

FCCA BOARD MEETING MINUTES

Sunday, June 27, 2010

Eugene, Oregon

8:30 am PST

The meeting was called to order at 8:30 a.m. by President Jim Larsen on Sunday, June 27, 2010.

Attendees: 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; Ronda LaFitte, Fifth Circuit; Vanessa Armstrong, Sixth Circuit; Tom Bruton, Seventh Circuit; Marian Frahm, Eighth Circuit; Dennis Bilecki, Ninth Circuit; Nancy Gilman, Eleventh Circuit, Scott Atchue, DC Federal Courts; 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. Also present were Renea Ferrante, WAED; Dave Cambensy, WAED; Grace Capri Miller, WAED; and representing the Host Court (District of Oregon) Le Kelleher and Dawn Stephens.

1. President's Update

- A. Minutes** -- President Jim Larsen asked for the approval of the May 27, 2010, Board Meeting minutes. The minutes from the May 27, 2010, Board Meeting were approved. Ms. Smith will circulate a final copy of the minutes and submit them to Dave Cambensy for posting on the FCCA website.
- B. 2011 Calendar Project** – Motion to approve the 2011 Calendar Project was made by Dave Maland. Bill McCool seconded the motion. The motion was unanimously approved.

2. 2010 Conference Update

- A. Team Oregon** – Jim Larsen offered his congratulations to Dawn Stephens and Linda Sherry on a successful conference. Mr. Larsen stated that the FCCA Foundation was disappointed with the results of its fundraising efforts, having counted on \$40 to \$50K but had only received close to \$20K, which is very short of the projected goal;

however, David Borkowski is still hopeful that the Foundation may raise some last minute funds. Team Oregon reported that they had done everything possible to help cut costs and raise additional funds, but did not expect to make a profit on the conference. Jim Larsen stated that the Board will need to wait and see how the numbers play out. Dawn Stephens reported that over 300 people were expected to attend the optional Heceta Lighthouse event, which will help with fundraising.

Ms. Stephens advised the Board that many Eugene businesses were generous in cutting prices and/or making donations. Costs were also reduced through the use of thumb drives, which resulted in much less printing. ORD Chief Deputy Clerk Le Kelleher stated that planning for the conference has been very positive for the District and has been a wonderful team building experience. The Team opened up the conference planning to all of the divisional offices and has been amazed with all of the suggestions and ideas. Le stated that there are only seven people who work in the Eugene office. The Clerk, Mary Moran, came on board after the commitment had been made for the conference, could have pulled the plug, but instead supported it.

Jim congratulated the team and thanked Mary for hosting the conference. Mary said they spent an incredible amount of time to make sure everything went smoothly.

B. MSU Judicial Administration Program – Dr. Maureen Connor thanked Team Oregon for all of the work to make sure that MSU had the space and for posting all of the materials on the FCCA website. The University has won awards for being a sustainable campus and its “greening” (recycling) efforts, and the FCCA was the first to jump on the request.

Dr. Connor stated that everything was in place for the Human Resources sessions with Dr. Terry Curry as well as the Purposes of Courts sessions with CACD Clerk, Terry Nafisi, who also serves as a representative on the Judicial Administration (JA) Program Advisory Committee. New student orientation will begin at 3:30 p.m. on Sunday, which will include a discussion with several of last year’s graduates who have volunteered to establish a mentoring program. The mentoring concept was discussed with the Board last year due to the fact that many JA program participants get midway through the program and fail to complete the program. Reasons for the stoppage include some people being intimidated by the final capstone project and others are afraid to do the on-line learning modules if they are unable to attend a conference. Dr. Conner advised that the first group of graduates have been asked to work with persons who have not yet graduated. Dr. Conner stated that she as a few ideas about a mentoring program, but is anxious to hear what the graduates have to

say. Maureen has spoken with Libby Smith, the FCCA MSU JA Program Liaison, has met with the JA Program Advisory Committee members and has their full support.

Dr. Conner thanked David Stechmann and the Board for the concept of having an MSU JA Program display in the Historian Room. She stated that two of her staff, Cathy and Sharon, spent a lot of time locating items that were appropriate for the display and will continue to build on it.

Maureen reported that all of the first year graduates had been asked to complete a very extensive evaluation of the program as to its content, the process, what they thought about the quality of the program and any potential impact it might have in terms of career growth. Dr. Conner reported that the feedback was extremely positive, ranging from the high 90 percentile to the 97 percentile on most responses. Maureen stated that several people reported having received promotions, and had been informed during their interview process and selection that such promotion was in part due to their commitment to profession and increasing knowledge and participation in the JA Program.

Dr. Conner advised the Board that if the demand was high enough a credit bearing program could be offered in conjunction with the annual conferences, as well as making the courses available on-line. Maureen stated that she has been asked by other organizations to create such a program and also added that the numbers would have to support it. The costs associated with credit bearing courses are set by the MSU Board of Trustees and would be substantially higher. Dr. Conner added that the University has asked the JA Program to participate in a nationwide marketing test to study the professional culture, longevity and interests within the court system. Dr. Conner stated they are currently interviewing companies to conduct this study. Of all other professions, there is little known about the field of court administration. She will keep the Board advised of the study's results.

Jim Larsen inquired as to the number of graduates anticipated in 2011, to which Dr. Conner stated she was unsure. Ms. Smith stated that the MSU courses are currently running between 70 and 100 attendees (out of the 300 +/- attending the conference).

Vanessa Armstrong inquired as to whether additional outreach might be necessary to encourage greater participation in the MSU JA Program. Dr. Conner stated that it was very hard to penetrate if individual clerks are not supportive of an employee's participation in the program. John Zingo inquired if anything had been mentioned at clerks' conferences? Clerks' Council Chair Dave Maland remarked that perhaps a

regional approach might be the appropriate strategy (i.e., circuit conferences). Dave added that while clerks and chief deputies have many educational opportunities available, such opportunities are very limited for deputy clerks. Mr. Maland also suggested that having such a strong program helps solidify the educational program with the AO and pledged during his term as Chair of the Clerks' Council to implement a strategy to get the word out to fellow clerks. Dr. Conner was invited to attend the first time members' breakfast on Monday morning, during with the 132 new members will be addressed by Mr. Larsen and the Board members identified.

Ms. Smith reported that there would be two graduates during the 2010 Conference – Jeffrey Allstead with CACD and Sandy Smith-O'Neill with CTD. She also added that the MSU JA Program graduation ceremony would be incorporated into the opening ceremony on the first day of the conference. Ms. Stephens added that 15-20 minutes had been reserved for the graduation ceremony.

3. 2011 Conference Update

Chuck Diard, Clerk for ALSD was unable to attend the Board meeting. In Mr. Diard's absence, Mr. Larsen referred the Board to the written report submitted by Team Alabama prior to the meeting (content below):

The Mid-Year Board Meeting in Mobile is set for January 14 and 15, 2011 with 25 rooms reserved both Friday and Saturday nights at The Battle House Renaissance Hotel and Spa. [The Renaissance will honor the rate for those who want to stay on Sunday night, January 16.]

The FCCA conference in Mobile is set for Monday, June 6, through Thursday, June 9, 2011 with rooms booked at the Renaissance Riverview Plaza Hotel. This hotel is large enough to accommodate our group should we need additional rooms over the amount currently reserved. A logo has been finalized and a checking account has been opened. We have purchased a banner, T-shirts and a few giveaways. We have also put down a deposit on one band to play the final night of the conference.

We have created a website that will be accessible in June. It will include general information about Mobile, the hotel, places of interests and airport. This site will be continuously updated and will also include e-mail access for general inquiries. The site is: www.fcca2011.com.

Team Mobile is sending eleven members to Eugene. In addition, our Bankruptcy Court is sending three members and they have offered their assistance to us in Eugene as well as our annual conference. Several other courts have offered their help as well. Team Mobile will have a table set up at the Eugene Hilton

with promotional material and giveaways. We also plan to show a slide show during the business meeting in Eugene.

We are meeting once a month and discussing education, instructors, speakers and excursions

4. FCCA Foundation Update

Dave Borkowski was unable to be present for the Board meeting.

5. Budget Report

Treasurer John Zingo distributed written reports for FY 09/10, which close as of June 30. The data provided was as of May 30. Mr. Zingo noted that he expects to receive additional revenue, but added that the conference expenses had not yet been updated. Overall it appears that the 2010 conference is still within the anticipated budget range. Mr. Zingo reported that expenses for the January Mid-Year meeting were a bit over what had been budgeted; however, the expenses for the Journal came in under budget. John stated that most of line items are within our budget ranges and that the organization is in good standing for this year and that his only concern was the expected \$5,000 in conference profit.

Mr. Zingo stated that the FCCA Bylaws require a balanced budget and any shortage would have to be taken from the reserves. John offered a few suggestions to generate revenue such as increasing membership fees or cutting back on spending. He suggested that the Journal costs could be reduced by \$2,000 annually and that the calendar costs could be reduced by \$500. Ms. Smith suggested that the FCCA as an organization should consider funding a portion of the annual conferences, rather than an expectation being placed on the host court to turn a profit. Bill McCool stated that the emphasis should be placed on increasing membership – concentrating efforts on deputy clerks, which is the job of the local court representative. Bill further suggested establishing membership goals. Mike Palus added that greater levels of involvement by chief deputy clerks would assist with more deputy clerks being involved.

Ms. Smith suggested that the Board quantify the value one receives from their annual membership dues and incorporate such information into the membership information.

Mr. Larsen suggested that this topic be added to the January Mid-Year Board Meeting agenda for further discussion.

Mr. Larsen also suggested that he and the John Zingo will correspond regarding any changes to the budget and present any changes electronically for a vote by the Board, if necessary.

A motion was made by Dennis Bilecki and seconded by David Stechmann and carried to support such an approach for the FY 09/10 budget approval.

6. Membership Report

Cheryl Sweat, Membership Committee Chair provided an update on membership for FY 09/10 as well as a breakdowns of the 1,377 membership renewals for FY 09/10 and the 452 FY 10/11 membership renewals:

	FY 09/10 Renewals	FY 10/11 Renewals
Deputy Clerks:	1,207	124
Chief Deputies:	50	4
Unit Executives:	64	10
Other/Retirees:	18	5

Ms. Sweat stated that her goal is to be able to provide the functionality on the MemberClicks site to allow for payment of membership fees via PayPal. Jim Larsen asked for volunteers from the Board who have an IT background to work on incorporating the online membership registration using the MemberClicks site. Dennis Bilecki, Dave Cambensy and Stephen Mandel volunteered to work on the effort and report back at the Mid Year Board Meeting.

Ms. Smith suggested that representatives from the organization could set up tables at various conferences and events to accept new memberships on the spot.

Ms. Sweat advised that the Membership and Outreach Committee recently provided district representatives with the new welcome packet, which includes a lot of good information and is also available on the website. Dennis Bilecki stated that the circuit and district representatives are being encouraged to get more involved. The vision is to make it easy for the district reps to promote the FCCA.

Mr. Larsen thanked Ms. Sweat for all of her work. Cheryl announced that she is happy to accept new memberships and renewals and at the new members meeting. Mr. Larsen will call on her to make a few brief remarks during the new member session.

7. Journal Update

Patricia McNutt, Journal Editor, stated that the June 1st edition of the *Journal* had been distributed on schedule, adding that there were many good articles in keeping with the health and fitness theme and other features. Ms. McNutt said that she is open to any

suggestions for topics, features or articles and would be willing to find authors for topics of interest, including those from the Court of Appeals.

Ms. McNutt has requested \$1,300 for the FY 10/11 budget (down from \$1,500 last year). She also added that as long as the *Journal* stay within the current page limits it should stay within budget; and, if necessary in order to cut costs, the number of pages could be reduced. Cheryl Sweat reported that she would like to see more advertising in the *Journal*, and requested that names of potential advertisers be sent to her.

8. Site Selection Committee Update

Maria Carpenter, Conference Advisory & Site Selection Committee Co-Chair, stated that she thinks we have to start thinking outside the box in order to obtain a commitment for future conference venues, suggesting that the Board should start thinking about selecting a location and hosting the conference ourselves. She stated that the primary concern of host courts is the budget. Ms. Carpenter supports the idea of increasing the amount of money provided by the FCCA to the host court from \$5,000 to \$10,000, without the stipulation that it be repaid.

It was noted that there appears to be universal support of the NCBC by clerks. Mr. Maland suggested that if more national support from the FCCA was provided to the host courts that perhaps more clerks would be amenable to hosting a conference. Mr. McCool stated there is some validity to the Board selecting the location and taking on some of the responsibility from a national level, leaving the local flavor to local courts. Mr. McCool added that once the Board goes down that road there is no turning back.

After discussion on the subject it was suggested that more of a fiduciary burden be placed on the FCCA as an organization and less on host courts. Mr. McCool stated that the base budget should provide for 350 attendees. Mr. McCool stated that placing more of a fiduciary burden on the FCCA would make it easier for the FCCA Foundation to do its fundraising work. Mr. Bilecki suggested that the Board obtain conference planning advice from experts in the field. It was also suggested that the conferences should be held where there is a decent government hotel rate, a location that is accessible by public transportation.

Mr. McCool suggested that once a site was selected for 2012 the Board could work with the host court on the conference planning with the burden falling roughly 75% to the Board and 25% to the host court, in accordance with the [revised] conference planning guidelines. Ms. Carpenter stressed the importance of the Board being completely committed to the conference planning work, adding that the responsibility could not fall to the Conference Planning Committee alone. It was suggested that a good model might be the Clerk/Chief

Deputy Conference, which is hosted by a local court, with a tremendous amount of support, in terms of infrastructure, by the FJC.

A motion was made by Libby Smith, seconded by Dave Maland and carried unanimously for the FCCA to assume all site selection, conference planning, educational curriculum, contract execution, with the local court assisting with coordinating the social activities, with representatives from the host court being included on the conference planning committee.

9. Conference Guidelines

Maria Carpenter, Conference Advisory & Site Selection Committee Co-Chair, reported that she and Ms. LaFitte Rhonda had been working on revisions to the Conference Guidelines. However, based on the motion that had just been made (see item 8 above), the Conference Planning Guidelines would require substantial changes. Mr. Larsen stated that he would convene a Conference Planning Committee for the 2012 conference.

Ms. LaFitte stated that she would like to see each host court – particularly the past few host courts – complete a historical document to assist with conference planning budgets and other topics.

Mr. Larsen offered to contact the President of the NCBC to find out if they have anything in writing that might be helpful, since this appeared to be the approach that they used – centralized conference planning by the organization.

10. Historian Committee

David Stechmann thanked the Board for supporting him as Historian over the past eight years, noting that he was up for reelection for his fifth term. Mr. Stechmann thanked the Board for approving at the last meeting the addition of the digital photo frames and banners from past conferences. He noted that he has been working with MSU on the JA Program display and had also received a lot of information from MIED from the 2009 conference.

Mr. Stechmann stated that he would be providing the Historian's report during the business meeting, to include a musical slide show from the Detroit (MIED) conference.

David informed the Board that although he was running unopposed this year he would like to start thinking about someone to take over at some point. He thanked everyone for their help and encouraged people to visit the Historian Room.

Mr. Stechmann stated that he would appreciate help packing up the Historian Room on Thursday afternoon. He also informed the Board that due to the additional weight and

distance required to get the display materials to Eugene the costs were approximately double of that required in 2009.

11. Awards Committee Update

Libby Smith, Awards Committee Chair, referred the Board to the draft Awards Committee Report that had been circulated before the meeting. She publically thanked her new assistant, Jackie Hildebrand, who did an outstanding job assisting her with the completion of over 300 individual awards this year.

Ms. Smith stated that in keeping with the “going green” concept she did not intend to distribute multi-page hard copies of the awards report to the membership, but would make it available on the website. She added that she had spent \$516 to date, but would be required to mail out certificates that were not picked up during the conference, which would be an additional expense.

She suggested that all of the awards be distributed during the business meeting, which was supported by the Board.

12. Nominations Update

Anne Stygles, Nominations Committee Chair, stated that two nominations had been received since the May conference call – one for Historian and one for Treasurer. She added that each nominee will be given a few minutes to make their presentations during the business meeting and that she will ask if there are any nominations from the floor. If there are no nominations from the floor no written ballots will be collected as the process will be had by acclamation. Ms. Stygles stated that she will have the ballots ready, but will not distribute them unless necessary. She stated that no nominations were received for the Fourth Circuit Representative, although during the even years the even numbered Circuit Representatives and the DC Federal Circuit Representatives are up for election.

13. Clerks’ Council Report

David Maland, Chair of the Clerks’ Council, updated the Board on the on which he is working to more fully engage clerks and chief deputies in support of the FCCA’s mission, to promote the MSU JA Program, to increase membership. He added that he is analyzing, by circuit, the level of participation by courts and encouraging through personal relationships greater participation by clerks and chief deputies. Mr. Maland stated that seven of the nine courts in the Fifth Circuit are active with the FCCA. He also shared that he and Karen Mitchell, Clerk of TXND and the Immediate Past Chair of the Clerks’ Council, are working on ideas to try to get the two other courts in their Circuit involved.

Mr. Maland relayed the success of the Clerks' Council (and others) in the recent comments provided in response to the exposure draft the AO published on the Leadership Training section of The Guide. Dave highlighted the letter Mr. Larsen submitted to the Director, co-signed by several other clerks. Mr. Maland stated that he desires to enough of a dialogue with the Office of General Council (OGC) so that they get a solid understanding of how funding for events like the FCCA annual conference works. He suggested creating a template with a general presentation to present at clerk/chief deputy conferences and similar events to provide greater understanding on what may be paid using appropriated funds, to give clerks greater comfort when making decisions regarding staff participation at FCCA conferences. Mr. Maland added that the MSU JA AProgram is very important to solidifying the OGC and AO's comfort with the FCCA's educational program. Mr. McCool stated that he believes the FCCA is on very solid ground with respect to using appropriated funds and complimented Dave on his efforts.

Mr. Maland advised that Ms. Mitchell reached out to the National Court Reporters Association to assist with the Clerks' Council's Oral History Project, and they agreed to assist with transcription services.

Mr. Maland thanked John Zingo for reminding him that the Clerks' Council was responsible for recognizing retiring district clerks. He also thanked Ms. Smith for assisting with the Angie Award.

It was noted that Mr. Maland is now the Chair of the District Court Advisory Group, which has provided him an opportunity to work on other national initiatives. One such initiative was borne out of concern for cost containment and innovations in the court – a sub group focusing efforts on getting the word out on efforts by others courts. Mr. Maland stated that a page on the JNET is devoted to such initiatives and encouraged people to both contribute to and borrow from the site. Dave added that he hopes to create a culture that is committed to do things efficiently, while at the same time gaining credibility with the judges and AO.

Mr. Maland advised that VTD Clerk Jim Star and DC Circuit Executive Betsey Paret are leading the mentoring effort for clerks/circuit executives and that KSD Chief Deputy Ingrid Cambell is the mentor leader for chief deputies.

14. Deputy Clerks' Council Report

Stephen Mandel, Chair of the Deputy Clerks' Council reported that he hoped to raise approximately \$850 through the silent auction of nine baskets from the circuits. He also reported that the Council is considering sending out membership pins to all members – possibly mailing them with the calendars.

Mr. Mandel stated that there appeared to be confusion as to whether to go to where to go for information – the FCCA website, the MemberClicks website or the listservice. Mr. Larsen stated that he would like to see this matter addressed.

15. Marketing/Outreach Committee Update

Patricia McNutt, Chair of the Marketing/Outreach Committee, advised that she had distributed the minutes from the last two Committee meetings. She informed the Board that Jeff Allstead and Tracey Couling are working expanding professional development opportunities. She also noted that Ms. Armstrong compiled a very informative memo for her staff of training opportunities from both the from AO and FJC website. Ms. McNutt noted that many retailers offer discounts to federal employees, which are not contained on the FCCA website.

Ms. McNutt informed the Board that it was her feeling that the FCCA website should be password protected, which matter was discussed later in the meeting (see item 16 below).

Ms. McNutt directed the Board to the social media handout, noting that 11 courts appeared to have a Social Medial Policy. She expressed concern that in two courts' policies the court reserved right to visit and monitor social media sites . . . including employees' personal computers.

16. FCCA Website

A. Discussion Regarding Password Protecting Website – Dave Cambensy reported that the issue of whether or not the site was password protected depended a lot on the direction the Board took, adding that there is no easy way to password protect the current website, as it exists. He noted that the MemberClicks site is password protected. He suggested that the Board consider a public view and a members view, requiring a password.

B. Social Media (Facebook) – Dave Cambensy stated that it is very difficult, if not impossible to stop members from posting conference photos on social media sites. Ms. Carpenter suggested that the organization should have language on the website -- a disclaimer.

17. 2011 Mid-Year Board Meeting (Mobile)

Mr. Larsen stated that he planned to have a telephone Board meeting prior to the Mid-Year Meeting in January. Mr. Cambensy noted that there is an approximately 40-second delay between the video conference sound and the sound on a telephone conference. He is

looking at video technologies. Ms. Armstrong stated that she found the video conferencing helpful for the Mid-Year Meeting, which she was not able to attend in person. It was suggested that instant messaging be incorporated into the video component to provide more real time communication.

18. For the Good of the Order

Mr. Larsen encouraged all of the Board members to attend the 7:30 a.m. new member orientation on Monday morning and to spread out and get acquainted with the new membership.

Mr. Larsen stated that Team Alabama is doing a good job and that the 2011 agenda looks good.

The meeting was adjourned at 2:10 p.m. (PST)

Respectfully submitted,

Libby Smith
FCCA Secretary