron Barrow

The Executive committee met in November in San Antonio, Texas, site of the NCACC conference for 1995. Herb Schaefer, Clerk of the Texas Fourth District Court of Appeals, was our host and did an outstanding job of making us all feel at home. San Antonio is a beautiful city and the hotel chosen for 1995, the Hilton Palacio Del Rio, is perfect. The hotel is located on the famous riverwalk and comes complete with pool, restaurants, health club and many other exciting amenities. Located just down the street is the Alamo. Although it is a little different than the one John Wayne hung around, you'll have a great time touring the grounds and enjoying the history rich surroundings. Our thanks go to Herb for a great time and an opportunity to visit a terrific city.

The membership committee has completed the pocket-size membership directory, and each member should have received a copy by now. If you have not received yours, give Ella Williams of Michigan a call at (517) 373-0786. The directory is a real time-saver and our special thanks go to Ella and the members of the Membership Committee. The committee is now in the process of updating the Conference pictorial directory and information concerning that project should be sent to all members within the near future.

Joe Lane of California has put together a great educational program for our San Diego meeting in August. Several innovations have been incorporated this year, including holding the business meeting on Sunday afternoon between the close of registration and the Sunday reception. This change is expected to provide more participation, ensure adequate time for our educational programs and give newly elected officers and committee chairs an opportunity to meet and work together during the week.

Realizing that the role of the program chair each year is initially filled with learning the do's and don'ts of program preparation, the Executive Committee has approved a vice-chair position for the Program Committee. The vice-chair will succeed as chair, thereby bringing the experience gained the previous year while serving on the committee. This change should give the chair a jump on program preparation.

In the past, clerks volunteering to host the annual conference were somewhat compelled to seek additional financial support outside the funding provided by Conference. This often meant that host clerks were required to contact various organizations to solicit donations. We feel that host clerks should not feel pressured into seeking this type of support and that the Conference should be prepared to wholly support the annual conference. The Executive Committee has therefore voted in support of raising the annual membership fee for regular members to $75.00. The extra $25.00 over our present fee will (see President's Page, cont. on p. 3)

(see President's Page, cont. on p. 3)
FALL MEETING HELD IN SAN ANTONIO

The Executive Committee held its Fall meeting on November 13, 1993 in San Antonio, Texas. The meeting was held at the Hilton Palacio Del Rio, the site of our 1995 annual conference. Pictured above are President Ron Barrow and your Executive Committee hard at work. Executive Committee member and Program Chair, Joe Lane, is obviously explaining the "ins and outs" of surfing in San Diego to the attentive committee.

ANNUAL CONFERENCE FEE TO RISE

At the Executive Committee Meeting in San Antonio on November 13, 1993, the decision was made to raise the annual registration fee from $110.00 to $160.00. The reason behind the move was to help potential hosts from having to solicit contributions from outside sources. It was brought to the attention of the committee that many individuals feel awkward in seeking funds from vendors and groups who do business with their court, and many clerks believe that there exists the possibility of ethical impropriety with soliciting such funds. In conclusion, it was agreed to that by raising the registration fee, the host would be free from such obligations and would be able to cover the costs of hosting the annual meeting.

NCACC WILL "CHARGE" INTO SAN DIEGO FOR 21ST CONFERENCE

KOWABUNGA DUDES AND DUDETTES!
By Joseph Lane, California Court of Appeal (Los Angeles)

Winter report from your hard working Program Committee:

We have worked mighty hard to make this year's program the best yet and in doing so, we have paid extra attention to where the conference is going to be and have modeled the program to reflect the setting and local culture. So, wax down your surf boards, gas up the Woodie, get out the boogie boards and fins, and jammin' and thangin', cause we're going to Beach Blanket Bingo in San Diego!

To get things going and keep them hopping, we start registration on Saturday and on Sunday, we have a vendors show and the business meeting (get the serious stuff out of the way). We anticipate having vendors exhibiting the latest in Imaging (very apropos since California is so image conscious), fax machines, teleconference equipment and the new California appellate case management system. (Executive Committee wouldn't go for a swimsuit and jet ski demo.)

Monday we start off with information from some of our best friends, BNA, Mead Data and West Publishing, followed by the ever popular rap session,

(see "Kowabunga", cont. on p. 3)

AUGUST NIGHTS BY THE COOL SEA

By Steve Kelly, California Court of Appeal (San Diego)

The Sheraton Grand Hotel on Harbor Island is the site for our 1994 Conference in San Diego, California. Experts say President Ron Barrow could easily pull a rack from San Diego's Airport baggage claim area to the hospitality suite at the Sheraton Grand! The hotel is on the water next to San Diego's Airport with every room looking out, on one side, at San Diego Bay and the other side on a marina. Every room has a private balcony so we can all enjoy the warm August days and nights. The temperature can vary, but the usual is a warm 75-85 with very low humidity.

Don't be confused upon your arrival, for there are two Sheraton Hotels on Harbor Island. We will be at the Sheraton Grand, which is the second Sheraton after entering Harbor Island from the airport. The first, much larger hotel, has just closed for a $22,000,000 renovation. It is scheduled to reopen on May 1, 1994. We will be welcomed at both Sheratons and can use all the new facilities, which will include everything from swimming pools to free surf language courses so we understand Joseph Lane's exciting program. Cool! (pronounced Kewl)

(see "August Night", cont. on p. 3)
FACTS, FICTION AND FOOLISHNESS

By Leslie Sowa, Clerk, Supreme Court of Arkansas

The following "bill" was placed on my desk some time ago, and I hesitated submitting it for publication because I thought it might offend some of our members who are attorneys. I did not find it particularly offensive and I know Tommy Lowe and his posse will enjoy it.

So, here it is, the bottom of the barrel.

A BILL TO REGULATE THE HUNTING AND HARVESTING OF ATTORNEYS

372.01 Any person with a valid state rodent or pigeon hunting license may also hunt and harvest attorneys for recreational and sporting (non-commercial) purposes.

372.02 Because of their overpopulation and the damage they cause, attorneys may be hunted year-round, with no yearly total limits.

372.03 Taking of attorneys with traps or deadfalls is legal. The use of United States currency as bait is, however, prohibited.

372.04 The willful killing of attorneys with motor vehicles is prohibited, unless such vehicles are ambulances being driven in reverse. If an attorney is accidentally struck by a motor vehicle, the dead attorney should be moved to the roadside to prevent further damage to other vehicles. The motor vehicle that struck the attorney should immediately be taken to the nearest car wash and run through twice. The game wardens should be notified as to the location of the body, as vultures will not clean up the remains of their own kind.

372.05 It is unlawful to shout "whiplash", "Ambulance", or "Free Scotch" for the purpose of trapping attorneys.

372.06 It is unlawful to hunt attorneys within one hundred (100) yards of BMW, Porsche, or Mercedes dealerships, except on Wednesday afternoons.

372.07 It is unlawful to hunt attorneys within two hundred (200) yards of courtrooms, law libraries, health clubs or hospitals, due to the danger of accidental injury to the public at such locations.

372.08 If an attorney gains elective office, it is not necessary to have a license to hunt, trap, or possess same.

372.09 It is unlawful for a hunter to wear a disguise as a reporter, accident victim, physician, chiropractor, tax accountant, or insurance adjuster for the purpose of hunting attorneys.

372.10 Bag limits per day:

Yellow Belied Will Suckers – 4
Two-faced Tortfeasors – 2
Back-Stabbing Divorce Litigators – 9
Horn-rimmed Cut-throats – 1
Greasy-eyed Settlement Benders – 4
Shovel-mouthed Trust Managers – 3
Loud-mouthed Plea Bargainers – 8

372.11 Honest Attorneys, which may already be extinct, are protected as an endangered species.

SCHOLARSHIP ASSISTANCE GUIDELINES

A. Pursuant to Article VII, Section 5, of the Bylaws, the Scholarship Committee shall consist of three members appointed by the Executive Committee. In addition, the members shall serve for a term of one year. They may be reappointed. The President shall designate the Chairman.

B. Scholarships shall be awarded as a means of promoting attendance at annual meetings of the NCACC by members who would otherwise be unable to attend due to limitations in Court funding.

C. The Committee shall recommend to the Executive Committee the award up to $3,750 in scholarships annually. No individual scholarship may exceed $750. Of the total amount awarded to each recipient, no more than 8500 may be allocated to travel expenses and no more than $875 may be allocated for hotel accommodations (a maximum of $875/night for no more than five nights). Each award shall specify the amounts allocated by type.

D. Scholarship funds shall not be applied to defray the cost of membership in the NCACC.

E. The membership shall receive annual notice of the availability of scholarship funds. Interested members shall obtain application materials from the National Center for State Courts (NCSC) as Secretariat of the NCACC. Applications shall be filed with the NCSC, postmarked no later than April 1 of each year. The NCSC shall forward copies of all applications to the Scholarship Committee for its consideration.

F. Applicants shall be responsible for presenting the Scholarship Committee with reasonable estimates of the cost of travel. Reimbursement for air or rail transportation shall be based on "coach" or reduced fares. Travel by automobile shall be reimbursed for the direct distance between the applicant's home and the meeting site (round trip) at the per mile rate set by the federal government for business travel by government employees (currently $0.24 per mile).

G. The Scholarship Committee shall review all applications in the light of the criteria set forth in these Guidelines. Supplemental information may be required from applicants should the Committee deem it appropriate. The Scholarship Committee shall report its conclusions and recommendations in respect of all applications to the Executive Committee through the President by May 1st. Recommendations that are not unanimous shall be identified as such.

At its spring meeting, the Executive Committee shall designate, in its discretion and consistent with these Guidelines, those who are to be offered scholarships and the amounts to be received, allocated by type of assistance. The Executive Committee shall not be required to expend all budgeted funds or to award the maximum number of scholarships.

H. The Secretary shall, within two weeks of the meeting of the Executive Committee, notify each applicant in writing in respect of the action taken by the Executive Committee. Copies of the correspondence shall be forwarded to the President and the Treasurer.
I. Successful applicants shall be informed of the amount of their award and of the allocation of the funds by type. Further, the notice shall provide that the Treasurer will direct the applicant's reimbursement to the extent of the award after the conclusion of the annual meeting on receipt of satisfactory evidence of the payment of the covered expenses and the applicant's attendance at the educational portion of the annual meeting.

J. No applicant shall receive more than two scholarships in any four-year period.

K. Members of the Executive Committee and the Scholarship Committee shall not be eligible for a scholarship award.

L. SCHOLARSHIP ASSISTANCE - SELECTION CRITERIA

The actions of the Scholarship Committee and the Executive Committee, in respect of scholarships, full or partial, shall be based on an evaluation of the following criteria:

1. Membership in the NCACC in good standing. (Failure to meet this requirement shall result in the automatic rejection of the application.)

2. The amount of Court funding available for the applicant's attendance at the annual meeting. (Applicants who have no funding available shall have a preference over those who are eligible for partial or full funding.)

3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC. (This includes programs such as ICM seminars and meetings of other professional organizations. Applicants who have had no opportunity to participate in educational programs at court expense shall have a preference over those who have.)

4. The number of employees in the applicant's office who will attend the NCACC's annual meeting with court funding. (Applicants whose office receives no funding will have a preference over those who have one or more fellow workers attending the NCACC meeting at their Court's expense.)

5. The nature of the applicant's position. (To the extent practicable, scholarships shall be awarded to a mix of clerks, deputy clerks, and other eligible members of the NCACC.)

6. The location of the applicant's court. (To the extent possible, scholarships shall be awarded to individuals in a manner that reflects the geographical diversity of the organization.)

7. Whether the applicant has previously received a scholarship award. (Applicants who have never received assistance shall have a preference over those who have.)

8. Whether an employee of the applicant's court has previously received a scholarship award. (Applicants from courts who have never received a scholarship shall have a preference over those who have.)

ADOPTED: December 2, 1989
As amended November 13, 1993.

Lane and his wife Lana have three daughters: Lucy (8), Katie (12) and Julie (15). The family belongs to Frazer Memorial United Methodist Church and enjoys such activities as tennis, bike riding, long walks and trips to the beach.

GAIL GRUNDFITZ HANLEY, Deputy Clerk of the Supreme Court of New Jersey, is a "new" member of the NCACC. She was appointed Deputy Clerk on November 17, 1990, after serving two years as the senior staff attorney. Ms Haney joined the NCACC in 1992 but due to severe budgetary constraints—and an onerous boss—we all know how onerous Steve Townsend is—he has been unable to attend an annual meeting. She very much looks forward to rectifying that omission in the near future. Gail is married to attorney Robert G. Haney. They are the parents of Owen Sargent Haney, aged two.

TIDBITS...

Tennessee Supreme Court Clerk A.B. Neil and his wife, Laddie, are the proud grandparents of a baby girl born on October 29, 1993 to their son, John, and his wife. Her name is Sarah Ladd Neil. The "Ladd" name is in honor of grandmother, Laddie.

MELANIE KEETON was appointed Clerk of the Texas Court of Appeals, 5th District, in Dallas on September 22, 1993. Melanie has been with the 5th District since 1979.

FRANS LABRANCHE, Clerk of the Supreme Court of Louisiana, is recovering (its a slow recovery, according to Frans) from knee surgery performed on August 20, 1993. Frans says it does not appear that he will be kicking field goals in the NFL anytime soon. Too bad, the New Orleans Saints or, we mean, Saints could have used his help.

KEVIN SWANSON, Clerk of the California Court of Appeal, Fifth Appellate District, underwent open heart surgery on October 20, 1993, for the second time in 11 years. He was in surgery for 10 hours and had quadruple bypasses. We are happy to note that Kevin's surgery was so successful that he was released sooner than doctors anticipated and a month later he walked one and one-half miles. He now is walking between two to three miles each day and is back to work part time.

WHAT'S BUGGING ME - A FOLLOWUP...

Many of you at the August conference in Nashville attended the breakout sessions where each member of a group spent one minute explaining a problem and the group spent five minutes or so suggesting solutions to the problems. As a follow-up, we are interested in learning if anyone took the advice of colleagues and, if so, how the situation turned out. Please send any experiences you would like to share to the editor for publication in the next issue of The Docket.

BOOKS, TAPES, ETC... . . .

MARTY BROWNSTEIN, Clerk of the Supreme Court of New York, Appellate Division, Second Judicial Department, recommends The Bridges of Madison County as an excellent love story and the tape "Pure Imagination" by Michael Feinstein for the child in all of us.

FRANK DRUMM, Clerk of the Supreme Court of Connecticut, recommends Remains of the Day by Ishiguro, now made into a movie by the same name.

RON DARLINGTON, Prothonotary of the Commonwealth Court of Pennsylvania, suggests you pick up a copy of the two volume treatise, Pennsylvania Appellate Practice—2nd Edition, when it is released in late Spring of '94. This treatise will have the final word on appellate practice in Pennsylvania and is co-authored by, none other than, Ron Darlington!

CAROL JUSTIS, Appellate Court Records Manager and long-time member of NCACC, will retire on March 25, 1994. Carol, best wishes in your retirement from all your friends in the NCACC!
FOCUS ON . . .

KATHLEEN JO GIBSON succeeded Rose Marie Alderete as Chief Clerk of the New Mexico Supreme Court on September 14, 1992, making history as the first attorney and only the fifth person since New Mexico's statehood in 1912 to hold the position. In addition to serving as the Chief Clerk, Gibson serves as secretary on the three-member New Mexico Compilation Commission, the statutory entity charged with publication of all appellate court opinions, Supreme Court rules, and legislatively enacted laws. The other members of the Commission are the Chief Justice and the Attorney General.

Among her priorities as Chief Clerk are complete automation of the docketing system, official roll of attorneys, and other operations under Supreme Court jurisdiction. Gibson’s long-range goal is to implement a comprehensive automation system including electronic storage to provide quick and accurate information to attorneys and the general public.

Prior to her appointment as Chief Clerk, Gibson served as a judicial law clerk to four Supreme Court Justices from October 1986 to September 1992 and was a member of the Advisory Committee to the Compilation Commission from 1989 until her appointment. Other committee involvement includes service on the appellate time standards committee and the core planning committee for seminars coordinated by the New Mexico Office of Indian Affairs.

A native of Gary, Indiana, Gibson received her Bachelor’s degree in education from Indiana University, Master’s degree in education from Ball State University, and Juris Doctorate from Valparaiso University School of Law. Prior to attending law school, Gibson taught in public schools and was an administrator in a private school.

She and her husband, Michael Walz, a practicing Santa Fe attorney, enjoy backcountry camping and hiking, whitewater rafting, gardening, caring for their three dogs, and playing softball in the Santa Fe City League.

LANE W. MANN, Clerk of the Alabama Court of Criminal Appeals, recently experienced the pleasure of moving into a new judicial building in Montgomery, Alabama. This will be the first time that the Alabama Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, and the Administrative Office of Courts have been located in the same building. The Alabama Court of Criminal Appeals has a presiding judge and four associate judges who are elected for six-year terms.

Lane is an Alabama native who received his Bachelor’s degree from Auburn University and his Juris Doctorate from Jones Law Institute. From 1979 until his appointment as Clerk of the Court of Criminal Appeals in October, 1990, Lane served as Director of the Legal Division of the Administrative Office of Courts. In February, 1987, he was appointed Director of the Alabama Judicial System Study Commission, serving in a dual capacity until he assumed his duties as Clerk.

Prior to his employment with the court system, he was a United States Postal Inspector in Philadelphia, Pennsylvania, and later served in the Alabama Attorney General’s Office first as a special investigator and then as a Special Assistant Attorney General.

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SCHOLARSHIP APPLICATION INSTRUCTIONS

A. Postmark your completed application by April 1, 1994.

B. Send the application to:

Ms. Shelly Backwell
National Conference of Appellate Court Clerks
2120 National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

C. The following are the selection criteria for the award of scholarships as contained in guideline 1.1. of the Scholarship Committee:

1. Membership in the NCACC in good standing (a prerequisite for applying);

2. The amount of Court funding available for the applicant’s attendance at the annual meeting;

3. The amount of Court funding expended on other educational programs for the applicant since the last annual meeting of the NCACC;

4. The number of employees in the applicant’s office who will attend the NCACC’s annual meeting with court funding;

5. The nature of the applicant’s position;

6. The location of the applicant’s court;

7. Whether the applicant has previously received a scholarship award;

8. Whether any employee of the applicant’s court has previously received a scholarship award.
NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
APPLICATION FOR ANNUAL MEETING SCHOLARSHIP ASSISTANCE

(Not to Applicants: Please complete the entire application. Print or type all answers. Instructions and selection criteria immediately precede this application.)

FUNDING REQUESTED FOR ANNUAL MEETING TO BE HELD _______, 19__, AT ________________________________

NAME: ____________________________________________

TELEPHONE NUMBER: ( )-__________________________

POSITION HELD: ___________________________________

NCACC MEMBER IN GOOD STANDING? __YES ___ NO

NO. OTHER NCACC MEMBERS EMPLOYED BY YOUR COURT? __NO __ YES, PLANNING TO ATTEND ANNUAL MEETING:

FUNDING AVAILABLE FROM YOUR COURT FOR YOUR ATTENDANCE AT ANNUAL MEETING: __________________

(ESTIMATED TRAVEL $ ______, LODGING/FOOD $ ______, AND OTHER $ ______)

WILL YOUR COURT HAVE FUNDED THE ATTENDANCE OF NCACC MEMBERS FROM YOUR OFFICE TO OTHER EDUCATIONAL PROGRAMS DURING THE TWELVE MONTHS PRECEDING THE ANNUAL MEETING FOR WHICH SCHOLARSHIP ASSISTANCE IS Sought? __YES ___ NO, IF YES, PLEASE IDENTIFY THE PROGRAM(S) AND THE TOTAL AMOUNT OF FUNDING MADE AVAILABLE:

HAVE YOU OR ANY OTHER EMPLOYEE OF YOUR OFFICE EVER RECEIVED A SCHOLARSHIP FROM THE NCACC? __YES ___ NO, IF YES, PLEASE THE YEARS RECEIVED:

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PLEASE LIST THE AMOUNT OF SCHOLARSHIP ASSISTANCE Sought, UNDER "TRAVEL", YOU MUST LIST THE ESTIMATED COST OF "CAB/COACH" OR REDUCED FARE TIX FOR AIR OR RAIL, WHERE APPLICABLE. THOSE WHO SEEK AIRFARE EXPENSES WILL BE REMUNERATED ON A "PER MILE" BASIS. PLEASE LIST THE ROUND TRIP MILEAGE FROM YOUR HOME TO THE MEETING SITE. THE "PER MILE" RATE WILL BE SET BY THE EXECUTIVE COMMITTEE. LODGING EXPENSES MAY BE ALLOWED UP TO $75.00 FOR A MAXIMUM OF FIVE NIGHTS. PLEASE NOTE THAT NOT MORE THAN $750.00 MAY BE AWARDED ON ANY SINGLE SCHOLARSHIP; SCHOLARSHIP FUNDS ARE NOT AVAILABLE TO OFFSET COSTS OF MEMBERSHIP IN THIS NCACC.

TRAVEL: ________________________________________

AIRFARE $ __________

TAXI $ __________

AUTO $ __________

LODGING: ______ nights @ $ __________ per night = $ __________

YOU MAY USE THE FOLLOWING TO MAKE ANY STATEMENT OR COMMENTS YOU CARE TO IN SUPPORT OF YOUR APPLICATION. (Feel free to continue on a separate piece of paper if necessary.)

__________________________________________________

I HEREBY CERTIFY THAT THE FOREGOING ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; ACKNOWLEDGE AN OBLIGATION TO KEPT THE NCACC APROPRIATELY OF ANY CHANGES IN MY FUNDING STATUS THAT MIGHT AFFECT MY ELIGIBILITY FOR SCHOLARSHIP ASSISTANCE. I UNDERSTAND THAT MY ATTENDANCE AT ALL EDUCATIONAL PROGRAMS IS REQUIRED SHOULD I RECEIVE SCHOLARSHIP ASSISTANCE.

DATE: ________________________________ SIGNATURE OF APPLICANT: ________________________________

(Approved: 12/2/89)