

FIVE-YEAR PLAN  
FOR THE  
FCCA FOUNDATION  
An Arizona nonprofit corporation

January, 2008

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## **I. OUR MISSION:**

This nonprofit organization seeks to support the work and efforts of the Federal Court Clerk's Association (hereinafter FCCA). It shall conduct its business for the following purposes: charitable, educational and lessening the burdens of the judiciary and of the government. The activities of this foundation will not consist of lobbying or propaganda, or otherwise attempting to influence any legislation. Its primary purpose is to receive gifts supporting the work of the FCCA and the FCCA Foundation.

## **II. CREATION OF THE FOUNDATION:**

- a. In 1993 the FCCA was faced with the possibility that it may have been in violation of certain Canons of Ethics as provided for by the Judicial Conference, in that funds were being solicited or were being donated by certain private vendors for use in defraying costs of the annual FCCA Conferences. Certain of these vendors were doing substantial business with the courts and with the clerk's offices. The Committee on Codes of Conduct issued an opinion in July, 1994 (Reviewed January 1998) advising that solicitation and acceptance of gifts from these vendors was inappropriate and should be halted.
- b. The Board of Directors of the FCCA directed all future hosts of the annual conferences to cease the solicitation of funds from vendors who do business with the court and/or the clerk's offices. The FCCA was steadfast in complying with Advisory Opinion No. 91 and avoided impropriety and the appearance of impropriety in planning the annual conferences.
- c. The Advisory Opinion No. 91 of the Committee on Codes of Conduct issued July 1994 and reviewed January 18, 1998 controlled the conduct of business by the FCCA. However, a letter from the chairman of the Committee offered some suggestions to the FCCA about how to avoid these improprieties yet still offer the benefit of new technologies, equipment and services of vendors to their members. Avoiding individual vendors could be the key while attracting trade associations instead.
- d. To further insulate the FCCA from any impropriety, and under the leadership of Richard Weare, the Clerk of Court for the District of Arizona, the FCCA Board of Directors examined the viability of establishing a foundation similar to those at the Federal Judicial Center and at the Judicial Conference. Subsequent meetings of the Board resulted in a vote in favor of establishing such a foundation. The FCCA Foundation came into being as an Arizona nonprofit organization in July 1998 and its by-laws were promulgated.

## **III. GOVERNANCE & ADMINISTRATION:**

- a. Articles 3, 4, 5 and 6 of the Foundations bylaws will be followed with interest in ensuring that no vacancies exist in the executive positions or on the Board of Directors. All vacancies on the committees will be filled *post haste* by the President of the foundation on an as-needed basis. Inquiry should be made at the FCCA national conferences to determine interest in serving in executive positions of the foundation.

- b. Only the Board of Directors determines whether accepting a donation is consistent with the goals and programs of the foundation. The Board should exercise caution when contemplating an “earmarked” donation.
- c. The requirements of filing appropriate tax forms with the United States Internal Revenue service shall be accomplished by the Treasurer on a timely basis. A report to the Board of said compliance shall be timely made.
- d. The requirements of filing appropriate tax and informational forms with the Arizona Secretary of State shall be accomplished by the Treasurer on a timely basis. A report to the Board of said compliance shall be timely made.

#### **IV. GUIDING PRINCIPLES:**

##### a. Short Term Goals for Development –

- i. The Board of Directors or their representative shall seek a needs assessment from the Board of Directors of the FCCA. Which immediate concerns could the foundation address? Could the foundation help with the planning (funding) with certain portions of the annual conference?
- ii. The Board of Directors of the Foundation should encourage growing cooperation with the FCCA in every way.
- iii. The foundation should begin solicitation of funds for future endeavors e.g. workshops for its members and the members of the FCCA, providing funding for travel expenses to germane workshops and meetings, etc.

##### b. Long-Term Goals for Development

- i. The foundation will examine the possibilities for further and deeper involvement in the planning and presentation of the annual conference. The foundation may be in a position to sponsor a speaker whose fee might be prohibitive to the FCCA host clerk but would provide a real benefit to the FCCA members. The foundation should examine possibilities of providing networking opportunities to its members and the members of the FCCA while at the annual conference. The Foundation should be in position to offer meaningful assistance to the host clerk of the 2009 annual conference in Detroit, Michigan.
- ii. The foundation will examine possibilities for presenting workshops at the FCCA annual conferences. Germane topics, out of the mainstream and unaffordable to the government might be sponsored by the FCCA foundation
- iii. The foundation should examine the possibilities of sponsoring workshops in cooperation with the Federal Judicial Center. If the FJC is presenting a workshop for two or three days, the foundation could sponsor a continuation of that seminar by presenting another workshop, germane to the topic of the underlying seminar. Noting that this cooperation would involve government involvement, the foundation should be in position to assist the FJC by the beginning of fiscal year 2010.

- iv. The foundation should encourage future educational relationships with the Federal Judicial Center (and possibility the AO) to seek solutions to communal problems.
- v. The foundation should develop a long term view at planning and hosting all of the FCCA annual conferences. Much discussion needs to occur and the viability of this plan determined. The workload in preparing for a 300-person, five-day conference should be the main point of discussion followed by the formidable task of raising the funding for such an undertaking. The many benefits of such an undertaking would mitigate this heavy workload. The foundation sets a target for planning and sponsoring the entire annual conference by the 2011 annual conference.

## **V. BUDGET PLANS**

### **a. Fund Raising Activities –**

- i. Constant effort should be directed toward fund raising from individuals. Persons who share the aims and mission of the FCCA should be approached for possible donations. Special attention should be directed toward senior members of the federal court family e.g. Clerks of Court, Chief Deputy Clerks and others in senior and decision-making positions. These persons should also be approached as possible members of the FCCA Foundation Board of Directors and/or officers. These efforts will begin immediately.
- ii. Efforts should be expended to locate organizations throughout the country which share in the outlook of the FCCA and who offer monetary grants. These groups possibly could help with expenses occurring in developing the annual conferences, e.g. sponsoring a particular speaker or a particular workshop. This area could be a source of vast monetary resources and dedicated attention should be directed to this effort. These efforts should begin immediately and be continued throughout the year.
- iii. Over the many years of the FCCA's existence we have developed many relationships with organizations, companies and individuals who are interested in the mission of the FCCA. These entities should be approached routinely as a possible source of funds. Many of the sponsors of the past vendor fairs and sponsors of the conference itself have provided large donations to help defray the cost to the FCCA, and its members, of putting on the annual conferences. This is an ever-changing group and those firms who conduct business with the U. S. court system could be a huge source of funds.
- iv. Court staff members who lecture in the private community as a representative of the U. S. court system cannot receive honoraria, however, they can request that organizations and companies who received such a lecture, to consider making a donation to the FCCA Foundation and that such donations are tax deductible. Information of this plan should be announced court-system wide.

### **b. Expense Plans –**

- i. Members Travel – some of the costs for members of the FCCA Foundation who travel on Foundation business should be covered, if not in their entirety, then in large percentage. The by-laws of the foundation provide for this coverage and to encourage participation in the work of the foundation, these expenses should be allowed with proper documentation. Members should be reminded that the Foundation receives no official government support and that all monies expended are not easily replaced.
  - ii. Sponsorship of Training Programs – In working closely with the host clerks of the FCCA annual conference, the Foundation may be able to defray some costs of particular workshops or particular speakers. This fulfills the aims of both, the FCCA and the Foundation and should be explored to the fullest with the annual conference host clerks. Future endeavors may include sponsorship of particular seminars for deputy clerks who may need enhanced training e.g. financial deputies, IT support staff and, procurement deputies just as an example. Naturally, these programs should all be sanctioned by the AO or the FJC.
  - iii. Approval of other miscellaneous expenses should be made in consideration of the missions of the FCCA Foundation. Proper documentation should always be required before the approval of such reimbursements is made.
- c. Scholarships Awards –
- i. The eligibility criteria for the Oppermann Public Service Award should be strict so as to reward members of the FCCA only and not be open to members of the public. A bi-annual review of the eligibility criteria should be made by the board of directors or their representatives.
  - ii. The Selection Committee and the Procedures for the Selection of the recipient of this award is outlined in the Foundations' bylaws and should be strictly adhered to except with express direction of the board of directors. Granting more than one award per year is discouraged.
  - iii. The disbursement of all funds from the treasury of the Foundation shall be made by the Treasurer only. The financial position of the Foundation shall be reported to the members by the Treasurer on an annual basis.