PROBLEM #1

While having lunch with an old friend, the discussion turns to the current case he is handling at the law firm of Robinson & Hood. While relating the facts of the case, he mentions the tremendous amount of help he has received from Carney Leadbetter who happens to be a staff attorney in your court. You rush back to your office and find that, although Leadbetter’s Justice has not been assigned the case, Leadbetter has been more than inquisitive about the outcome of the case. Your court has no written policy as to outside work but you feel there might be a conflict here. Having discovered this information by accident, how do you view your responsibility to the court given the circumstances?

PROBLEM #2

We use a number of hand stamps in our office to imprint case numbers on documents, and it seemed to me we would make fewer mistakes if there were a view finder on the top of the stamp which showed the numbers in order (as opposed to turning the stamp over and reading backward). My local stamp maker tells me such an innovation is not available. I would be interested in knowing whether anyone has seen such a stamp or has any other suggestions to decrease the likelihood of errors in hand-stamping documents.

Please help these clerks with their problems. Send your response to Peggy McGraw, Editor, c/o Missouri Court of Appeals, 1300 Oak Street, Kansas City, Missouri 64106.

Y’ALL COME BACK, Y’HEAR!

By Joyce Goldsmith, Clerk, Arizona Court of Appeals, Div. 2

The hospitality offered by Nashville attracted clerks from near and far, the far being Hawaii. There were nearly 200 members and guests, including nine members attending for the first time. NACM sent their Vice-President, Norman Meyer, of the U.S. District Court of Arizona. CASA was represented by Karen Wilbanks of the U.S. Court of Appeals, 11th Circuit.

Although some people came early to attend the Grand Ole Opry and visit Opryland, Sunday evening started a week full of E’s—excellence, education, enjoyment, entertainment.

The opening act was a reception hosted by the Bureau of National Affairs, choreographed by Nashville’s own Neal Family (Nancy, Laddie and A.B.), with a celebrity appearance by Porter Wagner.

Act two began Monday with an opening address by Justice Martha Craig Daughtery of the Supreme Court of Tennessee. Dr. Mark Pastin, Director of the Lincoln Center of Ethics at Arizona State University, opened the educational program with an outstanding presentation on Ethics. This was followed by an afternoon filled with a variety of sessions. After a day filled with instruction, the evening was free for attendees to explore local sights and sounds—also, local cuisine. Some even managed to get on national television via Nashville Now.

The program continued on Tuesday with a day-long offering of educational sessions ranging from Capital Case Management to learning more about the Americans with Disabilities Act. The afternoon program, Relationships between the Judges and the Clerk’s Office, offered practical ideas for our day-to-day operations. The act concluded with an evening on the General Jackson, compliments of West Publishing Company. The pleasant moment of the General drifting past the lighted shoreline was a perfect way to end the day.

Wednesday’s educational program concluded at noon, followed by a bus trip to Lynchburg for a tour of the Jack Daniel Distillery. There we learned about revenues and excise taxes. The former president of the Distillery, Art Hancock, was on hand to greet us. The tour was followed by a delightful picnic lunch, down home pickin’ grinned ‘n hee-ho-stompin’, highlighted with a guest appearance by one of our own, Ms. Janice. Each bus had a host who provided a lively commentary about the region. The return included a slide-tour to view one of the region’s antebellum homes that is in the process of being placed on the National Historic Register. Some of us were even lucky enough to share the bus ride with a host who grew up in the home!

Thursday morning was spent learning about employee relations and management skills. The afternoon was devoted to the annual business meeting. Evening festivities began with a reception and banquet. The evening closed with more of the pickin’ grinned ‘n hee-ho-stompin’—again a special guest appearance by Ms. Janice.

See y’all in San Diego!
I’m back from Tennessee full of new ideas from our educational program, special lemonade from the Jack Daniels distillery and warm, heated feelings for our host for the wonderful “down home” hospitality shown to us all. Too bad we had to leave such a beautiful state so soon.

I want to thank those of our members that volunteered for committees. Unfortunately, several of the committees had more volunteers than could be assigned. If you were not selected for a committee you wanted, please renew your offer next year. Good help is hard to come by and we’ll always accept offers to better our organization. By the same token, if you have ideas about programs, be assured our committee will work with you to contact the appropriate committee chair or call me directly. A listing of committee assignments is included in this edition of the DOCKET.

We are trying a few new innovations this year in the Executive Committee. To start, each of the six Executive Committee members have been assigned as liaisons to two of our committees. As liaisons, they are expected to maintain contact with the committee chair, offer any assistance possible in helping the committee meet its mission and be responsible for presenting the committee reports at the Executive Committee meetings in the Fall and Spring. It is important that our committee members feel that they have the support of the Executive Committee and can tap that valuable resource to help complete projects or toss around new ideas. Also, it would be wise to have at least one committee chair participate in the Fall and Spring meetings, most courts cannot fund the travel. Therefore, the liaison can present the committee’s report from an informed perspective.

We have also recently formed a liaison with the National Court Reporters Association by way of participating in that organization’s Strategic Alliances Committee. The main objective of this committee is to develop and implement an outreach program to interact with related professional groups. By the nature of our function in the judicial scheme, we are consumers of the product prepared by the members of the NCRA and should therefore become involved as activity as possible in the direction of court reporting for the future. This new partnership should give way to better understanding between the members of both groups. Our vice-president, Dave Beach, has volunteered to act as our representative to this important committee.

If I could ask one thing of the membership during the coming year, it would be to “get involved and stay that way”. This is your organization and it only gets better if you support it with new ideas and a desire to help with the work.

It is important that you know what the officers of your organization are doing and what decisions are made on your behalf. Therefore, as the business of the Conference is attended in the coming year, I will keep you informed in following issues of the DOCKET.

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**CANON VII**

An Appellate Court Clerk Should Seek To Improve His or Her Professional Competence and That of the Clerk’s Staff

(A) An appellate court clerk should seek to improve his or her professional competence and that of the clerk’s staff by participating in educational programs and seminars such as those provided by the Conference, reading profession-related materials, and attending and participating in other activities likely to enhance the level of competence of the clerk and staff.

(B) An appellate court clerk should participate actively in the exchange of ideas for rule change and improvement in appellate court programs and procedures with clerks of other appellate courts in the United States.


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**CANON VIII**

An Appellate Court Clerk Should Not Engage In Discrimination Based on Race, Sex, Religion or Political Affiliation

(A) An appellate court clerk should not discriminate based on race, sex, religion or political affiliation in dealing with attorneys, secretaries, paralegals, court reporters, or others doing business with the court or in hiring practices.

(B) An appellate court clerk should not discriminate in hiring or promotion of personnel based on sexual or other favors.


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**HAPPY HALLOWEEN!**
NATIONAL CONFERENCE OF APPELLATE COURT CLERKS COMMITTEES FOR 1993–94

AWARDS
George Miller (TX)
John C. Scott (KY)
Mildred Williamson (PA)
Mike Yeary (CA)
Stanley Lemone (LA)
Frank Habershaw, Chair (FL)

MEMBERSHIP
Linda Stone (ME)
Debbie Causseaux (FL)
Bob Liston (CA)
Diana Pratt Heiser (LA)
Leslie Gradel (MD)
Ellia Williams, Chair (MI)

RESOLUTIONS & MEMORIALS
Donna Coke (MO)
Pete Fitzgerald (LA)
Reba Mims (SC)
Leslie Steen (AR)
Louise Livingston, Chair (AL)

BYLAWS
William Fulton, Jr. (DC)
Julie Ann Hornsby (IL)
Stephen Townsend (NJ)
Marilyn Graves (WI)
Glen Clark, Chair (AZ)

NOMINATING
Jean Kennett (MA)
George Miller (TX)
Ken Deblane (LA)
Peggy McGraw (MO)
Mike Yeary, Chair (CA)

SCHOLARSHIP
John C. Scott (KY)
Tanya Carroll (FL)
Janice Clinksenbeard, Chair (TN)

PROGRAM
Bob Liston (CA)
Frans Labranche (LA)
Nancy Foley (MA)
Donna Coke (MO)
Mike Yeary (CA)
Jim Benway (CO)
Joe Lane, Chair (CA)

SITE SELECTION
Sandra Skinner (MO)
Keith Richardson (IA)
Sherie Welch (GA)
Troy Bennett (TX)
Cornelia Clark (WI)
Louise Livingston (AL)
Tom Lowe, Chair (TX)

PAST-CHANCELLORS
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Noel Desaint (AZ)
Frank Habershaw (FL)
Ken Law (TX)
Troy Bennett (TX)
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John Willerson, Chair (AL)

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Carol Green (KS)
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Loreen Stroitz (FL)
Peggy Naylor (DE)
Leslie Steen (AR)
Mike Yeary (CA)
Bill Ng (DC)
Peggy McGraw, Chair (MO)

FINANCE & INVESTMENT
Frans Labranche, Chair (LA)

A cost of thousands!

Joyce Goldsmith, Chair (AZ)

PUBLIC RELATIONS
Tom Lowe (TX)
Jerry Carter (WV)
Lanet Aruminauer (NE)
Penny Miller (ND)
Linda Castillo (NV)
Debbie Causseaux, Chair (FL)

LONG RANGE PLANNING
William Fulton, Jr. (DC)
Jean Kennett (MA)
Glen Clark (AZ)
Bill Suter (DC)
David Beach (ex-officio) (VA)
Frans Labranche, Chair (LA)

(C) An appellate court clerk may accept a gift donated to a group of employees, e.g., all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly reports the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions, or judgments are prohibited.


CANON III
An Appellate Court Clerk Should Perform the Duties of Office Impartially and Diligently

(A) An appellate court clerk should be patient, dignified, and courteous to litigants, lawyers, and others with whom the clerk deals in an official capacity, and should require similar conduct by staff and others subject to the clerk's direction and control.

(B) An appellate court clerk should exercise great care and discretion in initiating or considering ex parte or other communications concerning a pending or impending proceeding. However, an appellate court clerk may be called upon in the course of his or her duties to explain to litigants and their counsel the rules, operating procedures, and other practices of the court. Such explanations should always be rendered in an impartial manner, so as not to advantage or disadvantage any litigant. A clerk should never offer explanations to one party that the clerk would not share with the opposing party.

(C) An appellate court clerk should not disclose to any unauthorized person or persons any confidential information concerning the authority of pending opinions, internal calendar memos, internal discussions relating to pending decisions, content of proposed opinions, or any other information designated by the court as confidential.

(D) An appellate court clerk should abstain from public comment on the merits of a pending or impending proceeding in any court, and should require similar abstention on the part of all court personnel subject to the clerk's direction and control. This subsection does not prohibit clerks from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(E) An appellate court clerk should support the reputation and integrity of the judicial system and, because statements of an appellate court clerk may carry considerable weight with the public, should not make derogatory comments that would undermine public confidence in or promote disrespect for the judicial system.

(F) An appellate court clerk should maintain the files and other records of the court in a conscientious and accurate manner and continue to develop policies and procedures for reducing time delay and improving efficiency of the appellate process.

(G) An appellate court clerk should diligently discharge responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the responsibilities of other courts and court officials.

(H) An appellate court clerk should require staff and other personnel subject to the clerk's direction and control to observe the standards of fidelity and diligence that apply to the clerk.


CANON IV
An Appellate Court Clerk Should Engage in Activities to Improve the Law, the Legal System and the Administration of Justice (see 'Code of Conduct', contd. on p. 10)
(A) An appellate court clerk should encourage dialogue between the clerk's office and bar associations, legal secretarial associations, trial court clerks associations and court reporters in an effort to promote better understanding of the court's processes. The clerk may participate in or conduct educational seminars for the benefit of those doing business with the office.

(B) An appellate court clerk should be alert to the need for improvements in the rules, court procedures and administrative functions of the court and offer suggestions for appropriate changes and improvement of the appellate process.


CANON V

An Appellate Court Clerk Should Regulate Outside Activities to Minimize Risk of Conflict With Court Related Duties

(A) Avocational Activities. An appellate court clerk may write, lecture, teach, and speak on any subject, and engage in the arts, sports and other social and recreational activities, provided such avocational activities do not take undue advantage of the position as clerk, detract from the dignity of the office or interfere with the performance of the clerk's official duties.

(B) Civic and Charitable Activities. An appellate court clerk may participate in civic and charitable activities that do not reflect adversely upon the clerk's impartiality or interfere with the performance of the clerk's duties. A clerk may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal or civic organization except that an appellate court clerk should not if it is likely that the organization will be engaged in proceedings that would ordinarily come before the clerk's court or will be regularly engaged in adversary proceedings in any court.

(C) Financial Activities.

(1) An appellate court clerk should refrain from financial and business dealings that tend to reflect adversely on the clerk's impartiality, interfere with the proper performance of the clerk's administrative duties, or exploit the clerk's position.

(2) Subject to the requirements of subsection (1), an appellate court clerk may hold and manage investments, including real estate, and engage in other remunerative activities, but should not participate in or permit his or her name to be used in connection with any business venture or commercial advertising program, with or without compensation, in such a way as would justify a reasonable inference that the power or prestige of the clerk's office is being utilized to promote a business or commercial product.

(3) An appellate court clerk should not request or accept any remuneration, gift, bequest, favor, or loan that is made with the intent to influence or that creates an appearance of influencing the clerk in the exercise of court related duties.

(4) Acceptance by elected clerks of campaign contributions should be governed by any applicable state laws or court rules.


CANON VI

An Appellate Court Clerk Should Avoid Political Activities Which May Give the Appearance of Bias or Impropriety

An appellate court clerk is entitled to entertain personal views on political questions and is not required to surrender rights or opinions as a citizen. A clerk should avoid political activity which may give rise to a suspicion of bias or impropriety in any manner pending or impending before his or her court.


...LETTER TO THE EDITOR...

Dear Editor:

At the Nashville meeting, some of the program segments were repeated and some were not—necessarily so because of time constraints. Unfortunately, one segment which was not repeated was one which the presenter did not have time to finish for reasons totally beyond his control.

I am referring to the segment titled "BULLETIN BOARDS, DOWNLOADING TO THE PUBLIC, ETC. presented by Ralph Brown, Clerk of the U.S. Bankruptcy Court of Eastern Tennessee. Many of those of us who attended the session (scheduled for 10:45 - 12:00 on Wednesday, August 4), were late returning from the morning break so that the time was shortened for the presentation and for questions. Picking up the printed materials for later reading is never as helpful as listening and being able to ask questions and receiving a response immediately. Therefore, we short change ourselves.

What is of more concern to me, however, is that we were rude and thoughtless toward the presenter. Granted, Mr. Brown's expenses and possibly an honorarium were provided him, but he had to be away from his daily routine to come to Nashville, time which he had to make up at a later time. We could, and should, have stayed to the full 75 minutes scheduled, even if it meant shortening our lunch or recreation time.

I can recall another presentation a few years ago to be given by two presenters who travelled to the Conference site the night before to be on hand for the morning session. One presenter's segment was cancelled part way through the morning so that we could proceed with the Morgan Thomas slides—an annual event which we all look forward to with anticipation and a warm feeling of affection for dear Morgan for whom it is named. Morgan would have been dismayed at such thoughtlessness.

Another thing is to be remembered: the funds for the expenses and speakers' fees or honoraria come from our educational grant. Is it ethical for us not to hear the whole program?

Jean M. Kennett, Clerk
Supreme Judicial Court of Massachusetts
PEOPLE, PLACES AND THINGS . . .

FOCUS ON . . . . .

SHERIE MULLEN WELCH was appointed Acting Clerk of the Supreme Court of Georgia upon the retirement of Joline B. Williams, on August 1, 1992, and was sworn in as Clerk on November 16, 1992. Prior to her appointment, she served at the Court for seventeen years as law clerk to four justices, including two Chief Justices.

Sharon Elizabeth Mullen was born on March 8, 1945, in Waterbury, Connecticut, to James E. Mullen, a Connecticut native, and Madeleine Harris Mullen, an American born and raised in France. Sherie graduated from Cheshire High School in 1963. She received a Bachelor of Arts degree from Newton College of the Sacred Heart in Newton Centre, Massachusetts in 1967, then earned an M.A.T. degree from Duke University. She taught biology, earth science and physical science for five years in public schools before entering Emory Law School in Atlanta, Georgia. In 1975, she earned a J.D. degree and was an editor of the Emory Law Review. She is a member of the Georgia Bar and is president of the Chatham County Home Owners' Association.

After graduating from law school, Sherie accepted a one-year clerkship at the Supreme Court of Georgia with then Justice, now Senior Federal District Judge, Robert H. Hall, but remained at the Court for sixteen more years, serving as law clerk to Chief Justice Hiram K. Undercooker, Chief Justice Harold N. Hill, Jr., and Justice Willis B. Hunt, Jr., before being appointed Clerk of Court. She is only the eighth clerk to serve the Court during its 148-year history.

Sherie is married to William F. Welch of St. Simons Island, Georgia. They live in Atlanta with their two children, Hallie, 14, and Will, 12. The family attends the Catholic Cathedral of Christ the King. A life-long skier and tennis player, Sherie is now trying golf and enjoys collecting antique French furniture made in Quimper, Brittany, near where her mother was born.

Retired Wyoming Supreme Court Clerk, Rita M. White, died Friday, September 10, 1993, in Cheyenne, Wyoming. Rita served as deputy clerk of the Wyoming Supreme Court from 1967 until 1974, when she became clerk of the court. She retired from that position in 1978. Rita was a member of the NCACC and hosted the 1981 conference in Jackson Hole, Wyoming.

EVERY REAL WONDERFUL THING

Below is a poem which was submitted by Louise Tuszyński, wife of retired clerk, St. Thaddeus Tuszyński, deceased, from San Diego, California. The poem was read at the annual conference banquet in Nashville, Tennessee.

GOD BLESS YOU!
I've never seen God,
but I know how I feel . . .
It's people like you
who make Him "So Real" . . .
It seems that I pass Him
so often each day
In the faces of people
I meet on the way . . .
He's the stars in the heaven,
A smile on some face,
A leaf on a tree
Or a Rose in a vase . . .
He's winter and autumn
and summer and spring
In short, God is every
real wonderful thing . . .
I wish I might meet Him
much more than I do---
I would if there were
more people like you.

NEW MEMBERS TO NCACC
SINCE SEPTEMBER, 1992

Linda Castillo, Deputy Clerk
Nevada Supreme Court
Ron Garvin, Clerk of the Court
U.S. Court of Appeals for the D.C. Circuit
Kathleen Jo Gibson, Chief Clerk
Supreme Court of New Mexico
Bettye Mahanchoit, Deputy Clerk
Supreme Court of Mississippi
Lane W. Mann, Clerk
Alabama Court of Criminal Appeals
William H. Nig, First Deputy Clerk
D.C. Court of Appeals
Linda Puckett, Deputy Clerk
Supreme Court of Mississippi

NEW OFFICERS AND EXECUTIVE COMMITTEE MEMBERS TAKE OVER

By Peggy McGunn, Editor

At the banquet of the annual conference in Nashville, Ron D. Barrow, Clerk of the Court of Appeal for California, First Appellate District, took the gavel from President Joyce Goldsmith, Clerk of the Arizona Court of Appeals, Division 2, to become President of the National Conference of Appellate Court Clerks for the year 1993-94. Ella Williams, Clerk of the Michigan Court of Appeals, became President-Elect.

At the annual business meeting, David B. Beach, Clerk of the Supreme Court of Virginia, was elected Vice President. Danielle Scott, Clerk of the Fourth Circuit Court of Appeal of Louisiana, was elected Treasurer. Three members, Leslie Gadot, Clerk of the Court of Special Appeals of Maryland, Joe Lane, Clerk of the Court of Appeal of California, Second Appellate District, and Penny Miller, Clerk of the North Dakota Supreme Court, were elected to serve two-year terms on the Executive Committee.
Preface

This Code of Professional Conduct was adopted by the National Conference of Appellate Court Clerks on August 11, 1983, at its annual meeting in New Orleans, Louisiana, and amended on August 6, 1992, at the twentieth annual meeting in Washington, D.C., and on August 5, 1993 at the twenty-first annual meeting in Nashville, Tennessee.

Preamble

The National Conference of Appellate Court Clerks, mindful that the character and conduct of an appellate court clerk should never be objects of indifference, and that declared ethical standards should become habits of life, adopts these principles which should govern the personal practice of appellate court clerks. The administration of justice requires appellate court clerks to adhere to the highest ideals of personal and official conduct.

The office of appellate court clerk casts upon the incumbent duties concerning the clerk's relationship to the state, its inhabitants, and all who come in contact with him or her. The National Conference of Appellate Court Clerks adopts this Code of Professional Conduct as a guide of appropriate professional conduct for appellate court clerks in the United States. The provisions of this code should be construed and applied to further these objectives.

Where any state or federal statutory requirements or court rules and policies address the same areas, they will take precedence over this code.


Canon I

An Appellate Court Clerk Should Maintain the Highest Standard of Professional Conduct in the Performance of Duties

An independent and honorable judiciary is indispensable to justice in our society. Appellate court clerks participate in establishing, maintaining, and enforcing the law, and should themselves observe high standards of conduct so that the integrity, impartiality and independence of the judiciary are advanced.


Canon II

An Appellate Court Clerk Should Avoid Impropriety and the Appearance of Impropriety in All Activities

(A) An appellate court clerk should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(B) An appellate court clerk should not allow family, social, or other relationships to influence his or her official conduct or the conduct of his or her office. A clerk should not lend the prestige of the office to advance the private interests of others; nor should a clerk convey or permit others to convey the impression that they are in a special position to exert such influence.

From time to time jokes, cartoons, and other bit of humorous writing circulate through our state offices. Here are two of the examples I received recently:

Rules for a Relationship

1. The female always makes the rules.
2. The rules are always subject to change without notice.
3. No male is allowed to know all of the rules.
4. If the female suspects that the male knows all the rules, she must immediately change some or all of the rules.
5. The female is never wrong.
6. If the female is wrong, it is because of a misunderstanding that is the direct result of something the male said or did wrong.
7. If rule 6 applies, the male must immediately apologize for the misunderstanding.
8. The female can change her mind at any time.
9. The male may never change his mind without express written consent from the female.
10. The female may be angry or upset at any time.
11. The male must be calm at all times, unless the female wants him to be angry.
12. The female must, under no circumstances, let the male know whether she wants him to be calm or angry.
13. Any attempt to document these rules is against the rules.
14. Finally, and most importantly, the female always gets the last word.

The Bubba Factor

Due to recent political developments, the people of my state are now subjected to the "Bubba" factor rather than the "hillbilly" factor. Here is an example:

Dear Bubba:

I am writing this letter real slow cause I know you can't read very fast.

We don't live where we did when you left. Your daddy read in the paper where most accidents happen within twenty miles of our house, so we moved. I won't be able to send you our new address because the last family that lived here took the number off the house so they wouldn't have to change their address.

The new place has a washing machine. The first day I put four shirts in it and pulled the chain and we ain't seen 'em since. It rained twice last week, three days the first time and four days the second time.

We get a letter from the funeral home, and they said if we don't make the last payment on grandma's funeral bill, up she comes.

Your sister had a baby this morning. I ain't heard if its a boy or a girl, so I don't know if you are an uncle or an aunt yet.

Your Uncle Bubba fell into a whiskey vat last week. Some men tried to save him but he fought 'em off, so he drowned. We cremated him and he burned for three days.

Three of your friends went off the bridge in a pick-up truck and the two in the back drowned. The driver got out by rolling down the window, but the other two couldn't get the tiglets down.

There's not much new this time because nothing much has happened.

Love, Momma