

JUDICIAL ADVISORY BOARD MINUTES

March 8, 2000

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 8, 2000 at 6:04 p.m.

COMMITTEE PRESENT

Chairman John Kerr
James R. Hart, II
James Keppel
Judith O'Neill
Cecil Patterson
Joe Shipley
Marilyn Wilson

STAFF PRESENT

Kathy Barrett
Denise Bleyle
Linda Crocker
Michelle Lue Sang
Gunn McKay
Ellen Pence
Walter Switzer
Kelly Walsh
Others

OTHERS PRESENT

Ray Stern
Others

COMMITTEE ABSENT

None

Chairman Kerr welcomed the members of the audience to the public hearing and briefly outlined the process that will be followed by the members of the Board relative to the judicial reappointments.

1. Conduct a public hearing to receive comments on Magistrate Gunn McKay.

Chairman Kerr announced that this is the time and place for a public hearing to receive comments on Magistrate Gunn McKay and encouraged those present in the audience to complete speakers' slips and present their comments to the members of the Board.

There being no speakers present wishing to address the Board at this time, Chairman Kerr declared this portion of the public hearing closed.

2. Interview Magistrate Gunn McKay.

Senior Human Resource Analyst Kelly Walsh introduced City Magistrate Gunn McKay to the members of the Board and staff present at the meeting.

In response to questions posed by Chairman Kerr, Judge McKay indicated that he had no prior knowledge of the interview questions which will be posed at this meeting. Chairman Kerr noted that the public hearing is being video taped and will be viewed by the members of the City Council.

Judge McKay responded to a series of questions posed by the Boardmembers including questions relative

to comments included in the surveys that were distributed to various attorneys, City Court staff, defendants/plaintiffs/witnesses and Judge McKay's peers requesting input on his performance.

Discussion ensued relative to changes that were implemented by Judge McKay and subsequent attorney reactions to those changes, i.e. Trial Management Conferences ("no continuance" policy on pre-trial conferences) and "mandatory probation for DUI cases," policies that have been eliminated/relaxed as a result of the negative feedback received from attorneys, the fact that a significant number of attorneys "noticed" Judge McKay in order to avoid compliance with those policies, Judge McKay's responses to negative input received as a result of the new procedures, and staff/peer interaction and communication.

Judge McKay informed the members of the Board that his first term as a City Magistrate has been a learning experience and expressed the opinion that he has expanded both personally and professionally during this time. Judge McKay stated the opinion that his experiences as a Judge and the lessons he has learned will improve his overall judicial performance in the future.

Judge McKay thanked the members of the Board for their consideration and indicated his desire to be reappointed to an additional term as a Magistrate in the Mesa City Court.

Chairman Kerr thanked Judge McKay for his input.

(Chairman Kerr declared a brief recess at 7:01 p.m. and the meeting reconvened at 7:11 p.m.)

3. Conduct a public hearing to receive comments on City Magistrate Michelle Lue Sang.

Chairman Kerr announced that this is the time and place for a public hearing to receive comments on Magistrate Michelle Lue Sang and encouraged those present in the audience to complete slips and present their comments to the members of the Board.

There being no citizens present wishing to address the Board at this time, Chairman Kerr declared the public hearing closed.

4. Interview City Magistrate Michelle Lue Sang.

Senior Human Resource Analyst Kelly Walsh introduced City Magistrate Michelle Lue Sang to the members of the Board and staff present at the meeting.

In response to questions posed by Chairman Kerr, Judge Lue Sang indicated that she had no prior knowledge of the interview questions which will be posed at this meeting. Chairman Kerr noted that the public hearing is being taped and will be viewed by the members of the City Council.

Judge Lue Sang responded to a series of questions posed by the Boardmembers relative to her initial term as a City Magistrate, discussed the challenges presented by the position, the fact that following Judge McKay's program, Judge Lue Sang also implemented Jury Trial Management Conferences and her opinion that scheduling the conferences on Monday afternoons from 3:30 p.m. until 5:00 p.m. minimizes the impact on attorneys' schedules and has helped to offset negative reaction to the process, the fact that requests for continuances are considered on a case-by-case basis, and Judge Lue Sang's opinion that increased jury trial days and courtroom space are essential in order to handle the volume of cases in a timely manner.

Boardmember Hart commented on the lack of negative comments contained in the surveys relative to Judge Lue Sang's overall demeanor and performance and commended her on this accomplishment.

Judge Lue Sang stated the opinion that the position has allowed her to enhance both her personal and professional growth and said that she thoroughly enjoys the responsibilities and challenges of the position. Judge Lue Sang commended her staff, Court employees, and her peers on their performance and expressed the opinion that despite time and space limitations, City Court operates in an extremely professional, efficient and courteous manner.

Judge Lue Sang thanked the members of the Board for their consideration and indicated her desire to be reappointed to an additional term as a Magistrate in the Mesa City Court.

Chairman Kerr expressed appreciation to Judge Lue Sang for her input and commented that the Board will now convene an Executive Session for the purpose of deliberations. Chairman Kerr explained that following the Executive Session, the meeting of the Judicial Advisory Board will reconvene and the Board will announce their recommendations.

5. Convene into an Executive Session for the purpose of considering personnel matters.

It was moved by Boardmember Keppel, seconded by Boardmember Shipley, that the meeting of the Judicial Advisory Board adjourn into an Executive Session for the purpose of considering personnel matters at 7:40 p.m.

Carried unanimously.

6. Reconvene into a public hearing to make a recommendation on the reappointment of Magistrates Gunn McKay and Michelle Lue Sang.

It was moved by Boardmember Shipley, seconded by Vice Chairman O'Neill, that the Judicial Advisory Board Meeting reconvene at 8:19 p.m.

It was moved by Boardmember Keppel, seconded by Boardmember Patterson, to recommend to the Council that the reappointment of Gunn McKay to the position of Magistrate for the City of Mesa for an additional two-year term be denied.

Carried unanimously.

It was moved by Boardmember Shipley, seconded by Boardmember Wilson, to recommend to the Council that the reappointment of Michelle Lue Sang to the position of Magistrate for the City of Mesa for an additional two-year term be approved.

Carried unanimously.

7. Adjournment.

It was moved by Boardmember Hart, seconded by Boardmember Keppel, that the meeting of the Judicial Advisory Board adjourn at 8:22 p.m.

Carried unanimously.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 8th day of March 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK