

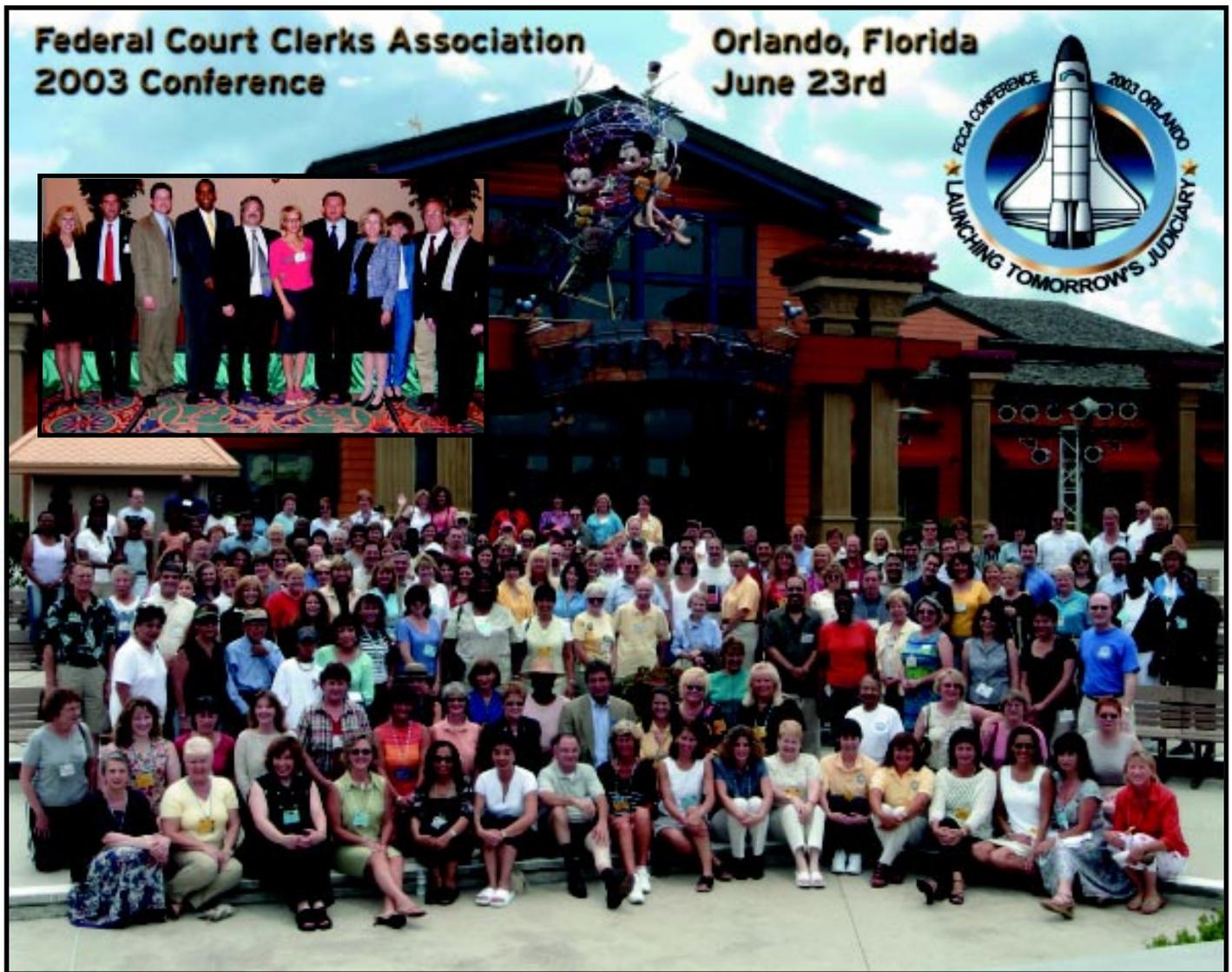


FCCA *Journal*

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Times Are Changing

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PRESIDENT'S MESSAGE

By Jeffrey A. Apperson, Clerk, Western District of Kentucky



The reins of leadership of the Federal Court Clerks' Association have now passed from my friend, Joe Haas' hands, to my own. While this is a figurative transfer, the weight of the transferred responsibility is evident. Yet, the anticipation of the challenges before us, the possible opportunities for our membership and courts as well as the great team I have to work with make the responsibility of being President more than worthwhile. Indeed, I see the office as a high honor, especially when considering all the great presidents we have had over the last 75 years. I want to thank the judges of the Western District of Kentucky for giving me the opportunity to serve as Clerk of Court, and both the judges and staff for giving me the support I need to carry-out the duties of this position. Having 95% of my office staff as members really helps. Also, I want to thank the members of the FCCA that made my election a possibility. I'll do my best for you!

The Orlando conference was a great success. "Team Orlando" truly was a team in every sense of the word.

Chief Judge Fawsett, Magistrate Judge Jenkins, Sheryl Loesch and her staff made us all feel welcome and relaxed. The educational agenda was excellent and the very important guests from the Administrative Office, Federal Judicial Center, Croatian Judges' Association and the international consultants helped to foster a unique and exciting conference. I would definitely rate this conference as one of my top three.

"The Orlando conference was a great success. "Team Orlando" truly was a team in every sense of the word."

There were several changes that occurred during and immediately after the conference. Sheryl Loesch, Clerk of Court for the Middle District of Florida, was elected to the Office of President-Elect; Elizabeth Davis, Sr. Intake Deputy Clerk for the District of New Mexico, was elected to the Office of Secretary; Nancy Olansky, Operations Manager for the Eastern District of California, was elected as Ninth Circuit Board Representative; Virginia Hurley, Operations Manager for the District of Massachusetts was elected as First Circuit Board Representative and John Zingo, Financial Manager, was elected as Ninth Circuit Board Representative. After the conference, I appointed Yvonne Goodloe, Chief Deputy of the Middle District of Alabama, to be the Eleventh Circuit Board Representative and Steve Ludwig, Clerk of Court for the Northern District of Indiana to be the Seventh Circuit Board Representative. I also appointed Bill McCool, Clerk of Court for the Northern District of Florida to be Clerk's Council Chair. All are well

qualified for these positions. Many thanks go to all those that ran for election, even though not all won individually, the organization won because of your efforts.

After the conference was held, I made several other calls to members asking if they would serve on ad hoc committees. Linda Wade, Web Administrator for the Middle District of Florida, has been appointed as FCCA Web Administrator. Ralph DeLoach is the chair of our Ad Hoc Committee for International Relations and I have appointed several members to be chairs of ad hoc specialized function committees. So far, I have confirmed that Brenda Steutermann will chair Finance, Jim Murphy will chair Chief Deputies, Eileen Levine will chair Courtroom Deputies/Case Managers, Amy Hickox will chair Intake (Public Service), Joanne Cook will chair Jury, Phil Westerman will chair Procurement and Saundra O'Hara will serve as Budget chair. I have two more chairs that I have yet to confirm.

I am extremely pleased to report that Pam Twiford will continue as Membership chair, Pat McNutt will assume the duty of Managing Editor, Linda Lee will stay as Site-Selection chair, Kay Mixon will co-chair the Senior's Committee with Rosalie Womack, Sheryl Loesch will chair Long-Range Planning, John Zingo will chair Finance, Sue Rigan will continue to chair Awards and Ian Keye will stay on as Professional Development chair.

Once the organizational efforts are complete, I'd like to pursue an agenda that improves benefits for our members, increases international networking with clerk's organizations around the world (Bulgaria wants to be our

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President's Message

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sister organization), creates opportunities for involvement for our members nationally and increases educational opportunities for our members by working hand in hand with the Administrative Office of the United States Courts and Federal Judicial Center.

In order to achieve these goals, I will need everyone's support. The first step will be to strengthen our organization by increasing membership. Hopefully, the organizational efforts we have made will assist Pam in our membership campaign.

I've always believed that the FCCA is uniquely positioned to do great things. We have the members that can make it happen with the added benefit of working for one of the greatest institutions ever dedicated to the proposition of equal justice under the law. A place where all citizens of all races and nationalities can come to resolve disputes in a civil way without violence. A proposition that judges like Vladimir Gredelj so fervently believe in and for which he has placed his own freedom on the line. Ultimately, because we are an institution of ideas and people, I want to see our employees be even more capable because we help our judges make our constitution's principles work.



From the Editor



By Patricia McNutt, Clerk,
Eastern District of Tennessee

Times are changing.

At the 75th Annual FCCA Conference in Orlando, Florida, new officers came aboard as detailed in the message from our new President Jeff Apperson. (*Journal* at p. 1.) We appreciate the service of those leaving office, in particular Joe Haas now serving as Past President, and Sheila Beauchene who served as Secretary for four years (two terms) and was this year's Special Service Award winner. The new officers will be developing their agenda over the coming months, and I am sure we will see some exciting new programs and goals.

We were treated to a variety of educational programs about transition and the judicial system in Orlando. Perhaps the most memorable was the International Program at which Vladimir Gredelj, President of the Association of Croatian Judges spoke. Judge Gredelj told of his hope for transition to a society in Croatia based on the rule of law and an independent judiciary. He knows firsthand of the difficult struggles in the past and future to accomplish these goals. He vividly described the persecution he has suffered and continues to suffer to accomplish the transition of Croatia to a democratic society with an independent judiciary. His poignant comment,

that to prevail the people must have in their hearts "that something" to drive them to seek a better way of life, captured the essence of the problem for emerging democracies. If the spirit is crushed by oppressive government, it is often difficult to find "that something" until a spark of hope ignites it. With the help of many organizations in the United States, including the FCCA, and the hard work and dedication of Judge Gredelj and others like him, the spark surely will be ignited. His speech is reprinted in the *Journal* at p. 5-9.

Judge Gredelj's remarks remind us that our founding fathers also had to engage in a great struggle to win freedom, democracy and an independent judiciary. We are so fortunate that we had strong leaders in those times to persevere and win the battle and that we continue to have strong leaders as our struggle to preserve these freedoms continues. It is up to us and future generations to continue to work to maintain the freedoms and system of government we cherish. As members of the FCCA and as employees of the judiciary, we are in a unique position to be able to support our judicial system and improve upon it. We are in charge of our own destiny. We can change what needs to be changed for the better, and continue to support the best system of government in the world.

This may not always be easy. Times are changing. Changes in the judiciary are being driven by economic pressure and technological advances. From automated jury management and financial systems to electronic filing of court documents, we are on the brink of major change to how we do business. How do we succeed? As Joe Haas tells us in his article at p. 13 of the *Journal*, "It's the deeds that count." We do not sit back. We do not complain that things are changing. We act. We work together and help each other. We meet changes head-on and succeed.

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We are challenged in our work, not only by technological advances, but by budget constraints. As Gregory Cummings, AO Deputy Assistant Director, Office of Budget & Finance, notes in his article on "Budget Outlook" (*Journal* p. 11-12), the budget is tightening because of the economic downturn and costs of the war and fighting terrorism. The ample budgets of a few years ago are only a memory. We must do some serious belt-tightening to persevere in these lean times.

Our environment is rapidly changing, and we must respond quickly to survive. As the Conference keynote speaker, Dr. Roger Manley, remarked, change is so rapid that we must constantly "navigate the whitewaters." Gone are the days when we could take a breather before moving to the next challenge. This, of course, inevitably leads to stress. What are we to do? Fortunately, some very good tips were provided in the Conference programs: (1) Do take a breather several times a day - walk around and get a new perspective; (2) Laugh and share fun with colleagues; (3) Get organized; (4) Take care of your health - eat right and exercise; (5) Think positive; (6) Learn appropriate strategies to deal with different personalities; (7) Increase your energy level.

As you can see, I got a lot out of the conference. I know the other attendees did as well. One attendee, Laudan Batino, from the Ninth Circuit Court of Appeals, so enjoyed the conference he wrote an article for the *Journal* about his experience (see *Journal* p. 13-14) and joined two committees! At the Farewell Dinner Dance, I asked several people for their comments about the FCCA and the conferences. Here is what they said:

Deenah Levine, Bankr., Conn. "This is my first conference and I think it's great. I love meeting the people and the sessions are very good."

Marilyn Holland, N.D. Fla. "I loved it."

Linda Small, E.D. Tenn. "It was great. I really enjoyed all the sessions and loved meeting people. I learned a lot and the networking was great. I will now be very supportive of FCCA."

Angie Maxwell, N.D. Fla. "I enjoyed the professional development and networking. The session on 'Dealing with the Toxic Employee' was insightful."

Daria Gredelj, Zagree, Croatia. "Great conference. It was my first trip to the United States. It has been exciting. I enjoyed the people."

Jane Bauer, D. Conn. "I have attended other conferences in Miami and Cleveland. It is a great way to meet others. I always recommend it. I have had a great time. I particularly enjoyed the session on 'Laughing at Stress.' I am eagerly looking forward to Anaheim 2004!"

Doug Ward, D. Idaho. "The seminars and networking opportunities are invaluable. It's nice to find out how colleagues do things in other districts."

Linda Lucas, E.D. Calif. "The conferences are great. My name was drawn four times for prizes at this conference."

Donna Ausbie, D. Ore. "I have attended two conferences - Portland, Oregon (2002) and Orlando, Florida (2003). I recommend them. I will try to get more people to join the FCCA. I've been a member for several years, but haven't been able to attend other conferences. It is helpful to talk to colleagues and find out we have common problems."

While times are changing, some things never change. You can still learn a lot and have a great time at an FCCA conference. The FCCA has been a positive force for the federal judiciary for 75 years. With your support, it will continue to be. So "Shoot for the Stars" and plan to attend next year's confer-

ence in Anaheim, California (see *Journal* at p. 15.) There is a lot in store for you.

Speaking of change, I guess you noticed that you have a new editor. If you have ideas for articles, columns, special features, or format changes, please let me know. You can reach me at 865/545-4234, ext. 225 or patricia_mcnutt@tned.uscourts.gov



Looking Ahead

By Sheryl Loesch

As outgoing chair of the Clerk's Council, I would like to thank each of the members who served on the Executive Board of the Clerk's Council. They include Bill Brownell, Pat Brune, Mike Dobbins, Wally Edgell, Bill Putnicki, and Jim Starr. Each of these clerks was instrumental in getting the mentorship program off and running. Their support and immediate willingness to further the mission of the Clerk's Council and FCCA is certainly appreciated.

Even though only a few weeks have passed since the Middle District of Florida hosted the FCCA Annual Conference, it seems like a distant memory. My staff and I commented last week that, even though we are relieved to have the conference behind us, things seem a little anticlimactic around here! I look forward to the next two years as President Elect and hope to continue the great work of the past and present presidents of FCCA. I am excited about the international outreach programs that are evolving. It is certainly a rewarding and thrilling time to be a part of FCCA.



Speech Presented at the International Programs Session

of the FCCA 2003 Annual Conference
in Orlando, Florida

By Vladimir Gredelj
President of the Association of Croatian Judges

I would like to take this opportunity to express my gratitude to my numerous American friends, colleagues and organizations I have had the honor of cooperating with throughout the past period. Allow me, first of all, to mention the honorable judge of the Supreme Court of the United States, Ms. Sandra Day O'Connor. I had the privilege of meeting her in Washington in 1997 and of welcoming her to Zagreb on behalf of the Association of Croatian Judges a couple of years later. Once again, I would like to thank all the members of the FCCA, the former President, Mr. Joseph A. Haas, and my dear friend and the current President, Mr. Jeffrey A. Apperson, for inviting me to participate in this gathering on the occasion of marking the 75th anniversary of the FCCA, that I congratulate you upon with all my heart. Let me also thank Honorable Chief Judge, Ms. Patricia C. Fosset from the District Court Middle District of Florida, and Senator Mitch McConnell for their letters of welcome. Gratitude is also extended to my dear friend the Judge Charles R. Simpson III, Western District of Kentucky, to all the representatives of ABA/CEELI in Croatia, especially my dear friend Mr. Nicolas Mansfeld who is today a representative of the East-West Management Institute in New York, to Mr. Fred Jager, Ms. Mary Noel Pepis, Mr. Steven Austermuler and many others, to the USAID, the American Embassy in Croatia and all the ambassadors. Allow me to point out my privilege of having an exceptionally good cooperation with Mr. William Montgomery. I would like to point out, that the United States of America was among those few

honest and devoted friends and partners providing support for me personally and for the Association in the most difficult years. No other country in the world supported us like the USA did. Therefore, allow me to thank the Government of the USA and the people of America for everything they did, for their support of the development and promotion of the Association of Croatian Judges and all other participants in the reform processes in Croatia. After seven years of cooperation, it is my pleasure to be able to say that our cooperation is growing and becoming stronger every day.

Before sharing with you my opinion about the transition of the judiciary, about problems connected to the reform of the society, particularly of the justice system, I would like to stress the fact that this is only my personal opinion based on my experience as a citizen, a judge, the President of the Association of Croatian Judges, and a participant in numerous international conferences and study visits, e.g., study tour through the USA in 1997, visit to Lithuania, and the Program "Tripartite Division of Power in Democratic Societies," I joined as a guest of the Government of the Federal Republic of Germany. Furthermore, I would like to mention numerous contacts with the colleagues from the countries of the former Yugoslavia – Slovenia, FYR Macedonia, Montenegro, Serbia, Kosovo and Bosnia and Herzegovina.

Croatia is a small country with about 4,000,000 citizens and over 1,000,000 unresolved court cases. It is a post-totalitarian, underdeveloped and heavily indebted country. Having

been devastated in the war and impoverished by the uncontrolled privatization process, Croatia remains a country of great natural beauties, but at the same time it is also a country of growing corruption and organized crime. The entire professional and general public is unanimous – Croatia does not have a legal system that can fight this evil, the total Croatian justice system is ineffective and incapable of accomplishing its main mission aimed at introducing the principles of rule of law, of overall economic and social prosperity, protection of property and promotion of foreign investments, market development and global legal security. Such a condition of the legal system ruins the credibility of the entire political and economic system in Croatia and eventually jeopardizes the stability of the constitutional and legal system.

In short, the Croatian legal system is characterized by slow and long-lasting court procedures, ineffective execution of valid court decisions, legal insecurity (non-standardized court proceedings), lack of confidence among citizens, frequent fluctuations of legal key officials, bad laws, inadequate material, social and professional status of judges and other legal officials, lack of lifelong education of judges, etc.

Even though the members of the Association of Croatian Judges persistently warned the Croatian public in the past years, that there were no legal system reforms, that the measures taken were not sufficient for changing the situation, that such measures did

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not deserve to be called reforms, the executive power kept on assuring the citizens that the reform was carried out and that we (the judges) resisted it. Today, it should be clear to all of us, who it was that deceived the public because one of three main objections of Europe to Croatia contains a request that the reform of the legal system be carried out. Over the past thirteen years we had two governments speaking about the reform, but the reform has remained beyond achievement. The objective of this paper is to try and give an answer to the question – WHY? I do not intend to speak about the necessary measures that need to be taken because there is no doubt about that. I would rather deal with the fundamental reasons that prevented those measures, with the cause that prevented the implementation of the reform and with the people who actually prevented it.

Today, our country is passing through one of the most turbulent periods in its long history. It has to take the most difficult and the most important examination before the entire world and before itself. This is the moment of abandoning the outdated social and political system and the moment of constructing another completely new, modern system obeying the needs of Croatian citizens oriented towards West-European traditional achievements, eminent standards of a true civil society.

Can we be satisfied by our achievements and perspectives after the period of ten-year transition? Where are we and where are we going to? Are we progressing too slowly or too quickly? These are just a few questions asked by many people in Croatia today that could immediately be answered by saying that the vast major-

ity of citizens were not satisfied by the results and the dynamics of the transition process.

After having lived for half a century in the model of the rigid and ideologically overwhelmed system characterized by social ownership, single-party system and the undivided power and all it represented, it would constitute a dangerous illusion to impatiently expect a quick and simple transformation of the society, acceptance of democratic standards based on the principles of private property, multi-party democracy and tripartite division of power, that often leads to dissatisfaction, bitterness and that unfortunately represents a good basis for retrograde processes.

Since we are aware of the fact that the judicial power is being determined within the overall social developments in the long run, we in the Association of Croatian Judges have realized that our historic obligation is to be an active participant in these developments.

Everyone who is really striving to understand the transition of the judicial system, has to realize the fact that it actually represents only a portion of the entire society and that therefore it has to share the destiny of the society. Therefore, the rehabilitation of the legal system can be achieved only within the framework of the rehabilitation of the entire society, which leads to the conclusion that the long and the hard path is awaiting us. This is the reason why we should keep it in our minds during the entire process that even a slightest concession to the everyday politics, that strives for fast and efficient solutions, is extremely unacceptable and that it will inevitably result in the further slow-down of this already slow process or even in starting the process all over again, thus extending and deepening the agony of the legal system and of the society as a whole.

The answer to the question, how difficult this might prove to be, has probably been in the best way illus-

trated by our famous sociologist, Mr. Mardesic, who commented on the Croatian society by saying: "The precedence of the politics over the economy, law, culture and ideology has been inherited from the communist system, it has remained unchanged and even grew stronger. There is an irony present in our saying that we have been deluded by some sort of subordinate and manipulative political metaphysics..."

Not agreeing to such Croatia, we are determined to insist on the tripartite division of power as and on strengthening the independence of the judicial power being the basis of a democratic society. Over the six-year period of my being the President of the Association of Croatian Judges, the Association and myself have been the target of severe attacks from the former and current political power supported by the media that have agreed to become an instrument of the power. In those days of probation, the United States of America has always remained our true friend. Even though our cooperation was focused on strengthening the Association as the driving force of democratic processes in Croatia, especially of the independent judiciary, the Association has been considered a political enemy. The former Government called us American spies. The spouse of the Minister of Justice in the former Government called me a Mason that seeks instructions from the American Embassy. The Association was called "The Association of Dangerous Intentions." Even the safety of my family and me was endangered. But, the present Government is not any better. After I informed the European Association of Judges in Madrid in 2002, that the present Government was changing the Constitution and the laws, which would result in the limited independence of the judiciary and the judicial power and which was subsequently confirmed by the Commission of the European Association of

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Speech at the International Programs Session

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Judges, measures were immediately taken to remove me from my position of the President of the County Court in Bjelovar. This mission was eventually accomplished. I was forced to leave my office under the threat of calling judicial police, even though my eight-year term of office was not over. The new President of the Court, who was appointed by the Minister of Justice, ordered the doormen to monitor and report on my coming and leaving the Court with the objective of preventing my further public work. Some of the pro-regime media named me a Taliban of the Croatian justice, and the Minister of Justice said I was the greatest disaster of the Croatian justice. These attacks reached their peak in a constructed political process and a harangue in the media that lasted for more than a year. My immunity was not of much help. Even though the indictment was to such an extent fictitious that the court did not allow the start of the investigation, the State Judicial Council deprived me of immunity and made harassment possible with the objective of fawning upon the Government. The Supreme Court of the Republic of Croatia stopped the entire procedure by the Decision on rejecting the request of the Chief Public Prosecutor to initiate the prosecution against me. Yet, this did not prevent the media from attacking me. Some representatives of the media, who are ideologically and existentially dependent on the Government, regard every critic of the Government as their personal enemy. I have always been a free-thinking person and I have never been a member of any political party. I belong to those few judges in this region who have not been members of the Communist Party in the former

communist regime. Having been provoked by long-lasting harassment and public slander, I said to "the reformed" communists: *"If I feel urged by my civil tolerance to forgive you for being communists, is it not high time you forgave me for not being a communist?"*

If you remain outside larger and smaller parties and interest groups that the country is divided into, you are in permanent danger, you are a "black sheep." It is not easy to survive when you are exposed to such pressures. I managed with the help from my family, friends, colleagues, many of them American. Yet, nothing influenced me like the words written by the young John Quincy Adams in his diary commenting on his first months in the Senate in 1803:

As I rightly expected, I had an opportunity of experiencing how dangerous it might be for a person to abide by its own principles. The country is so over-obsessed by the spirit of the parties that it is considered a punishable crime not to belong to either of them. Crucified in such a manner, I see that I can remain true to my conscience only by sacrificing not only every chance of prosperity but also my reputation and my present status. Yet, I have chosen my way, and should there be no hope of pleasing my country, I am determined not to betray my senses.

How recognizable. Without exaggerating I dare maintain that Croatia's position is exactly the same as the position of the USA two hundred years ago – rolling in the mud of petty politics. I do not intend to betray my senses. Croatia lives its pre-political age. Yet I believe that it will not take us two hundred years to overcome our political puberty.

Unfortunately, I am not an exception but rather an obvious example of harassment of judicial officials who would not give up their honor, dignity and independence for the sake of promotion and praise from the govern-

ment. Therefore, we can come to the conclusion that human rights and citizens' freedoms have not been completely recognized either in Croatia or in the entire region despite the fact that they have been proclaimed by the Constitution as the supreme values of the society. Consequently, many people living in these areas are a little bit jealous of human rights and freedoms people enjoy in the USA, often forgetting that the freedoms, the American people are rightly proud of, did not come out of nothing and were not attained overnight.

Why is our situation not the same as the situation of the USA? We have the new state, the new Constitution, new laws. The answer is simple – we are not new or new enough. We miss "that something" that the famous American judge, Mr. Learned Hand called the Spirit of Liberty and explained it in the best possible way by saying:

I often wonder, whether our hopes are based too much on constitutions, laws and courts. They bring false hopes, believe me, they bring nothing but false hopes. The freedom dwells in the hearts of men and women, and when it dies there, no constitution, no law and no court can do much about it.

The most frightening inheritance of communism is the fear implanted in many men and women. Their hearts are full of fear instead of courage. People are afraid of losing their lives, honor, reputation, jobs. They are afraid that their careers might be ruined. And naturally, where fear dwells, obedience dwells as well. It can be recognized at any place, in the Government, in the Parliament, at counters, in shops, offices and streets. More than a decade has passed and the hearts of Croatian men and women are still missing "that something," that is needed for making it possible for them to hope that democracy would be developed at a faster rate.

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Croatia has left communism, but communism has not left Croatia. This must be the fundamental reason that turns everything into its opposite. For example, the freedom of speech is one of the foundations of democracy, but instead of being an instrument of free-thinking citizens in fighting against corruption, organized crime, non-professionalism, nepotism and other evils of our society, it is being abused in such a manner that it can be maintained that it has become a serious obstacle in the way of further democratic processes. The judicial power and the entire legal-political system are suffering from difficult consequences of such an idea of freedom of speech. Confidence in the judiciary and the system has almost disappeared. This jeopardizes the very foundations of the society. Somebody said once: "It is easier to build a city in the air than a state without faith in God and honesty." In the past decades, Croatia could learn how true that is. Yet, despite the fact that the media are nowadays more engaged in producing the news rather than spreading them, especially regarding the news about me personally and about the judicial power, I am convinced that the freedom of the media represents the basis of every democracy, and therefore of ours as well. I do not agree with those who claim that the media with too much freedom become the enemy of the democracy. The enemy of the democracy is not excessive freedom but rather the misuse of freedom. Every freedom has its limitations, and this is also true in the case of the freedom of the media. We, the judges, have the responsibility of initiating the return of the objective reporting based on facts. This should be accomplished without smothering the media or limiting their

freedom. Our task is just to help them recognize the boundaries of their activities, because just like the freedom of speech is essential for the development of democracy, its misuse is absolutely unacceptable. The measures against the misuse of the freedom of speech have to be introduced simultaneously with the measures aimed at its protection. This has to be handled with extreme caution because the line between the allowed and the disallowed, desirable and undesirable, good and evil, justice and injustice is extremely thin.

The aforementioned leads us to the conclusion, that one of the main preconditions for creating the modern justice system is raising of the level of the political and democratic culture not only of the political leaders but of the population and of the media above all. The main cause of all the problems in the justice, especially in the judiciary, lies in the fact that it has been used for political purposes and marginalized over the period of more than fifty years. The executive power and the judiciary have to switch their roles. It is high time that the executive power becomes a service to the judicial power. In order to accomplish this goal, it is necessary to initiate an urgent and consistent process of de-politicization of the judiciary and to initiate changes in the political approach, by means of which the real autonomy of the judiciary as an equal partner within the tripartite division of power would be made possible. Even though the Constitution proclaims the division of power into the executive power, legislative power and judicial power, Croatia is currently characterized by the undivided power. In spite of promises given at the last parliamentary and presidential elections, when parliamentary democracy was announced, the only thing that we witnessed was the shift of the central power from the institution of the President of the Republic to the President of the Government. The model and the methods of ruling have remained the

same. Under such circumstances, it could be maintained that the Croatian democracy was parliamentary in the same manner as the judicial power were independent. Taking into account the remark given by the respectable expert in constitutional law, Prof. Smerdel: "*Democracy is developed gradually in the interaction of the enlightened leaders and active citizens,*" I must point out that I am not an optimist and that I do not believe that the real division of power will be accomplished in the near future. The Croatian citizens are not active, and the leaders are far from being enlightened. Since those who have the power, i.e. the executive power, are not willing to give up the power that institutionally belongs to the judiciary, and since the judiciary is too weak to take its role, I dare say that the tripartite division of power will be accomplished in the moment when the majority of the representatives of the executive and the legislative power and the Croatian public together with the media become historically mature, or as the Judge Hand put it – when they have gained "that something" needed for implementing the Constitution and the laws. Croatia is the prisoner of the politicians who grew up, who were educated and who developed their personalities in the system that used to be determined by the undivided power, by single-party system and by social ownership. And we are supposed to believe that they are really willing and capable of transforming our society into a democratic civil society. They are expected to carry out the transformation process. The question of all questions has to be asked: "Who will reform the reformers?" Is it possible for the ideologists of communism, even for the well-intentioned ones, to become persons of civil prominence or is it just another communist utopia? The pendulum of history has been moving left – right – left – right for too long. And who knows, how long it will keep moving. The society

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is still heavily contaminated by communism and revolutionary ideas. Elections in Croatia are always followed by a new beginning. By following "the principles of prey", the winners of the elections divide the splitters of the power and positions within their parties, within themselves regardless of capabilities, competences, thus generating corruption, incompetence and distrust among the citizens. The Constitution is changed, the laws are changed, everything is changed over and over again according to the everyday political needs and rules of a running revolution. The disturbance arising from the division of powers, various functions, both important and less important, is such that nobody can hear the words of warning of the famous legal historian Harold Berman who said: "*Radical transformation of the legal system is paradoxical by its very nature, since one of the basic purposes of the law is to provide stability and continuity*". Or as Professor Smerdel warned without success before the last changes of the Constitution: "*Democracy means a permanent constitutional discussion on the basic issues of a political community, but not the continuous adjustment of the constitutional system to the needs of every new power.*" Who wants to hear what the profession has to say? Who cares! They know best what Croatia needs, since they know all and they know all best. Since any modification of the Constitution is preceded by convincing of the Constitution makers that these are necessary improvements in the interest of the widest classes of citizens, I would like to add to the already mentioned, that there is no constitution that can be as bad as one which is constantly modified. Moreover, I feel free to say that countries that often change their Constitutions, actually do not have the Constitution at all.

When talking about these political issues, a doubt comes to my mind whether the politicians can "practice politics." The actual politicians are of the opinion that judges should be far away from politics and political issues. The actual Minister of Justice made an open threat in an interview that the judges who dared to practice politics could be thrown out of the court. It is still not clear in which way the judges, under the presumption that they would listen to the Minister, would protect the independence of the judicial power. Is the defense of the judiciary independence nothing else than practicing of politics? How can we do this if we are not to use the language of politics? Can anybody forbid a judge to consider the division of power, or to defend the judicial power from being overpowered by the other two branches of power?

When discussing whether judges should be involved in politics, it is necessary to overcome one of the prejudices, eminent to many successors of the negative political experience consisting of corruption, manipulation, or the game of particular interests, which was never lacking and is still not lacking. There are many people who deem politics as something impure, fake, demagogic. And this is all the pathology of politics, which caused Aristotle to say that every human being, whether he wants it or not, is a political animal.

It has to be said clearly that it would be extremely dangerous for judges to practice party politics. However, I am convinced that it is not only allowed, but also obligatory to actively participate in politics by promoting justice, disclosing corruption and violation of human dignity. It would be the greatest pity for a society to leave the "politics practice" only to politicians.

This refers particularly to young democracies in transition countries, where elections represent a new danger of revisionism, a new revolution. This is exactly what happened to

Croatia in 2000. Instead of being immune to political changes, the judicial power which is independent pursuant to the Constitution of the Republic of Croatia, again became an object of the revolution. The President of the Supreme Court of the Republic of Croatia and the complete State Judicial Council were dismissed, whereas the terms of office of courts' presidents were terminated against the Constitution and against the law. Under the pretext of efforts to depoliticize the legal system, a new politicization was actually implemented, but only with a new political sign. The key positions in the judiciary were again filled mostly by old and known communist cadre. It all happened in front of the eyes of the international community, which, as compared to previous years, was ready to close both eyes. I would not like to speculate about the motives. However, it is quite obvious that the international community allowed that in Croatia, in the area of judiciary, the values can be violated, which in their own countries are deemed sacred and which were promoted as a basic warranty of independence of the judiciary. It is strange that Europe, which passed a number of regulations based on the postulate that countries must not change their constitutions and laws in the way to diminish the warranties of independence of the judicial power, after all that happened, praises the Croatian legislation changes in the last three years, which are directly opposed to this principle, while simultaneously expressing dissatisfaction due to the absence of the judiciary reform, as though this is not connected at all.

It is not necessary to emphasize that this dangerous precedent from 2000 is exactly an "invitation" to the new political elite to correct the mistakes done by their precedents, and this brings us to a vicious circle, in which political arbitration will be made necessary over and over again. In this way, the politics wants to secure its perma-

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nent position as a judiciary monitor. The person who really wishes that Croatia and other transition countries have an independent judiciary in the future, has to do everything to unmask and remove such politics and its practice as urgently as possible. The part of the international community which deems that the work was finished with the fall of the totalitarian regimes in transition countries, has made a big mistake. This work is still at the very beginning. Foundations of a modern democratic society are to be made on the remains of the fallen regimes. I would like to believe that the international community, when insisting on the judicial reform in Croatia, regards the problem as a part of the necessary reforms, because there is no judiciary reform without the reform of the relation of the executive power towards the judiciary. None of the authorities have had a judiciary development strategy so far and therefore no judiciary reform was carried out. Croatia is a country which had 7 Presidents of the Supreme Court, 10 Ministers of Justice and 8 Public Prosecutors in the last decade. It seems obvious that the key people in the judiciary are regarded by politics as throwaway goods. Let us have a look at the statement made by the Prime Minister, Mr. Raan that illustrates their attitude towards the judiciary in the case of a legally invalid court decision, which he did not like: *"We cannot influence courts directly; therefore, it is necessary to create an atmosphere in which such decisions will not be made."* For us who can remember the times several decades ago when judgments used to be passed on the basis of an "atmosphere" rather than on the basis of the constitution and laws, and when people used to be sent to the Croatian "Alcatraz," this statement of

the Prime Minister is not only clumsy, but highly inappropriate and dangerous to say the very least, taking into account the fact that we all know who actually had created such an atmosphere.

If Croatia really wants to be democratic, it has to reject revolution once and for all and commit itself to evolution. Croatia needs enlightened leaders and active citizens. Croatia needs an expert and efficient judiciary. To conclude: Croatia needs a real reform, and not a reformism, revisionism or cosmetic changes. Croatia needs *reformatio in capite et in mebris*, (changes in heads and limbs), which means a profound and radical change.

However, due to current problems that I shortly mentioned, Croatia does not have enough strength for such a change without influence from abroad, at least not in the near future. Since we do not have two hundred years for letting politics "mature" in a natural way, our only chance is a two-way impact of the international community: Political pressure and expert assistance. Historically seen this is the best timing. Croatia wants to become a part of a democratic and gentle World, and this World will know how to appraise whether Croatia is ready to accept its rules, not only the written ones. It is fortunate that this and such world will never let Croatia become its part with such a judiciary. And this is a great historic change of the Croatian judiciary, but also a guarantee of further development of Croatia as a democratic state based on rule of law.

Finally, without underestimating help from abroad, I would like to say that I am aware of the fact that the chances for our final success are exactly proportional to the maturity and readiness of us all, and not only of few of us, to invest that "something more" or as F. D. Roosevelt said:

"The only thing we have to fear is fear itself."



Awards Presented - Orlando Conference

By Sue Rigan, Awards Chair

The Federal Court Clerks' Association presented a number of awards and certificates on Thursday, June 26, 2003, at the annual conference in Orlando, Florida. This year's Special Service Award winner was Sheila Beauchene from the U.S. District Court, District of North Dakota (shown above).

Sheila Beauchene served on various committees and chaired the Awards Committee for four years. She represented the 8th Circuit on the Board of Directors for the maximum of two successive terms and served two terms (four years) as the FCCA Secretary. Her deep dedication to the FCCA has been invaluable.

In addition to the Special Service Award, Team Middle Florida received a matted and framed certificate of appreciation for being our Host Court; outgoing President Joe Haas received a brass eagle, mounted on wood with an engraved plaque identifying his years of service; outgoing Officers Sam Hamrick and Sheila Beauchene each received a brass eagle with an engraved plaque; and over 100 certificates of appreciation were given to various FCCA members as gratitude for their service.

Congratulations to each of you and thank you for your continued support of FCCA!



Budget Outlook

By Gregory Cummings

In spite of the best efforts of the Judicial Conference Budget Committee, our judge contacts, and Director Meham and the AO staff, lean times possibly loom ahead for the Judiciary budget in FY04 and FY05. To better prepare the courts should these constrained budgets come to pass, the Budget Committee, the spending committees of the Conference, the AO, and the Budget and Finance Advisory Council (BFAC) have been working on measures to contend with a tighter budget environment. The BFAC is an advisory council to the Administrative Office made up of 18 court unit executives and 4 judges representing each of the 4 court units. The BFAC met for seven and one-half days this year to study court allotment and spending data.

What is driving this budget outlook?

In FY03 and again in FY04, Congress put the brakes on overall federal spending that is not designated for defense or homeland security. It did so in response to terrorism and the ensuing war. In FY03, Congress held the increase in the national domestic discretionary budget to 4%. In FY04, Congress passed a budget resolution holding the increase to 2%. All the while, the growing budget deficit (about \$475 billion in FY04) will place a drag on hopes of relief from these budget ceilings.

The funding contained in the FY04 budget resolution is divided among 13 appropriations committees of the Congress - some will receive more than a 2% increase and some will receive less. For example, defense and homeland security will receive the bulk of budget increases. Competition for budget dollars is intense. The Judiciary's budget is determined by the Commerce, Justice, State and Judiciary Appropria-

tions Subcommittee. The Judiciary is in competition with the FBI, other law enforcement agencies and the Department of Justice, among others, for the limited increases allowed in FY04.

In FY03, the Judiciary requested an 11% increase to cover our current needs plus growing workload. The Judiciary fared better than most agencies - receiving about a 5% increase. This increase was sufficient to cover mandatory costs such as judges pay, related chambers' costs, rent, and law enforcement expenses but was not sufficient to fully fund the court allotment formulas. An increase of only about one and one-half percent was provided nationally to the courts. For FY04, the Judiciary again has requested about an 11% increase. Should we receive the same increase in FY04 as we did this year (5%), there likely would be little, if any, increase in funds available for discretionary court allotments, after the aforementioned mandatory expenses are covered.

Looking forward to FY05 the outlook remains challenging. Since workload and pay costs continue to increase, to fully fund current staffing and allotment formulas in FY05, the Judiciary would need an increase of 15.5%, or \$613 million over the FY04 budget in the court Salaries and Expenses account. The Budget Committee believes that the Congress would view as unrealistic a 15% increase in court funding. To be seen as credible with Congress given the overall budget environment, the Budget Committee took the view during its recent deliberations that the judiciary should limit its overall increase to about 10% in FY05.

The difference between a 15.5% increase and a 10% increase is about \$216 million. Chief Judge John Heyburn, Chair of the Budget Commit-

tee, encouraged the spending committees of the Conference to closely examine the resources truly necessary to perform the work of the judiciary.

As a result of its recent deliberations, including recommendations from the spending committees of the Conference, the Budget Committee has recommended to the Conference an FY05 budget request that includes the following steps that result in a budget that grows by about 10%:

3. Increased Fee Revenue - The Court Administration and Case Management Committee of the Judicial Conference recommended specific proposals to increase fee revenue up to \$61 million.

4. Revised Cost Control Monitoring System Formula and other Non-Salary Formulas - CCMS is the formula used to determine salary funding for the Judiciary. It is eight years old and needs to be updated. Based on a review of actual spending by the courts the amounts computed by the formula significantly exceed what is spent by the courts. On average, courts spent only 90% of the salary budget over the last several years, and at the same time employment rose to near 100% of staffing formulas by the end of FY02. The reasons for this disparity between the salary budget base and actual spending since the advent of CCMS are: (1) annual allotment increases provided for ECI/Locality pay were greater than actual needs; (2) annual increases provided for salary progression were greater than actual needs; and (3) increases in authorized work units were funded at the national average salary which is often greater than actual needs.

Congress is aware that court units are hiring staff at a level close to 100%

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of the work measurement formula, but at much less than 100% of salary funding. The Budget Committee wants the formulas to be as reasonably accurate as possible to demonstrate to Congress our true salary requirements at 100% of the staffing formula and retain the Judiciary's credibility with Congress. This requires adjusting the CCMS formula.

The BFAC considered a variety of methods of updating the formulas and debated them vigorously. While there was not unanimity, the council did arrive at a majority opinion in most areas. After considering the work of the BFAC, the Budget Committee proposed to incorporate the following updated formulas in the FY05 budget request and also recommended that the Executive Committee adopt them for use in FY04:

1. **Salary Base Reset** - The salary base reset will take a snapshot of personnel on the payroll as of June 30, 2002 and calculate the annualized needs of the court for on board personnel. In addition, 12 months funding will be provided for authorized but unfilled work units existing on that date. (This reset method is similar to the original CCMS snapshot and maintains linkage with staffing formulas by computing the funding needed to support 100% of the staffing formulas). The base will then be brought forward to FY04 by adding increases such as ECI, salary progression, etc.

2. **National Average Salary** - The original CCMS formula took a snapshot in August 1995 of the average salary by court type and since has been inflated by COLAs. The new national average salary will be set at the journeyman level for all units without any locality based adjustments. This amount will be \$43,000 for district and circuit clerks, \$39,100 for bankruptcy

clerks, and \$51,500 for probation and pretrial officers. Previous averages were \$46,000, 43,400 and 56,300, respectively.

3. **Salary Progression** - The current formula provides for a 2% salary progression. However, the courts only spend about .75% on average. The recommendation is to provide a 1% salary progression to fund promotions and step increases.

4. **Funding for New Work Units** - CCMS policy is for new work units to be funded at nine months, subject to the availability of funds. The recommendation is to provide six months funding for new work units. This is a more realistic reflection of the time it takes courts to hire new staff.

5. **Non-salary formulas** that provide allotments for aggregate expenses, and capital goods were updated based on actual spending trends over the last three years. Cyclical maintenance and tenant alterations formulas were also changed.

These revised formulas reduce the budget request by about \$103 million in FY05.

3. **Delayed IT Cyclical Replacement** - In response to Budget Committee deliberations, the IT Committee of the Judicial Conference plans to slide the replacement cycle for office automation equipment to four years instead of three years. This would reduce the FY05 request by about \$8 million in FY05.

4. **Productivity Adjustment** - Finally, to close the gap, the Budget Committee endorsed a proposal from the Judicial Resources Committee to adopt a 2% "productivity adjustment" to the staffing formulas. It also endorsed a proposal from the Criminal Law Committee to assume a 3% rate of early termination of offenders under supervision. The adjustment would be used to formulate the FY05 salary budget and would save about \$37 million. The

idea behind the "productivity adjustment" is that the current work measurement formula does not take into account the greater productivity achieved by most courts from investments in technology and adoption of better practices. Therefore, to offset this presumed over allocation of staffing credit, the proposal is to reduce the salary request by 2% on a national basis in FY05. The Human Resources Advisory Council already is reviewing the work measurement formula to determine how these adjustments could be incorporated in the formulas.

The combination of these measures along with other adjustments made by the Budget Committee come within a "whisker" of the Budget Committee's goal of a 10% increase in FY05.

All of the formulas changes discussed above reduce the district court funding by about 3.4%. Other court units will experience greater reductions – about 5.3% nationally. Reductions to salary funds will be partially offset by adjustments to nonsalary formula allotments. The district courts will see about a 7.7% increase in the aggregate formulas. The capital goods formula increases by 5.2% for district courts.

As I stated at the beginning, every step is being taken to obtain adequate funding for the courts. However, the final appropriation is outside of our control and depends upon congressional priorities. And if faced with a severely constrained budget, we need to be prepared. The aforementioned measures recommended by the Budget Committee and other committees of the Conference represent a first step at balancing spending requirements with the budget outlook.

For more information about the budget recommendations, go to the J-Net home page, select **Finance**, then select **Budget and Finance Advisory Council**.



Spotlight on Members

Sheryl Loesch

Sheryl L. Loesch has served as the Clerk of Court for the United States District Court, Middle District of Florida since 1999. She previously served as the Chief Deputy Clerk for the United States District Court, District of Kansas from 1996-1999. Prior to relocating to Kansas, Ms. Loesch served as the Division Manager in the Jacksonville Division of the Middle District of Florida from 1989-1996. Ms. Loesch is the President Elect of the Federal Court Clerk's Association and is also a new member of the FAST Working Group. She has also served as a trainer and facilitator for the Federal Judicial Center and has facilitated several programs on the Federal Judiciary's Television Network (FJTN). Ms. Loesch earned her Master's Degree in Public Administration in 1987 and her Bachelor's Degree in Social and Behavioral Sciences in 1982 from the University of South Florida in Tampa.

A native of Pittsburgh, PA, Sheryl has lived in Florida most of her adult life. When she's not riding the roller coasters at the area theme parks, she enjoys the beach, flying lessons, and outdoor photography.

She has been a member of FCCA since 1996.

Linda Wade

Linda Wade, from the Middle District of Florida, has agreed to serve as the new Web Site Administrator for the FCCA website. Linda is the webmaster for the 2003 Annual Conference website in Orlando. She is a Certified Web Professional specializing in site design and is a certified member of the International Webmasters

Association and HTML Writers Guild. In addition to maintaining the Court's intranet and Internet websites, Linda is also the videoconference administrator for the Middle District of Florida.

Linda is the proud parent of a 14-year old son. In her spare time, Linda plays French Horn in a local orchestra and enjoys painting and, most recently, mosaic art.

She has been a member of FCCA since 2002. 

FCCA Journal Membership Drive

*By Pam Twiford,
Membership Chair*

"Be A Member – Get A Member"

This year we saw a significant increase in FCCA membership, with a total of 1,286 members as of August 2003. This number includes 55 clerks and 56 chief deputies. A hearty thanks goes out to those whose energy and enthusiasm resulted in successful recruitment drives throughout the circuits. Our circuit and district representatives have done stellar work this past year in serving our members.

Not only have we increased our membership, but we have also created a new and improved database for our membership listing. This new system now allows me access to the status of members at any given moment and report information to Board members, when called upon.

As we face next year's Membership Drive, it behooves us all to remember why we joined the FCCA, what makes the FCCA such a rewarding organization and its many benefits to the federal court family.

Many of my own reasons come to mind, but a few stand out. Where else can we, as employees of the judiciary, enjoy the benefits of networking, the camaraderie, the educational opportunities, leave sharing, attend management seminars, hear updates on retirement information, learn of new courtroom technology, participate in unique cultural experiences, get to hear outstanding domestic and international speakers, have exposure to international judicial personalities and challenges, make new friends, and attend such well-organized and wonderful conferences, hosted by our sister courts and their staffs in various parts of the country.

My challenge for the upcoming year is to do everything possible to provide better membership service to all FCCA members. I am committed to supporting in every possible way new incentive plans, and ideas for the circuit and district representatives who work so hard to secure new members.

My challenge to each and every FCCA member for the upcoming year – please renew your membership and get at least one new member to join our unique, rewarding organization. Becoming a member of the FCCA in the next year may be the best thing you can do for yourself, your career and your fellow employees in the judiciary.

Membership dues for fiscal year 2004 remain as follows:

- **Unit Executive: \$75.00**
- **Chief Deputy/Other Court Executive: \$50.00**
- **Deputy Clerks/Retired/Other: \$20.00**

Membership applications are available on the FCCA web page at

<http://www.fcca.ws> or you may use the form that is included in each *FCCA Journal*.

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FCCA Journal Membership Drive

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Once you have completed the membership application, submit your form and fee payable to your District Court Representative. This will enable them to forward me one check with all the completed membership applications thereby saving the FCCA banking fees since we are charged for each check that is deposited.

The membership drive will run from October 1, 2003 through November 30, 2003. Take this opportunity to join or renew your membership and take the challenge to get at least one new member for the FCCA. Both of you will find the benefits and rewards well worth the challenge.



ORLANDO IMPRESSIONS: It's the Deeds that Count

*By Joe Hass, Clerk,
South Dakota District Court*

The Orlando Conference was a great success and we owe Sheryl Loesch, Clerk in the Middle District of Florida, and her staff a great debt. I have a variety of vivid memories of the week. This year's conference included seeing old friends; maybe I should say friends I have known for many years. It was great to see Bill and Estelle Barnes back again. It is always great meeting people who are attending their first conference; sometimes after recently joining the courts but sometimes after a long career. This year was particularly interesting because we had the chance to meet Vlado, Daria and Irina and to appreciate how important an independent judiciary is and how much we may take if for granted. I realized that, while we have much in common with court professionals in other countries, there will always be areas where it takes some extra effort

to bridge the communication barrier. That was demonstrated with emphasis when I was watching Jeff Apperson trying to teach Daria the arm motions that go with the YMCA dance.

On the Sunday afternoon before the President's reception, my wife and I were visiting a local outlet mall. We were sitting in the eatery and I noticed a man sitting with four small children. I figured he was enjoying some quality time with his children. No mother was around and I don't know if he was a single parent or whether his wife was just off shopping. He was wearing a T-shirt emblazoned with a logo that read something like "It's the Deeds that Matter" on the back. One of the children was crying and crying and crying. The man was on his cell phone the whole time. So much for quality time. Yes, the deeds are what matters. Maybe the T-shirt wasn't meant to inspire; maybe he just worked for a real estate title company.

Later that day, I got a call from my younger daughter who was playing in a soccer tournament in Minneapolis. Her team had made it to the finals. During the final game, at a time when the game was tied, one of her teammates was called for a foul in the box. The other team was set to take their penalty kick; an almost certain goal, when the coach of their team yelled out to the girl taking the kick that the foul had been miscalled and that she should kick the ball wide of the goal. My daughter was more excited about this example of good sportsmanship by the opposing coach than she was bummed by the fact that her team lost the finals. I guess that deeds do really matter.

I am always energized by our annual conferences. The combination of quality educational programs, the chance to talk to people who are excited about working for the courts and a sprinkling of interesting social activities always sends me home ready to take on the challenges that face us all. I will admit that, to me, the most important aspect of attending the conference

relates to getting together with others who share a professional commitment to working for the courts. Attending conferences and staying active in the FCCA and other professional associations are some of the deeds that matter. For those of you who were in Orlando, you know what I mean. For those of you who weren't there, I hope to see you in California next summer.



Impressed

By Laudan Batino

Impressed. That sums up my experience at the second Federal Court Clerks' Association (FCCA) conference. Other words that come to mind are commitment, belonging, and volunteering. Since joining the courts over four years ago, I've been fortunate enough to visit many different court units (including the AO and FJC). Being new to the Judiciary, I heard about FCCA and other organizations, but I was not sure what they were about, or their purpose. Last year I was fortunate enough to attend the FCCA conference in Portland, Oregon. The conference was very well organized and the content of the educational programs was excellent. Needless to say, I had a great time! So, this year when the opportunity came to attend the conference in Orlando, Florida I was glad to be able to attend again.

I wondered if I'd have as great a time as I did in Portland. FCCA lived up to that expectation and exceeded it. The conference was very well-organized and the educational programs were outstanding. This time around I began to notice what a great group of people FCCA members were. I especially took note of how committed members were to the Association. It was refreshing to meet so many people who kept talking about how they keep coming back, year after year, to attend the conference. They described how great it was to attend the social events,

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Impressed

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to learn from the educational programs, to visit the different cities, but best of all, to see their friends.

During the conference I met the officers, board members, council members, and committee members. Each member I met welcomed me and made me feel like I "belonged." One of my more memorable experiences was when I met Rosalie Womack, Chair of the Seniors Committee. Rosalie, with her friends Barbara Walker and Anne Keschel, asked me to join them at their table for lunch. They discussed how they've been members for 20 plus years. They started recounting the years and locations of the conferences. It was inspiring to listen and learn about FCCA and hear how committed they were as members of the Association.

After the conference when I returned back to my office, I decided I'd like to get more involved in this great Association, so I contacted two committees and volunteered to help. I look forward to attending next year's conference in Los Angeles.



Clerk's Council - Looking to the Future

*By Bill McCool, District Clerk,
Northern District of Florida*

The primary focus of the FCCA Clerk's Council is to consider issues in the Judiciary of concern to clerks of court and to propose economical and efficient solutions designed to improve

the administration of justice. The current advisory structure of the Administrative Office provides clerks limited participation in the formulation of important policies and guidelines. The Clerk's Council can provide significant input to the advisory groups and to the Administrative Office on important issues, while also improving communication between clerks, the advisory groups, and the Administrative Office. It is my hope the Clerk's Council will help bridge the communication gap that exists now, and bring more understanding, cooperation, and trust into the various relationships.

The Clerk's Council also works to provide meaningful professional development opportunities to clerks. This is accomplished by offering clerk-specific educational programs and by opening up opportunities for executive managers from the Administrative Office to speak at FCCA conferences about issues facing the Federal Judiciary.

The Clerk's Council will continue the program started by Joe Haas, FCCA Past President, and continued under the leadership of Sheryl Loesch, FCCA President-Elect, to provide mentor clerks to new clerks of court. We have already assigned mentors to Greg Langham, new Clerk for the District of Colorado (Ralph DeLoach, Clerk, District of Kansas) and to John Brubaker, new Clerk for the Middle District of North Carolina (Frank Johns, Clerk, Western District of North Carolina).

Jeff Apperson, FCCA President, and I have completed all of the appointments to the Executive Board of the Clerk's Council. The clerks/court executives who have agreed to serve are: Clarence Maddox, Clerk/Court Administrator, Southern District of Florida; Karen Mitchell, Clerk, Northern District of Texas; Geri Smith, Clerk, Northern District of Ohio; Kevin Rowe, Clerk, District of Connecticut; Lance Wilson, Clerk/District Court Executive, District of Nevada; and Jim Woodward, Clerk, Eastern District of

Missouri. We anticipate meeting once every quarter, or more as needed, via teleconference. Jeff and I have already compiled a list of significant issues to discuss with the Executive Board. We anticipate our first conference call with the Executive Board will take place shortly after Labor Day.

As we look to the future and the role of the Clerk's Council, Jeff and I expect the Executive Board will continue to address critical issues and issue written policy positions on behalf of the Clerk's Council. To that end, each of our Executive Board members will be reaching out to their colleagues in their circuits and regions for input on issues. We do not anticipate becoming a lobbying force with Congress. We will keep our focus within the Judiciary.

If any FCCA members wish to bring any issues to the attention of the Clerk's Council or the Executive Board, please call me at (850) 521-3530 or contact me via e-mail at william_mccool@flnd.uscourts.gov.



Coming Soon

By Linda Wade

The FCCA website will be changing soon. A whole new look and feel are on the way along with enhanced features and content. Our president, Jeff Apperson, has several ideas to improve the website content. Your ideas are welcomed too! To send your ideas for consideration, please contact Linda Wade at

Linda_Wade@flmd.uscourts.gov

The 2003 Annual Conference website is changing too. An attendance list and pictures from the conference are now available from the website. For memories from this great conference, please visit the website at

www.flmd.uscourts.gov/fcca

or

<http://156.130.40.199/fcca>



From the Deputy Clerks' Corner

By Cristina Squieri-Beeman, Chair, Deputy Clerks Council

FCCA 2004 Annual Conference

June 27 - July 1, 2004

By Dawn Bullock and Cristina Beeman

Hello FCCA members! It sure was great seeing some of you at the annual conference in Orlando. We had a fabulous time and I would like to take this opportunity to thank the team in Middle Florida for putting on a fabulous conference. It was once again another wonderful week of education and fun. I think it goes without saying that the international presentation was exciting as well as educational. We look forward to learning more about the judicial process in other countries. Our trip to Kennedy Space Center topped our social events, but it also was an educational experience for many. Thanks again to everyone in Middle Florida for making this yet another memorable conference.

Marilyn Vernon from the Federal Judicial Center, spoke at this year's Deputy Clerk's Council luncheon. She briefed us on current and upcoming events at the FJC. We appreciate the time and effort Marilyn took in appearing at this year's luncheon, and for her outstanding presentation.

Jim Murphy, Chief Deputy in the District of New Jersey, took over for The Deputy Clerks' Council mentoring program this past year when Bill McCool was appointed Clerk of Court in the Northern District of Florida. Jim has done a phenomenal job and we are looking forward to expanding the mentoring program into other areas of the court.

If you were at this year's conference, you grew weary of hearing one word come out of my mouth, "Pins." We were finally able to begin a project we spoke about last year, the selling of pins as a fundraiser. It really was a success in Orlando and for any of you wishing to purchase our inaugural pin,

there is a limited amount still available, at \$5.00 each. Since these will be collectors' items, we expect the \$5.00 price on the 2003 pins to go up, so get your order in now!

Membership season is upon us once again and I encourage you all to bring in a new member. FCCA is a wonderful organization and in the long run, benefits nonmembers as well as members. Please encourage co-workers in your office to join. If you or someone you know has any questions, please have them contact their district representative or visit our website at www.fcca.ws, for more information on how to become a member.

In addition to membership information, our website has much information. The list includes, but is not limited to, our annual blood drive, minutes from previous meetings, information on upcoming conferences and awards, including scholarship funds. Please be sure to visit and read through the information. It was quite disappointing last year when we did not receive any nominations for the Ross Levy award. We would love to make sure these funds go to deserving individuals and the only way we can do this is by your nominations.

Please do not forget that I am here to assist you and I would love to hear from you. If you need assistance in locating or contacting your district or circuit representative do not hesitate to contact me at the number listed below. Any questions, ideas or suggestions you have, please feel free to contact me. I am always happy to help and I am eager to hear from you.

Cristina_Beeman@cacd.uscourts.gov.

714-338-4760

We here in the Central District of California are excited and eager to host next year's annual conference. We are still working on some of the logistics of our conference and hope to have a complete schedule and list of costs in the next *Journal*.

Educationally we are striving to put on the best ever conference. We have also scheduled the traditional social events of the President's Reception and Final Banquet. We are also planning a night out. In sticking with next year's theme, "Shoot for the Stars," we are working on negotiating a night at Universal Studios.

Our conference will be held at the Anaheim Sheraton and we were able to secure an amazing conference price.

Standard rooms are \$95 per night

"Smart" rooms are \$115 per night

Suites are \$155 per night

Smart rooms are capable of assisting with faxing and copywork. Room rates are for up to four people in a room and parking has been reduced to \$3.00 per day. All rooms are a fabulous bargain, but please remember that there are a limited amount of suites and smart rooms, so if you're interested in obtaining one you better call your reservation in early. You can call the hotel anytime at 1-800-325-3535.

If you have any question, you can reach Dawn Bullock at 213-894-0662 or Cristina Beeman at 714-338-4760 and we will be more than happy to assist you.

See you in Anaheim!



FCCA BLOOD DRIVE REPORT, 2003

By Maria Carpenter, Blood Drive Chairperson

During the blood drives held from May 1, 2002 through April 30, 2003, 1,476 pints of blood were donated, 175 pints by FCCA members. This total includes the donation of 15 platelets by three FCCA members. This brings our grand total for the past 19 years to 8,233 pints! This year we had the highest number of courts participating with 32 courts. Thank you!

As has been the case for the past couple of years, our leader for blood platelet donations is Kath Love from the Eastern District of Arkansas. She received a special Certificate of Appreciation for her donations.

We had three blood donors who gave five pints each this year: Joyce Del Pero from the Eastern District of California, Don Emineth from North Dakota, and David Godown from the Northern District of West Virginia. They also received special Certificates of Appreciation.

The top five courts had donations totaling over 100 pints each. They are:

- Utah – 105 pints
- New York Southern – 108 pints
- New York Eastern – 145 pints
- Massachusetts – 182 pints

The court with the most pints donated and the most FCCA donations is the Eastern District of California with 232 pints! Sacramento and Fresno each received a framed certificate in appreciation of their outstanding performance.

Five lucky FCCA blood donors names were pulled from 175 possible winners. This year's \$50 winners were: Claire Carroll, Eastern District of California; Candice Hutcheson, Eastern District of California; Stanley Kessler, Eastern District of New York; Chris Carfora, Connecticut; and Rita Warner, Connecticut.

Congratulations to all and thank you for your generous donations.

Are you ready for a challenge? Next year will be our 20th year of blood drives. Our goal is to reach 10,000 pints donated by next year. This would mean we would have to work very hard to get the additional 1,767 pints needed to attain the goal, but I know we can do it. Give a pint at any Red Cross blood drive, as well as you court's drive. Be sure you report your donation to your office coordinator every time you donate. Every pint counts!

10,000 PINTS FOR 2004 – LET'S GO FOR IT!!

___ BLOOD DRIVE REPORT 2003 ___

COURT	MEMBER NAME	TOTAL DONATED	TOTAL FCCA
ALABAMA NORTHERN DISTRICT	David Smitherman, Ann Fox, Sharon Blocker	34	3
ARKANSAS EASTERN DISTRICT	James McCormack, Patricia Murray, Kath Love	6 10 platelets	6 10 platelets
CALIFORNIA CENTRAL DISTRICT	Terri Steele, Kelly Davis, Judy Hurley,	6	6

COURT	MEMBER NAME	TOTAL DONATED	TOTAL FCCA
CALIFORNIA EASTERN DISTRICT	Joyce Del Pero, Erin Shelby, Irma Lira, Marianne Matherly, Candice Hutcheson, Mark Richmond, Wendy Hinman, Claire Carroll, Christine Parkman	232	19
CALIFORNIA SOUTHERN DISTRICT	Beverly Edwards	16	1
DISTRICT OF COLUMBIA DISTRICT COURT	Linda Romero, Chris Augusty, Robin Tabora, Teresa Salazar	9 2 4 platelets	54 platelets
CONNECTICUT	Ken Ghilardi, Chris Carfora, Rita Warner, Ronnie Sprong, Diana Huntington, Maria Carpenter Steve Watkins	87	7
FLORIDA MIDDLE DISTRICT		25	0
GEORGIA NORTHERN DISTRICT	Julee Smilley, Barbara Hatcher, Lucy Moses	4	4
GEORGIA SOUTHERN DISTRICT	Ray Stalvey	1	1
IDAHO	Suzi Butler, Joanne Cook, Amy Hickox, Anne Lawron, Jeanie Loera, Eric Oss	80	12
ILLINOIS SOUTHERN DISTRICT	Mindy Duncan, Julie Sante, Theresa Ward, Cheryl Ritter	6 1 platelet	6 1 platelet
KANSAS	Marlin Miller, Jenine Wright	41	5
KENTUCKY WESTERN DISTRICT	Martha Hasty, Trish Carter, Barbara Cravens, Brenda Steutermann	9	6
LOUISIANA EASTERN DISTRICT	Jeanne deMontluzin, Tanya Lee	2	2
MASSACHUSETTS	Tony Anastas, Joanne Cull, Patricia MacDougall, Virginia Hurley	182	11
MICHIGAN WESTERN DISTRICT	Sue Rigan, Phil Westerman	20	4
MONTANA		10	0
NEW HAMPSHIRE	Janice E. Boucher, Valerie Allen, Ann Mulvee	93	6
NEW MEXICO	William Leninger, Rebecca Helmick	7	2
NEW YORK EASTERN DISTRICT	Stanley Kessler	145	2
NEW YORK SOUTHERN DISTRICT	Salvatore Coretto, Joseph LaMura, Chris Daniec, Leslie Martin	108	4
NORTH CAROLINA BANKRUPTCY		6	0
NORTH CAROLINA MIDDLE DISTRICT	Dennis Iavarone, Martha Leonard, Sandra Carter	61	4
NORTH DAKOTA	Don Emineth	6	5
OKLAHOMA WESTERN DISTRICT	Beverly Grigsby	19	2
PENNSYLVANIA EASTERN DISTRICT	Susan Matlack	3	3
SOUTH DAKOTA	Joseph Haas, Kathy Hammond, Bill Jorenson, Jackie Meisenheimer, Debra Peterson, Danae Swenson Carol Merrill, Bonnie Horan, Matt Thelen	18	18
UTAH	Ruth Kawashima	105	4
U.S. COURT OF APPEALS FEDERAL CIRCUIT	Alex Van Veen	20	2
U.S. COURT OF APPEALS FOR VETERANS CLAIMS WASHINGTON, DC	Anne Stygles	4	4
VIRGINIA EASTERN DISTRICT	Lisa Tyree, Sandra Dance	24	2
WEST VIRGINIA NORTHERN DISTRICT	David R. Godown, Rita J. Sedosky	4	4
TOTALS		1491	175

2002-2003 - 19TH Annual Federal Court Clerks' Association Blood Drive

SPONSORED by: The Deputy Clerks' Council

FUNDED by: The Clerks' Council

Maria J.Q. Carpenter: Chairperson, Blood Drive 2003

Conference	Year	Number of Participating Courts	Number of Units Donated
57th	1985	2	39
58th	1986	3	40
59th	1987	7	101
60th	1988	9	111
61st	1989	9	117
62nd	1990	11	223
63rd	1991	9	324
64th	1992	13	467
65th	1993	14	325
66th	1994	10	204
67th	1995	10	327
68th	1996	8	208
69th	1997	7	203
70th	1998	5	382
71st	1999	13	536
72nd	2000	20	1,039
73 rd	2001	14	570
74 th	2002	29	1,526
75 th	2003	32	1,491
TOTAL	19 years of giving	225	8,233

Voluntary Leave Sharing Program

By Laudan Batino,
Leave Share Committee Member

True to the spirit of camaraderie, the FCCA has a unique network to help out members in times of need. When the Leave Share Committee receives notice from an FCCA member that another FCCA member has been approved for leave donations, an e-mail is sent out to board members, who in turn forward the e-mail to FCCA members in their district to request leave donations. We recently received and distributed four requests for members who have been approved for leave share donations.

The Voluntary Leave Share Program allows an individual employee, who experiences a personal or family medical emergency and exhausts all available paid leave, to receive donated annual leave from fellow employees. In order for an employee to receive donated leave, they must first meet the criteria in the Guide to Judiciary Policies and Procedures, Chapter 10, Subchapter 1630.2, Voluntary Leave Share Program. Once approved under the program, the Human Resources Specialist normally will send an e-mail to members of the district's court unit.

This is where we need your help. Sometimes the word does not get to the FCCA Leave Share Committee. If you are aware of an FCCA member who is an approved leave recipient, please inform the Leave Share Committee by sending the following information to Maria Carpenter, Chair, via cc:Mail: Name, Position, Title, and Grade of Employee; Type of Court and Location; number of years as an FCCA member; brief description of medical emergency situation; and leave donor forms. Leave donors must submit an "Application to Become a Leave Recipient" along with a "SF 71, Application for Leave," to their local Time and Attendance Clerk for processing. These

forms are available through their Personnel/Human Resources Unit. The Voluntary Leave Share Program has helped many Judiciary and FCCA employees since its inception.

Donating leave is a great way to help an FCCA colleague in time of need. Please share your leave whenever you can. From recent and past recipients, "Thank you!"



Historian Report: It's a New Day!

By David Stechmann, Historian

The 75th Annual FCCA Conference in Orlando was a magical experience. I would like to take this opportunity to thank Sheryl Loesch and her entire staff for the excellent job they did in hosting the annual conference. I would like to express my sincere gratitude to Sandy Howes, Cheri Krause, and the whole systems unit for all their efforts and cooperation in hosting the day-to-day activities. Orlando and FCCA provided its members with a wealth of information and an international exchange with people from all around the world. The social activities provided all of us the opportunity to sample the flavor of the Magic that is Orlando Florida. I was fortunate to have my family with me and this truly made for an unforgettable conference.

An unforgettable conference was the accumulation of an amazing year in the progress we've made on our "Ideas for Today and Tomorrow." Many of our goals were intended for a two-year plan and I never dreamed how quickly it could all come together. The Orlando conference has given us the opportunity to see firsthand the success of FCCA and see how much has been accomplished this past year and years passed. I hope everyone is as excited as I am after a beautiful week in sunny Florida and the progress

we've made. I'm looking forward to an outstanding year and hope more of you will get involved with our "Ideas for Today and Tomorrow."

IDEAS FOR TODAY AND TOMORROW

Automated Photographic System was purchased with the aid of the FCCA Foundation. I purchased a Sony DSC-717V Digital Camera and equipment. I took well over 700 photos at the Orlando conference. The photos and equipment gave FCCA the opportunity to present a photo presentation slide show at the Farewell Dinner and Dance. Many members expressed their pleasure in viewing the photos and requested copies. Anyone wishing to view the photos may visit the FCCA website at www.FCCA.ws to enjoy a photo web site-slide show. If you prefer to print photos you may purchase a CD-R from the link on FCCA or directly from www.SHINEPRESENTS.COM 504-277-SHOW (7469). Any profits from our share of the income will be used to fund the camera equipment and the Traveling Memorabilia and Mementos Exhibit Show. Look for the CD ad in the *Journal* for further information. We are currently exploring the printing of a Photo Journal Yearbook. The success of this program will help change the way we see FCCA and what it can do for us.

Traveling Memorabilia and Mementos Exhibit Show materials and supplies were purchased with the aid of the FCCA Foundation. Sandy Howes secured the Cambridge Room in the Grosvenor Resort free of charge and the show was born. Many hours of hard work and preparation went into preparing the exhibits. This year's show remembered the early years at FCCA, a display from the collection of David Stechmann, annual conference programs, T-shirts, collection of *Journal* Vol. I No 1-26, decorations, large old photos, mementos from past presidents, officers, and board of directors,

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Historian Report

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conferences, midyear meeting, banners, and other historical memorabilia. It was also home to FCCA Top 10 Conferences "You Didn't Want to Miss," "Historian for a Day," Photo Shoot, Photo Exchange, and other surprises.

One surprise was a 1986 FCCA Orlando attendance list posted at the Historical Display for a comparison of the 2003 FCCA Orlando attendance. It was interesting to find out how many members attended both. Congratulations to Earl & Karen Brickner, Joseph Haas, Kathleen Kochert, Eileen Levine, Nancy Metzgar, Kay Mixon, David Stechmann, Eric Underwood, and Theresa Ward for attending the 1986 and 2003 FCCA Conference in Orlando, Florida.

Everyone enjoyed visiting the show and remembering old times. We are working on a plan to continue the traveling of the show and funding for its cost. Sale of the CDs will help pay this cost.

FCCA Top 10 Conferences "You Didn't Want to Miss!" I had great participation as well as anticipation from everyone in the results of the Top 10. Many positive comments about the conferences and cities were shared on why they should be #1. I believe everyone enjoyed hearing these comments and it was a fun way to get people involved in remembering the good times and thinking about Orlando. The top 10 conferences were presented the night of the Farewell Dinner Dance and the winner is 1996 New York, New York. Look for the results and shared memories in the *Journal*.

Historian for a Day! With the help of Michell V. Smith we drew 11 lucky winners to receive a disposable camera, a Historian pendant and more importantly to be named Historian for a

Day. Winners were assigned a certain day of the week at the conference and were responsible for taking the photos. We had hoped this would encourage group participation and get more people involved. I know for a fact that it did. I have well over 300 photos to scan for your viewing pleasure. This will take some time to accomplish. One lucky winner was a first time attendee and very much enjoyed the opportunity to get involved. She got to know many new members and made contacts all over the nation. She intends to join us for many years to come. The cameras allow us many more photos with 11 different views.

In conclusion these ideas and suggestions are only the beginning as we work to improve on what we have accomplished and what is still to be accomplished. I look forward to sharing with you these and the many more to come. If you have any interest in FCCA history or photography and would like to get involved in any way, please give me a call at 504-589-7690 or e-mail me at David.Stechmann@LAED.USCOURTS.GOV.



FCCA'S TOP 10 CONFERENCES "You Didn't Want To Miss!"

By David Stechmann

1. 1996 New York, New York
2. 1990 New Orleans, Louisiana
3. 1992 Boston, Massachusetts
4. 2001 Cleveland, Ohio
5. 2002 Portland, Oregon
6. 1989 Las Vegas, Nevada
7. 1995 Sun Valley, Idaho
8. 1998 Albuquerque, NM
9. 1999 Miami, Florida
10. 1993 San Diego, California

The Top 10 survey was a lot of fun with great participation as well as anticipation. I've enjoyed reading and talking to many of you about the memorable conferences and why they were special. On Thursday evening, June 26, 2003, I shared some of those reasons as I do now.

I have been to 23 of them and they all have been special in their own way. I have never been to a bad conference. FCCA, and the many friends that I met at the conference have been a special part of my career, I love them all and I found it very hard to rank them for I think they have all been great in their own way. I've been to seven conferences and they are all so special. Everyone who hosted a conference did a lot of hard work and presented their area wonderfully. From opening ceremonies to award banquets and everything in between, the experiences have been great. It's hard to remember all the conferences I have attended, much less rank them, Ha! Professional Development, Great Friends, and location, location, location, . . .

Here are some comments from those who voted for their favorite conference:

1996 New York: Number #1 choice, it was my first conference, and how I got hooked. I attended every class I could squeeze in, saw my first Broadway play, rode the subway for the first time and celebrated "New Year's Eve" in NYC. I made lots of new friends and learned what a great organization the FCCA really is. My FCCA friends are very talented energetic people who are always willing to share their experiences. Each year I look for-

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FCCA'S Top 10 Conferences

Continued from page 20

ward to catching up with them at the next FCCA conference. I © NY.

1990 New Orleans: Number #1 choice, it got better and better every day. First rate in every way. Elegant hotel, French Quarter, and huge crowd in town that knows how to party. Crawfish, shrimp, crabs, oysters on the half shell, with ice-cold draft beer at seafood festival were "Unbelievable." Experiencing the excitement of Mardi Gras and the city that care forgot.

1993 Boston: Number #1 choice, the Red Sox game and the green monster in Fenway Park, to the fascinating tour of the John F. Kennedy Library and the Lobster Clambake, we were given every opportunity to sample the flavor of this unique and fascinating area of our country.

2001 Cleveland: Number #1 choice, will never forget George Ray being kicked out of the Rock and Roll Hall of Fame for dressing up like Elvis! Rock on!

2002 Portland: Number #1 choice, it afforded me the opportunity to network with other courts which eventually helped me with a career move.

1989 Las Vegas: Number #1 choice, too much to see and do. Made friends for a life time. Carol FitzGerald, Clerk, all her kindness and professionalism. Something for everyone.

1995 Sun Valley: Number #1 choice, it was high adventure! River rafting, mountain biking, horse back riding and sliding around the ice rink at night, great fun! Had photos taken with a special guest, Director Ralph Mecham. This setting alone in the high

mountains, provided an adventure I'll always remember.

1998 Albuquerque: Number #1 choice, best breakfasts of any conference! Food and booze were plentiful, so everybody was happy! Very generous hosts! Great place, great education, great prizes, great people, and great food! Great, Great, Great, . . .

1999 Miami: Number #1 choice, thongs everywhere, South beach parties, ocean swims were thoroughly refreshing and quite invigorating. Fun in the sun all week long. Hard to beat!

1993 San Diego: Number #1 choice, best weather in the world. Beautiful cold Pacific with first ever "Seniors" party. Made friends that will last a life time. The Bahia resort is perfect location where my family has vacationed twice since attending.

By now I'm sure you know they were all special!

Thanks,

David Stechmann, Historian 

By-Law Amendments Approved

Two amendments to the by-laws were voted on and approved by the membership at the Business Meeting at the 2003 FCCA Conference in Orlando. The by-laws were amended to:

(1) Give the Association authority to appoint the President-Elect if the President must step down for any reason,

(2) Pay travel and hotel expense for Chair of the Clerk's Council to attend the mid-year meeting. 

MICHIGAN STATE UNIVERSITY

Launches Certificate and Master's Degree Program in Judicial Administration

By Maureen E. Conner

New in Fall 2003, Michigan State University (MSU) offers judicial system personnel with management and leadership positions or those who aspire to such positions, an opportunity to build their professional and academic credentials while simultaneously pursuing their careers. While this concept is not new, the avenues for participation are. Working professionals can complete the program requirements through a combination of participation in association conferences; professional continuing education programs sponsored by state, national, and federal judicial system providers; and MSU online courses.

The guiding principle that directed the development of this program was *providing enrollees maximum flexibility while meeting high professional and academic standards, which would result in a universally respected and valued credential*. To that end, three options were developed. The foundation for the subject matter content of the options is the National Association for Court Management (NACM) core competencies, which were developed after extensive research on what effective court managers and leaders should know and be able to do.

The purpose of this article is to provide the reader with a brief description of the Judicial Administration Program, NACM's core competencies, future plans for the program, and contact information.

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Michigan State University

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Program Description and Options for Participation

The Judicial Administration Program is located in MSU's School of Criminal Justice and is guided by a national advisory committee comprised of representatives from the university and the judicial system.¹ The three options follow.

Option One: Non-Academic Credit Judicial Administration Certificate of Completion

Enrollees in the Judicial Administration Program are required to complete sixty contact hours in the identified core and elective subject matter, which, as previously stated, are based on the NACM core competencies. As an example, federal court system employees may meet the contact hour requirement by participating in courses or programs offered by the Federal Judicial Center (FJC), Federal Court Clerks' Association (FCCA), National Conference of Bankruptcy Clerks (NCBC), NACM, Institute for Court Management of the National Center for State Courts (ICM/NCSC), and other organizations that address the requisite subject matter. Attendance, subject matter, and contact hours must be verified by MSU through submission of all appropriate documents. After completing the sixty hours, enrollees will also be required to complete a capstone experience supervised by MSU. Successful completion of the experience will verify that the enrollee has had exposure to the knowledge and skill set pertinent to judicial administration, at which point a certificate will be granted. Successful completion of this certificate can be applied toward aspects of the other two credit-bearing options.

Option Two: Academic Credit-Bearing Judicial Administration Certificate

In addition to receiving a certificate, successful completion of option two will result in twelve academic credits which can be applied toward MSU's master's degree in criminal justice, specialization in judicial administration or transferred to another university. Individuals enrolled in this option must be admitted to graduate study and the School of Criminal Justice at MSU. This certificate can be completed through a combination of participation in the continuing professional education courses or programs as described in option one and enrollment in four criminal justice courses at MSU. The subject matter for option two is centered in the NACM core competencies; emerging issues in judicial administration; and applicable theories, practices, and models from associated areas of study. Upon completion of option two, enrollees will be able to demonstrate competency in the knowledge and skill set pertinent to judicial administration.

Option Three: Master's Degree in Criminal Justice, Specialization in Judicial Administration

Successful completion of option three can be accomplished by fulfilling the requirements of option two as well as completing all of the graduate-level criminal justice core courses and a final research and/or policy paper in judicial administration. As a result of completing the requirements of option three, enrollees will be able to demonstrate mastery of the knowledge and skill set pertinent to judicial administration.

NACM's Core Competencies

With funding from the State Justice Institute (SJI) and the Bureau of Justice Assistance (BJA), NACM and its Professional Development Advisory Committee (PDAC) developed ten interrelated competencies². A brief overview of the core competencies follows.

Core Competencies Guidelines

Purposes and Responsibilities of the Courts

why courts exist; courts as institutions; rule of law, equal protection, and due process; accountability; and interdependence and leadership

Caseflow Management

court purposes and vision; caseflow management fundamentals; leadership teams and system-wide effectiveness; change and project management; technology; and personal intervention

Leadership

be credible in action; create focus through vision and purpose; manage interdependencies: work beyond the boundaries; create a high performance environment; and do skillful and continual diagnosis

Visioning and Strategic Planning

court purposes, environment, and processes; fundamentals; organizational foundations; change and alignment; and strategic thinking

Essential Components

purpose, role, and vision; case preparation; adjudication and enforcement; court infrastructure; and program management

Court Community Communication

purpose of communication fundamentals; understandable courts; community outreach; public information; the media and media relations; and leadership and program management

Resources, Budget, and Finance

court purposes and vision; fundamentals; leadership and interpersonal effectiveness; problem diagnosis and change; technology; and budget controls and performance monitoring

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Michigan State University

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Human Resource Management

vision and purpose; fundamentals; context and fairness; and management and supervision

Education, Training, and Development

context and vision; resource development; adult education fundamentals; program management; and evaluation

Information Technology Management

court purposes and processes; vision and leadership; fundamentals; technology management; and projects

At the center of the competencies is *Purposes and Responsibilities of the Courts*, which is the foundation for the other competencies. All of the competencies can stand on their own; however, just as the functions of the courts are interrelated so are the competencies. Thus, some overlap exists to ensure that the structural and functional aspects of the courts and judicial administration are interwoven in each competency.

Just as judicial administration is an evolving profession, so will the Judicial Administration Program evolve to ensure that judicial system managers and leaders are continually engaged in advancing themselves and the profession. Thus, the future structure of the Judicial Administration Program envisions a life-long home for those who participate in the program and make judicial administration their career and calling.

The Future of Judicial Administration at MSU

The Judicial Administration Program will continue to offer renewal, reflection, growth, and advancement

opportunities to its enrollees and alumni during and after the completion of their certificate and/or degree program. This will be possible due to partnerships with associations and other education providers and distance learning technologies that allow for the growth of a learning community that spans the globe. These four supporting components will be developed over the next three years.

Research and Publications. Students and alumni will have the opportunity to learn research methods and skills by working with faculty and others who will provide both the knowledge and platform for extending the scope and depth of research in judicial administration.

Information Sharing. The outcome of the research and publications will be shared through a variety of mediums both in-person and long-distance.

New developments, issues, events, reports, and accomplishments will also be shared with current enrollees and alumni.

Life-Long Networking and Mentoring. Enrollees, alumni, faculty, and other recognized leaders in the field of judicial administration and the courts will have the opportunity to mentor and be mentored. This service will extend the long-term development of future court managers and leaders and advance the entire profession through sharing knowledge, problem-solving challenges, and providing personal renewal.

Global Reach. The Judicial Administration Program has the goal of joining people across the globe that are committed to the advancement of fair, timely, and impartial administration of justice. Thus, court managers and leaders from across the globe can enroll in this program and become part of the judicial administration learning community for life.

Current Status of the Program and Contact Information

Individuals may now apply for the master's degree.³ Most of the development work for the certificate programs is nearing completion. The director of the Judicial Administration Program is collaborating with state, national, and federal judicial branch education providers and professional associations to integrate the subject matter requirements into their respective courses, conferences, and/or seminars so that their constituencies can take advantage of this professional advancement opportunity. For more information contact your association leadership or Dr. Maureen Conner, Director, Judicial Administration Program, 517.353.8603 or

connerm@msu.edu.

¹ Advisory committee members from the professional field are representatives from the National Association for Court Management, National Association of State Judicial Educators, Conference of State Court Administrators, Federal Judicial Center, and federal system clerks. Representatives from Michigan State University are from the Dean's Office of the College of Social Science, Dean's Office of MSU-DCL Law School, Dean's Office of International Studies and Programs, School of Criminal Justice, School of Labor and Industrial Relations, Department of Political Science, and the JERITT Project.

² For a full treatment of the core competencies go to

http://www.nacmnet.org/CCCG/cccg_homepage.htm

or *Court Manager*, Volume 18, Issue 2, 2003.

³ Application information is available at

www.judicialadministration.com



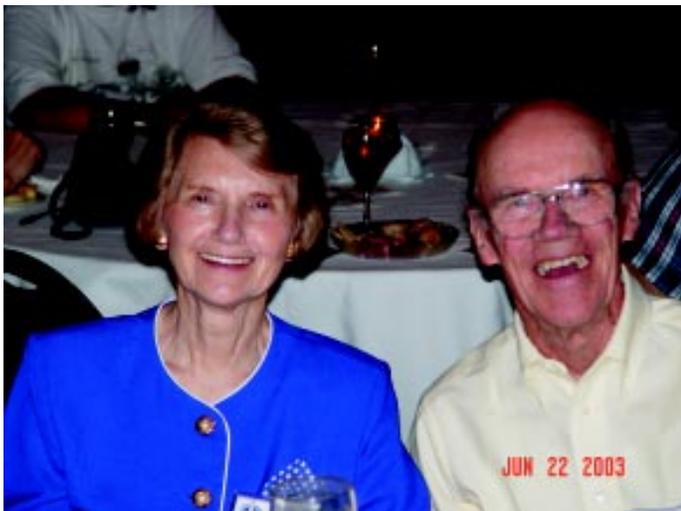
2003 FCCA Annual Conference



Historical Display



Sue Rigan



Estelle and Bill Barnes



*Linda Lee, Joey LaMura, Eileen Levine,
Sheila Beauchene*

2003 FCCA Annual Conference



*Sandra O'Hara, Clair Parvin, Alba Sue Mercurio,
Barbara D'Amico*



Connie Bahnsen, Judy Shelton, and Kay Mixon



Nadine Smith, Barbara Cravens, and Trish Carter

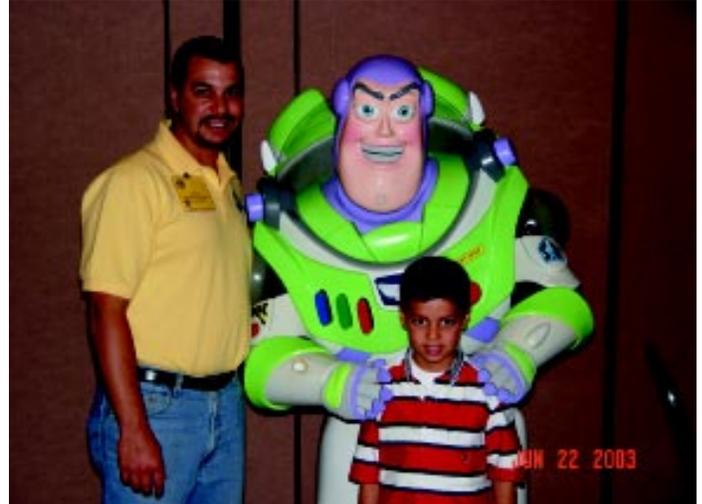


David Stechmann and Corrine Szalay

2003 FCCA Annual Conference



Central Florida



Jorge Sanz and Jake Sanz



Sheryl Loesch, Judge Antoon, and Dr. Roger Manley



Jeff, Chris, and Joe

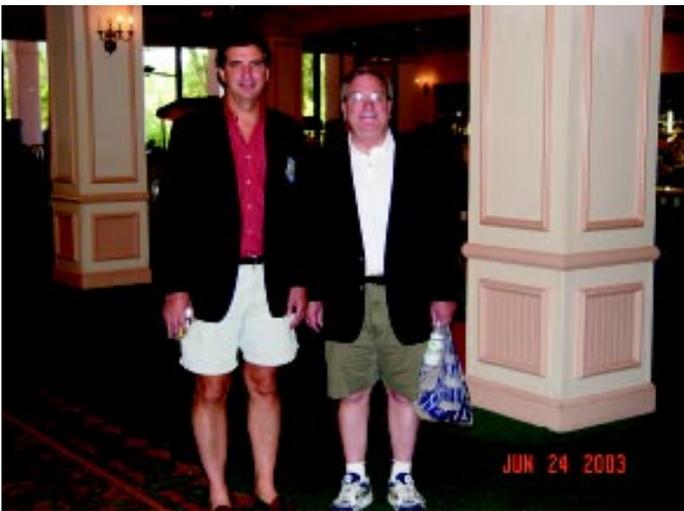
2003 FCCA Annual Conference



Robert (Bob) Lowney, AO



Marilyn Vernon, FJC



Jeff and Ralph



*Cristina Squieri-Beeman, Jan Duffy,
Adriana Cameol, Tyler Bullock, Dawn Bullock*

2003 FCCA Annual Conference



Marianne Matherly and Linda Van Wyk



Dr. Carol Denicole and David Michael Stechmann



Michael Siegel, Gary Fleming, Isidore Grisoli, Marianne Matherly



Marianne Matherly, unidentified attendee, Deenah Levine, Beverly Casebere and Sandra Gatz

2003 FCCA Annual Conference



The Stechmann family



Elizabeth Davis, Jeff, and Sheryl



Historians For a Day winners



International Committee

2003 FCCA Annual Conference



Joe LaMura and Roseann Guzzi



Judge Vladimir Gredelj and Judge McKinley



The Betty Jackson family

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Meeting Minutes

**Business Meeting,
Thursday, June 26, 2003
Orlando, Florida**

The Board meeting was called to order by President Joe Haas at 1:05 PM on Thursday, June 26, 2003. A quorum was declared.

Mr. Haas advised the FCCA membership that it has been a great pleasure for him to serve as the FCCA President. Working with those who care about their profession as much as he does is exciting, and he wishes President-Elect Jeff Apperson the best during his term.

Secretary's Report:

Ms. Beauchene reported the minutes of all board and business meetings that have been prepared and distributed to FCCA members. All meeting minutes are available on the website, and the last two issues of the *Journal* have included the minutes as well. She expressed her appreciation to the members for their support for her two terms as Secretary, and she is ready to pass the secretarial role on to the next person.

Finance Report:

Mr. Haas advised the budget for the next fiscal year will be voted on by the Board at the mid-year meeting.

Treasurer's Report:

Treasurer Betty Jackson distributed written reports at each table today prior to the meeting. (Same reports distributed at Board meeting on Sunday, June 22). Please ask her if you have any questions or concerns about the reports or other financial information.

Historian Report:

Jeff and Ralph

David Stechmann advised of several new programs he has coordinated this past year. (See Historian's Report.)

The Historical Display room is open for your viewing, and has been all this week. Those members who attended the 1986 annual FCCA conference and who are here this week, were recognized at the meeting. Mr. Stechmann noted he had many ideas for his two year term as Historian since being elected last summer, and many of those goals have already been implemented.

Through a grant from the FCCA Foundation, a digital camera was purchased, and he has been utilizing the camera. He thanked Team Middle Florida for organizing the slide show during the conference and there will be more pictures shown at the banquet tonight also. Mr. Stechmann reported on the contest for the top 10 conferences you "wouldn't want to miss," and indicated there will be a slide show announcing the Top 10 at the awards banquet. He distributed cameras for "Historian for a Day" at the President's reception on Sunday. His intention for this project was to have FCCA members meet new people at the conferences and get more involved. The cameras should be turned back to him today, if possible.

Journal Editor:

Mr. Haas recognized Pat McNutt, Clerk of Eastern District of Tennessee, as the new *Journal* Editor.

Clerks Council:

Chair Sheryl Loesch reported on the Clerk mentorship program which is going well and will continue. The council will be working on securing Bankruptcy Clerk mentors as well in the near future. She has enjoyed her last two years as the Chair of the Council, and thanked President Haas and President-Elect Apperson for their assistance.

Deputy Clerks Council:

Chair Cris Beeman reported the mentor program for the Deputy Clerks Council is being coordinated by Jim Murphy, Chief Deputy for the District of New Jersey. He has been meeting with newly-appointed Chief Deputies and arranging for the mentors. Mr. Murphy has been doing an excellent job in assisting the new Chief Deputies. Ms. Beeman has contacted Financial Manager John Zingo from the Eastern District of Pennsylvania, and he will be coordinating the mentorship program for financial personnel.

Ms. Beeman, on behalf of the Deputy Clerks Council has been selling FCCA 2003 Conference pins this week as a fundraiser to assist the host court for future conferences. The pins are \$5 each, and it is her intention FCCA members use these pins as collectors' items and engage in pin trading to promote FCCA. She is interested in having other FCCA items prepared for sale as well. Jenine Wright and Sheila Beauchene will assist Ms. Beeman in this area. Ms. Beeman noted the Deputy Clerks Council did not receive any nominations this year for the Ross Levy scholarship award, and she encouraged the membership to review the scholarship materials and consider applying for next year's award.

Nominations:

Mr. Haas commented regarding the proposed by-law amendments, which gives the association the flexibility with appointment of the President-Elect if the President needs to step down for any reason. The proposal is technical in nature. The second proposed by-law change is to pay the

Continued on page 32

Meeting Minutes

Continued from page 31

travel and hotel expense for the Chair of the Clerks Council to attend the mid-year meeting—just as the Chair of the Deputy Clerks Council.

Amy Hickox, reported on behalf of Nominations Committee Chair Le Kelleher, on the nomination process. The ballots are available, and she will collect the completed ballots at each table.

The following are the newly elected Board representatives:

First Circuit: Virigina A. Hurley, District of Massachusetts

Third Circuit: John Zingo, Eastern District of Pennsylvania

Fifth Circuit: Nancy Olansky, Western District of Texas

Ninth Circuit: Marianne Matherly, Eastern District of California

Nominations for Secretary: Corrine Szalay, Southern District of New York and Elizabeth Davis, District of New Mexico. No further nominations received. Ms. Hickox closed the nominations from the floor for secretary as acting chair of the Nominations committee.

Ms. Szalay and Ms. Davis presented their nomination speeches.

President-Elect: No written nominations received for this office. Becky Vail, Middle District of Florida, nominated Sheryl Loesch, Clerk, Middle District of Florida, for President-Elect. No further nominations received. Mr. Haas moved that nominations for President-Elect be closed. Nadine Smith seconded the motion. Motion carried.

Ms. Loesch accepted the nomination for President-Elect and presented her speech.

Balloting commenced and closed at 1:50 PM.

Membership Report:

Pam Twiford reported on FCCA membership: 1,277 members as of June 20, 2003. This number includes 55 clerks and 56 Chief Deputies. Ms. Twiford's goals as membership chair have been to encourage and establish an accurate membership listing for distribution of the *Journal*. She has endeavored to get proper addresses for any *Journals* that have been returned after mailing, and has added the personal touch by encouraging and maintaining FCCA members by writing e-mails and making telephone calls. Ms. Twiford is working with the Board representatives for the membership drive this fall to create an incentive plan or ideas for the District representatives who secure new members. The Membership Chair's goal: "BE A MEMBER, GET A MEMBER!"

Awards Report:

Chair Sue Rigan presented the Awards and Recognition report. Officers, board members, committee chairs and committees were recognized. Special Service Award winner will be announced at the Awards banquet.

Maria Carpenter presented the Blood for Life report. This year 32 courts participated, with a total of 1,491 Units of Blood donated. Kath Love, Eastern District of Arkansas, was the recipient for the most units donated. The Eastern District of California court donated the most units of blood (232).

Blood Donor winners of the \$50 drawing: Claire Carroll, Eastern District of California; Rita Warner, Eastern District of Connecticut; Stanley Kessler, Eastern District of New York; Candice Hutchenson, Eastern District of California; and Chris Carfora, District of Connecticut.

Election Results:

Sheryl Loesch was elected as President-Elect, and Elizabeth Davis for Secretary.

Site Selection:

Ms. Lee reported the January 2004 mid-year board meeting will be held in Albuquerque, New Mexico. The 2005 annual conference will be held in Chicago, Illinois on Monday, July 4 - July 9, 2005. This will be a joint conference with NCBC. The hotel rate is \$129 per night for up to four people in a room. Ms. Lee will be soliciting bids for the 2006 conference. Courts on the west side of Mississippi are encouraged to submit their bids to the Site Selection committee.

2004 Annual Conference:

Cris Beeman, Janine Duffy, Ardiana Camelo, and Dawn Bullock gave a presentation regarding the Anaheim, California 2004 Annual Conference. They encouraged everyone to attend the conference set for June 27 - June 30, 2004, with a hotel rate of \$95 per room up to four in a room. This power point presentation is available for use in promoting the conference. Please contact Ms. Beeman if you are interested in receiving the slide show via e-mail.

Meeting adjourned at 2:30 PM.

Respectfully submitted,

Sheila M. Beauchene, Secretary

Handouts:

1. Treasurer's reports
2. Awards reports
3. Nominations reports
4. Blood drive report
5. Historian's report



What is FCCA?

The Federal Court Clerks Association (FCCA) was formed in 1922, in Washington, D.C., by a group of 14 federal court clerks who believed they could voice their view more effectively if they joined together in a formal organization. In 1981, a Clerks Council was formed and a Deputy Clerks Council was formed in 1983. Today, the FCCA boasts a membership of over 1,286 members.

The purpose of the Association is to promote the professionalism and integrity of the federal judiciary. It is also the goal of FCCA to increase the proficiency of court employees, to support the independence of the judiciary, and to foster cooperation between courts and the community.

Two classes of membership are offered in the FCCA. An Active member is any employee of a United States Court, or any retiree of a U.S. Court. An Associate member includes all current or retired employees of the judicial branch. For more information, please contact Membership Chair, Pam Twiford, United States Court of Appeals for the Federal Circuit, 717 Madison Place NW, Washington, DC 20439, (202) 312-5522.

FCCA Calendar of Events

October 1 - November 30, 2003

Membership Drive

January 15, 2004

Semi-Annual Board Meeting
in Albuquerque, NM

June 27- July 1, 2004

FCCA Annual Meeting in Anaheim, CA

FCCA Journal Needs Your Help!!

A schedule for submission and publication of the *Journal* has been established. Please submit articles for the next issue by December 15, 2003 to the Managing Editor at the address listed on the inside front cover.

FCCA MEMBERSHIP APPLICATION

PLEASE TYPE OR PRINT LEGIBLY

Dues Amounts Enclosed \$ _____
Unit Executive = \$75
Chief Deputy/Other Court Executive = \$50
Deputy Clerk/Retired/Other = \$20

Name: Last _____ First _____ M.I. _____

Daytime Phone (____) _____ Ext. _____

Please check your areas of sectional interest:

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> 1. Unit Executive | <input type="checkbox"/> 9. Budget Training | <input type="checkbox"/> 17. Training |
| <input type="checkbox"/> 2. Chief Deputy | <input type="checkbox"/> 10. Pro Se Law Clerk | <input type="checkbox"/> 18. Other |
| <input type="checkbox"/> 3. Manager/Supervisor/Administrative Analyst | <input type="checkbox"/> 11. Courtroom Deputy | |
| <input type="checkbox"/> 4. Automation/Quality Control | <input type="checkbox"/> 12. Docket Clerk | |
| <input type="checkbox"/> 5. Procurement | <input type="checkbox"/> 13. Intake Clerk | |
| <input type="checkbox"/> 6. Jury | <input type="checkbox"/> 14. Generalist | |
| <input type="checkbox"/> 7. Financial | <input type="checkbox"/> 15. Retired | |
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with Other Courts | |

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