

JUDICIAL ADVISORY BOARD MINUTES

February 29, 2012

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 February 29, 2012 at 5:45 p.m.

BOARD PRESENT

Kate Ali'varius
Phillip Austin
David P. Brooks
Margaret Downie
Peter Lesar
David Talamante

BOARD ABSENT

None

STAFF PRESENT

Michael Claspell
Christy Trevino
Paul Thomas

1. Approve minutes from the February 1, 2012 Board meeting.

It was moved by Boardmember Talamante, seconded by Boardmember Austin, that the minutes of the February 1, 2012 Board meeting be approved.

Chairman Ali'varius declared the motion carried unanimously.

2. Conduct a public hearing to receive comments on the reappointment of Presiding Magistrate Matt Tafoya.

Chairman Ali'varius declared the public hearing open at 5:46 p.m. for the purpose of receiving comments on the reappointment of Presiding Magistrate Matt Tafoya.

Court Administrator Paul Thomas addressed the Boardmembers and commented on the progress that has taken place at the Mesa Municipal Court in the past five years. He stated that in February 2010, the new state-of-the-art facility opened and noted that it is considered a model of efficient design throughout Arizona.

Mr. Thomas, in addition, discussed the development of a new case management system, wherein cases are settled at arraignment, thereby eliminating caseloads and reducing the need to add more judges and staff. He also noted that the Mesa Municipal Court is considered the most technologically advanced court in the State through the implementation of, among other

things, electronic forms, synchronized schematic systems, and the elimination of paper case files.

Mr. Thomas further remarked that the above-listed advancements, as well as many others, have been planned and implemented under the guidance and leadership of Presiding Magistrate Tafoya and urged that the Board give strong consideration to his reappointment to the bench.

Chairman Ali'varius thanked Mr. Thomas for his comments.

3. Interview Presiding Magistrate Matt Tafoya for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Presiding Magistrate Tafoya.

Chairman Ali'varius thanked Presiding Magistrate Tafoya for his input.

4. Conduct a public hearing to receive comments on the reappointment of Magistrate Robin Allen.

Chairman Ali'varius declared the public hearing open at 6:28 p.m. for the purpose of receiving comments on the reappointment of Magistrate Robin Allen.

Presiding Magistrate Tafoya addressed the Boardmembers and stated that not only is Magistrate Allen a man of integrity and ethics, but also one that takes his job seriously and "enjoys being a judge." He also remarked that Magistrate Allen has worked to develop an innovative program that would process cases in a more efficient and expeditious manner and save the judges a significant amount of time while they are on the bench. He added that he was anxious to review the proposal with the Court administrators to determine whether it could be implemented at the Mesa Municipal Court.

Presiding Magistrate Tafoya urged the Board to recommend Magistrate Allen's reappointment to the Mesa Municipal Court.

Chairman Ali'varius thanked Presiding Magistrate Tafoya for his remarks.

5. Interview Magistrate Robin Allen for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Magistrate Allen.

Chairman Ali'varius thanked Magistrate Allen for his input.

6. Convene an Executive Session.

It was moved by Boardmember Austin, seconded by Boardmember Talamante, that an Executive Session be convened at 7:05 p.m. to discuss the reappointments of Presiding Magistrate Matt Tafoya and Magistrate Robin Allen.

Chairman Ali'varius declared the motion carried unanimously.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. § 38-431.03(A)(1))
 1. Reappointment items for Presiding Magistrate Tafoya
 2. Reappointment items for Magistrate Allen

(At 8:44 p.m., the Board adjourned the Executive Session and reconvened their regular meeting.)

7. Discuss and make recommendations to the City Council on the reappointment of Presiding Magistrate Matt Tafoya for a four-year term and Magistrate Robin Allen for a four-year term.

It was moved by Boardmember Brooks, seconded by Boardmember Austin, that Presiding Magistrate Matt Tafoya be reappointed for a four-year term.

Boardmember Austin stated that Presiding Magistrate Tafoya's record and the progress that has been made at the Mesa Municipal Court during his tenure reflect a sound administrative and visionary approach that he brings to the Court. He remarked, in addition, that his judicial demeanor with respect to handling individual cases also merits reappointment to the Mesa Municipal Court.

Boardmember Talamante commented that in speaking with several Judge Pro Tems that work for the Mesa Municipal Court, they unanimously recommended that Presiding Magistrate Tafoya be reappointed to the bench. He stated that the individuals pointed out that Presiding Magistrate Tafoya was willing to assist with the Court calendars, whenever necessary, and available to discuss any issue, even if there was the potential for a disagreement with respect to Court management and/or policies.

Boardmember Downie advised that she also had the opportunity to talk with several people who have known Presiding Magistrate Tafoya for nearly a decade. She reported that those individuals, including several from the Arizona Supreme Court, spoke highly of his leadership ability among the limited jurisdiction court judges. Boardmember Downie noted that the individuals were also impressed with his commitment to technological change, improving access to justice for everyone, and wholeheartedly endorsed him on a Statewide level as a respected leader among his peers.

Chairman Ali'varius called for the vote.

Chairman Ali'varius declared the motion carried unanimously.

Chairman Ali'varius, on behalf of her fellow Boardmembers, congratulated Presiding Magistrate Tafoya on his reappointment and said that their recommendation would be forwarded to the City Council for approval.

It was moved by Boardmember Brooks, seconded by Boardmember Austin, that Magistrate Robin Allen be reappointed for a four-year term.

Boardmember Downie indicated that she intended to vote in support of the motion, but wanted to comment on Magistrate Allen's survey results, and especially those submitted by attorneys.

She stated that after hearing Magistrate Allen's explanation of his calendar management practices during his interview, she understands, having served 15 years on the bench, that such a practice can "ruffle some feathers" and explain some of the results.

Boardmember Downie advised that she has always taken the judicial performance review process as a time for self-reflection and self-assessment and said she would encourage Magistrate Allen to review the scores he received and reflect on them. She stated that although some of the scores could be tied to the calendar management issues Magistrate Allen described, she also saw some that would not necessarily fall into that category and are significantly below the mean score for judges from the 1997 to 2012 timeframe.

Boardmember Downie further commented that while Magistrate Allen explained the survey results with respect to the Change of Judge notices, it nevertheless gave some of the Boardmembers reason to pause. She pointed out that when a judge receives a number of notices that is significantly higher than the mean score, it does not necessarily reflect that the person is "a bad judge," but that something is going on in a courtroom that causes lawyers to "not want to be there." She reiterated that such numbers could be attributed to the calendar management issues and suggested that there are options that might lead to a higher perception of fairness.

Boardmember Talamante clarified that the Boardmembers' concerns were based primarily on the survey information, the mean scores and the comments they received. He indicated, however, that of the 300 surveys distributed, responses were received from only 48 attorneys, which formed the basis for Magistrate Allen's scores. Boardmember Talamante also stated that Magistrate Allen's case management policies and his strict adherence to justification for continuances, which attorneys often do not like, might be a contributing factor in the survey results, although neither he nor any of his fellow Boardmembers can say definitively.

Boardmember Talamante, in addition, commented that Presiding Magistrate Tafoya highly recommended Magistrate Allen for reappointment and said that such a recommendation is taken into consideration by the Board. He suggested that it might be appropriate for Magistrate Allen to solicit feedback from Presiding Magistrate Tafoya regarding whether his calendar management policy contributed to the negative comments from the attorneys and what, if anything, could be done to resolve the matter.

Boardmember Talamante also indicated that on the flip side, Magistrate Allen has significant courtroom experience; his overall case completion statistics are very high; and that when he spoke with the previously referenced Judge Pro Tems, they too unanimously recommended Magistrate Allen be reappointed to the Mesa Municipal Court.

Boardmember Lesar advised that the Board is pleased with Magistrate Allen's wealth of knowledge and experience that he brings to the bench; his willingness to collaborate with his peers; that he conducts an orderly and structured courtroom; and that he is committed to the continued improvement of the services provided by the Mesa Municipal Court. He stated that in speaking with certain references, some of the words they used to describe Magistrate Allen included "fair minded," "deliberate in thinking," "honest," "very dedicated" and "consistent," all of which are traits that lend themselves to success as a judge.

Chairman Ali'varius called for the vote.

Chairman Ali'varius declared the motion carried unanimously.

Chairman Ali'varius congratulated Magistrate Allen on his reappointment and stated that the Boardmembers would forward their recommendation to the City Council for approval.

Chairman Ali'varius commented that when the Boardmembers have completed their extensive City Magistrate appointment/reappointment process, the candidates should know that "no stone has been left unturned" and that the Board has full confidence in their professionalism and integrity to represent the citizens of Mesa. She thanked Presiding Magistrate Tafoya and Magistrate Allen for their efforts and hard work and said she was hopeful that the Council would approve their reappointments to the bench.

8. Adjournment.

It was moved by Boardmember Austin, seconded by Boardmember Talamante, that the meeting of the Judicial Advisory Board be adjourned at 9:00 p.m.

Chairman Ali'varius declared the motion 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 29th day of February, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK