

FCCA BOARD MID-YEAR MEETING MINUTES

**Saturday, January 23, 2010
Eugene, Oregon**

The meeting was called to order at 8:00 a.m. (PST) by President Jim Larsen on Saturday, January 23, 2010, in Eugene, Oregon. Several individuals participated remotely via streaming video and/or telephone, which is noted below.

Those participating were President, Jim Larsen; Vice President, Patricia McNutt; Immediate Past President, Bill McCool; Secretary, Libby Smith; Treasurer, John Zingo; and, Historian, David Stechmann. Circuit Representatives: Ginny Hurley, First Circuit; Maria Carpenter, Second Circuit; Rhonda LaFitte, Fifth Circuit; Vanessa Armstrong, Sixth Circuit (participated remotely); Tom Bruton, Seventh Circuit; Marian Frahm, Eighth Circuit; Dennis Bilecki, Ninth Circuit; Tami Jo Anthony, Tenth Circuit; Scott Atchue, DC Federal Courts (participated remotely); Nancy Gilman, Eleventh Circuit; David Maland, Clerks' Council Chair participated remotely); and, Stephen Mandel, Deputy Clerks' Council Chair. Committee Chairs: Libby Smith, Award & Michigan State University (MSU) Judicial Administration (JA) Program Liaison; Maria Carpenter, Conference Advisory & Site Selection Committee Co-Chair; and, Cheryl Sweat, Membership; Patricia McNutt, Marketing and Outreach and Journal Editor; Anne Stygles, Nominations, Lance Wilson, Ad Hoc Conference Education Committee (participated remotely). Also present were Renea Ferrante, WAED; Dave Cambensy, WAED; Grace Capri Miller, WAED; and representing the Host Court (District of Oregon) Dawn Stephens and Linda Sherry.

President's Update

Jim Larsen opened the meeting and thanked his staff for facilitating the video streaming for those Board members who were unable to be present. Mr. Larsen noted that he expects to continue experimenting with this technology for future meetings.

Mr. Larsen stated that he hoped during this meeting to discuss both action and information items, having a dialogue on problems, issues and ideas. He thanked a number of people who had worked with Immediate Past President Bill McCool to bring to the attention of the Administrative Office issues that are critical to the FCCA. He also noted that Dave Maland, TXED Clerk, had recently been named Chair of the District Court Advisory Group (DCAG). Mr. Larsen expressed his appreciation for the continuation of dialogue between the DCAG and the FCCA by allowing the FCCA President to continue to attend DCAG meetings. Mr. Larsen also thanked Vice President Patricia McNutt for her continued work on the Journal and other publications and stated that he looks forward to working with her as President in future years. Cheryl Sweat was also thanked for her work on the MemberClicks application and a number of other committees. Mr. Larsen also mentioned Treasurer John Zingo's work as editor on the PAED's historic calendar project.

Oregon Conference Update

Dawn Stephens provided a status report on the 2010, presenting an overview of the educational program:

Plenary Sessions

- *Leadership, Mission, and Values
- *Habeas Porpoise (Judge Ashmanskas)
- *Health and Wellness
- *Casey Martin Case
- *Human Resources Plenary Session

Breakout Sessions

- *Retirement and Financial Planning
- *Healthy Living
- *Performance Management in the Courts
- *Living and Loving Retirement
- *Death by Meeting
- *ADR
- *Post-Conviction Reentry Courts
- *DCAD Regional Administrator meeting
- *Audit/FAST/ICE
- *IT
- *Community Outreach Projects
- *Rock and Roll (George Prentice, Bankruptcy Clerk from San Antonio)
- *Presidential Leadership
- *Memory Program

Roundtable Discussions

- *Finance/procurement/budgeting
- *Courtroom Deputies
- *Docket/QC/Intake
- *Clerk/Chief Deputy
- *Managers and Supervisors
- *Jury
- *HR
- *IT/CM (dictionary development)

Mr. Larsen thanked Dawn Stephens and others from Team Oregon for the great work they accomplished in putting together the 2010 conference in Eugene. Mr. Larsen

also thanked Lance Wilson, Clerk for NVD, for chairing the 2010 Conference Education Committee.

Conference Activities

Sunday: President's Reception: At the Eugene Courthouse

Monday: Eugene Emeralds Baseball game or free evening
(\$18 per person, includes ticket and food, transportation not included)

Tuesday: Sweet Cheeks Countryside Dinner (approximately 25 minutes away)

Wednesday: Trip to the Coast (Heceta Head Lighthouse and Sunset on Oregon),
with BBQ dinner. <http://www.hecetalighthouse.com/> (approximately
70 minutes away)

Thursday: Closing banquet (at Hilton, formal attire if desired)

Hotel Space

Hilton Hotel is sold out (free parking available)

Holiday Inn Express - 1 mile away (55 rooms)

The host court is encouraging people to share rooms to allow more people to be able to stay at the Hilton.

Transportation to Eugene

*Fly into Portland: rent a car or take a train into Eugene. Shuttle at the Portland airport to train station

*Fly into Eugene: Taxi to hotels

Ms. Stephens stated that Dave Borkoski from the FCCA Foundation is working with potential vendors to establish a vendor fair during the conference.

Libby Smith, Secretary suggested that it might be helpful for host courts to be assigned a mentor team, consisting of persons involved with recent conferences. Maria Carpenter, Co-Chair of the Site Selection Committee advised that she plans to contact prior host courts to establish such a group.

A motion was made by Maria Carpenter and seconded by Rhonda LaFitte to approve the 2010 Conference Agenda, and was unanimously approved by the Board.

Michigan State University Judicial Administration Program Update

Program Liaison Libby Smith indicated that there would be approximately five individuals graduating during the 2010 Conference and suggested that a short graduation ceremony (20 to 30 minutes) be incorporated into the opening ceremony.

Ms. Smith stated that the two MSU JA courses to be offered during the Eugene conference were:

Purposes & Responsibilities of Courts (6 contact hours)

Instructor: Terry Nafisi, Clerk - CACD

Human Resources Management (7 contact hours)

Instructor: Dr. Terry Curry (PhD with MSU)

Ms. Nafisi offered to instruct the course at no fee. Ms. Smith suggested that the host court consider waiving Ms. Nafisi's registration fee as a courtesy for her agreeing to teach. It was also noted that CACD had approximately 30 people participating in the MSU JA program during the 2009 Conference.

Ms. Smith stated that Dr. Curry charged a \$2,000 fee, plus travel expenses. She also advised that such fee had been discussed and approved by the Education Committee. Ms. Smith reminded the Board that the FCCA provides host courts with \$4,000 toward educational expenses, which could be used to pay for this expense. It was also noted that the FCCA Foundation was another possible funding source.

A discussion was held regarding a request by the Oregon state courts to participate in the MSU JA training sessions, capping the number of state court participants at 10 per session. It was suggested by Team Oregon that a \$100 registration fee be charged to the state court attendees in order to cover the costs of food. It was further requested that any state court participant be excluded from participating in the activities. Ms. Smith stated that she would correspond with Dr. Maureen Conner and respond back to Team Oregon as to whether or not the Oregon state court would be participating.

Mr. Larsen advised the Board that a weekly health and wellness article written by Dr. Gina Wolf is now being published on the FCCA home page.

Budget/Finance Update

Treasurer John Zingo advised that the costs for the Mid-Year Board meeting would likely exceed \$10,000, but noted that membership dues are coming in steadily. Mr. Zingo reported that the FCCA currently has \$93,000 in the bank and earns approximately \$600 per quarter in interest.

A motion was made by Bill McCool and seconded by David Stechmann to approve the budget, which was unanimously approved by the Board.

Membership Report

Cheryl Sweat provided an update as to membership renewals, noting that much of the information contained in her report would be included in the Winter Journal, including an update on the MemberClicks membership module, which she reported is working well.

Current Membership Totals

Deputy Clerks @ \$20 per year	1097
Other/Retired @ \$20 per year	11
Chief Deputies @ \$50 per year	43
Unit Executives @ \$75 per year	59
Total	1210

Expired Members 1468

Ms. Sweat reported that she is working with Mr. Zingo to establish a Paypal link for membership dues. Ms. Smith suggested that it might be helpful to include someone with a technology background to try to resolve the outstanding issues. Stephen Mandel, IT Director for FLND, offered to work with Ms. Sweat and Mr. Zingo to address outstanding technology issues related to the MemberClicks application.

Mr. Zingo stated that there could be a 2 to 3% fee required by Paypal to use its application to collect membership dues. A motion was made by Bill McCool and seconded by Tom Bruton to approve such a fee, which was unanimously approved by the Board.

Mr. Larsen stated that his goal would be to get the Paypal functionality working prior to the 2010 conference.

A discussion was had concerning the benefits of rotating the district representatives in order to provide more members with an opportunity to serve in that role. It was noted that the degree to which district representatives keep their court FCCA members informed varies greatly. Mr. Zingo suggested that when the circuit representatives provide district representatives with information to be distributed to their local members that the district representatives be required to inform their circuit representative that they have shared the information with members within their court. It was the consensus of the Board that such a policy be adopted.

Journal Update

Journal Editor Patricia McNutt advised that the production of the Winter Journal is on schedule and should be distributed and available on the FCCA website on February 1. The deadline for submitting articles for the Spring Journal will be April 15, with publication expected on June 1. Ms. McNutt noted that a six-week lead time is required before the publication date. Ms. McNutt advised that the expenses related to the publication and mailing of the Journal continue to be within the \$15,000 budgeted annually.

A discussion was had concerning the frequency with which the Journal is currently printed. Anne Stygles reminded the Board that the Bylaws should be reviewed before making any substantial changes to the manner and frequency in which the Journal is distributed.

Site Selection Update

Conference Advisory and Site Selection Committee Co-Chair Maria Carpenter informed the Board that the Conference Advisory and Site Selection Committees have been merged and that Mr. Larsen selected her and Karen Brickner as co-chairs of the combined committee. Ms. Carpenter stated that she would be contacting the last four to five host courts to obtain feedback on their experiences that would be used to update the Conference Planning Guide.

Ms. Smith suggested that there would be benefit to the future host courts – those that had already agreed to serve as hosts in the upcoming year(s) – to participate in planning meetings for the current year. This would give them a sense for the amount of work involved and better guide them as they prepare to host their conference the following year. Mr. McCool volunteered to work on such a committee and stressed the need for Clerks who commit to host a conference to provide continuous leadership during the planning process. Ms. Carpenter stated that she would be working with Mr. Larsen and Mr. McCool on a letter of invitation to all clerks, requesting that they consider hosting a future conference.

Historian Report

Historian David Stechmann expressed his appreciation for the 17 members who assisted him with setting up the Historian room for the 2009 conference, stating that he could not have done it without their assistance.

Mr. Stechmann advised that the use of digital frames had been well received by the membership. He also stated that he hopes to be able to provide a monitor in a public area such as the hospitality suite, during the conference, so that an up-to-date slide show from the week's events could be shown, as was done in 2008.

Mr. Stechmann unveiled the new FCCA banner, which was a compilation of photos from the 2008 Conference held in Louisville, Kentucky. A motion was made by Ms. Smith and seconded by Ms. McNutt requesting that the Board authorize funds to create a similar banner from the 2009 conference, held in Detroit, Michigan, which was unanimously approved by the Board. Funding for such a banner was also unanimously approved by the Board. Mr. Stechmann advised that he had been discussing with Dr. Maureen Conner the possibility of her creating a similar banner for the MSU JA Program Graduates.

A motion was made by Mr. Larsen and seconded by Mr. Bruton requesting that the Board authorize funds to create a similar banner from the 2010 conference, held in Eugene, Oregon. The Board unanimously approved funding to create a banner for the 2010 Conference to be held in Eugene, Oregon.

Mr. Stechmann asked for volunteers to assist with setting up the Historian room the Saturday before the conference begins. Ms. Stephens offered to confirm the time at which the room designated for the historical display would be available on Saturday. Mr. Stechmann requested that he be allowed to show a five-minute photo slide show during the conference business meeting.

Awards Committee Update

Mr. Larsen informed the Board that he had asked Ms. Smith to Chair the Awards Committee and that she had accepted.

Nominations Update

Nominations Committee Chair Anne Stygles advised that in 2010 both the Historian and Treasurer positions would be up for election. Ms. Carpenter stated that she would be happy to stay on as Second Circuit Representative, even if retired, if no one expressed an interest in succeeding her in the position.

Ms. Stygles advised that she has spoken with ILNB Ken Gardner, a past president of the National Conference of Bankruptcy Clerks (NCBC) regarding NCBC's use of MemberClicks for their annual elections, noting that such a system could work, but not for national officers if nominations were received from the floor.

A discussion was held regarding the issuance of absentee ballots – particularly in contested races. Ms. Stygles referred the Board to Article II, Section 4, regarding absentee voting, which states:

Section 4 Absentee Voting Procedure. *Absentee ballots may be employed in all elections, in all matters involving bylaw changes, and upon the matter for which a special meeting is called under the provisions of Article III, Section 3. Blank absentee ballots will be distributed by the Nominations Committee Chair to all Circuit Representatives. The Circuit Representatives will send a copy of the blank absentee*

ballot by any verifiable means to all FCCA members in their respective courts. Members may also request absentee ballots from the Nominations Committee Chair, the Circuit Representative, or the District Representative. Absentee ballots must be signed and will not be utilized in the event of a run-off election at the annual conference

Ms. Armstrong expressed concern that it was her experience that not all communications sent to the circuit representatives and/or district representatives are passed along to FCCA members.

It was suggested that the issue be sent to the Bylaws Committee Chair Bob Heinemann. Ms. Armstrong offered to work with Mr. Heinemann and Ms. Stygles on the matter. Mr. Larsen will update the Board on Mr. Heinemann's findings on the matter.

Clerks' Council Report

In the absence of Dave Maland (who joined the meeting later via telephone), Bill McCool provided an update regarding the AO's proposed changes to the Learning and Development section of the *Guide to Judiciary Policies and Procedures (Guide)*. Mr. McCool stated that he had worked with Mr. Larsen, Mr. Maland, Karen Mitchell and several other court unit executives to provide the AO with comments regarding the AO's proposed changes in "Learning and Development" component. Mr. McCool stated that if the proposed changes to the *Guide* are adopted as presented, they could have an adverse impact the FCCA's ability to provide professional development opportunities via its annual conferences to judiciary employees – which is the FCCA's primary mission. Mr. McCool stated that additional information would be forthcoming on this subject.

[Later in the meeting Dave Maland joined the call and expressed his appreciation to the group of unit executives who joined together to provide the AO with responses to the proposed changes to the *Guide*, referenced above. Mr. Larsen congratulated Mr. Maland on his recent appointment as Chair of the DCAG. He added that he was working on an Oral History Project for court unit executives. Ms. Smith noted that such a project had been implemented in the Ninth Circuit.]

Deputy Clerks' Council Report

Stephen Mandel reported that he was still in the process of conducting telephone meetings with Circuit Representatives. He also stated that he was working on obtaining a speaker for the 2010 conference deputy clerks' luncheon.

Marketing and Outreach Committee Update

Marketing and Outreach Committee Chair Patricia McNutt advised that 12 current events flyers were distributed during calendar year 2009 and that similar mailings would

be continued in 2010. She also stated that she would be holding meetings with the various subcommittees.

2011 Alabama Conference Update

Mr. Larsen advised that the 2011 mid-year meeting would be held over the Martin Luther King holiday January 14-16, 2011. He also stated that he had asked Lance Wilson to continue on as Chair of the Ad Hoc Conference Education Committee and that Libby Smith continue on as MSU JA Program liaison. Ms. Smith noted that the MSU JA Program Courses for the 2011 conference were Essential Components of Courts and Information Technology Management.

FCCA Calendar

Mr. Larsen thanked Rob Walker for another great FCCA calendar. It was suggested that the FCCA might save a little money by using bulk rate mail for the distribution of the calendars.

FCCA Foundation

As current and past conference hosts Ms. Stephens and Ms. Smith suggested that the FCCA and the FCCA Foundation should advise the host courts as to how much funding was going to be made available for conferences, at the time the court commits to serve as host. It was also suggested that greater clarification be provided as to who was responsible for paying conference expenses.

Haiti Earthquake Relief

Mr. Larsen informed the Board that KYWD Clerk Jeff Apperson, in his role as President of the International Association for Court Administration (IACA) had communicated with both the FCCA and NCBC presidents, seeking their support in distributing to their respective membership, information concerning devastation that has occurred in the Haitian Judiciary and opportunities to make contributions. Ms. Armstrong conferenced in Mr. Apperson who thanked the FCCA for its support of his efforts to assist with the Haitian relief. It was the consensus of the Board that any contributions be sent directly by members to the IACA, rather than through the FCCA.

A motion was made by Mr. McCool and seconded by Ms. McNutt to request that a letter be sent to the FCCA membership by President Larsen regarding this opportunity to assist the Haitians, which was unanimously approved by the Board.

Other Business

NVD Clerk Lance Wilson advised that an official fund had been established in honor of the Court Security Officer who had recently been killed in the line of duty within the District of Nevada.

A discussion was held regarding the use of Facebook for posting conference photos. Scott Atchue confirmed that there appeared to be two Facebook accounts with such photos. Mr. Larson asked that Dave Cambensy work with Mr. Atchue on a recommendation on the use of Facebook for a future Board meeting.

Ms. Stephens inquired as to where best to hold the first time attendees orientation, to which the Board suggested within the main ballroom, where the opening ceremony would be held. It was also suggested that tables be identified by Circuit so that Board members could be seated at their respective tables.

The meeting adjourned at 12:00 p.m. (PST)

Respectfully submitted,

Libby Smith
FCCA Secretary