

JUDICIAL ADVISORY BOARD MINUTES

March 3, 2010

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 3, 2010 at 5:33 p.m.

COMMITTEE PRESENT

Scott Rhodes, Chairman
Kate Ali'varius
Daniel A. Barker
David P. Brooks
Stella Hunsaker
David M. Talamante

COMMITTEE ABSENT

Michael B. Cowan

STAFF PRESENT

Kathleen Broman
Michael Claspell
Matt Tafoya

1. Introduce new Boardmember.

Boardmember David Brooks provided a short synopsis of his professional background.

Chairman Rhodes welcomed Boardmember Brooks to the Judicial Advisory Board.

2. Approve minutes from the February 3, 2010 Board meeting.

It was moved by Boardmember Talamante, seconded by Boardmember Barker, that the minutes of the February 3, 2010 Judicial Advisory Board meeting be approved.

Chairman Rhodes declared the motion carried unanimously by those present.

3. Convene an Executive Session.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. §38-431.03A (1).

Reappointment of Magistrates – Interview Questions

It was moved by Boardmember Barker, seconded by Boardmember Brooks, that an Executive Session be convened at 5:37 p.m. to discuss the reappointments of Magistrates Michelle Lue Sang and Elizabeth Arriola.

Chairman Rhodes declared the motion carried unanimously by those present.

4. Recess Executive Session and Convene Public Hearings/Interviews.

(At 5:50 p.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

5. Conduct a public hearing to receive comments on the reappointment of Magistrate Michelle Lue Sang.

Chairman Rhodes declared the public hearing open at 5:51 p.m. for the purpose of receiving comments on the reappointment of Magistrate Michelle Lue Sang.

Chairman Rhodes advised that the Board received a letter (**See Attachment 1**) from David Rodriguez, who expressed support for Magistrate Michelle Lue Sang's reappointment. He stated that the letter would be made part of the record.

Presiding Magistrate Matt Tafoya addressed the Boardmembers and recommended that Magistrate Michelle Lue Sang be reappointed for a four-year term. He stated that Magistrate Lue Sang has served as Chairman of the Judicial Conference for the Arizona Supreme Court and also conducts new judge orientation for the Arizona Supreme Court. Presiding Magistrate Tafoya further commented that Magistrate Lue Sang is an experienced judicial officer and urged the Board to give strong consideration to her reappointment to the bench.

There being no additional citizens present wishing to speak on this issue, Chairman Rhodes declared the public hearing closed at 5:54 p.m.

6. Interview Magistrate Michelle Lue Sang for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Magistrate Michelle Lue Sang.

Chairman Rhodes thanked Magistrate Lue Sang for her input.

7. Conduct a public hearing to receive comments on the reappointment of Magistrate Elizabeth Arriola.

Chairman Rhodes declared the public hearing open at 6:16 p.m. for the purpose of receiving public comments on the reappointment of Magistrate Elizabeth Arriola.

Presiding Magistrate Matt Tafoya addressed the Board and spoke in strong support of Magistrate Elizabeth Arriola's reappointment for a four-year term. He stated that Magistrate Arriola is an experienced and dedicated jurist and recounted her efforts and hard work with regard to the automation of the Mesa Municipal Court system and also the organization/implementation of the In-Custody Court. Presiding Magistrate Tafoya noted that

Magistrate Arriola, who is assigned to the In-Custody Court, completes the high-volume calendar in a timely and efficient manner and said that attorneys and defendants who have appeared before her have commended her for the dignified and respectful manner in which she treats everyone. Presiding Magistrate Tafoya added that Magistrate Arriola is a valuable asset to the Mesa Municipal Court and highly recommended her reappointment.

There being no additional citizens present wishing to speak on this issue, Chairman Rhodes declared the public hearing closed at 6:19 p.m.

8. Interview Magistrate Elizabeth Arriola.

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

Chairman Rhodes thanked Magistrate Arriola for her input.

9. Recess Public Hearings/Interviews and Reconvene an Executive Session.

a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. §38-431.03A(1))

1. Reappointment items for Magistrate Lue Sang
2. Reappointment items for Magistrate Arriola

It was moved by Boardmember Barker, seconded by Boardmember Ali'varius, that an Executive Session be reconvened at 6:40 p.m.

Chairman Rhodes declared the motion carried unanimously by those present.

10. Adjourn Executive Session and Reconvene Public Hearings/Interviews.

(At 7:34 p.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

11. Discuss and make recommendations to the City Council on the reappointment of Magistrate Michelle Lue Sang for a four-year term and Magistrate Elizabeth Arriola for a four-year term.

Chairman Rhodes stated that because the Boardmembers take the reappointment process very seriously, they thought it would be helpful for the public to be aware of the process by which City Magistrates are selected.

Chairman Rhodes explained that the Board and the City Council spend a great deal of time in the initial selection/appointment of City Magistrates for the Mesa Municipal Court. He noted that when there is a job opening for a City Magistrate, the City often receives many applications. He indicated that the candidates are vetted by the Board and said that after a lengthy and extensive process, the Board makes a recommendation to the City Council.

Chairman Rhodes also commented that when it comes time for the reappointment of a City Magistrate, the Boardmembers approach that process "with the hope and expectation" that their efforts during the initial appointment process "were done well" and that their recommendation of reappointment "can be made confidently and with no reservation."

Chairman Rhodes further remarked that the Boardmembers spend a considerable amount of time regarding each reappointment. He stated that those efforts include, but are not limited to, the following: reviewing the applications for reappointment; conducting background checks; receiving information from the Arizona Commission on Judicial Conduct and the State Bar of Arizona; conducting reference checks and courtroom visits; formulating and assigning interview questions; and entering into Executive Session after the public hearings/interviews to discuss the reappointment of the applicants. Chairman Rhodes noted that from the outside, this process might appear to be one in which decisions are made easily and without much reflection, but assured everyone that is not the case.

Boardmember Talamante concurred with Chairman Rhodes' statements regarding the Board's selection process. He also stated that because of the thorough reappointment process undertaken by the Board, it should come as no surprise to anyone that the magistrates, who are ultimately reappointed by the City Council, perform at a high level of expertise and professionalism.

It was moved by Boardmember Barker, seconded by Boardmember Brooks, that Magistrate Michelle Lue Sang be reappointed for a four-year term.

Chairman Rhodes declared the motion carried unanimously by those present.

It was moved by Boardmember Ali'varius, seconded by Boardmember Hunsaker, that Magistrate Elizabeth Arriola be reappointed for a four-year term.

Chairman Rhodes declared the motion carried unanimously by those present.

Chairman Rhodes, on behalf of his fellow Boardmembers, congratulated Magistrates Lue Sang and Arriola on their reappointments. He also thanked them for their service to the City of Mesa and the Mesa Municipal Court and wished them well in their next term.

12. Adjournment.

It was moved by Boardmember Talamante, seconded by Boardmember Barker, that the meeting of the Judicial Advisory Board be adjourned at 7:43 p.m.

Chairman Rhodes 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 3rd day of March 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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(attachment – 1)

Dear Judicial Advisory Board,

I regrettably am unable to attend the March 3rd meeting for Judge Lue Sang. I hope Michael Claspell will be able to pass this letter on to you in my absence.

Having seen two Mesa Municipal Judges in my lifetime and having attested so negatively on one, I would like to speak of my positive experience with Judge Lue Sang. Although both found me guilty, it was truly a pleasure to meet Judge Lue Sang. I felt she listened to my testimony and considered all of the testimonies brought before her. In the end I was found guilty of "Dog's at large." I found her closing remarks very helpful as she explained why she came to her conclusion, which was based on how the law was written. Some 12 years later I still remember her explanation and the example she gave to illustrate the law. She understood my frustration of how someone could be guilty of a misdemeanor while they slept. (Since the dogs escaped from a broken latch in the early morning and since I was the one home and asleep when the police arrive, I had managed to receive a misdemeanor while I was sleeping.)

So I am sure, since this Judicial Advisory Board has consistently and unanimously recommended every judge it has been asked to review. I am sure that the formality of being recommended by this board will not be a problem for Judge Lue Sang.

If I may, I would like to briefly express my deep disappointment with the Judicial Advisory Board for unanimously recommending Judge Eppich. I asked for one of the members to not recommend Judge Eppich to the city council. I thought I was asking for too much until I heard Stella Hunsaker's question that originated from Judge Eppich's survey results. On March 18, 2009, I believe it was Judge David M. Talamante who made a comment that Judge Eppich should not be evaluated based on one case alone. What a truly ignorant and idiotic statement. Please remind Judge David M. Talamante of the judge's survey results and the question asked by Stella Hunsaker.

If it is a lack of sympathy or if the members of the board seek their own interest rather than service to the public, it is my sincerest hope that life will give them experience to encourage them to increase their sympathy for others. I believe, and as others have stated, that Judge Eppich is biased for the state.

In closing, what a pleasure it was to have met Judge Lue Sang. In my individual case she demonstrated not only knowledge of the law but an ability to explain the law in a non-threatening and understanding manner.

Thank you,

David Rodriguez