

NCBC Mid-Year Board Meeting Minutes
April 27, 2008

The meeting was held at the Grand Hyatt in San Antonio, Texas, and was called to order by President Ken Gardner at 8:32 a.m. CST

Officers: Ken Gardner, President
Mark Hatcher, President Elect
John Ginocchetti, Treasurer
Trisha Harrington, Secretary
Barry Lander, Past President

Governors present: Jerry Truitt (**absent**)
Linda Spaight
Monica Menier
Milton Aguila
Kathy Grzybowski

Other Attendees: Celia Strickler, Business Manager
Sandy Smith - IMPACT Editor
Mary Lynn Wilson, Historian
George Prentice (Clerk of Court Texas Western - San Antonio - Host Court 2008 NCBC Conference)
Patty De La Garza (Host Court 2008 NCBC Conference)
Linda Ball, By-Laws Committee
Maureen E. Conner, Ph.D., MSU
Dave Brown, Gallagher
John Evans, Gallagher
Andrea Rollin, Marketing and Events

****A Motion is made by Linda Spaight to approve the minutes from the March 27, 2008 board meeting. John Ginocchetti seconds.**

The Motion is approved by the board with no objections.

****A Motion is made by Milton Aguila to approve the March 31, 2008 Treasurer's Report. Kathy Grzybowski seconds.**

The Motion is approved by the board with no objections.

MSU Update

Maureen E. Conner addressed the board regarding the MSU program. Stephanie Briscoe will be presenting classes on Tuesday, August 5 at the Conference. The class will be 5 hours and will last until 3:00. Judge King will be presenting a class on deciding cases on Tuesday, August 5 from 3:00 - 4:00. Maureen Conner will be presenting an orientation for attendees interested in learning about the MSU program from 4:15 - 5:00 on Tuesday.

Maureen indicated that there will be two classes offered at the conferences for the next five years. This is the last year that three classes will be offered. She also indicated that she would like to present the orientation at each conference so that attendees get a better idea of what the MSU program is all about. Thursday will be the day that IT classes are offered. MSU participants can also attend the Vendor Fair for credit. Celia suggested alerting the vendors prior to the MSU students arriving. The Peer to Peer sessions are another MSU credit opportunity. Barry indicated that FCCA holds their MSU classes a day after their conference ends and that NCBC holds them a day before the Conference begins.

Maureen indicated that there will be a 5-year joint planning committee formed. Preparation is now being made for classes to be offered in 2009, it takes 5 years to complete the MSU course work. Maureen indicated that MSU has the highest attendance from NCBC members. One of the biggest problems MSU is seeing from attendees is non-payment for courses attended. Maureen felt that maybe there was a weakness in the information sessions that are offered before the conference. Celia suggested that there be a planner from the host court for the conference for the MSU classes. Barry indicated that the biggest issue is the money issue. Some of the biggest reasons for that are probably rotating attendance. Not everyone who attends the MSU classes gets to go to the Conference every year. Barry asked if Maureen could get him the number of people who have attended and are graduating or who haven't paid. Ken and Barry will work together to find a solution to the non-payment issue. Ken will put out an article in the Impact regarding payment for MSU courses. Maureen will give Ken a list of people attending the MSU classes who haven't paid. Barry suggested possibly sending out a survey on what members' feelings are about the classes that are offered by MSU.

Maureen indicated that the board needs to be thinking about the graduation ceremony at next year's Conference. Maureen asked will it be held in front of the entire membership, will there be pictures, certificates? Ken asked if the President of MSU might be able to attend. Maureen said she would check on that. Maureen asked what day the graduation will be held at the conference in Florida. Ken indicated that it would be held on June 30 and that NCBC would like to invite the president of MSU to attend that one as well. Maureen asked the board to think about what they would like to see in a stand alone masters degree. Maureen indicated that MSU would be submitting ideas to the committees in September. Mary Lynn asked if the masters program would be available on-line as well as on campus. Maureen indicated that it would. Maureen indicated that an endowment has been established for the judicial administration certificate by Skip Cheshire who is the former president of NACM. Maureen indicated that MSU would like to provide

scholarships at a time when there is enough money to do so. Maureen indicated that she would also like to establish a mentoring program possibly having graduates from the program mentoring new students.

San Antonio Update

George indicated that there are currently 397 people registered. There are 275 rooms at the Hyatt and the Westin has also sold out. The St. Anthony still has rooms available. George indicated that some of the classes have had to be capped because of material availability. The social events will be fine as the Ballroom holds 650. George indicated that the MSU classes are large this year. George indicated the social events are filling up as well. There are 54 people signed up for Viva San Antonio, 53 people signed up for the Mexican Manhattan River Barge and 44 people signed up for the County Line River Barge, there are 169 signed up for Pat O'Brien's on Wednesday night. Thursday night's dinner is an outdoor event. George indicated that August typically has the lowest total rainfall for the year but that they are looking into a back up plan in the event of rain. George indicated that Jim Duff is not available to be at the conference. Maybe Judge Rothstein or John Cooke would be available.

Patty is still working with Brenda Argoe on sponsorship. Patty asked if Gallagher would make their usual donation and Ken indicated that he wasn't sure. Patty asked if we want to include Becket & Lee as a sponsor as there has been some feedback from members regarding some of the practices in that company and how that might be a conflict with our organization. Patty indicated that there will be a conference update in the Impact. Patty indicated that the conference bags came in at \$10.00 per bag.

Patty and George addressed the issue of transportation to the outlying hotels. Even though both hotels are within walking distance there may be some people who don't want to walk especially at the end of the day when it is warm. Patty proposed that NCBC rent passenger vans for the week of the conference and have court people drive them. The vans can be rented for about \$350 - \$490 for the week. Patty wasn't sure what type of liability would be involved with this type of situation and whether or not NCBC might be able to obtain additional coverage for this instance. Ken indicated that we will check with Gallagher regarding liability coverage.

Patty indicated that the Hyatt offered 6 complimentary parking spaces and 4 complimentary airport pick ups. Patty indicated that the registration fee pays for almost everything except the conference bag. Patty indicated that the A/V will run about \$7,000.00 and the breaks haven't been funded yet. Patty indicated that there is a meeting set up for next week with the hotel to discuss the A/V. Patty brought up the issue of sponsors and conflicts of interest that the NCBC might run into with sponsors. Ken indicated that a sub-committee will be formed to look in these types of issues. The sub-committee will be comprised of Ken, Mark, Milton and Linda Spaight. The sub-committee will determine sponsorship guidelines for future conference years.

By-Laws

Linda Ball reported on what was changed in each individual section of the By-Laws.

Section 1. Changed to add language regarding the reason the NCBC was formed.

Section 2. No Changes

Section 3.

- 3.1 Eliminated the portion of this paragraph regarding an employee having to work at least 20 hours per week.
- 3.2 Members who retire from federal service may continue to be members as long as their membership dues are current.
- 3.3 Adjunct membership will be open to any court employee, federal, state or local, these members will be eligible for non-voting adjunct membership and will not be required to pay dues.
- 3.4 Associate membership will be available to people who are not eligible under Sections 3.1, 3.2, or 3.3 as long as they are current in paying the requisite membership dues.
- 3.5 No change
- 3.6 Change Section 8.3 to Section 9.3
- 3.7 No change
- 3.8 Conference membership may transact **any or all** business at a membership meeting.
- 3.9 Change name from general meeting to **Annual Conference and Educational** meeting
- 3.10 If a quorum of less than 10% vote is made when transacting business by mail, then a second call to vote will be solicited or the business will be deferred until the Annual Conference and Educational Meeting or until the next general membership meeting.
- 3.11 Same as 3.10 only addressing business by email.

Section 4 Stylistic changes only

Section 5

- 5.1 Change section 7 to section 8
- 5.2 No change
- 5.3 Change of wording regarding President-Elect shall fill a vacancy in the Office of the President automatically for the duration of the former President's term of office
- 5.4 Changed to reflect the language that the the President, President-Elect and the Secretary shall begin at the close of the Annual Conference and Educational Meeting in the year in which their elections are held. The term of office for the Treasurer shall begin at the close of the Annual Conference and Education al Meeting in the year in which the election is held and shall conclude at the close of the Annual Conference and Educational Meeting in the third year following the year in which the election was held.
- 5.5 No changes
- 5.6 No changes

- 5.7 No changes
- 5.8 Changed to reflect language, The Treasurer shall perform an audit of the records of the Business Manager every other year. The audit shall be timed to be concurrent with an incoming President's term. Audit results shall be provided to the new President.
- 5.9 No changes
- 5.10 Added reference to Section 3.1. Changed to add language that specifies an Officer who retires from federal service during his/her term will be allowed to complete his/her term.

Section 6

- 6.1 No changes
- 6.2 No changes
- 6.3 No changes
- 6.4 Changed name from Annual General Membership Meeting to Annual Conference and Educational Meeting.
- 6.5 No changes
- 6.6 Added reference to Section 3.1. Added language, An Officer who retires from federal service during his/her term will be allowed to complete his/her term.

Section 7

- 7.1 Changed wording from The Staff to the Board shall to **may** be composed of **three** Staff members. Those positions are Business Manager, Impact Editor, and Historian.
- 7.2 No changes
- 7.3 Changed language from The President **will** to **may appoint** these positions. Added language regarding incoming President may continue with the three staff members these positions include Historian, Business Manager and Impact Editor.
- 7.4 Board agreed to the changes as made. Discussion regarding reference to Historian being liaison to University of Pennsylvania. Check with Jerry Truitt regarding this reference and possibly removing reference to University of Pennsylvania.
- 7.5 Change language from "each court" to "each on board staff clerk". Discussion regarding placing conference records on NCBC website in a password protected area.
- 7.6 Additional section adding Duties of the Impact Editor.
- 7.7 Board agreed to changes as made.

Section 8

- 8.1 Board agreed to changes as made.
- 8.2 Board agreed to changes as made.
- 8.3 Board agreed to changes as made.
- 8.4 Board agreed to changes as made.
- 8.5 Board agreed to changes as made with the exception of adding the language that candidates be notified **prior** to the Conference.

8.6 Recommendation by the board that the Secretary **and** the Treasurer shall be eligible to run for consecutive two-year terms. Section 5.4 will need to be amended to reflect two-year term versus three-year term for Treasurer due to the fact that the Treasurer can run for consecutive terms.

****A Motion is made by Monica Menier to approve Section 8.6 for this election year so that the Treasurer may run for a consecutive term. Milton Aguila seconds.**

The Motion is approved by the board with no objections.

Sections 9, 10, and 11

Changed to reflect name of conference. Board agreed to changes as made.

Section 12 No changes

Section 13

13.1 Changed language to reflect who benefit plans will be made available to. The Board agreed to the changes as made.

The suggested changes, corrections and updates will be made to the By-Laws and re-sent to the Board. A special vote will be called for approval of the By-Laws prior to the Conference so that the By-Laws can be distributed to the membership for approval at the Conference.

Marketing and Events

Andrea Rollin from Marketing and Events addressed the board regarding updates to the Conference. Marketing and Events compiled an overview of the San Antonio Conference which is distributed to the Board for review. The overview contains information regarding the number of nights reserved at each hotel, 74% of attendees will be at the Hyatt, 15% of attendees will be at the Westin RiverWalk, and 11% of attendees will be at the St. Anthony. The overview also included information regarding this year's vendor fair and which vendors will be in attendance. George asked Andrea about transportation issues regarding the outlying hotels and whether that transportation could be provided at no cost to NCBC.

George indicated that he did not anticipate needing to use additional hotels as he mentioned to David Rosenberg at the beginning of February that he felt the room block would need to be increased. George said he advocated for a bigger room block but was told there was time to increase the block of rooms at the Hyatt at the same rate that had been negotiated. George indicated that by April 7 it appeared there would be more of a demand for rooms than anticipated but by then the Hyatt was sold out. George indicated that a lot of courts weren't happy about not being able to get rooms for a third year in a row and that the Conferences have been increasing in size. Barry suggested doing an article in Impact explaining the complexity of the situation so that members have a better understanding of what happened.

George asked Andrea if we are able to possibly re-use rooms that members have reserved that might not get used so they can be used by members who might want to move from outlying hotels rather than be re-booked to someone else. Andrea indicated that Marketing and Events would look into that possibility. Monica suggested sending something out to the membership asking attendees who might have reserved rooms with the Hyatt that they won't be using to not cancel those reservations but somehow make it so that the rooms can be re-booked by another conference attendee.

Andrea asked the Board members if there are vendors that they have been working with that they would like to see at the Vendor Fair to let Marketing and Events know and they will contact them. NARFE and Success Factor were indicated as possible vendors.

Gallagher Benefit Services

Dave Brown and John Evans addressed the Board regarding Gallagher Benefit Services. Kathy thanked Dave Brown and John Evans on behalf of the Board for all the work they have been doing for the past six months. John indicated that he looked into the liability issue regarding the dinner and that the coverage has been issued at no charge to NCBC. John indicated that there were 400 responses to the survey sent out regarding what services members would like to see offered by Gallagher.

John indicated that a new trainer has been hired by the name of Phyllis Conary and that she is doing a really good job making presentations to the courts. There has been a lot of good feedback from the courts regarding her presentations. Barry indicated that there are 114 participants signed up for Friday's class and 65 participants signed up for the other workshop. John indicated that royalty payments are back on line and that the life insurance program is ready to start July 1, open season begins June 15. The rates appear to be much better than the rates that are offered by the federal government. John indicated that Gallagher has been looking at ways to market the Federal First brand and that they have been working with an organization that specializes in employee information. Ken asked if Aetna will be at the vendor fair and John indicated that they would be there at Gallagher's table. Patty asked if there will be material for HR people to give to employees, something showing what is available with Aetna versus FEGLI. Celia asked if we might be able to extend open season. Dave indicated that he would check into that.

Kathy indicated that the report regarding long term disability claims and pay outs was very helpful and that it would be nice to receive that on a regular basis. Kathy asked if there could be something indicating a sampling of what types of disabilities are generally allowable. Dave indicated that some of that could be confidential information but that he would see what Aetna might be able to provide. Kathy asked about going back in time to track trends and analysis, tracking from a certain point forward. Dave indicated he would see what type of information Aetna might be willing to provide. Dave indicated that survey results show that 54% of people responding indicated that they would like to have seminars offered in their courts. Kathy asked how are courts chosen for seminars and Ken indicated that courts are chosen pursuant to their

NCBC membership and then on a first come, first serve basis.

Benefits Committee

Kathy indicated that she would look into what courts might be interested in retirement seminars. Mark asked if more than three courts in a year can be offered seminars. Dave indicated that it was possible. Kathy brought up train the trainer federal benefits training for court HR personnel and possibly working with the FJC on that type of training. Ken asked about liability regarding transportation for the Conference and renting vans with court employee drivers. John indicated that he would check into it.

Awards Committee

Linda indicated that the categories have been established and that the email has gone out. The cut off for nominations is June 2. The awards won't be in frames this year they will be in a certificate holder instead to make it easier for recipients to travel with. The awards might be broken up this year with some awards being given on Tuesday night so that the ceremony isn't so rushed. Certain awards like Membership and Tech Trail could be handed out Tuesday night at the President's Reception.

Nominations

The committee is seeking out people to be on the Board. There has been less of a problem recently finding people interested in running for the Board. There was a suggestion made to send in the candidate statement with the intent to run rather than sending it in later. To comply with the current By-laws, the time frames for 2008 in Section 8.3 will have to be waived.

****A Motion is made by Milton Aguila to waive the time frames for 2008 for notifying members about declaration of candidacy to run for a Board position. Monica Menier seconds.**

The Motion is approved by the board with no objections.

Historian

Mary Lynn passed around a photo album of what the display will look like in San Antonio. Mary Lynn indicated that she met with Lou Phillips and he will be in charge of taking pictures and videos at the Conference. Mary Lynn hopes to include interviews with Clifford Kirsh and Mary Weibel. Mary Lynn indicated that during the conference she hopes to get several more interviews. Mary Lynn indicated that she'll be putting together an operations manual for the next Historian to have a point of reference as to what information needs to be gathered. Mary Lynn indicated that eventually storage will become an issue. Mary Lynn indicated that she'll place an article in the Impact asking people to bring any NCBC memorabilia to the Conference. Mary Lynn also

indicated that 2010 is NCBC's 30th year as an organization so there might be a special display set up at the Conference that year.

Retirement Committee

There was a conference call on Friday and the committee talked about how NCBC can attract retirees and what NCBC might have to offer them. Mike Webb has just joined NARFE and is an NCBC member. The committee is looking into offering health insurance pre-tax and possibly reduced rates for retirees attending the Conference. The committee is looking at things that might be offered for retirees at the Conference like having a separate pier to pier session for them. The committee contacted HR in all the courts to get a list of retirees and has also looked into the possibility of having a speaker from NARFE in August.

Dues Review

Celia and John have prepared a summary of how dues alone would sustain the organization. Their summary indicates that we would fall \$17,000.00 short of meeting our expenses if there wasn't additional revenue coming in. Our assets have increased over the years. A question was raised regarding the issue of members paying dues in years that they don't attend the Conference. Some courts make it a requirement that members pay dues continuously in order to be eligible to attend a Conference.

2009 Conference

We have 300 room nights reserved for Monday, Tuesday, and Wednesday. We can get up to 360 rooms per night, we should probably look at going back and reserving the rest of the rooms. Mario Toscano is leaving the court so someone else will be taking over for the Conference. Ken suggested setting up a contract with the Vinoy where we have a drop dead date to obtain additional rooms. Some possibilities for the 2010 Conference are Branson, MO, Milwaukee and/or Madison, WI, Detroit, MI, Memphis, TN, or Louisville, KY. For 2011, New Orleans is a possibility. We'll be working with Marketing and Events to get ideas. A back up plan for 2010 would be San Diego.

IACA

Ken and Mark were in Ireland at the Dublin Castle attending the IACA (International Association of Court Administrators) Conference last week. The organization is about 4 or 5 years old and is very well put together. There were about 240 attendees including people from the A/O, FJC, and FCCA. There were some really outstanding technological innovations presented by many of the international courts, Singapore had a great program. The organization offers service and outreach programs to international courts. There was one program where a panel was talking about corruption and countries torn by war. Ken and Mark indicated that attending the Conference in Ireland made them very aware of the need these countries have for help from other courts. Ken

indicated that it made him realize that this type of need is so much bigger than us. Celia asked if Mark and Ken could do a presentation on attendance at this Conference at the Conference in August. Ken indicated that they would. Ken also indicated that University of Denver Stern College of Law is offering an international certificate program.

****A Motion is made by Milton Aguila to end the meeting. Linda Spaight seconds.**

The Motion is approved by the board with no objections.

Meeting adjourned at 5:12 CST.

The next meeting will be Thursday, May 29, 2008.

Respectfully Submitted

Trisha A. Harrington, Secretary