



## JUDICIAL ADVISORY BOARD MINUTES

April 29, 2013

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 April 29, 2013 at 7:51 a.m.

### BOARD PRESENT

Peter Lesar  
David Brooks  
Margaret Downie  
Robin Harris  
Teresa Sanders

### BOARD ABSENT

Kate Ali'varius  
Phillip Austin

### STAFF PRESENT

Michael Claspell  
Veronica Lewis  
Lindsey Lueptow  
Debbie Spinner

Chairman Lesar welcomed everyone to the Judicial Advisory Board meeting.

#### 1. Approve minutes from the March 6, 2013 Board meeting.

It was moved by Boardmember Brooks, seconded by Boardmember Harris, that the minutes from the March 6, 2013 Board meeting be approved.

Chairman Lesar declared the motion carried unanimously by those present.

#### 2. Items from citizens present.

There were no items from citizens present.

#### 3. Review, discuss and take action on items related to the reappointment process and application for Mesa's City Magistrates.

Chairman Lesar reported that at a recent Board meeting, the members discussed a series of items, including the last time the reappointment and application process was reviewed; various financial records; and the exchange of information during the reappointment process. He explained that it was the consensus of the Board that it would be important to "take another look" at these items. He stated that such a review does not necessarily indicate that changes need to or will be made to such processes. He noted, however, that the Board is "always looking forward" and assessing whether it has "the best process in place" as it relates to the reappointment of the City Magistrates.

Chairman Lesar advised that Deputy City Clerk Michael Claspell provided the Boardmembers a number of items that could be useful in their review of this process, such as examples of the Application for Reappointment, City Magistrate, Mesa Municipal Court from 1998, 2000, 2004, 2005 and 2013. He stated that the Boardmembers also received the City of Mesa Employment Application and the City of Scottsdale Application for Reappointment as Associate City Judge.

Chairman Lesar remarked that Mesa's Application for Reappointment has been significantly refined over a period of time, beginning in 1998 with 52 questions and now pared down to 17 questions in the most current version of the document.

Chairman Lesar invited his fellow Boardmembers to offer any insight, comments or questions they might have regarding the application process.

Responding to a series of questions from Boardmember Harris, Mr. Claspell clarified that as part of the reappointment process, the candidate completes a certification that allows for a background check to take place, which results in the generation of the credit report that the Board reviews. He stated that it was his understanding that the background check does not go beyond the credit report, although he would be happy to conduct further research in that regard. He added that the City submits a request to the Arizona Commission on Judicial Conduct for any disciplinary action that may have taken place against the specific magistrate.

Boardmember Harris commented that four years is a long period of time and suggested that it might be appropriate to conduct a comprehensive background check of the magistrate which, in his opinion, would provide useful data for the Board to consider regarding the person's reappointment.

Boardmember Brooks noted that the City of Scottsdale Application for Reappointment (**See Attachment 1**) is much shorter than Mesa's application. He stated that the document includes a specific authorization for the City of Scottsdale "to conduct credit, criminal, driving and disciplinary record checks; and to review my City of Scottsdale's personnel file." (See Page 3 of Attachment 1) He added that the City of Mesa Employment Application (**See Attachment 2**) authorizes a drug screen, medical evaluation and fingerprinting through the Department of Public Safety (DPS) for background checks. (See Page 3 of Attachment 2)

Boardmember Brooks, in addition, commented that one of the questions included in an earlier version of Mesa's Application for Reappointment, but not listed in the current document, asked the magistrate to identify and summarize four to five of the most significant cases the individual has heard or presided over. He stated that in his opinion, that was an interesting and intriguing question. He also indicated that although the vast majority of the cases that the magistrates handle may be somewhat routine, over the course of a few years they may actually have a case that, for instance, has a significant jury trial, at least within their jurisdictional operations.

Boardmember Brooks further remarked that during the time he has served on the Board, it has not considered a new hire applicant, which is also within the scope of its responsibility. He suggested that it may be appropriate for the Boardmembers to determine whether they need to know something different from a new hire applicant versus a reappointment applicant. He cited, by way of example, that some of the earlier applications included questions related to the applicant's law practice and other professional information.

In response to a question from Chairman Lesar, Mr. Claspell explained that to the best of his knowledge, the City has not created a separate application for the selection of a magistrate (i.e. new hire), although he would double-check with the Human Resources (HR) Department in that regard. He also noted that the last time the Board went through the actual appointment process, the candidates filled out the existing City of Mesa Employment Application.

Chairman Lesar referenced the current Application for Reappointment, City Magistrate, Mesa Municipal Court (**See Attachment 3**) and pointed out that the document outlines a number of background checks that are currently performed with respect to this process. (See Page 5 of Attachment 3) He inquired if City staff does, in fact, complete these various items (i.e., credit, criminal background, disciplinary records investigations) for each magistrate.

Mr. Claspell responded that to the best of his knowledge, staff performs all of those background checks. He said that he would follow up with HR to determine how the process works and report back to the Boardmembers with his findings.

Boardmember Brooks suggested that if the Boardmembers obtain the necessary authorization, they can decide what information they need to review. He explained that during the last reappointment cycle, the Board was provided the magistrates' credit reports. He said that some of the members expressed the opinion that perhaps it was not necessary to know the individuals' credit history as it relates to their suitability for reappointment.

Boardmember Brooks reiterated that it would be important for the Board to be aware of a magistrate's criminal background and arrests, although driving tickets would not necessarily concern him. He noted, however, that if a magistrate received a criminal citation, that type of information might be useful to the Boardmembers in making their recommendation.

Boardmember Harris stated that it would be helpful to him to know if any of the magistrates had received traffic violation convictions, and in particular, Driving Under the Influence (DUI)-related charges.

Chairman Lesar remarked that during the last reappointment cycle, Mr. Claspell provided the Boardmembers copies of the financial records, which were reviewed in Executive Session and returned to him at the conclusion of the Board's deliberations. He noted that the Boardmembers were more comfortable reviewing the data in that environment as opposed to having the documents remain in their possession.

Chairman Lesar inquired if a comprehensive background investigation were completed, including all of the items suggested by Boardmembers Brooks and Harris, whether it would be more appropriate for the Board to: 1.) Review the data in its entirety in Executive Session; or 2.) Defer to City staff to review personnel files, including disciplinary items or background investigations, and report their findings to the Board.

Boardmember Downie referred to Attachment 3 and stated that with respect to the section titled "Authorization for Background Checks," (See Page 5 of Attachment 3) she would suggest that the magistrate's personnel records also be included as part of the background check. She explained that while the Boardmembers would be looking for disciplinary records in the personnel file, they are also looking more broadly. She cited, for example, if a sexual

harassment complaint was filed but did not result in discipline, the Board would still want to know about such an incident.

Boardmember Downie further commented that as a member of the Board, in her opinion, it is ultimately the responsibility of the Board to determine what is or is not material. She noted that with respect to the personnel files, she was comfortable with Mr. Claspell's review and report to the Board that there was nothing of concern. She stated, however, that if there were something of note, she would prefer that the Board review the records as opposed to staff making an assessment of whether or not it was relevant. She added that she would envision such a review taking place in Executive Session.

Boardmember Downie advised that she was also comfortable with the manner in which the Boardmembers reviewed the credit reports in Executive Session. She said that she would prefer to not have those documents in her possession due to the sensitive nature of the materials.

Boardmember Brooks referenced the section "Authorization for Background Checks" and stated that his interpretation of the phrase "disciplinary records investigations" would historically relate to any disciplinary matters presented to the Arizona Commission on Judicial Conduct. He noted that the Board has and should continue to receive such data. He questioned, however, whether there were other elements of discipline, such as notations in a file maintained by Presiding Magistrate Matt Tafoya or perhaps even an annual review of the magistrates.

Discussion ensued relative to the fact that there are official personnel files for each City employee; that HR has provided those materials to Mr. Claspell, who reviews the information and reports back to the Board that there were no disciplinary actions with respect to the magistrate who is up for reappointment; that any type of disciplinary actions (i.e., written reprimand, disciplinary probation, suspension) could be included in the official personnel file; and that work station files may also be maintained by supervisors or managers at their specific locations if anything occurred that would not necessarily be elevated to the level of formal disciplinary action, but still noteworthy.

Responding to a question from Boardmember Brooks, City Attorney Debbie Spinner clarified that the magistrates have independent decision-making authority and cannot be disciplined for a decision they make on a particular case. She noted, however, that if a magistrate violated an administrative policy of the City of Mesa, that person could be subject to discipline.

Chairman Lesar inquired if an incident was not elevated to a disciplinary action, but perhaps an allegation was made against a magistrate, whether it would be appropriate for the Boardmembers to be informed of such an incident and also whether such data would serve some value with respect to a person's reappointment process.

Ms. Spinner responded that the Mesa City Code and the State of Arizona Rules of Procedure are fairly "open" concerning the Boardmembers' ability to request whatever they deem necessary in order to select or recommend the reappointment of a magistrate. She stated that if certain materials were deemed necessary by the Boardmembers, they would have the authority to request those items.

Chairman Lesar restated that the question before the Boardmembers is when they indicate there will be a background investigation of a magistrate for reappointment, whether they will

investigate all of the files that would be appropriate for review and then determine whether or not the contents reflect a concern.

In response to a question from Chairman Lesar, Mr. Claspell explained that he was unsure of the existence of files maintained at the Mesa Municipal Court that might be useful for the Boardmembers to review. He said he would research the matter and report back to the Board in that regard.

Chairman Lesar inquired if it was the consensus of the Boardmembers to move forward with the authorization of background checks to ensure that they do not miss out on an opportunity to review all personnel records.

Boardmember Brooks expressed support for such direction. He commented that the Boardmembers sometimes receive survey data which contain comments that are made by staff or other individuals. He noted, however, that they do not have any context for the comments, other than they are included in the survey data.

Boardmember Brooks further remarked that during the course of a magistrate's four-year cycle, if there were a staff member who was upset because of something that happened regarding the magistrate, the Boardmembers might want to know about the comments, as well as the specific event.

Chairman Lesar referenced the section of the City of Scottsdale Application for Reappointment as Associate City Judge titled "Authorization for Background Checks." (See Page 3 of Attachment 1) He noted that the language was somewhat more extensive than Mesa's Application for Reappointment and suggested that it might be appropriate to incorporate certain revisions into Mesa's document. He also recommended that the revision read as follows: "To review any and all City of Mesa personnel files and relevant employment records."

Boardmember Brooks voiced support for expanding the scope of the authorization so that the magistrate who signs the application knows that the Board may, if it chooses to do so, access information from whatever source it can, and that the magistrate authorizes such a review. He stated, in addition, that if the data that is yielded from such an investigation is confidential in nature, it might be appropriate for the Boardmembers to review and discuss those matters in Executive Session.

Ms. Spinner clarified that any documents included in a magistrate's official personnel file are public record and stated that any member of the public could request and obtain copies of those items. She noted, however, that there could be information in a supervisor's file that is confidential, which the City would not disclose to the public.

Chairman Lesar summarized the Boardmembers' direction thus far as follows: 1.) That the City of Mesa Application for Reappointment should be more comprehensive in describing the items that it has authorization to access as it relates to the background investigation; 2.) That the Boardmembers would defer to Mr. Claspell and staff for their input and feedback in this regard; and 3.) Per the suggestion of Boardmember Brooks, that the type of records to be utilized in the background check be expanded beyond personnel records and include any documents the Boardmembers deem appropriate that would lend themselves to the reappointment process.

Ms. Spinner stated that she would recommend that the Boardmembers be as specific as possible with respect to identifying the records they wish to request. She explained that not only would it ensure that staff obtains the same type of records for each magistrate seeking reappointment, but also that they comply with the Boardmembers' request.

Ms. Spinner indicated that it was her understanding that the "real personnel files" would be found either in the official personnel file or a work station file. She explained that the work station file is one in which supervisors maintain notes or documents they may wish to reference during an employee's performance evaluation.

Ms. Spinner, in addition, commented that she was unsure whether Presiding Magistrate Tafoya maintains work station files on the individual magistrates. She noted that if he did, staff could obtain that information when a specific magistrate comes up for reappointment and summarize the data for the Board.

In response to a question from Chairman Lesar, Ms. Spinner clarified that it would be her recommendation that the Board's revised authorization "target" the official personnel file and the work station file. She said that beyond City records, it would also be important to specify credit, criminal, and Motor Vehicle Department (MVD) records to ensure that staff understands the Board's direction.

Boardmember Brooks commented that in his view, the word "disciplinary" should be broader than the Arizona Commission on Judicial Conduct, where complaints may be brought. He suggested that it also include whatever might be noted in a personnel file or a work station file if anything has happened during the course of employment for the particular magistrate seeking reappointment.

Boardmember Brooks proposed adding a parenthetical behind the word "disciplinary" which could state: "including records from the Arizona Commission on Judicial Conduct, or employment records related to any disciplinary action that occurred." He added that there could also be a complaint at the employment level that did not warrant an evaluation at the State level with respect to judicial ethics.

Ms. Spinner said that she would work with Mr. Claspell on the language suggested by Boardmember Brooks. She clarified that per State law, any disciplinary action taken by the City of Mesa will be found in the employee's official personnel file. She added that if a complaint was filed and subsequently determined to be unfounded, it may or may not be included in the work station file.

Responding to a question from Boardmember Harris, Presiding Magistrate Tafoya explained that although he does not presently conduct a formal performance review of the magistrates on a six-month or annual basis, such a process could be instituted very easily.

In response to a series of questions from Chairman Lesar, Presiding Magistrate Tafoya stated that he has been fortunate with the magistrates who work at the Mesa Municipal Court and has not encountered problems on a reoccurring basis that needed to be documented. He noted, however, if that were to occur, he would maintain a file and document his concerns, via e-mail or in writing, to the person and keep any responses that he received back from the individual.

Boardmember Harris commented that since it is the Board's role to conduct an assessment and either recommend or not recommend the reappointment of City Magistrates every four years, from an HR perspective, it might be helpful if some type of regular performance review for all magistrates was implemented. He stated that such a process would provide the Board an ongoing HR document that demonstrates, for example, if there was "a trend, a supervisory conversation, indicators for areas of growth, the establishment of possible objectives and ultimately if such objectives were met."

Chairman Lesar indicated that although he did not believe it was the role of the Board to suggest that a formal review process for City Magistrates be implemented, he would concur that it was an excellent recommendation.

Ms. Spinner responded that what the Boardmembers could do is indicate to Presiding Magistrate Tafoya that it would be helpful to them if an annual review process for the magistrates was implemented so that documentation was maintained. She said that when a specific magistrate was up for reappointment, Presiding Magistrate Tafoya could provide those materials to the Board to be utilized during its review of the person. She added that it would be Presiding Magistrate Tafoya's decision whether to move forward with the annual review process.

Boardmember Brooks remarked that in the last few reappointment cycles, based on the materials provided to the Boardmembers, they have made comments and suggestions to the magistrates regarding areas in which they have performed well and where improvements could be made. He noted that currently, the Board does not have the ability, when the next cycle occurs, to determine whether a concerted effort has been made to address and improve in those areas, other than the packet of materials which would be similar to what was provided two or four years prior.

Presiding Magistrate Tafoya responded that after hearing the Boardmembers' comments, he is more than willing to implement an annual review process for the magistrates.

Mr. Claspell advised that at the time of their reappointment, the magistrates receive their survey results. He explained that at the midpoint (i.e., two years into the term), they also receive a mid-term report, which consists of the same type of survey information. He noted that Presiding Magistrate Tafoya also receives a copy of this report. He added that the information is then rolled into the report that the Board receives when it is time for the magistrates to be reappointed.

Presiding Magistrate Tafoya suggested that whenever he receives a survey for one of the magistrates, he will formalize the process, as opposed to informally discussing the results with the individual. He inquired how often the Board would prefer that this process occur.

Boardmember Downie advised that at the Appellate Court and Superior Court levels, what occurs at the two-year and four-year survey cycles is that a conference team meets with the judge and discusses the results. She stated that she liked the model and explained that having been on the receiving end of a conference team, as well as sitting on a conference team, the discussions are very productive.

Boardmember Downie noted that she would be comfortable with a conference team approach, which could include, perhaps, Presiding Magistrate Tafoya, a member of the public, a City administrator or even a member of the Board. She suggested that the conference team not meet every year which, in her opinion, would create more work for the Court.

Chairman Lesar thanked Boardmember Downie for her comments and concurred that he would not want the Board to recommend a process that creates more work for the Court than is necessary. He suggested that the recommended review could occur every two years to coincide with when the survey results are distributed. He clarified, however, that if it was necessary for the review to be conducted earlier, the Board would look to Presiding Magistrate Tafoya to make such a determination.

In response to a question from Boardmember Harris, Mr. Claspell explained that the two-year survey is similar to the four-year survey and includes statistical information and comments from various entities. He reiterated that the consultant rolls that information into the four-year survey results, which is presented to the Board as part of the reappointment process. He added that when a magistrate comes up for reappointment, staff could provide the Board the mid-term survey information, as well as the four-year survey results.

Boardmember Harris expressed support for the conference team approach being conducted no more than every two years, unless Presiding Magistrate Tafoya deemed it warranted.

Chairman Lesar thanked Presiding Magistrate Tafoya for his willingness to explore how best to implement a review process for the magistrates. He said that the Board would recommend that he work with his staff to establish a process and bring back a plan to the Boardmembers so they can be apprised of such efforts.

Presiding Magistrate Tafoya assured the Board that he and his staff would implement the process immediately.

Responding to a question from Boardmember Brooks, Ms. Spinner clarified that if one of the Boardmembers participated in the conference team review process, that individual could not speak with other members of the Board to discuss the team's findings unless it was in a public meeting or an Executive Session. She said that otherwise, the Boardmember would violate the Open Meeting Law.

Boardmember Downie pointed out that once the conference team meets with the judge, the members prepare a report indicating in which areas the judge performed well in the last cycle and areas for improvement. She explained that the judge also completes a self-assessment. She added that she would envision a similar document accompanying the mid-cycle statistics and being provided to the Board at the time of the reappointment process.

Boardmember Brooks expressed concern that if one of the Boardmembers participated in such a process, there could be problems with the law. He stated that if Presiding Magistrate Tafoya wanted a Boardmember to participate in the mid-term process for the conference team, the report is generated and becomes a public record or is properly noticed for discussion in an open meeting or an Executive Session, then that person could talk more freely about what he or she observed.



In response to a question from Presiding Magistrate Tafoya, Ms. Spinner clarified that it would be necessary to determine if the information discussed by the conference team could be discussed by the Board in Executive Session or an open meeting. She stated that what the Board participant could not do is send an e-mail to the other Boardmembers to discuss what that individual observed at the meeting. She reiterated that staff would work within the context of the Open Meeting Law to determine whether the information could be discussed in Executive Session or an open meeting.

Chairman Lesar stated that he was somewhat cautious about a Boardmember serving on the conference team and noted that ultimately, it was the Board's responsibility to collect all of the information that is currently being discussed, review the performance of a magistrate and make a recommendation to the City Council. He suggested that a Boardmember serving in that capacity could bring the Board "too close to the evaluation process," when its responsibility is the review and reappointment process, but not the ongoing evaluation of a magistrate.

Boardmember Sanders expressed the opinion that the Board should not be involved in the conference team evaluation process. She explained that the conference team process described by Boardmember Downie is generally composed of a judge member, an attorney member and a public member. She pointed out that the Superior Court also has a Commission on Judicial Performance Review and indicated that to the best of her understanding, none of those members serve on conference teams.

Boardmember Sanders further commented that at the Superior Court and Court of Appeals level, the conference team review process is utilized for over 100 judges and noted that it was quite an involved process. She added that she was not sure whether the City of Mesa was interested in "taking on such efforts" as part of the magistrate reappointment process.

In response to a question from Boardmember Harris, Mr. Claspell clarified that during the recent reappointment cycle, the Board's initial packet included the most current survey results, as well as the mid-year survey results. He recalled that a question was raised by the Board, which resulted in staff providing additional information after the fact that included previous survey results.

Chairman Lesar remarked that from the conversations the Boardmembers have shared today, it would be beneficial for them to review the survey results from four years ago and the current results. He stated that in his opinion, the two-year component "enhances that picture."

Presiding Magistrate Tafoya concurred with Chairman Lessar's comments and said he was confident that the Court could establish "a good system," especially with the conference team approach.

Chairman Lesar noted that currently, the Boardmembers review the financial records and personnel files in Executive Session. He inquired if they would like to take a similar approach with respect to all of the data related to the comprehensive background investigation.

Mr. Claspell clarified that he provided the Boardmembers a summary of what he found in the personnel files for each magistrate. He noted, however, that he would be happy to provide whatever materials the Board would like to review.

Boardmember Brooks stated that he would prefer that any personal files and confidential information be treated in a similar fashion as the financial data. He suggested that those materials be provided and discussed in Executive Session. He said that if the information is deemed as a public record in the possession of the City, he would assume there would not be a problem if the Boardmembers received such information via e-mail so that they could review it in advance.

Boardmember Brooks reiterated that as part of the application process, he would like to include a question that asks the magistrates to identify and summarize a few cases (perhaps three to five) that were noteworthy and why such cases “stick out in their memory.”

Boardmember Harris referenced the 2004 Application for Reappointment, City Magistrate, Mesa Municipal Court (**See Attachment 4**) and noted that Question No. 11 (See Page 3 of Attachment 4) relates to Boardmember Brooks’ comments.

Boardmember Sanders concurred with Boardmember Brooks’ recommendation and said it would be helpful to the Board to learn about significant cases that the magistrates handled. She added that a similar question is listed on the Superior Court application.

Chairman Lesar asked that Mr. Claspell make note of Question No. 11 on the 2004 Application for Reappointment. He suggested that as the current Application for Reappointment is revised, that staff provide the Boardmembers a draft of the document. He said that this would ensure that the Boardmembers have the ability to offer input and feedback in the next few months so that the updated version can be implemented for the next reappointment cycle.

Boardmember Downie referred to Question No. 9 on Mesa’s current Application for Reappointment (See Page 2 of Attachment 3) which reads as follows: “Since your previous appointment, has any formal charge of professional misconduct been filed against you by the Arizona Commission on Judicial Conduct?”

Boardmember Downie commented that in her opinion, that is not what the Board is intending to ask the magistrate. She explained that a “formal charge” is a term of art and would not capture low level discipline that was entered without a formal charge being filed. She stated that she would prefer, and believes what the Board is attempting to capture, is broader information about complaints. She noted that she reviewed the application for Superior Court and Court of Appeals which reads as follows: “Have you received notice of a complaint, cautionary letter, private admonition or other sanction from the Commission on Judicial Conduct or any other judicial disciplinary body in any jurisdiction? If so, in each case describe in detail the circumstances and the outcome.”

Boardmember Downie reiterated that as the question is currently worded, the Board is not going to capture what it is that she believes the Board wants to capture, which is more information, and not a very finite set of formal charges. She added that very few cases result in formal charges even when there has been a low level imposition of discipline.

Chairman Lesar remarked that Boardmember Downie’s recommendation relates to the Boardmembers’ conversation that they are requesting comprehensive feedback to assist them in “doing the best job” of reappointing a City Magistrate.

Responding to a question from Chairman Lesar, Boardmember Downie clarified that she extracted that language from the Superior Court initial application.

Boardmember Downie further remarked that the proposed language changes are over inclusive in the sense that the Board will obtain a “yes” response if an applicant has received a complaint, even if it went nowhere. She said that she would personally like to know if there have been complaints, recognizing that “good judges get complaints that get dismissed.”

Boardmember Brooks concurred with Boardmember Downie’s comments.

Boardmember Downie offered additional comments with respect to Question No. 8 on Mesa’s current Application for Reappointment, which reads as follows: “Since your previous employment, have you: a. Ever violated a court order including, but not limited to, an order for payment of child or spousal support?” b. Had a sanction imposed upon you by any court?” (See Page 2 of Attachment 3)

Boardmember Downie stated that she would propose adding 8c, which would read as follows: “Been a party to litigation, excluding divorce?”

Boardmember Downie explained that such a question would capture a bankruptcy or civil complaints, which could include, among other things, allegations of fraud or landlord/tenant disputes. She pointed out that her proposal tracks the Superior Court application and also captures the issue of credit reports, which the Board discussed earlier today. She advised that the Superior Court application excludes divorce and said she was comfortable in doing so as well since 8a addresses whether the applicant has ever violated a court order, including an order for payment of child or spousal support. She added that she did not believe that the Board needed the details of an applicant’s divorce, other than if the person violated a court order.

(Chairman Lesar excused Boardmember Sanders from the meeting at 9:04 a.m.)

Responding to a question from Boardmember Harris, Boardmember Downie clarified that 8c would require a search of various court databases to determine whether the applicant had been a party to litigation.

In response to a question from Chairman Lesar, Presiding Magistrate Tafoya stated that he was comfortable with the proposed revisions to the Application for Reappointment. He inquired, however, regarding the purpose of the question related to the magistrates outlining three to five cases they presided over.

Boardmember Brooks acknowledged that over the course of four years, the magistrates will hear thousands of cases that are similar in nature. He noted, however, that he would suspect there may be “a handful” that are bigger cases, longer trials or a particular issue that might “stick out in a judge’s memory.” He stated that he would be interested in learning about those cases and how they were resolved. He added that the case may not be anything particularly unique, but said that it would give the Board an opportunity to know how the magistrates handled a case that was significant to them.

Presiding Magistrate Tafoya asked that more descriptive language be added to the proposed question, and include some of Boardmember Brooks' comments, to ensure that the magistrates have a clear understanding of what the Board is seeking with respect to this issue.

Chairman Lesar assured Presiding Magistrate Tafoya that the verbiage could be crafted in such a manner to reflect cases that stand out; the reason they stand out; the unique nature of the cases; and what skills the magistrate utilized in order to achieve resolution to the case. He also noted that in his opinion, five cases might be excessive and recommended that a summary of three unique cases would be sufficient.

Chairman Lesar commented that when the Board conducts the public hearings for reappointments, Presiding Magistrate Tafoya regularly shares information with the Board regarding the magistrates. He stated that during the last reappointment cycle, several Boardmembers inquired whether, historically, there was an expectation that Presiding Magistrate Tafoya speaks publicly about each one of the magistrates and outlines their contributions and accomplishments at the Mesa Municipal Court.

Presiding Magistrate Tafoya responded that it was his understanding that the prior Presiding Magistrate did not attend every Judicial Advisory Board meeting. He stated that he made the decision not only to attend each Board meeting, but also to make comments about the magistrates who were up for reappointment during the public hearings. He further noted that over time, he also provided annual updates to the Board regarding the Mesa Municipal Court.

Presiding Magistrate Tafoya further remarked that in 2004, at the request of the magistrates, the Reappointment Application was reviewed and updated by a Committee that was chaired by Murray Snow, a member of the Judicial Advisory Board. He noted that one of the issues that was discussed at that time, but has not been considered today, was the anonymous comments that are submitted as part of the survey results.

In response to a question from Presiding Magistrate Tafoya, Mr. Claspell clarified that the public does not receive the anonymous comments. He stated that the City Council receives a copy of the survey results, including the anonymous comments.

Presiding Magistrate Tafoya remarked that in 2004 and even at the present time, the magistrates have been "somewhat sensitive" about anonymous comments. He pointed out that if certain comments are "outrageous," it is difficult to defend them.

Responding to a question from Presiding Magistrate Tafoya, Boardmember Downie explained that in the higher courts, the anonymous comments (provided by litigants, judges, lawyers, staff) contained in the surveys are handled exactly the same way as at the City of Mesa. She noted that the Commission on Judicial Performance Review receives those comments and they are discussed with the judge. She said that the difference is that the comments are not revealed to the public, as opposed to the City Council who makes the decision with respect to the retention of Mesa's City Magistrates.

Presiding Magistrate Tafoya noted that in 2004, the Judicial Advisory Board decided to "leave the anonymous comments as they are." He stated that the comments can go to the Presiding Magistrate, who can discuss them with the magistrate to whom such comments were directed and also conduct follow-up to determine if there are any issues that should be addressed. He

noted that currently, those comments are forwarded on to this Board and the City Council for review. He added that whatever weight is or is not given to the anonymous comments has been an issue of concern for the magistrates.

Chairman Lesar clarified that when the Boardmembers review the survey data, they do read the anonymous comments. He stated the opinion that under prudent review, and not just simply saying because one person said it, it is now fact, is an important part of reviewing anonymous comments.

Chairman Lesar indicated that from his own personal experience, he looks to see if there is “a trend in conversation.” He commented that if every anonymous comment is identical, and the surveys were distributed to populations of people that came before that magistrate, it would certainly render a closer review if there was a consistency of response with respect to an individual’s behavior. He added that ultimately, no one knows if it is the truth, but rather it is a person’s perspective about the performance of a specific magistrate in the courtroom. He added that he did not believe that the Boardmembers look at the comments and indicate that is the “final end result of that magistrate’s performance,” but simply one element of review concerning the reappointment of that person.

Boardmember Brooks stated that from his perspective, if he was going to give more weight to the anonymous comments of one group over another, it would be to staff’s comments. He noted that if staff makes a comment that a magistrate is slow or does not have control over the courtroom, he would take note of that. He also commented that the Court administrators would know which magistrate the anonymous comment referenced. He added that at the mid-term survey, if those types of comments are solicited by staff, it might be appropriate for Presiding Magistrate Tafoya to follow up with the magistrate at that time.

Presiding Magistrate Tafoya commented that there must be a balance and stated that staff cannot necessarily control a magistrate’s neutrality in the courtroom.

Chairman Lesar noted that it was necessary for Boardmember Downie to leave the meeting, which will result in the Board having less than a quorum.

Ms. Spinner stated that it would be necessary for the Board to adjourn at this time and reschedule a meeting for a future date to complete the items on the agenda.

Court Administrator Paul Thomas remarked that from his perspective, there has always been “an awkwardness about having staff judge judges.” He cited, by way of example, there have been occasions when staff has taken issue with a legal decision rendered by a magistrate in the courtroom. He would caution the Board that this was a concern of his and suggested that perhaps the Board could explore the matter in greater detail at a future date.

4. Review, discuss and provide direction regarding a compensation review for Mesa’s City Magistrates.

Due to time constraints, this item was continued to a future Board meeting.

5. Scheduling of meetings and general information.

Due to time constraints, this item was continued to a future Board meeting.

6. Adjournment.

It was moved by Boardmember Brooks, seconded by Boardmember Downie, that the meeting of the Judicial Advisory Board be adjourned at 9:18 a.m.

Chairman Lesar declared the motion carried unanimously by those present.

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 29<sup>th</sup> day of April, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

pag  
(attachments – 4)



**City of Scottsdale  
APPLICATION FOR REAPPOINTMENT AS  
ASSOCIATE CITY JUDGE**

**A. PERSONAL INFORMATION**

1. Full name:
2. Office address:
3. Message phone number: (    )    -    Ext.

**B. PROFESSIONAL BACKGROUND AND EXPERIENCE**

4. Summarize your tenure as Associate City Judge, including dates served and the nature and volume of your caseload.
5. Why are you seeking reappointment as Associate City Judge?
6. What two or three aspects of your performance or contributions as Associate City Judge are you most proud of during your present term?
7. What have you done as Associate City Judge to further your professional development and to prepare yourself for a subsequent term on the bench?
8. Describe any additional experience, accomplishments or awards that you would like to share with the Board.

**C. CONDUCT AND ETHICS**

9. List and describe any sanctions imposed upon you by any courts or judicial oversight bodies for violation of any rule or procedure or for any other professional impropriety.
10. Are there any other issues pertaining to judicial conduct or ethics that should be disclosed to the Board.

The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale any information requested by said Board in connection with the processing of my application for reappointment as Associate City Judge.

I certify that all the information provided herein is true and complete to the best of my knowledge. I agree and understand that omissions, misstatements, and falsifications may be cause for rejection of this application or may otherwise impact my continued employment with the City of Scottsdale. I give the Judicial Appointments Advisory Board and the City of Scottsdale the right to investigate and verify any information obtained through the application process. Permission is granted and I release from any and all liability any employer, agency, or individual assisting the Board or the City of Scottsdale in providing relevant, job related information or survey data that will assist with this process.

I understand that I may be required to successfully complete an alcohol/drug test as part of the reappointment assessment process.

My signature below acknowledges my understanding and agreement with the above.

Date:    /    /

\_\_\_\_\_

(Signature)

Submission of this application expresses my willingness to accept reappointment to the judicial position applied for in this application if tendered by the Scottsdale City Council.

\_\_\_\_\_

(Signature)

**Please submit the completed and signed application and all supplemental information to:**



## AUTHORIZATION FOR BACKGROUND CHECKS

As part of the application process for reappointment as Associate City Judge, I authorize the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale to conduct credit, criminal, driving and disciplinary record checks; and to review my City of Scottsdale personnel file and relevant employment records. (Note: You may be asked to complete an additional form(s) to provide required source data or signature authorization).

Full Name:

Current Home Address:

Former Home Address:

Message Phone: ( ) -

Date of Birth: / /

Place of Birth:

(City, County and State)

Social Security Number: - -

State Bar Number:

Driver's License Number:

Date: / /

---

(Signature)



# EMPLOYMENT APPLICATION

20 East Main Street, Suite 130  
Human Resources Department  
P. O. Box 1466  
Mesa, AZ 85211-1466

Thank you for considering the City of Mesa in your employment search.

**Please read the following tips** to ensure your application gets the consideration it deserves.

- Carefully review the Job Announcement to guide you in describing your experience and to be sure that you meet the requirements of the position.
- Fill out the application completely.
- Your experience, and the way you describe it on this application as it relates to the position you apply for is important.
- Be prepared to provide documentation (by mail or in person, of education, licenses, certificates, training and veteran's eligibility as instructed on the job announcement when you submit your application.)
- **Please type or print neatly in ink (preferably black).**
- Answer all questions completely and be sure to sign the application.

POSITION APPLIED FOR: \_\_\_\_\_

NAME: \_\_\_\_\_  
Last First Middle

Address: \_\_\_\_\_  
Street - Apt. # or Mailing Address City State Zip Code

Home Phone with Area Code \_\_\_\_\_

Work/Message Phone with Area Code \_\_\_\_\_

e-mail address: \_\_\_\_\_

E-mail Address Type:  Home OR  Business

Driver's License Number: \_\_\_\_\_

State: \_\_\_\_\_

### How did you learn of this employment opportunity?

- Internet (IN) Specify: \_\_\_\_\_
  - Asian Times (AT)
  - Job Fair (JF) Specify: \_\_\_\_\_
  - Walk-in (WI)
  - Spanish Newspaper (SP)
  - Tucson Star (TS)
  - I am a current/former employee (CE) **List Employee ID Number #:** \_\_\_\_\_ 15779
  - Community Svc. Org (CS) Specific Source: \_\_\_\_\_
  - Other (OT) Specify: \_\_\_\_\_
- AZ Informant (AI)
  - AZ Republic (RG)
  - Job Hotline (JH)
  - Mesa Tribune (MT)
  - Employee notified me of opening (EN)

### Education - Indicate highest level achieved

- Less than 10<sup>th</sup> Grade
- Completed 10<sup>th</sup> Grade
- Completed 11<sup>th</sup> Grade
- High School Graduate or Equivalent
- Trade/Technical School
- Some College
- 2-Year College Degree
- Bachelor's Level Degree
- Some Graduate School
- Master's Level Degree
- Doctorate - Academic
- Doctorate - Professional
- Post Doctorate

Hours Earned	Date Graduated	Country	Major	Name of College/University Trade/Technical School	State

### License/Certificate Detail

License or Certificate: \_\_\_\_\_ Date Issued: \_\_\_\_\_  
 License/Certification Number: \_\_\_\_\_ Issued By: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_

License or Certificate: \_\_\_\_\_ Date Issued: \_\_\_\_\_  
License/Certification Number: \_\_\_\_\_ Issued By: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**Professional Memberships**

Name of Organization: \_\_\_\_\_ Date Issued: \_\_\_\_\_  
Name of Organization: \_\_\_\_\_ Date Issued: \_\_\_\_\_

**Language Details** Indicate proficiency in each: Speaking, Reading, Writing (High/Low/Moderate)

Language	Speaking	Reading	Writing
_____	_____	_____	_____
_____	_____	_____	_____

**Current and Prior Employment**

- List employment history, military, volunteer experience for the **last ten years** beginning with your most recent employment.
- Please include any relevant experience prior to the last ten years as it relates to this position.
- Note: Your experience, and the way you describe it on this application as it relates to the position you apply for is important.
- **Do not write "See Resume" in the spaces below instead of completing the following employment information.** You may attach your resume to supplement the information you provide here.
- List your present or most recent position first. **If more space is required, fill out a blank sheet of paper.**

**PRESENT/MOST RECENT EMPLOYER** Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Employer \_\_\_\_\_  
Job Title \_\_\_\_\_ Hours/Week \_\_\_\_\_  
Reason for Leaving \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Telephone \_\_\_\_\_

Major Duties \_\_\_\_\_

**PREVIOUS EMPLOYER** Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Employer \_\_\_\_\_  
Job Title \_\_\_\_\_ Hours/Week \_\_\_\_\_  
Reason for Leaving \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Telephone \_\_\_\_\_

Major Duties \_\_\_\_\_

**PREVIOUS EMPLOYER** Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Employer \_\_\_\_\_  
Job Title \_\_\_\_\_ Hours/Week \_\_\_\_\_  
Reason for Leaving \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Telephone \_\_\_\_\_

Major Duties \_\_\_\_\_

**PREVIOUS EMPLOYER** Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Employer \_\_\_\_\_  
Job Title \_\_\_\_\_ Hours/Week \_\_\_\_\_  
Reason for Leaving \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Telephone \_\_\_\_\_

Major Duties \_\_\_\_\_

**PREVIOUS EMPLOYER** Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Employer \_\_\_\_\_  
Job Title \_\_\_\_\_ Hours/Week \_\_\_\_\_  
Reason for Leaving \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Telephone \_\_\_\_\_

Major Duties \_\_\_\_\_

**CRIMINAL AND/OR TRAFFIC VIOLATION CONVICTIONS HISTORY**

This section pertains to information regarding criminal convictions and traffic violation convictions. The City of Mesa highly values integrity; it is essential that you be honest and truthful. Be very careful in completing this section as Human Resources will verify this information through the pre-employment process should you be extended a conditional offer of employment.

The information disclosed in this section will not necessarily bar you from further consideration. However, if you have an existing Ignition Interlock Device (IID) requirement and driving is a requirement of the position, the City of Mesa will not consider you for employment.

**A. Criminal Convictions**

Since your 18th birthday, have you been convicted (found guilty, plead guilty or no contest) of any criminal offense?

No  Yes

Applicants are not required to report convictions that have been expunged or sealed by a court of law.

A criminal conviction includes any misdemeanors and felonies (i.e., assault, burglary, disorderly conduct, domestic violence, drug-related convictions, Driving Under the Influence (DUI); Driving While Intoxicated (DWI), failure to appear in court, larceny, shoplifting, trespassing, etc.). Such convictions may have resulted in a fine(s), community service, probation or jail/prison time.

Offense	Approximate Date (Month/Year)
_____	_____
_____	_____
_____	_____

**B. Traffic Violation Convictions**

Within the past five years, have you been found responsible for, plead no contest to, or admitted responsibility for any traffic violations?  No  Yes

Traffic violations may include, but are not limited to: Driving Under the Influence (DUI); Driving While Intoxicated (DWI); failure to: yield, stop at stop sign or red light, appear in court; driving on a suspended or revoked license, no proof of insurance/registration, reckless driving, speeding, etc. Such violations may have resulted in citations, community service, fine(s), revocation/suspension of license, traffic survival school requirement, etc.

Offense/Violation	Approximate Date (Month/Year)
_____	_____
_____	_____
_____	_____

**C. Ignition Interlock Device (IID) Requirement**

Do you currently have an IID requirement on your personal vehicle as a result of a DUI conviction?  No  Yes  
IF YES, please indicate the effective and expiration date of the IID requirement in the space provided below.

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_

***Certification of applicant: (Read your answers carefully before signing below.)***

I hereby certify that all the answers to the questions on this application are true, and I understand and agree that any misstatement or omission of material facts contained in this application and materials attached may disqualify me or be cause for dismissal from employment with the City of Mesa. I hereby expressly approve the City of Mesa to verify the accuracy of the statements on this application and attachments. Prior to an offer of employment, a drug screen, medical evaluation (depending on the position requirements), and fingerprinting for background checks through the Department of Public Safety and the Federal Bureau of Investigation will be required. I also understand that it is my responsibility to keep Human Resources advised of any change of address, and once submitted, this form and all materials attached become the property of the Human Resources Department.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**APPLICATION FOR REAPPOINTMENT  
CITY MAGISTRATE  
MESA MUNICIPAL COURT**

This original application must be filed with the City of Mesa Human Resources Office, 20 E. Main Street, Suite 130, Mesa, AZ 85210, before 6:00 p.m. on **Thursday, January 10, 2013**. With the exception of certain personal identifying information (such as home address, home phone, social security number), note that the contents of the application are subject to disclosure under the Arizona Public Records Act. Note also that the Mesa Judicial Advisory Board and the City of Mesa may verify the information provided. For more information, contact Christy Trevino in Human Resources at (480) 644-4418.

**A. PERSONAL INFORMATION**

1. Full name: \_\_\_\_\_
2. Have you continuously resided in Arizona during your term? \_\_\_\_\_  
If not, please explain: \_\_\_\_\_
3. When were you first appointed to the Mesa Municipal Court? \_\_\_\_\_

**B. EDUCATIONAL ACTIVITIES**

4. Since your previous appointment, what have you done to further your professional development and to prepare yourself for a subsequent term on the bench?  
\_\_\_\_\_  
\_\_\_\_\_

**C. PROFESSIONAL ACTIVITIES**

5. Since your previous appointment, have you represented clients before any courts or administrative agencies? \_\_\_\_\_ If so, please describe each circumstance, including dates and the nature of the representation.  
\_\_\_\_\_  
\_\_\_\_\_

**D. BUSINESS AND FINANCIAL INFORMATION**

6. Other than the information disclosed during your initial appointment or subsequent reappointments, have you been engaged in any occupation, business or profession other than holding judicial office, or do you have any fiduciary responsibilities? \_\_\_\_\_  
If so, please explain.  
\_\_\_\_\_  
\_\_\_\_\_

7. Since your previous appointment, have you paid all state, federal and local taxes when due? \_\_\_\_\_ If not, please explain.

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8. Since your previous appointment, have you:  
a. Ever violated a court order including, but not limited to, an order for payment of child or spousal support? \_\_\_\_\_ If so, please explain.

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b. Had a sanction imposed upon you by any court? \_\_\_\_\_ If yes, please explain.

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**E. CONDUCT AND ETHICS**

9. Since your previous appointment, has any formal charge of professional misconduct been filed against you by the Arizona Commission on Judicial Conduct? \_\_\_\_\_ If yes, please explain.

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10. Since your previous appointment, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal and State laws? \_\_\_\_\_ If yes, please explain in detail.

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11. Since your previous appointment, have you been reprimanded, demoted, disciplined, placed on probation or suspended? \_\_\_\_\_ If so, please state the circumstances under which such action was taken; the name(s) of any persons who took such action; and the background and resolution of such action.

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12. Since your previous appointment, have you been convicted of any criminal offense or have you had your driver's license suspended? \_\_\_\_\_ If so, please explain.

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**F. PROFESSIONAL AND PUBLIC SERVICE**

13. Are there any professional organizations or public service activities you have participated in that you would like to bring to the Board's attention?

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**G. REFERENCES**

14. List the names, addresses, and telephone numbers of two references who are familiar with your professional activities.

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15. List the names, addresses, and telephone numbers of two references who are neither lawyers nor judges, with whom you have had contact other than professionally.

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**ADDITIONAL INFORMATION**

16. Provide any additional information relative to your application or qualifications, including any interests outside the law, that you would like to bring to the attention of the Board.

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17. If you are recommended by this Board and reappointed by the City Council to serve, are you aware of any reason why you would be unable or unwilling to serve a full term?

\_\_\_\_\_ If so, please explain.

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The undersigned hereby authorizes all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Mesa Judicial Advisory Board and the City of Mesa any information requested by the Board or the City in connection with the processing of my request for reappointment to the Mesa Municipal Court. Also, the undersigned acknowledges my understanding that the contents of this application are subject to disclosure under Arizona's Public Records Act. I affirm that the information provided above is accurate and complete. I understand that the Board and the City may verify the information provided.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

Submission of this Application expresses my willingness to accept reappointment to the judicial position applied for in this application.  
\_\_\_\_\_  
(Signature)

Please transmit the completed and signed original Application, as well as eight (8) double-sided copies, in an envelope marked "Judicial Reappointment Application" to:

City of Mesa Human Resources Office  
20 E. Main Street, Suite 130  
Mesa, AZ 85210

If you would like receipt of this Application acknowledged, please enclose a self-addressed and stamped envelope.



## AUTHORIZATION FOR BACKGROUND CHECKS

Credit, criminal and disciplinary records of applicants may be checked. By submission of this application, applicant hereby authorizes the Mesa Judicial Advisory Board and the City of Mesa to conduct credit, criminal background, and disciplinary records investigations as part of the application process for judicial reappointment.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

FAX Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Signature)

CT/th  
9/12

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**APPLICATION for REAPPOINTMENT  
CITY MAGISTRATE  
MESA MUNICIPAL COURT**

This original application and eight (8) double-sided copies must be filed with the Mesa Personnel Division, 200 S. Center Street, Bldg. 1, Mesa, AZ 85210, no later than 5:00 p.m. on **Friday, January 30, 2004**. With the exception of certain personal identifying information (such as home address, home phone, social security number), note that the contents of the application are subject to disclosure under the Arizona Public Records Act. Note also that the Mesa Judicial Advisory Board and the City of Mesa may verify the information provided. For more information, contact Kathleen Broman, Personnel Division, at (480) 644-4417.

**A. PERSONAL INFORMATION**

1. Full name: \_\_\_\_\_
2. Have you continuously resided in Arizona during your term? \_\_\_\_\_  
If not, please explain: \_\_\_\_\_

**B. EDUCATIONAL ACTIVITIES**

3. List your educational activities since your last appointment, such as seminars, lectures, conferences, postgraduate courses.  
\_\_\_\_\_  
\_\_\_\_\_
4. Are you in compliance with the continuing legal education requirements applicable to you as a judge? \_\_\_\_\_ If not, please explain.  
\_\_\_\_\_  
\_\_\_\_\_

**C. PROFESSIONAL ACTIVITIES**

5. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

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6. Have you ever been denied admission to the Bar of any state? \_\_\_\_\_ If so, explain. (This would apply even if denial was temporary.)

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7. When were you first appointed to the Mesa Municipal Court?

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8. Have you served in a fiduciary capacity or any other judicatory capacity since your original appointment? If so, give details.

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9. Since your original appointment, describe your experience as it relates to authoring judicial opinions and decisions.

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10. Since your original appointment, have you represented clients before any courts or administrative agencies? \_\_\_\_\_ If so, please describe each circumstance, including dates and the nature of the representation.

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11. Please list not more than five cases which you presided over or heard as a magistrate. State the date of the proceedings, the names and addresses of all counsel involved, and a summary of the substance and significance of each case. Attach not more than two written opinions, whether reported or not.

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**D. BUSINESS AND FINANCIAL INFORMATION**

12. Since your original appointment, have you ever been engaged in any occupation, business, or profession other than holding judicial office? \_\_\_\_\_ If so, please give details.

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13. Are you now an officer, director, or majority stockholder, or otherwise engaged in the management of any business enterprise? \_\_\_\_\_

(a) If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the term of your service.

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(b) Did you resign such positions and withdraw from any participation in the management of any of such enterprises when you were appointed to the Mesa Municipal Court? \_\_\_\_\_ If so, which positions and when did you resign. If not, please give reasons.

---

14. Since your original appointment, have you filed your state and federal income tax returns in every year you were legally required to file them? \_\_\_\_\_ If not, please explain.

---

15. Since your original appointment, have you paid all state, federal and local taxes when due?  
\_\_\_\_\_ If not, please explain.

\_\_\_\_\_

16. Since your original appointment, have you ever violated a court order including but not limited to an order for payment of child or spousal support? \_\_\_\_\_ If so, please explain.

\_\_\_\_\_

17. If your parents, siblings, spouse, or children are employed or engaged in any business or profession, state their names and the name and address of their employer or the business or profession in which they are engaged.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**E. CONDUCT AND ETHICS**

18. Have you ever been expelled, terminated, or suspended from employment, or any school or course of learning on account of plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity? \_\_\_\_\_ If "Yes," please provide all pertinent details.

\_\_\_\_\_

19. List and describe any litigation concerning your practice of law in which you are or were a party.

\_\_\_\_\_

\_\_\_\_\_

20. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure or for any other professional impropriety.

\_\_\_\_\_

21. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? \_\_\_\_\_ If so, when? How was it resolved?

---

22. Since your original appointment, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal and State laws? \_\_\_\_\_ If "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

---

23. Since your original appointment, have you been reprimanded, demoted, disciplined, placed on probation, suspended, or cautioned? \_\_\_\_\_ If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

---

24. Have any of your current or former co-workers, subordinates, supervisors, customers, or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? \_\_\_\_\_ If so, please state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

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25. Since the date of your appointment, have you committed any criminal offense and/or have you had your driver's license suspended for any reason? \_\_\_\_\_ If so, please explain.

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26. Since your original appointment, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? \_\_\_\_\_ If so, please explain in full.

---

27. Since your original appointment, have you suffered memory loss or impaired judgment for any reason? \_\_\_\_\_ If so, please explain in full.

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**F. PROFESSIONAL AND PUBLIC SERVICE**

28. Have you published any books or articles? \_\_\_\_\_ If so, please list them, giving the citations and dates:

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29. Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars? \_\_\_\_\_ If so, please describe.

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30. (a) List memberships and activities in professional organizations, including offices held and dates.

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- (b) Have you served on any committees of any bar association (local, state, or national) or have you performed any other significant service to the bar? \_\_\_\_\_ List offices held in bar associations or on bar committees. Provide information about any activities in connection with *pro bono* legal services (defined as services to the indigent for no fee), legal related volunteer community activities, or the like.

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31. Describe the nature and dates of past and present public service you consider relevant to your ability to serve your community as a judge.

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32. List any professional or civic honors, prizes, awards, or other forms of recognition, which you have received.

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**G. ESSENTIAL FUNCTIONS**

33. Are you able to perform the essential functions of a City Magistrate, outlined in the job description, with or without accommodations? \_\_\_\_\_ If "with accommodations," identify any accommodations you may need to perform the job.

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**H. REFERENCES**

34. List the names, addresses, and telephone numbers of two references who are lawyers or judges, and who are familiar with your professional activities.

1. \_\_\_\_\_  
2. \_\_\_\_\_

35. List the names, addresses, and telephone numbers of two references who are neither lawyers nor judges, with whom you have had contact other than professionally.

1. \_\_\_\_\_  
2. \_\_\_\_\_

36. List the names, addresses, and telephone numbers of four lawyers who have frequently appeared before you in contested matters in the Mesa Municipal Court.

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_



37. List the names, addresses, and telephone numbers of two references who have served as fellow members of bar or professional association committees or activities.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

38. List the names, addresses, and telephone numbers of two references who are or were fellow participants in community organizations or activities.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**ADDITIONAL INFORMATION**

39. Provide any additional information relative to your application or qualifications, including any interests outside the law, that you would like to bring to the attention of the Board.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. If you are recommended by this Board and reappointed by the City Council to serve, are you aware of any reason why you would be unable or unwilling to serve a full term?  
\_\_\_\_\_ If so, please explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned hereby authorizes all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Mesa Judicial Advisory Board and the City of Mesa any information requested by the Board or the City in connection with the processing of my request for reappointment to the Mesa Municipal Court. Also, the undersigned acknowledges my understanding that the contents of this application are subject to disclosure under Arizona's Public Records Act. I affirm that the information provided above is accurate and complete. I understand that the Board and the City may verify the information provided.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

Submission of this Application expresses my willingness to accept reappointment to the judicial position applied for in this application.

\_\_\_\_\_  
(Signature)

Please transmit the completed and signed original Application, as well as eight (8) double-sided copies, in an envelope marked "Judicial Reappointment Application" to:

Mesa Personnel Division  
200 S. Center St., Bldg 1  
P.O. Box 1466  
Mesa, Arizona 85211-1466

If you would like receipt of this Application acknowledged, please enclose a self-addressed and stamped envelope.

### AUTHORIZATION FOR BACKGROUND CHECKS

Credit, criminal and disciplinary records of applicants may be checked. By submission of this application, applicant hereby authorizes the Mesa Judicial Advisory Board and the City of Mesa to conduct credit, criminal background, and disciplinary records investigations as part of the application process for judicial reappointment.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Work Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

FAX Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature)