

## **FCCA MEETING MINUTES**

### **Telephone Conference Call - Thursday, September 12, 2002**

The Board meeting was called to order by President Joe Haas at 12 noon (CST) on Thursday, September 12, 2002.

Those present: Joe Haas, President; Jeff Apperson, President-Elect; Sam Hamrick-Immediate Past President; David Stechmann, Historian; Sheila Beauchene, Secretary; Circuit Representatives: James Starr-1st Circuit; Maria Carpenter-2nd Circuit; John Zingo-3rd Circuit; Judy Shelton-4th Circuit; Linda Lee-5th Circuit; Sue Rigan-6th Circuit; Michell Valentine-8th Circuit; Ian Keye-9th Circuit; Jenine Wright-10th Circuit; Anne Stygles-National; Cris Beeman-Deputy Clerks' Council Chair; Pam Twiford-Membership Chair; Sherri Carter-Clerk of Court; Jim Davey-FCCA Foundation Representative; Bob Heinemann-Legal Issues Chair; Anne Kuschel, District of North Dakota.

Joe Haas advised the Board the main reason this meeting was convened is to discuss the Opinion received from Judicial Conference Committee on the Code of Ethics, dated August 14, 2002.

Many comments were made by all Board members, a recap of the comments are as follows:

- Read the opinion as something of an investigation to clarify the Foundation and its relationship with FCCA. If indeed the Foundation and FCCA are different organizations and there is no overlapping, this may well pass muster.
- Rename the Foundation and separate it from FCCA.
- Foundation needs to be independent of FCCA
- There is a concern about Canon 2 of the Code of Ethics. If we gave the Judicial Council more information, perhaps that would that help.
- FCCA needs to do what was done in Portland in reference to vendors and sponsor support.
- Discussion as to what NCBC does for their conferences.
- Everyone is re-assessing their opinions on this issue-- main issue we deal with is offsetting the costs of the annual conference with sponsor and vendor support.
- If we separate to the degree the committee is suggestions; how do we proceed in the future?
- We also have the issue of the host clerk--this opinion will be interpreted differently every year. Even if we do get a different opinion, host clerks will interpret this differently. There is a sense we don't have the clarity we need.
- The door seems to have been left open.
- Some see the door "ajar"-- having FCCA go through more steps. The Council knows there are other entities who want to know what they say on this issue.
- Foundation work on its own, have no contact with FCCA. Host clerk to get the education together, it still raises questions. Perhaps the association should put on the conferences and not have a host court.
- If we use the Foundation to put on the program, it should be totally separate from the host clerk.
- Jim Davey - reason we are on the Foundation is that we care about FCCA and if we can't have anything to do with it, we would rather stay as a member of FCCA and not be a part of the Foundation. The more work you are going to give to the Foundation, the less you are going to get

people to join the Foundation. He would want to see new members for the Foundation - time for new people to join the Foundation's board

-Discussed having professional speakers at conference - this was missed in Portland.

-Foundation couldn't sponsor a speaker, there may be problems with that. The Ethics opinion seems to imply the money goes to social events.

-Tone of letter is that it is ethically questionable. We as a Board need to get around the smaller issues and look at the big picture.

-Also, not having the AO or FJC representatives address the organization in Portland was missed by the attendees.

Options we have: Get further clarification from the Ethics Committee; Leave it up to the host clerk for each conference; discontinue the Foundation. Do away with foundation and hire a separate fund-raising entity.

Next step? The Board should perhaps take a poll of the membership.

Would it be worthwhile to put a second letter together for the Ethics committee and suggest some alternatives?

The Board should prepare a concrete proposal on how we can have vendor or sponsor monies to offset the cost of the annual conferences. We need to discuss these issues as a Board and come up with a plan or proposal.

Mr. Apperson will meet again with the committee that drafted the questions to the Judicial Council Committee on Ethics and share these thoughts with the Board. All Board members are encouraged to share any comments or suggestions with Mr. Apperson. This issue will be discussed at the mid-year meeting in January.

Jeff Apperson reminded all Board members to get your articles to him for the *Journal*.

Pam Twiford requests all Board members to provide her with names and addresses of all district representatives in the circuits.

Recess 1:30 PM.

Respectfully submitted,  
Sheila Beauchene, Secretary

Handout: August 14, 2002 letter from the Committee on Codes of Conduct