

JUDICIAL ADVISORY BOARD MINUTES

December 10, 1997

The Judicial Advisory Board of the City of Mesa met in the Palo Verde Room of the Community and Conference Center, 201 North Center Street, on December 10, 1997, at 6:30 p.m.

COMMITTEE PRESENT

Chairman Marilyn Wilson
Sylvia Garcia-Suttle
James R. Hart II
John Kerr
Ruth V. McGregor
Robert D. Myers
Judith C.R. O'Neill

COMMITTEE ABSENT

None

STAFF PRESENT

Neal Beets
Linda Crocker
Barbara Jones
Ellen Pence
Kelly Walsh

STAFF ABSENT

None

COUNCIL PRESENT

None

OTHERS PRESENT

George Forster
Bev Hart
Chris Mower
Harold Reeb
(See speaker lists)

1. Conduct a public hearing to receive comments on Presiding City Magistrate Harold Reeb.

Chairman Wilson stated that this is the time and the place to conduct a public hearing to receive comments on Presiding City Magistrate Harold Reeb.

Chairman Wilson encouraged those present in the audience to complete speaker slips and present them to City Clerk Barbara Jones. Chairman Wilson noted that each speaker will be allotted 3 minutes in which to voice his/her comments. Chairman Wilson briefly outlined the proposed meeting format and stated that following the public input portions of this hearing as well as the hearing on City Magistrate George Forster, the Board will pose a series of predetermined interview questions to each of the applicants. Chairman Wilson added that following the question/answer portion of the meeting, the Board will convene into an Executive Session for the purpose of deliberations. Chairman Wilson added that after the Executive Session, the Board will reconvene the meeting and may present recommendations relative to the reappointment of Harold Reeb to the position of Presiding City Magistrate and George Forster to the position of City Magistrate.

The following speakers spoke in support of the reappointment of Presiding City Magistrate Harold Reeb and provided input relative to Judge Reeb's character, integrity, compassion and overall professionalism. (Speakers are listed in the order in which they spoke.)

Bill Jaffa
Cecil Ash
Ronald Wiltbank

4222 East Brown Road
1733 East Gable Avenue
200 East University Drive

Joanie Stoops	1532 East Morelas Street, Chandler
Mary Rubalcaba Johnson	1782 West Gary, Chandler
Joe Hernandez	P.O. Box 31095
Bill Olsen	1860 East Heather, Gilbert
Rock Arnett	2327 East Grandview
Mike Hansen*	2336 East Glencove
Eloise Hatfield	3549 East Grandview
Stacy Brimhall	914 North Cobblestone, Gilbert
Janice Reeb	1619 East Hale Street
Sherrill Funk	514 North Fraser Drive
Kathi Whiting	1538 East Hall
Barbara Layton	2305 East Inglewood
Reed Peterson	2417 East Fountain
Jeff Schweikart	962 East Jensen
Kathleen Stapley	1819 East Southern
Don Stapley	1819 East Southern
Belle Billingsley	1111 East Brown
Wilford Cardon	1819 East Southern
Rose Mary Blackhurst	3006 East Fairfield
Ron Bailly	715 North Gilbert Road
Thomas Shaw	1855 East Southern
Max McInnes	1905 East Fountain
Keno Hawker	1364 West Escarpa
Linden Fish	620 North Nassau
Danny DeWitt	1022 West 8th Street
Karl Brinton Hiatt	3418 East Encanto
Richard Skousen	2059 East Hackamore
Patricia Arnett	1459 North Gaylord
Manny Cortez	2837 East Emelita
Kirk Morris	(Address not listed)

(*Mr. Hanson presented the Committee with petitions signed by approximately 150 citizens of Mesa in support of the reappointment of Harold Reeb to the position of Presiding City Magistrate.)

The following citizens spoke in opposition to the reappointment of Harold Reeb to the position of Presiding City Magistrate and stated the opinion that the Court denied their son, Paul Brando, his Constitutional rights.

Luule Brandofino	61 South Macdonald
Bill Brando	61 South Macdonald

Chairman Wilson expressed appreciation to the speakers for their comments.

Cameron Morgan, 4300 North Miller Road, Scottsdale, an attorney representing Presiding City Magistrate Harold Reeb, informed the Committee that he was not advised that the public hearing had been scheduled until last Thursday, December 3rd. Mr. Morgan indicated

that he would appreciate an opportunity to provide additional input, in writing, to the members of the Committee.

Mr. Morgan stated the opinion that in order to operate a fair judicial system, the City should approve the reappointment of Presiding City Magistrate Harold Reeb. Mr. Morgan added that all of the testimony presented to the Committee for their consideration attests to the excellent character and outstanding professionalism demonstrated by Judge Reeb over the past 27 years that Judge Reeb has served the City of Mesa. Mr. Morgan requested that the Committee reappoint Mr. Reeb to the position of Presiding City Magistrate.

Chairman Wilson thanked Mr. Morgan for his comments.

There being no additional speakers present to speak on this issue, Chairman Wilson declared the public hearing closed.

2. Conduct a public hearing to receive comments on Magistrate George Forster.

Chairman Wilson encouraged those present to present speaker slips to City Clerk Barbara Jones in order to present comments on the proposed reappointment of City Magistrate George Forster.

The following speakers spoke in support of the reappointment of George Forster to the position of City Magistrate and provided input relative to Judge Forster's professionalism, integrity, fairness, and compassion. (Speakers are listed in the order in which they spoke.)

M. Majestic	140 East 5th Street, Tempe
Kerry Wangberg	3532 East Equestrian Train, Phoenix
Tina Phillips	45 South Pueblo
Andrew Ching	(Address not listed)
Mary Middleton-Dutson	(Address not listed)

The following speakers spoke in opposition to the reappointment of George Forster to the position of City Magistrate and stated the opinion that Judge Forster acted in an unethical and unprofessional manner in connection with a case involving Mr. Paul Brando.

Paul Brando	61 South Macdonald
Bill Brando	61 South Macdonald
Luule Brandofino	61 South Macdonald

Chairman Wilson expressed appreciation to all of the speakers for their input at the public hearing.

There being no additional speakers present to speak on this issue, Chairman Wilson declared the public hearing closed.

(Chairman Wilson declared a recess at 8:16 p.m. and the meeting reconvened at 8:35 p.m.)

3. Interview Presiding City Magistrate Harold Reeb.

Chairman Wilson informed those present that at this time the various members of the Judicial Advisory Board will present a variety of pre-selected interview questions to Presiding City Magistrate Harold Reeb.

Presiding City Magistrate Harold Reeb responded to a variety of questions posed by the members of the Judicial Advisory Board.

Chairman Wilson thanked Judge Reeb for his input and cooperation and provided him an opportunity to present remarks to the members of the Board.

Judge Reeb commented on the fact that the Board has received copies of critical comments from Judge Forster relative to Judge Reeb's performance and requested that he be granted an opportunity to perform research and prepare a detailed response to those accusations.

Judge Reeb also referred to Special Counsel Gary Stuart's report and was informed by Chairman Wilson and members of the Board that they have not received and/or reviewed a copy of Mr. Stuart's report.

City Attorney Neal Beets pointed out for the record that Judge Reeb's attorney, Mr. Morgan, has filed an 8-page, single spaced letter that has been distributed On December 10th, to the Board. Mr. Beets stated the opinion that the letter was comprehensive and that the letter, combined with the interview questions and comments from the public and the Board, appear sufficient at this time.

Judge Reeb noted that he was under the impression that the Board was not going to interview him at this time and that following Mr. Stuart's investigation and the submission of his report, the interview would be scheduled. Judge Reeb was provided an opportunity to submit sworn statements and has declined to do so. Mr. Beets expressed the opinion that it is inappropriate at this time, in an interview rather than by sworn statements, to address issues which could have been addressed, and still may be addressed, by the Special Counsel.

Boardmember McGregor emphasized that the members of the Board have not received copies of the Special Counsel's report and are unaware of the contents of the document. Boardmember McGregor stated the opinion that sufficient information exists upon which to base a decision.

Mr. Morgan addressed the members of the Board and advised that he was provided approximately 150 - 200 pages to review, including a requirement that he respond within three working days. Mr. Morgan expressed the opinion that Judge Reeb should be provided an opportunity to submit a thorough written response.

Chairman Wilson thanked Judge Reeb and Mr. Morgan for their comments.

(Chairman Wilson declared a brief recess at 9:56 p.m. and the meeting reconvened at 10:00 p.m.)

4. Interview Magistrate George Forster.

The members of the Judicial Advisory Board posed a series of interview questions to City Magistrate George Forster.

City Magistrate George Forster responded to a variety of interview questions posed by the various members of the Board.

Chairman Wilson thanked Judge Forster for his input and cooperation and provided him an opportunity to present remarks.

Judge Forster stated the opinion that the Judicial Advisory Board performs a very crucial service and requested an opportunity to respond to certain remarks that were contained in the surveys that were sent out to various respondents. Judge Forster said that one attorney indicated that harsher sentences were imposed by Judge Forster when cases went to trial. Judge Forster explained that he tends to impose harsher decisions when hearing Driving Under the Influence (DUI) cases, but is compassionate in dealing with cases such as the theft of food by a hungry individual. Judge Forster stated that in his opinion all of the cases that appear before him are handled on a case by case basis and that he does not penalize anyone for taking a case to trial.

Discussion ensued relative to Judge Forster's opinion that vertical case management is more efficient than the current horizontal case management practice and the number of jury trials handled by Judge Forster versus Judge Reeb.

Chairman Wilson thanked Judge Forster for his input.

Chairman Wilson informed those present that the members of the Judicial Advisory Board will adjourn into an Executive Session to deliberate and the meeting will reconvene following deliberations.

It was moved by Boardmember Myers, seconded by Boardmember Kerr, that the Judicial Advisory Board meeting be continued and that the Board enter into an Executive Session at 10:53 p.m.

Chairman Wilson declared the motion carried unanimously.

Chairman Wilson announced that the Board will enter into Executive Session to deliberate on the proposed appointments and that following such deliberations, the Judicial Advisory Board meeting will reconvene the public hearing during which the Board may present recommendations on the proposed reappointments.

(At 11:51 p.m., the meeting of the Judicial Advisory Board reconvened.)

5. Discuss and make recommendations on the reappointments of Presiding City Magistrate Harold Reeb and Magistrate George Forster.

Chairman Wilson advised that the first order of business will be recommendations for reappointment of Presiding City Magistrate Harold Reeb.

It was moved by Boardmember McGregor, seconded by Boardmember Myers, that this matter be continued to a January 14, 1998 Judicial Advisory Board meeting at 8:00 a.m. to allow the Board sufficient time to consider any additional information that Judge Reeb provides the Board, that the additional information be submitted by January 7, 1998, and that the submittal be limited to 15 double-spaced pages, exclusive of attachments.

Chairman Wilson declared the motion carried unanimously.

Chairman Wilson stated that the Board will now consider recommendations relative to the reappointment of Magistrate George Forster.

It was moved by Boardmember Garcia-Suttle, seconded by Boardmember Myers, to recommend to the Mesa City Council that the City Council reappoint George Forster to the position of City Magistrate and renew his contract for an additional two-year period of time based on the fact that the record reflects that Judge Forster's judicial performance justifies the renewal of his contract.

Chairman Wilson declared the motion carried unanimously.

6. Adjournment.

It was moved by Chairman Hart, seconded by Boardmember Myers, that the meeting adjourn at 11:55 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 10th day of December 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of March 1998

BARBARA JONES, CITY CLERK