



# FCCA *Journal*

*Official Publication Of The Federal Court Clerks Association*

Vol. IV No. 2

Spring 2006



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# Spring 2006

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# PRESIDENT'S MESSAGE

By Sheryl L. Loesch, Clerk, Middle District of Florida



Spring is definitely in the air and all FCCAers are turning their attention toward the upcoming annual conference in Boston. I can already sense the enthusiasm for this conference, especially from all the emails I have been receiving from members around the country. If you don't already have the dates for the conference on your calendar, please put them down now - July 16-20.

As I write this article, change is also in the air, especially on the national front. The appointment of the new Director of the Administrative Office of the U.S. Courts has been announced. We have a new Chief Justice of the Supreme Court as well as a new Supreme Court Justice. Movement is taking place regarding the use of sick leave under the FERS retirement system. A new work measurement formula is about to be implemented. Next year's budget is being discussed and concerns abound. FCCA is poised to remain an advocate for our members on the national level with regard to the above issues.

On the international front, I am pleased to report that the International Association for Court Administration, Inc. (IACA) has just set the dates for its second conference which will be held

November 13-16, 2006 in Verona, Italy. As you know, FCCA played an instrumental role in getting this much needed association off the ground. The interest in this association from court administrators throughout the world has been overwhelming, which further affirms the need for its existence.

I am pleased that the Michigan State University program will continue to offer classes for college credit at the Boston conference. I want to express my thanks to Sherri Carter and to Joe Haas for their continued involvement in this program and making it possible for these classes and credits to continue. I also want to thank Maureen Conner from MSU and the MSU faculty members for their involvement in making this college credit option a possibility for our members.

We will have elections this year for Treasurer, Historian, and for the Board of Directors. To date, almost all of the open positions have nominees.

In spite of the increase in membership dues (because of the change in the membership period), we have a strong membership base. Please remember, if you haven't already submitted your application for membership, you may still do so. And, remember, too, that in order to attend the annual conference this year, you must be a current member of FCCA - so don't miss out! There is never a better time to join the ranks of membership in the Federal Court Clerks Association.

I'm looking forward to seeing each of you in Boston in July. A good education program and a lot of fun is in store for all. Oh, one more thing . . . I understand that the plan remains for our Past President, Jeff Apperson, to lead a walk down the Freedom Trail, so be sure to pack some comfortable walking shoes!



## BOSTON 2006

By Ginny Hurley  
Site Selection - Team Boston  
District of Massachusetts

As I write this article, there are just 76 days remaining until the start of the 2006 Annual Conference.

As you know, 'United We Stand' and 'Let Freedom Ring' are our themes for this year's conference. Team Boston is a great example of what standing together can bring about. Each member of the group has her own strengths, and is amazing in her own right, but together, we make an amazing and formidable group! We hold weekly meetings as the conference draws near, and we never leave the meeting without a great idea or solution to a problem.

Thanks to this hard working, clever and imaginative group, we have a wonderful conference week planned for you, from the Duck Tours to bring you to the President's Reception at our beautiful courthouse to the last dance at the Independence Ball on Thursday night.

Please check out our web site at [www.mad.uscourts.gov/fcca](http://www.mad.uscourts.gov/fcca) for conference and registration information. It's also available through the FCCA's web page at [www.fcca.ws](http://www.fcca.ws). Don't hesitate to contact us if you have any questions, or special requests.

See you in July!



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## From the Editor



*By Patricia McNutt, Clerk,  
Eastern District of Tennessee*

“Let Freedom Ring” and “United We Stand” are the themes of this year’s annual FCCA Conference in historic Boston. These themes are more than just words. They are ideas that helped forge America. The foresight of our founders to create a constitutional democracy based on a system of checks and balances allows us to continue to enjoy life, liberty and the pursuit of happiness and freedom from a tyrannical government. Our system is a model for the world, especially emerging democracies. Let’s reflect for a moment on how we arrived at this point.

Over 200 years ago (231 years to be exact), the American Revolutionary War began with the Battle of Lexington on April 19, 1775, with the “shot heard round the world.” British troops were out to seize munitions stored by the colonial militia at Concord, Massachusetts. The colonial militia received word of this, and surprised the British in Lexington where they were met by 75 minutemen. Shots were fired, and the British troops proceeded to Concord, where there was more fighting. So began the Revolutionary War.

The Declaration of Independence was not drafted until over a year later, on July 4, 1776. It is recognized as one of the greatest historical documents of all time. These famous lines are still

stirring today: “We hold these truths to be self-evident that all men are created equal...that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Thereafter follows a long list of grievances against the King of England that justify the War for Independence.

As with all wars, there was no sure time frame for completion and no sure outcome for the colonists. In fact, most countries expected Britain to win the war, given its superior Navy, troop strength and resources. However, the colonists were fighting for their independence and freedom and believed if they stood together and stayed the course they could win. Under the leadership of General George Washington, the Continental Army withstood very bleak times. In late 1776, the Continental Army had dwindled to 5000 men, and the army was in retreat. Thomas Paine wrote: “These are the times that try men’s souls.” Despite the hard times, General Washington took the offensive, crossed the Delaware and outmaneuvered the British at the Battle of Trenton. The turning point of the war for the Americans came at the victory of Saratoga in 1777, which encouraged France to enter the war against Great Britain. In 1778, Spain entered the war as an ally of France, and the Netherlands entered the war in 1780. Thus, the War for Independence became international in scope. The fighting came to an end when the British surrendered at Yorktown in 1781. The independence of the United States was recognized on September 3, 1783, with the signing of the Treaty of Paris.

After the war, the Americans had the very difficult task of forming a government that met the desires of the people and would stand the test of time. It took seven years to form and activate the government. The Constitution was not approved by state delegates until September 17, 1787. The first Congress did not convene until March 4, 1789, and George Washington was not

inaugurated President until April 30, 1789. The first Supreme Court did not convene until February 2, 1790. And the Bill of Rights was added in 1791.

Our Constitution has been amended 27 times, but the founding principles continue unchanged. Our government continues to operate under a systems of checks and balances found in the separation of powers between the legislative, executive and judicial branches. This separation of powers distinguishes our government from others and keeps it a government of laws and not of men.

We must remain vigilant to ensure that this separation of powers remains. We cannot have checks and balances without an independent judiciary. An independent judiciary ensures that the rights of the individual are protected. An independent judiciary prevents a tyranny of the majority. As Justice Hugo L. Black said: “Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement.”

Courts and judges are under attack today. Judges have suffered retribution for particular decisions they have made. Judges often are asked to state their views on matters not even before them and are criticized when they refuse to do so. Congress has introduced a bill to have an Inspector General oversee the judiciary and to report to Congress. The power of the purse also threatens the independence of the judiciary. Inadequate funding eventually will hinder the ability to attract quality people to carry out the judiciary’s fundamental mission.

As employees of the judiciary, we should support efforts to adequately fund the judiciary and to correct misinformation about the judiciary and

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## From the Editor

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about decisions made by the judiciary. We must be good ambassadors and educators so people better understand the very important role of the judiciary in maintaining our freedoms. As we come together for an educational and entertaining conference in Boston, let's be thankful for the freedom we enjoy and unite in our support of the judiciary and of our country. 

## Is There Unity in Your Court?

By Rhonda Lafitte, Deputy in Charge  
USDC, Eastern District of Texas

Do you have it? Do you need it?  
How do you get it?

You *know* you are cared about as a person. You have a buddy at work. Your opinion *seems to matter!* Does this describe *your* workplace? If you have this, it goes a long way toward getting you through the hard times. It's called Unity. Or, have you ever gone to a meeting and heard someone talk about where they work, and it sounds like it would be a great place to be? You can bet there's a real sense of unity there.

Building unity in a workplace is not just some project that is done, and then it's over. It's a process, like so many things in life. It needs upkeep and cultivation, like a garden. Like different plants, different people need a variety of activities or approaches to make them "grow."

Courts do a variety of things to promote unity. Nancy Mayer-Whittington, the clerk for the District of Columbia, says she has taught classes on *The 8<sup>th</sup> Habit*. It discusses how to help others "find their voice, to feel fulfillment, and a sense of contribution." Chris Johnson, clerk in the Western District of Arkansas, gives service awards, which includes taking the employee to lunch. They have a

deputy in charge meeting every September, and they do Christmas & pot luck lunches as well. Robert Shemwell, clerk in the Western District of Louisiana, has had a Court Support Seminar every year since 1975. Everyone in district court, as well as bankruptcy and the probation office, gathers once a year. There is usually a speaker, as well as sessions on procedures or new changes. They also have office picnics and parties to celebrate milestones, such as the "live" date for CM/ECF, as well as a yearly crawfish boil. Jenine Wright says the District of Kansas celebrates marriages, births and years of service with cake and punch receptions. The clerk holds quarterly luncheons with each divisional office, where he updates them about new things as well as answering questions. They also have pot luck luncheons, as do a number of courts. Marianne Matherly in the Eastern District of California, says they "celebrate just about everything." They have a monthly get together, along with celebrating any holidays. The entire court, including judges, law clerks, court reporters, etc., are included. They even dress up for Halloween! A special effort has been made since they moved into a larger courthouse to keep "our family-like relationships." Dave Maland, the clerk for the Eastern District of Texas, has incorporated the "Fish Philosophy" into the court. This philosophy is based on four principles: *Be there, Play, Make their Day & Choose your attitude*. It involves really listening to people, finding things about work that can be fun, and helping customers to have a positive experience. One fun activity involved everyone posting a picture of themselves from the seventies - the game was to guess whose picture it was! Another thing the court does is to give out yearly awards to employees who submit ideas which save the court money or perform special acts of service that helped the court. This award may be a paper weight, clock or some other token with the court seal. Jeanne Henderson, chief deputy in the Eastern District of Texas, says something

that has worked well is the use of "Drops." These are colorful hand-written cards in the shape of a drop or a drop via e-mail, to let others know when they have been helpful or they did a good job on a particular task. Drops fill your "emotional bucket." This comes from the book, *How Full is Your Bucket?* The book says everyone has an emotional bucket that gets filled when someone pays a compliment, or sometimes, it gets depleted when someone is critical of that person. Many people pin up their "drops" in their offices or cubicles. It's a nice reminder that someone appreciates you!

Pat Brune, clerk for the Western District of Missouri, feels that offering training and opportunities to learn have contributed greatly to office unity and morale. Diana Diaz is the chairperson for their Knowledge Acquisition Committee, also known as KAC. Everyone in the clerk's office has an IDP or individual development plan. Activities are coordinated in order to help employees reach the goals that are set in their IDP. Job shadowing is incorporated, as well as FJTN programs, AO/FJC workshops and the Heartland Learning Exchange (employee exchanges between courts in Illinois, Indiana & Missouri). There is also a "Dare to Soar" program, which involves learning about the court's individual parts, as well as learning about leadership, and attending various ceremonies (Toastmasters, Naturalization Ceremony, Constitution Day Activities). Michele Nelson, HR Specialist from the Western District of Missouri, says they have luncheons, and sometimes they have a "dip day." This is where everyone brings a different type of dip to eat. Any type of get together around food is always good.

Perhaps you want to promote unity in your court, and you have done some of these things, but you still think the sense of unity could be better. If that is the case, try starting with some type of measurement. The book, *First Break All the Rules: What the World's*

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## Is There Unity in Your Court?

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Greatest Managers Do Differently, suggests there are 12 questions that employees can be asked that will help you judge the quality of your organization. These are also known as the "Q-12." These questions look into areas such as relationships in the office, employees' feedback, or employees' having a voice. Examining the results of the Q-12 can help you focus on areas where the scores might be low. Improving in those areas can make for happier employees, which makes for better morale and promotes unity.

There are many other ways to develop unity in your court. Get together a softball or bowling team, have classes on scrap booking, yoga, or calligraphy! Celebrate birthdays, marriages, babies! Trade your novels you've read - build an office library. Exercise together! Do an "Office Diet!" Life can be hard at times - we each belong to a "court family." You know that court family is there when tragedy strikes, but it's nice to have that feeling of belonging during the good times too.

Are you interested in learning more about any of the ideas mentioned above? Below are some websites to explore!

[www.the8thhabit.com](http://www.the8thhabit.com) - The 8<sup>th</sup> Habit or 7 Habits of Highly Effective People

[www.fishphilosophy.com](http://www.fishphilosophy.com) - Fish! - Tells the story of the Pike Place Fish Market

[www.bucketbook.com](http://www.bucketbook.com) - The Gallop Organization produces the Drops & tells you how to fill your emotional bucket! The book is called How Full is Your Bucket?

[www.marcusbuckingham.com](http://www.marcusbuckingham.com) - To learn how to build unity in your court - First Break All the Rules and also Now Discover Your Strengths to learn how to make the most use of your employees talents.



## Deputy Clerks' Council Launches FCCA ListServ

By Robert L. Walker, Case Manager  
USDC, Eastern District of Virginia at Richmond

Recognizing that effective communication within the FCCA is essential for its continued growth, strength and success, the Deputy Clerk's Council invites all current members to subscribe to the FCCA ListServ.

A ListServ is essentially a powerful electronic mailing list of people interested in a certain topic or specific area of interest. It allows for widespread distribution of a variety of information within a group or facilitates discussion among a group with or without moderation. It reaches a vast audience and solicits an interactive response. It is a unique opportunity for users in the workplace to give back to their profession.

The FCCA ListServ is an effective and convenient method for members to distribute all kinds of information simultaneously to every member on the list - announcements, notifications, suggestions, comments, work-related questions and solutions - you name it. For example, you may have a suggestion for training at an upcoming conference or you may have an ECF question - the possibilities are endless.

Our listserv allows for fast, simple, and informative communication between members who share common organizational and work-related interests. As we take advantage of this exciting and convenient opportunity to gather and exchange information, our organization and professions will continue to strengthen and grow.

The Deputy Clerk's Council extends its sincere appreciation to Stephen Mandel and Don Miller, IT professionals from the Northern District of Florida at Pensacola, who were very instrumental in the construction of the listserv using a server in their district. They will serve as List Owners and be readily available to provide technical

assistance, privacy and security.

The FCCA ListServ operates from a secured server, which requires that you use your work e-mail address to communicate with it. There are two addresses to remember. To send commands to the FCCA ListServ, please use: [listserv@listserv.flnd.circ11.dcn](mailto:listserv@listserv.flnd.circ11.dcn). This is the FCCA ListServ address.

To send messages, please use: [FCCA@listserv.flnd.circ11.dcn](mailto:FCCA@listserv.flnd.circ11.dcn).

To subscribe to the listserv, open Lotus Notes, type in the address field: [listserv@listserv.flnd.circ11.dcn](mailto:listserv@listserv.flnd.circ11.dcn). Leave the Subject field blank. In the body of the message, type the command: SUBSCRIBE FCCA Your Name. For example, SUBSCRIBE FCCA Robert L. Walker. The command is not case-sensitive, so you can use upper or lowercase letters and include your middle initial. Please type your name as you would like it to appear to others.

Within seconds, you should receive a Welcome Message, an Instructional Message, and a Subscription Confirmation Message. Congratulations, you are now registered! If you don't receive all three messages, please notify Steve at

([Stephen\\_Mandel@flnd.uscourts.gov](mailto:Stephen_Mandel@flnd.uscourts.gov))

or Don at

([Don\\_Miller@flnd.uscourts.gov](mailto:Don_Miller@flnd.uscourts.gov)).

To unsubscribe to the FCCA ListServ, please follow the same instructions, except type the command: SIGNOFF FCCA. Members are not permanently committed to the list and may leave at any time.

To avoid receiving a heavy influx of emails, which may be overwhelming, members have the option of receiving them in digest format. This will

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## FCCA ListServ

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compile an entire day's postings into a single daily e-mail. Use the FCCA ListServ address and type the command: SET FCCA DIGEST.

Contributions to the FCCA ListServ are automatically archived. Archive files offer the opportunity to maintain previous postings for both discussions and broadcast e-mail. Newcomers to the list may want to review them to see if questions have previously been answered.

For a list of archive files, use the FCCA ListServ address and type the command: INDEX FCCA. To review an archive file, use the FCCA ListServ address and type the command: GET FCCA LOGxxxx (i.e., to review archive file 0602, type: GET FCCA LOG0602). A search option may be added at a later date.

For a complete list of commands, use the FCCA ListServ address and type the command: INFO REFCARD.

All messages and responses are sent to every subscriber on the list. As with any e-mail, proper etiquette is essential. Please identify yourself, keep your messages, questions and comments brief, stick to the topic intended for discussion, be courteous and considerate of others' time, avoid meaningless messages, such as "I agree!" and more important, never send jokes or anything inappropriate. Members are encouraged to follow the discussions presented, and/or to join in and respond to whichever messages or discussions you choose.

At this summer's conference in Boston, the Deputy Clerk's Council will meet to discuss additional options and ideas for the FCCA ListServ, so please stay tuned. A theme for the conference is "United We Stand." It is our hope that the FCCA ListServ will unite and strengthen our organization through the continued sharing of information and ideas.



## The Gift of Life

By Jane Bauer, Blood for Life Chair  
District of Connecticut

Oh the lazy, hazy days of summer are approaching. If you have a spare hour to lay around, please consider doing it on a blood donation table. The Red Cross is always in need of blood donors and this year is no exception. In order to help you squeeze a donation into your busy schedule, Team Boston will be sponsoring a blood drive at the annual FCCA conference in Boston!

The blood mobile from Massachusetts General Hospital will be at the hotel from 8:30 am to 2:00 pm on Tuesday, July 18. The blood mobile is a self-contained bus that will be parked in the hotel's driveway. The bus has 5 beds, and normally they use 4 at any one time. Each donation should take approximately 30 minutes from arrival on the bus until departure. Each donor will be asked to complete a one page questionnaire regarding medical history, and then meet with a technician to answer a few more questions. The technician will also do an iron test by a pin prick on the finger, and take blood pressure and temperature to be sure the donor is qualified and healthy to donate. Each donor must present a photo ID.

Appointments may be made at the FCCA registration desk on Sunday and Monday, and the blood mobile will accept walk-ins as space permits.

The MGH web page is: <http://www.massgeneral.org/blooddonor/>

The blood drive reports are due for the 2005/2006 reporting period. The donation year runs May 1, 2005 - April 30, 2006, with reports due by May 1, 2006. I have extended the deadline for filing your blood drive reports. You may either fax me the report or send it to me via e-mail no later than June 1, 2006. My fax and e-mail information is on the "Blood for Life Donors" form available on the FCCA web site.

You do not need to wait for your office to hold a blood drive to donate blood or platelets. You are eligible to

donate every 56 days. If you donate, please let your blood drive coordinator know so your donation can be counted. Also, members who donate blood or platelets are eligible for the Blood for Life drawing at the annual conference. And this year the Deputy Clerks' Council is sponsoring a special drawing for any FCCA member who makes a donation on the Bloodmobile at the Boston conference.

Remember, every drop counts.



## 2008 Conference Site Approved

By Maria Carpenter, Ginny Hurley, Site Selection Co-Chairs

On May 22, 2006, the Board approved the nomination for Louisville in the Western District of Kentucky as the 2008 FCCA Conference site. The proposed dates are June 22 - 27, 2008. Louisville International Airport is a hub for Southwest Airlines and is also accessible by other airlines. The center of Louisville is about eight miles from the airport. A taxi takes about 10 minutes, and bus service is available from the airport. The weather is nice in June, about 80-90 degrees during the day.

Highlights of Louisville: Churchill Downs; Waterfront Park; Museums: Kentucky Derby Museum, Louisville Slugger Museum, Mohammed Ali Museum, Louisville Science Center - IMAX; hiking and biking trails are nearby. Other attractions: Six Flags of Kentucky, glass works, Keeneland, and Woodford Reserve Distillery. For more information on Louisville and Kentucky, you can check out the following web sites:

<http://en.wikipedia.org> (Search Louisville, KY)

<http://www.churchilldowns.com>

Louisville will be a great family vacation spot as well as our conference site. See you there!



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# Michigan State University Update for June 2006

By Maureen E. Conner, Ph.D., Executive Director and  
Dr. Sharon George, Student/Academic Services Director

**MSU designated courses offered at past conferences for the noncredit certificate:** We want to remind past participants that we will still accept your application and fees for courses offered in 2004 and 2005. The Leadership course was offered at the 2004 FCCA conference; and Purposes and Responsibilities of Courts and Caseflow Management were both offered at the 2005 FCCA/NCBC conference. If you are not sure of your status, contact Sharon George ([georges@msu.edu](mailto:georges@msu.edu) or 517-432-1716).

**See you in Boston:** As you know, FCCA is offering the following two courses: Essential Components of the Courts for 5 contact hours and Human Resources Management for 7 contact hours. As usual, attendance is required at all the course sessions. We encourage new participants to complete the easy application before the conference ([georges@msu.edu](mailto:georges@msu.edu)).

**Ready to start the credit-bearing program or the CJ masters, specialization in Judicial Administration this Fall 2006?** Please read the course description provided for your information:

CJ 812 Criminal Justice Management Seminar: Judicial Administration Course

Identifies the leadership and management demands confronting the courts in an increasingly more complex global and national environment, which requires systems thinking and approaches, collaboration both inside and outside of the courts, and competencies that exceed previous judicial administration practices. Leadership, management, and organizational theories will be explored and applied to contemporary challenges and opportunities.

Three primary sources will be used for this course: *The Leadership Challenge*, third edition (Kouzes and Posner, 2002); *Reframing Organizations*, third edition (Bolman and Deal, 2003); and *The Classics of Organizational Theory*, sixth edition (Schafritz, Ott, and Jang, 2004). Other sources on court leadership, administration, and management will also be required.

This is an on-line course, which will offer students the opportunity to access the course materials at times that are best for them but still within the prescribed time periods. Interactions with other students and with the instructor will be on-line.

Students will engage with each other and the subject matter through a variety of learning opportunities: readings, movies, self-reflection, organization assessment and analysis, individual writings, and group assignments. A full syllabus will be available to students when classes begin.

**Instructor:** Dr. Maureen Conner, Associate Professor and Judicial Administration Program Director

**Student Eligibility:** CJ 812 is a required course for both the Judicial Administration credit-bearing certificate and master's degree specialization. Thus, both the certificate and graduate program students are eligible to enroll in this class.

**Course Dates:** Classes begin August 27 and end December 7.

**Tuition:** \$1425.00

**Registration Information:** Contact Sharon George [georges@msu.edu](mailto:georges@msu.edu) to enroll in the course. Registration begins on April 24. Students can enroll up to the date the class begins; how-

ever, early enrollment is encouraged. Students who are interested in enrolling, but cannot do so until late in the summer, should contact Sharon expressing their intentions. The university does accept credit cards for this course.



## Clerks' Council Update

By Karen Mitchell  
Clerks' Council Chair  
Northern District of Texas

The FCCA Conference brings us together to strengthen our identities as professional judiciary employees while enabling us to have fun at the same time. Team Boston has put together a wonderful substantive training program for this year's Conference with many built-in opportunities to meet informally and share ideas and information. The extracurricular activities are top-notch too. Hopefully you will take the opportunity to participate this year in beautiful, historic Boston.

The Clerk's Council met twice by telephone this quarter to discuss issues of concern to the membership, including revisions to the work measurement formula, file server consolidation, and benefits enhancements. The district clerks are fortunate to have a terrific District Court Advisory Group chaired by Pat Brune, Western District of Missouri, that is keeping us informed of what is going on in DC and encouraging our input. We continue to look for opportunities to use the voice of the Clerk's Council to benefit all FCCA members.



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## Nominations for Circuit Representatives



**Robert Walker**  
**Nominee for Fourth**  
**Circuit Representative**

I am honored to accept the nomination as FCCA Circuit Representative for the Fourth Circuit. I am ready to follow in the footsteps of former circuit representative, and the Eastern District's Clerk, Betsy Paret. This is an exciting and challenging opportunity, especially as I begin my twenty-first year of service in the Eastern District of Virginia.

I graduated from Chowan College in Murfreesboro, North Carolina, with an Associate of Arts degree in Pre-Education and from Virginia Commonwealth University in Richmond with a Bachelor of Arts degree in History.

In 1986, I began working at the U.S. Bankruptcy Court in Richmond assisting in the early days of the A.H. Robins Dalkon Shield Claimants Trust. From 1988 to 1998, I served as a Courtroom Deputy Clerk for the (late) Honorable Robert R. Merhige, Jr., United States District Judge. Since Judge Merhige's retirement in 1998, I have served as a Case Manager and have participated in several organizational and leadership projects which have benefitted our office.

I have been a member of the FCCA since 1988 and have attended the annual conferences since 2002. I served as Chair of the FCCA Docket Clerk

Council from 2003 to 2005. Currently, I serve on the Executive Board of the Deputy Clerks' Council and am enrolled in the MSU Judicial Administration Program.

I am ready to fulfill the requirements and challenges of the position. My immediate goal is to effectively communicate the many benefits of the FCCA to help increase membership within my circuit. Thank you for your support!



**Robin Tabora**  
**Nominee for**  
**DC Federal Courts**  
**Circuit Representative**

I wish to thank Barbara Calhan for nominating me for the Washington, DC Federal Courts Circuit Representative.

I have been a member of the FCCA since joining the federal court in the District of Connecticut in 1977. I served as a courtroom deputy for many years and as Deputy in Charge of the Hartford Divisional Office from 1994 to 2002. In March of 2002, I moved to the Washington, DC area to become the Chief Deputy for Administration for the District Court for the District of Columbia.

I have attended conferences since 1996. I have served as our District FCCA blood drive coordinator and coordinated local fund raising events to support FCCA causes. I am currently

the Chair of the FCCA Conference Advisory Committee, a member of the AO Court Reporting Advisory Group and the FJC Advisory Committee on District Court Education.

I completed the Federal Court Leadership Program in 2000. As a graduate of the University of Connecticut, I cheer for the Huskies from a distance. I am also a huge Red Sox fan and look forward to attending the game during the Boston conference in July.

I think communication is the key to a successful organization. It will be my goal to work with each of the District Representatives of the DC federal courts to keep our FCCA members informed and to encourage participation in this great organization.



**Deenah Levine**  
**Nominee for Second Circuit**  
**Representative**

My present position is Financial Specialist for the U.S. Bankruptcy Court in the District of Connecticut at Hartford. I have been with the court for 15 years. Other positions that I have held include Intake Clerk and Work Leader. I graduated from Chandler, a secretarial school in Boston in 1971.

I joined the FCCA in 2003 and have been to all of the conferences since. When I return from a conference it is with a great attitude. I feel

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## Nominations

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proud to be a part of something so special. I have met wonderful people that are full of life and very involved.

I was born in Hartford, and have spent most of my life here. I have never married. In my spare time I enjoy watching sports (especially UCONN). I also play soccer, enjoy reading, swimming, dancing (many of my conference friends can vouch for that), and traveling.

I have been a volunteer in many activities, including visits to an elderly friend, Special Olympics and Literacy Volunteer.

I want this position as representative because I would like to help make this great organization even better. I also would consider it a privilege to be the Second Circuit Representative for an organization that does so much good.



### **Cheryl Sweat** Nominee for Sixth Circuit Representative

I am honored to accept the nomination as FCCA Circuit Representative for the Sixth Circuit. It will be difficult to follow in Sue Rigan's footsteps, but I will continue to dedicate myself to the opportunities in the FCCA and work hard on behalf of the members and represent them to the best of my ability.

I began my legal career in 1992 as a receptionist at a defense law firm and moved on to gain experience working for a plaintiff's law firm. After five years at the plaintiff's firm, I opened a legal secretarial contract business and worked for many prominent law firms in the local area. While on temporary assignment at the U.S. District Court for the Eastern District of Tennessee, I was hired as the Court Clerk's Administrative Assistant on December 31, 2001, and enjoy serving in this capacity.

Since 2003, I have volunteered raising funds during the annual Combined Federal Campaign / United Way for the Knoxville division. During the past two years, I have volunteered for the Boys & Girls Club, collecting donations for the annual Rubber Duck Race held on Volunteer Landing in downtown Knoxville.

I have been a member of the FCCA since 2003 and have attended two conferences. I was nominated by the past-president as District Representative and currently serve on the Board as the Sixth Circuit Representative. I look forward to meeting you at the Boston conference.

With much enthusiasm, I look forward to this term. My goal is to continue to maintain communication between the Board and its members, solicit awareness of the FCCA organization and its benefits, and create avenues to increase FCCA funds.

Thank you for your support.



*Courage is very important.  
Like a muscle, it is strengthened by its use.*

- RUTH GORDON -

## Historian and Nominations Report

By David Stechmann, Historian



As your Historian, my objective has been to present the history and evolution of past FCCA events in a fun and interesting way. I have worked hard to bring strong leadership to the Board of Directors and to improve participation and leadership among our members. These past four years we have all joined together in recording our history and identifying areas of mutual interest.

I am honored to be nominated to a third term for the office of Historian. I became an FCCA member in 1983 when I started with the Clerk's Office for the Eastern District of Louisiana. I have shown my support of FCCA by attending 18 Annual conferences and co-hosting the 1990 Annual Conference in New Orleans. As Chairman of the Long Range Planning Committee, we established the Professional Development Committee, which is responsible for providing the educational program at the organization's annual conference. I've served as a member of the Nominations Committee, Awards Committee, Deputy Clerks Council Long Range Planning Committee, Fifth Circuit Board Representative for four years, Eastern District of Louisiana District Representative for 19 years, and have attended many board meetings.

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## Historian and Nominations Report

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While serving as chairman of the Deputy Clerks Council, we developed and published the FCCA Retirement Reference Manual and supported the passage of the Leave Sharing Act. We have all seen the benefits of Leave Sharing and the manual was a useful tool used as a source of information in the days before technology. What I'm especially proud of is the joining of efforts from many dedicated members who poured much time and effort in accomplishing our many goals. In recognition of these efforts I was awarded the 1999 Ross Levy Award and in 1998 a Special Service Award.

When I was elected your Historian in August 2002, we had many ideas, suggestions, and goals that we now refer to as our "Ideas for Today and Tomorrow." We have made much progress these past four years and I look forward to the next two and what can be accomplished.

As many of you know, thousands of photos have been taken with the purchase of the digital camera equipment since the 2003 conference in Orlando. Many members have expressed their pleasure in viewing the photos and look forward to seeing them on the FCCA web site at [www.fcca.ws](http://www.fcca.ws) and at the annual conference.

We all enjoy looking back and remembering the people, fun times, and many accomplishments that help make FCCA what it is today. The tradition we started in 2003 continues today with the 4<sup>th</sup> Traveling Memorabilia and Mementos Exhibit show. I'm excited to announce that the show will open and run from July 16-20, 2006, at the Radisson Hotel in Boston, Massachusetts. I've used the contributions of many FCCA members to enhance the exhibit and it continues to grow with new memorabilia each year. I'm looking forward to presenting the newly

framed photo from the 1959 Annual Conference held in Boston. It looks great and I know the people from Boston will especially enjoy viewing the photo. Please stop by and enjoy the show.

In addition to the above-named accomplishments your Historian has added a little fun and excitement to the last few conferences. We held a contest to decide FCCA's "Top 10 Conferences You didn't want to Miss" and "Historian for a Day!"

The "Top 10 Conferences You didn't want to Miss" was exciting and gave everyone a lot to talk about. The 1996 New York, New York conference took home the award as the #1 FCCA Conference "You didn't want to Miss." It was especially nice sharing some of the many positive comments about the different conferences and highlights of each.

Historian for a Day was a great way to get members involved in the conference. We had great participation and lots of fun as the winners embarked on their primary mission of taking photos for the day with the disposable camera they received. All the winners took the assignment seriously and as a result we have many outstanding photos. Many of the Historians commented on how much they really enjoyed the opportunity to participate. You can see the photos in the Traveling Memorabilia and Mementos Exhibit show.

In conclusion, I hope everyone is as excited as I am about the progress we've made and spending a week in historical Boston. I'm looking forward to another outstanding conference and hope to encourage more members to get involved in helping us continue our efforts. I encourage all FCCA members to vote in person at the Boston conference or by absentee ballot and I strongly ask for your support. Please vote David Stechmann, Historian. Thank you in advance for your consideration and support.



## Please Come to Boston for the Best Time

By Ian Keye, Chair,  
Professional Development Committee



Be an  
Town. Bos-  
ton Harbor.  
The Red Sox.  
A Clambake.  
The Freedom  
Trail. FCCA!

This year's Annual Conference in Boston is shaping up to be one of the finest and promises to be packed with interesting speakers and an excellent variety of educational sessions, uniquely tailored to the members of the Federal Court Clerks Association.

At the centrally-located Radisson Hotel Boston, which offers all the amenities you would expect of a major city hotel (not to mention a great pool and sundeck for a little R&R between sessions), Team Boston will be providing our members and guests with a week of activities we'll be talking about for years to come.

Participants in the credit-bearing Michigan State University Judicial Administration program (cosponsored by FCCA) will be able to complete tracks in both Human Resources Management and Essential Components of the Court. Courses (which are open to all members) include *Thinking and Learning Styles*, *Promoting a Positive Partnership with GSA* and *Unleashing the Power of Creativity*.

Other conference courses include a session on *CM/ECF Version 3* (just released from the AO), *Business Etiquette* (a little refresher for most of us) and *Retirement Planning for the Future* (a look ahead in the not-to-distant future for many of us).

Details on all course offerings and registration information is available

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## Come to Boston

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now at Team Boston's excellent conference web site:

<http://www.mad.uscourts.gov/fcca/>

Join us July 16 - 20 for a little history, some excellent training and a whole lot of fun!

Carol Fitzgerald Scholarship Update: Six FCCA members qualified for and were named this year's recipients of the Carol C. Fitzgerald Scholarship. A total of \$2000 was awarded to these members for career-related continuing education offered at either an educational institution or at the Boston Annual Conference. Congratulations to all awardees! Information about the annual scholarship program may be obtained at the Programs section of the FCCA Web site: <http://www.fcca.ws/>.



## Managing Internet Use in the Judiciary

*By Mel Bryson, Assistant Director  
Office of Information Technology  
Administrative Office of the U S Courts*

The Internet provides workplace users with a tremendous resource to help them work smarter and faster. In the judiciary, it allows courts to maintain web pages with useful information for the public, provides an avenue for members of the bar to stay current on Judicial Conference policies and rules, and undoubtedly helps judges and court staff efficiently carry-out a wide range of responsibilities.

As press accounts show, the Internet also can take some down a path of inappropriate use and at times, outright abuse. And, the judiciary is not immune from this problem. While some courts have taken steps to block

access to pornographic, gambling or other inappropriate Internet sites, there is no blocking of such sites at the enterprise level.

In 2001, the Judicial Conference reaffirmed that individual courts have the responsibility to foster and enforce appropriate local use policies consistent with or more stringent than the national appropriate use policy governing the use of the Internet. The Judicial Conference also directed that the adequacy of courts' enforcement methods be reviewed as a part of the regular audit process. Five years after the Judicial Conference's actions, virtually all court units have adopted an appropriate use policy. However, only one-third of those courts have put into place a management process to ensure that the policy is followed.

Many court officials have raised questions about what constitutes appropriate management of the policy. Is walking around and observing Internet use adequate? Should the policy apply to chambers staff and judicial officers as well as clerk's office staff and other court employees? The Bankruptcy court in Rhode Island has provided the following thoughts on what steps it takes to help staff avoid problems with the Internet:

"At the Bankruptcy Court in Rhode Island, all court staff have access to the Internet. The Internet provides a wealth of important information to assist staff in performing their various job functions and does so in a much more efficient and thorough manner than in the olden days (before electronic access) when reliance on manual research techniques, telephone calls and mail inquiries were the norm. However, the use of the Internet at work, similar to the use of the telephone, can give rise to the potential for abuse of the service if proper employee use polices, training and enforcement are not put into effect by management.

"In our court, we have adopted very detailed computer workstation

guidelines and all staff must sign a Computer User Memorandum of Agreement evidencing their awareness of the court's computer policies and understanding of what is expected of them. These documents are very helpful in communicating the proper use of the Internet and email and the importance and consequences of employee actions related to the DCN and its reflection on the judiciary as a whole.

"Additionally, to protect the Court and the Judiciary from any potential embarrassment from an employee's abuse of these policies, as well as to ensure that staff are working productively on the job, two additional measures are in place. The first is the complete blocking of certain Internet sites of a criminal or inappropriate nature such as pornography and gambling sites. At the Court's public terminals, additional sites are blocked by type of class and include game sites, photo searches and webmail sites. The other measure that the Court uses to monitor the proper use of the Internet is a program called Surf Control, which produces several types of weekly reports of Internet use including top 10 sites visited, top 10 times and days, top 10 users, browse times and also a detailed report of user activity. Management reviews these reports and documents these reviews as part of our Internal Controls policy. When the Court initiated the monitoring program, we gave each employee a copy of their report so they could understand the level of detail it offers. Since we began using the program (about 5 years now), we have encountered only a few questionable uses of the Internet, which were quickly resolved through education and training. Staff are allowed to use the Internet for occasional personal use similar to their use of the telephone for a personal call within the guidelines. When potential problems do arise, such as frequent visiting of shop-

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## Managing Internet Use

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ping sites during the holiday season, a quick email reminder to staff about the proper use of the Internet immediately solves the problem. With proper education and training of staff, particularly new employees or summer interns, everyone learns to respect the proper computer use boundaries, allowing the Internet to be used in the workplace as the phenomenal research and information tool it has become in our modern lives.

As the Rhode Island court demonstrates, the key to successful management of Internet use is to set expectations and then follow through so that everyone knows that violations of the policy will not be tolerated.

The Administrative Office has procured enterprise licenses for BorderManager and WebSense. User licenses are provided to courts on their request, along with information on how to implement the chosen product. Courts can contact Neal Dillard at the AO to obtain user licenses (202-502-2640). These software products block certain types of sites based on the type of information that those sites contain. For most courts, that would mean sites that offer streaming music, pornography, gambling or other types of information they deem to be inappropriate. These products also can generate reports that can be used by court officials to assist users in avoiding problems, similar to what is done in the Rhode Island Bankruptcy Court.

With these software tools and others that courts may choose, if there is a legitimate need to visit a particular blocked site, it is a simple matter to adjust the settings to allow permanent or temporary access to that site.

Managing Internet use is a smart business practice. Recent media reports on Internet abuse have impli-

cated individuals at all levels of the government in inappropriate use of their government-provided Internet access. Various articles have identified government employees who used their computers to gamble, to obtain and distribute pornography (including child pornography), to operate personal business ventures or engage in personal hobbies. The judiciary puts a great deal of effort into hiring excellent, qualified staff. Courts often treat staff like family and as a result they have relatively low turnover. Unlimited Internet service, like any other government asset, such as an unsecured cash drawer or postage machine, can present a powerful temptation. Managing Internet usage is something court managers should do to protect their staff and keep them from making serious mistakes that could damage them and the judiciary as an institution.



## FCCA Leave Share

*By Laudan J. Batino,  
Leave Share Chairperson  
Office of the Circuit Executive,  
Ninth Circuit*

It's one of those things you hope never happens to you. You exhaust all available paid leave for a personal or family medical emergency. As a result, you start worrying about financial burdens instead of concentrating on your personal or family medical emergency.

That's where the benefit of the Voluntary Leave Share program comes in. Under the program, you can share your time with a fellow FCCA member. Donors get the satisfaction of knowing they have helped someone in their time of need, while recipients receive the leave donation so that they can concentrate on their personal or family medical emergency, and recover without the worry of financial burdens.

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 annual leave donated by fellow employees.

The process is relatively simple. We review the request, validate the status of the member, and forward the request to the FCCA board members and circuit representatives for distribution to FCCA members. In order for an employee to receive donated leave, they must first meet the criteria in The Guide, Chapter 10, Subchapter 1630.2, Voluntary Leave Share Program. Once approved for the program, the Human Resources Specialist typically will send an e-mail to members of the district's court unit.

Sometimes, the word doesn't get to the FCCA Leave Share Committee. Here's how you can help: If you're aware of an FCCA member who's an approved leave recipient, please send me an e-mail by cc:Mail, or to [lbatino@ce9.uscourts.gov](mailto:lbatino@ce9.uscourts.gov).

Include the following information in your e-mail:

- Name
- Position
- Title
- Grade of Employee
- Type of Court and Location
- Number of years as an FCCA member
- Brief description of medical emergency situation
- Leave donor forms

Leave donors must submit an **Application to Become a Leave Recipient** along with a form **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. Feel free to give me a call at (415) 556-9577 if you have any questions.



## Spotlight on Members



**Scott H. Atchue**

Scott's current position is the CM/ECF Coordinator for the United States Court of Appeals for the D.C. Circuit and has been with the court for eight years. His other positions have been a Case Administrator and Courtroom Deputy Clerk.

He joined the FCCA in 1999 and has attended the 2001 FCCA/NCBC conference in Cleveland, Ohio.

Scott graduated from the American University in 1996 with a Master of Science in Justice, Law & Society.

He is single and enjoys 10-pin bowling, cycling, the performing arts and music.

His most special project was the completion of the court's first 'Reference Guide and History of Circuit Judges.'

Scott received the 2002 Exceptional Accomplishment and Service Award from the United States Court of Appeals for the D.C. Circuit and in 1996 received the Court Administration Scholarship Award from the National Association for Court Management.

## Judiciary Online University (JOU)

The AO launched a free online training program through the Judiciary Online University (JOU) for all judiciary employees.

This training opportunity will be available through **September 30, 2007**. In order to continue a commitment to online training after that time, the AO will have to present a good business case. The only way to do that is for employees to use JOU.

**What is JOU?** JOU is self-service web based training and offers over 2,000 courses focusing on business, professional development, and technology. Courses range from quick 10 to 20 minute problem-solving instruction to the more typical 4 to 8 hour course. Each course is divided into short lessons that last about 30 minutes.

Employees looking for training on databases may be interested in the Access courses on JOU. Employees interested in spreadsheet may be interested in the Excel courses on JOU. Employees interested in courses on project management will find courses on this topic.

How will employees benefit from JOU courses? In addition to enhanced job skills, a number of the courses can lead to technical certification, college credit, or continuing education credit.

**Who developed these courses?** SkillSoft Corporation provides business and IT development curriculum covering subjects such as leadership and management. Many of the management courses were developed with SkillSoft's partner, the University of Pennsylvania's Wharton School.

**How can employees participate?** All judiciary employees may participate. For courses taken during work hours, employees should request permission from their supervisor. Em-

ployees may take other courses at home on their own time without permission.

**How do employees access JOU?** Employees will be able to access JOU from work or home.

The web site is located at: <http://jou.skillport.com>

The login will be the employee's 6 digit employee number. (This number can be found on the employee's pay stub.)

The generic password will be: training.

The password should be changed after the first login.

You may download a course rather than simply playing it online. When you start to download a course for the first time, you will get a message telling you that you must download the Skillsoft course manager before downloading the course content. You may need to contact an IT staff member to install the Skillsoft course manager software and to help you download your course. After this initial installation and course download, you can download future course modules from the JOU on your own.

Please remember to delete the course after you have completed it.

If you want to work on the same course both at home and at work, you should not download the course, since the courseware "bookmarks" where you are in the course from one session to the next, but will be unable to keep track of your place in the course from both computers simultaneously.

### Courses Available

The site has over 2,100 courses available, about 800 of which are business-related and the rest IT-related.

The site adds new courses every month.

Continued on page 15



The catalog is easily searchable by key words so that you can find courses of interest to you.

### Duration

The courses' creators apparently tend to overestimate how long it will take you to get through a class: you can usually complete a class in 2/3 of the time estimated.

### Interesting Features

**Simulations** - These are stand-alones, so you don't have to take a full course to get access to them. They give you the option to try out various skills using real life scenarios.

**Job Aids** - These, too, can be used as stand-alones or as portable notes from various courses.

**Mentoring** - This is available for a lot of the IT courses/skills. You can chat live with someone who will walk you through a problem and give you immediate help with a specific area. Although this mentoring option is intended primarily to help people prepare to take various IT certification tests, you can also use it to get help with doing a particular IT process.

**Bookmarks** - These allow you to do only portions of a course at a time.

**Mastery tests** - These allow you to check your understanding of the topic. You can take them as many times as you want: each time, you should get different questions in a different order.

**Certification** - Credit is available through various associations and institutions.

This is a great resource and I hope all can take advantage of this opportunity!



## Mid-Year Meeting: Your Board Working for You

By Patricia L. McNutt, Editor, FCCA Journal

Much work was accomplished by the FCCA board at the mid-year meeting in Tempe, Arizona, January 20-21, 2006. If you've reviewed the minutes, you know what I'm talking about. The minutes and attachments, posted at [www.fcca.ws](http://www.fcca.ws), are 28 pages. I'll mention a few of the areas in which your Board is working for you, and tell you a little about Tempe, Arizona, to whet your appetite for the 2007 FCCA Conference.



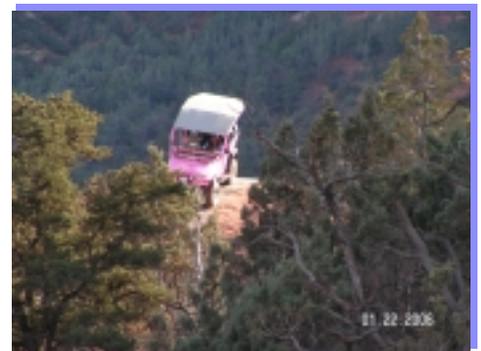
Every year the Board solicits a court to host the FCCA Annual Conference. Putting together a conference is a tremendous amount of work, but it provides great educational, networking, and social opportunities for the FCCA members. Ginny Hurley and Team Boston have done an incredible amount of work and the Boston Conference is going to be fantastic. Be sure to register early. The registration site can be found at the FCCA web site, [www.fcca.ws](http://www.fcca.ws).

Next year's Annual Conference will be in Tempe, Arizona, June 24 through June 28, 2007. Rick Weare was on hand at the mid-year meeting to welcome the Board and to give a preview of what's in store. The Tempe Mission Palms Hotel will be the conference hotel. The hotel is elegant, the rooms are very comfortable, location is great, and the price is right at \$105 per night for up to four people per room. Shops and restaurants are within walking distance. The desert setting is also beautiful.

I conducted an informal poll of Board members' favorite restaurants in the area. Those that got a nod were: Café Boa -specializing in pasta dishes with a great selection of wine including flights of three wines; Z-Tejas -great Southwestern food and great margaritas; Bravo Bistro - Italian, in Scottsdale if you are interested in a scenic drive. There was also a fun Irish pub with live music and lots of dancing, but I can't recall the name.

Sedona is about an hour drive from Tempe and is a fun place to visit for a day. If you go, take the "Pink Jeep Tour," [www.pinkjeep.com](http://www.pinkjeep.com). You tour the red rock formations of Sedona in a 4x4 jeep. The views and some of the angles of the jeep on the rock are amazing. According to our guide, it will be hot in the summer, and there is often a shower in the afternoon, so the best time to take a tour may be in the morning.

Besides planning and hosting great conferences in fantastic locations, the Board is seeking to offer more membership benefits. Jim Murphy is involved in a project to potentially offer



fer a variety of benefit packages to FCCA members. Expect to hear more about this in Boston.

A new feature on the FCCA web site is "Current Events." These are published about mid-month and high-

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## Mid-Year Meeting

Continued from page 15

light important events that occurred in the judiciary in the past month. Jenine Wright and the Deputy Clerk's Council have been working on a survey of deputy clerks. Look for more about this at the Boston conference. Finally, an FCCA ListServ has been launched. Read the article by Robert Walker in this issue of the *Journal*.

As a nonmember of the Board, who attends the Board meeting in my role as Editor of the *Journal*, I can honestly say that all the members of the Board take their role seriously and are



working in the best interests of the FCCA membership. They continually look for ways to offer more membership benefits. If you have ideas about what would make your membership in FCCA more beneficial, please talk to your Circuit Representative or one of the officers.



## CM/ECF Provides Internet Credit Card Functionality and Changes to Fee Refund Guidance

By David Scott  
District CM/ECF Program Manager  
District Court Administration Division  
Administrative Office of the U.S. Courts

Because of their high volume of filings, bankruptcy courts were first to

include internet credit card functionality into their CM/ECF application, which allowed attorneys to pay filing fees as part of the CM/ECF process. District courts added the new capability to their software in June 2004 with the 2.4 release. However, the U.S. Treasury, which provides the pay.gov application that enables this functionality, requested that we delay the addition of new courts, both bankruptcy and district, to the system while they made major upgrades. Accordingly, a district prototype of this functionality didn't begin until the spring of 2005 with three courts participating. As of May 2006, fifty-nine courts have signed up to use pay.gov and internet credit card fee payments and twenty-nine courts have completed the process to activate their pay.gov accounts. In April 2006, fourteen district courts collected \$128,703 in filing fees for case openings, notices of appeal, or other case-related activities.

The bankruptcy courts learned that attorneys sometimes make errors when paying fees using CM/ECF. With slightly different functionality in the district courts, these errors can include the practices of inadvertently paying the filing fee twice for the same case or not completing the transaction after paying the fee. In this last instance, once the pay.gov application returns the attorney to CM/ECF and the docket text contains the receipt number, the attorney is charged the fee whether or not the transaction is submitted and the Notice of Electronic Filing is generated. While these errors most likely will not be frequent events, the courts needed guidance on what to do when they do occur. Therefore, a memo was sent to all chief judges and clerks on April 7, 2006 outlining the Judicial Conference policy of limited refund authority by the courts when errors in electronic payments are made. This memo is available on the J-Net under the column heading "Especially for: District Clerks' Offices."

The District of South Carolina issued a standing order that outlines

their practices for fee refunds from electronic payment errors. "The person who made the error during filing will contact the Finance Department ... relating the date and time the duplicate payment was made. The Finance Deputy will note the person's name and verify the duplicate fee payment in the pay.gov report as well as the ECF Internet Payments Made Report and then access the docket to confirm only one fee was required. The refund will then be applied to the credit card from which the duplicate payment was made." The finance officer and/or a unit executive will sign off on the documentation supporting the refund and the records will be maintained in the finance office for seven years. The court chooses not to require an application or motion that would then result in an order, all of which increases the workload of the clerk's office. The standing order provides the judicial authorization to make this an effective practice for this court.

If a filer makes an electronic payment error in the District of Idaho, the finance administrator there will void the transaction on the same day it is made, thus preventing the fee from ever being charged to the filer's credit card. However, once these transactions are processed through the U.S. Treasury and Bank of America, this court's policy requires a motion from the filer and the subsequent order from the judge prior to the issuance of a credit. The court has yet to receive such a motion.

Using the refund guidance referenced above, each court using pay.gov for internet payment of filing fees will have to develop and document the procedures that work best for their judges and staff. The DCAD CM/ECF Team will continue to collect information about the practices and procedures implemented in the courts. If your court has documented procedures that you would like to share with other courts, please send them to us via e-mail. If you have any questions, please don't hesitate to contact us.



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## Nominations Are In!

By Anne Stygles  
Nominations Chair

The following nominations have been received for Circuit Representatives of even-numbered and the Washington, DC Federal Circuits:

**2<sup>nd</sup> Circuit:**

Deenah Levine, Financial Specialist, U.S. Bankruptcy Court

**4<sup>th</sup> Circuit:**

Rob Walker, Case Manager, Eastern District of Virginia

**6<sup>th</sup> Circuit:**

Cheryl Sweat, Administrative Assistant, Eastern District of Tennessee

**8<sup>th</sup> Circuit:**

Susan Kern, Deputy Clerk, Southern Iowa

**10<sup>th</sup> Circuit:**

No nominations received

Washington, DC Federal Courts:  
Robin Tabora, Chief Deputy Clerk, U.S. District Court, District of Columbia

Since there are no contested races for Circuit Representatives there will be no elections within the Circuits.

President Sheryl Loesch will appoint someone after the annual conference to be the Circuit Representative for the 10<sup>th</sup> Circuit.

One nomination was received for Treasurer:

**John Zingo**, Financial Manager, Eastern District of Pennsylvania

One nomination was received for Historian:

**David Stechmann**, Courtroom Deputy, Eastern District of Louisiana

Nominations for Treasurer and Historian will be taken from the floor at the annual conference. Write-in votes can only be accepted at the annual conference.

The profiles for the nominees for FCCA Treasurer and Historian as well as the nominees for the Circuit Representatives of the even-numbered and Washington, DC Federal Circuits are featured in this issue of the *Journal*. For those of you who plan to be at the conference in Boston, you will meet the candidates for Treasurer and Historian in person and hear their platform and the platforms of any further nominees for Treasurer and Historian.

All members are urged to participate in the voting process at the annual conference in Boston. However, if you have voted by absentee ballot, you will be ineligible to vote during the election at the annual conference.



## The Court Gavel

By Don K. Ferguson  
Retired Chief Deputy Clerk  
Eastern District of Tennessee

When we hear the rapping of the gavel, we know what it means, but why is the gavel used? What is its history?

The gavel is one of "the least considered components of the American legal profession," according to Massachusetts historian Stephen C. O'Neill. An understanding of its history, however, shows that it deserves "far more attention and respect" than it has ever received.

"Gavels are the most common implement of authority and order associated with the judiciary. Judges are so frequently portrayed using gavels in the movies and on television in their courtrooms that it is hard to imagine modern-day trials occurring without them (although most do)," O'Neill

wrote in an article for *Massachusetts Legal History*, a journal of that state's Supreme Judicial Court.

While the gavel is commonly associated with the American courtroom, its use is not limited to the courtroom, the author said, noting that a gavel is used to bring meetings of organizations to order, and "even auction houses conclude every successful sale with a single, loud rap of a gavel."

Despite its important role, there is little information on why the gavel is used and even less as to when the gavel began to be used in America's courtrooms, O'Neill wrote. "Even the origin of the very term 'gavel' is unknown."

"The most plausible explanation for the use of gavels ... can be found in the traditions and rituals of Freemasonry," O'Neill said. Masons traced their origins to Medieval guilds of stonemasons, and Masonic ritual adopted the tools of working stonecutters, one of which was a gavel—"a wooden hammer used to chip off pieces of a stone block and gently set the block into place, representing the power to control and finish a work." A master Mason holding the gavel at a meeting carries the symbol of his authority as presiding officer of the Lodge, O'Neill said.

The fraternal organizations and lodges of the Masons developed in England in the late 17th and early 18th centuries, and those types of organizations found their way to the American colonies. Masonic membership was common throughout the colonies, especially among the Revolutionary generation that founded the United States, O'Neill wrote.

With a new republic being born, its founders began a search for forms and symbols that could be adapted. The gavel was one of those symbols, the author said.



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## Transcript of Remarks of Jim Duff as Provided by the AO Office of Public Affairs

Thank you, Mr. Chief Justice, for your kind remarks and for the great honor of working for you and for the federal Judiciary.

Thank all of you for your warm welcome. It feels a bit like I'm coming home again. Actually, it may be a little better than coming home. My children have reached the age that now only our dog greets me at the door. So, I thank you for greeting me this way. And my family knows I am kidding, and I thank them for their love and support.

I first want to pay tribute to Director Ralph Mecham's 20 years of dedicated public service to the federal Judiciary. You have certainly made lasting and significant contributions to the Judiciary - including this great building. Thank you, Ralph.

I am truly looking forward to working with all of you on the many challenges faced by the Judiciary today - from salaries to security to separation of powers issues - and I have just run out of "s's" to continue the alliteration - but there are other pressing issues as well.

And I look forward to good working relations with the other two branches of government to effectuate what Justice Jackson and later Chief Justice Rehnquist referred to as the "separate but interdependent" nature of the branches of our government. Those of you who have labored here for years, know firsthand how interdependent our branches are, particularly those of you who work on the Judiciary's budget.

I would like to take the opportunity this morning to ask each of you to think about where you are and how

important your role is in supporting our federal Judiciary. As you probably are aware, the federal Judiciary consistently is rated in public surveys as the most respected and most trusted branch of our federal government. And our federal system of government is arguably the most envied and respected form of government in world history.

Think about that. That is exciting to me. And I hope it is exciting to you. That's public service of the highest order.

My junior year in college, I left my beloved University of Kentucky and went to the University of Edinburgh in Scotland. I lived with a family there and took a bus from their neighborhood to the campus every morning. Every day we rode down Princess Street where on one side of the street is a lovely green park that slopes up to a mountain where the ancient Edinburgh castle sits on top. It is spectacular. I stared at it in awe every morning, rain or shine (usually rain in Edinburgh). And I was amazed that there were people on the bus who did not even bother to look out the window at this magnificent scene. And I thought, if I ever get to the point where I am not looking out at that beautiful castle, I hope someone throws me off the bus and wakes me up.

Now, I am not suggesting anyone here needs to be thrown off of this bus. But I do hope you are as excited about your jobs as I am.

We do not want just simply to maintain our position in the public surveys, we want to continue to build

public trust and confidence. And that takes continued effort. You play a very important role in that.

We are going to have defined and achievable goals. And let's keep at the top of that list the goals of being the most responsive and respected office in government - number one - because the Judiciary deserves that. And the judges of our success are, in fact, the judges and the Chief Justice and the Associate Justices.

Those of you who have worked with me before know I am very big on team play - it does not matter who gets credit.

I suspect Chief Justice Roberts appreciates the team attitude, too. As he mentioned earlier, he is from Indiana and the Hoosiers at Indiana University do not even put their names on their basketball uniforms - that personifies team play. I love that about IU.

I extend a special thank you to the FJC and Sentencing Commission staff who are here today, and I look forward to working with you.

I can't wait to get started. I am looking forward to working with all of you, and I thank you again, Mr. Chief Justice, for the privilege.

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## Are You Creative?

By Cheryl Sweat  
Sixth Circuit Representative

During the Chicago conference, I asked several vendors if they would have an interest in advertising in the *FCCA Journal*. Doing so would provide a great opportunity to solicit new clients and provide our members with beneficial information about products and services, plus it would increase funds for the FCCA. Letters were mailed to these vendors (prospective advertisers) and several positive responses were received.

The president of The United States Court Reporters Association recently contacted the *Journal* Editor and inquired about swapping advertising space in *The Circuit Rider's* newsletter. The Board discussed the idea and unanimously agreed that it would be beneficial and a great opportunity for both organizations. However, our *Journal* currently doesn't have an advertisement to submit. Therefore, FCCA members are being asked to submit a proposed ad. The Board will review all submissions and select the most creative one and recognize the member at the Boston conference. If the member cannot attend the conference, he or she will be recognized in an article in the post-conference issue of the *FCCA Journal*.

The requirements to submit an ad are: (1) The individual must be a current FCCA member; (2) the ad must reference the purpose mentioned in the FCCA mission statement located at <http://www.fcca.ws/brochure.htm>; (3) and it must be a full page, 8 1/2 x 11 document in WordPerfect format. Proposals should be sent to Cheryl Sweat at [cheryl\\_sweat@tned.uscourts.gov](mailto:cheryl_sweat@tned.uscourts.gov), by close of business Monday, July 3. The winning FCCA ad will be submitted to *The Circuit Rider*.

The member whose ad is chosen will be highlighted in the *Journal* and will be asked to submit a brief summary of his or her idea.

Good luck!



Spring 2006

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## On the Web

By Cheryl Sweat, Sixth Circuit Representative

- Current Events - A new feature provided to keep members up-to-date of matters of interest and will be updated monthly around the middle of each month
- January 12, 2006 Mid-Year Board Meeting Minutes and reference documents
- February 13, 2006 Teleconference Board Meeting Minutes
- FCCA Treasurer's Report - Second Quarter
- Current Officers and Board & Committee Contact List current as of January 13, 2006
- Current FCCA District Representatives Contact List<sup>1</sup>
- Revised rate card for advertisers that include color costs
- **NEW** - step-by-step information for current and prospective advertisers that details the FCCA's advertising process
- **NEW** - recognition for prepaid advertisers will be listed in bold color in the table of contents
- **NEW** - FCCA Special Service Award Description

<sup>1</sup>**NOTE:** All lists are current as of this printing of the *Journal*. Any changes that are not reflected will be shown in the next issue and should be directed to the Circuit Representative AND Pam Twiford, Membership Chair.

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## Dates to Remember

By Cheryl Sweat, Sixth Circuit Representative

- Boston Conference - July 16-20, 2006. **Register by June 16 - \$275**; after June 16 - \$325. (See conference details on FCCA home page)
- Submission deadline for FCCA ad is **COB Monday, July 3**. (See "Are You Creative")
- MSU Course Dates - Classes begin August 27 and end December 7. Registration began April 24. (See "Michigan State University Update for June 2006")
- **REMINDER** - The FCCA Journal's publication dates are **February 1, June 1, October 1**. Submission deadline is one month prior to publication date. The *Journal* is posted on-line, with exception of one printed issue after the annual conference.
- JOU opportunity available through **September 30, 2007**.