

JUDICIAL ADVISORY BOARD MINUTES

February 3, 1999

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 3, 1999, at 8:04 a.m.

COMMITTEE PRESENT

Chairman Marilyn Wilson
James R. Hart II
James Keppel
John Kerr
Cecil Patterson
Joe Shipley

STAFF PRESENT

Kathy Barrett
Denise Bleyle
Linda Crocker
Barbara Jones
Ellen Pence
Kelly Walsh
Others

OTHERS PRESENT

None

COMMITTEE ABSENT

Judy O'Neill

Chairman Wilson excused Boardmember O'Neill from the meeting and Boardmember Patterson from the beginning of the meeting. Boardmember Patterson joined the meeting at 8:11 a.m.

1. Approve minutes of the December 4 and 15, 1998 meetings.

It was moved by Vice Chairman Hart, seconded by Boardmember Keppel, that the minutes of the December 4, 1998 meeting be approved.

Chairman Wilson declared the motion carried unanimously by those present.

It was moved by Boardmember Keppel, seconded by Vice Chairman Hart, that the minutes of the December 15, 1998 meeting be approved.

Chairman Wilson declared the motion carried unanimously by those present.

Chairman Wilson introduced Court Administrator Kathy Barrett to Boardmembers Keppel and Shipley.

2. Review and consider a proposal for surveying magistrates eligible for reappointment.

Management Assistant I Denise Bleyle briefly highlighted the contents of a report that was submitted to the Board containing recommended revisions to the current process of surveying magistrates eligible for reappointment that were developed by team members Denise Bleyle, Assistant to the City Manager Ellen Pence, Court Administrator Kathy Barrett, Presiding City Magistrate Walter Switzer, the survey consultant

Jim Riggs, President of Research & Information Specialists, Inc. and a City Manager's office staff person who is responsible for payment and tracking of the consultant's invoices.

Ms. Bleyle stated the opinion that a recommendation to maintain an on-going survey process throughout the full term of every magistrate would generate increased responses. Ms. Bleyle added that the forms would be handed out directly to the litigants at the court, which would reduce postage costs and ensure the receipt of the surveys by the respective respondents. Ms. Bleyle commented that a periodic report reflecting the survey results would be forwarded to the judges and said that this useful tool may be used by the judges to gauge their performance and effectiveness. Ms. Bleyle added that a final report would be prepared at the time of reappointment which would contain information that was gathered during the judges' full term.

Ms. Pence noted that the last recommendation on page one incorrectly states "Surveys for the Presiding Magistrate should continue...." and should be corrected to read "Surveys for all Magistrates should continue....."

In response to questions from Vice Chairman Hart, Ms. Pence clarified that department managers would evaluate Presiding Magistrates only and explained that the Presiding Magistrate is one of 11 department managers in the City and serves as a member of that team.

Boardmember Shipley recommended that under the heading Miscellaneous, the first bulleted item be amended to read "Survey forms should only be distributed to jurors and alternates who have participated in the trial" rather than the current statement that reads "... only be distributed to jurors actually selected for the trial."

Chairman Wilson referred to a letter that was submitted by Judge Switzer containing his recommended revisions to the Application for Reappointment. Chairman Wilson commented that Judge Switzer had a scheduling conflict and was unable to attend the meeting of the Board.

Chairman Wilson noted that the Board had previously discussed additional wording for question 32 on page 8 of the Application for Reappointment to clarify its intent and said that the rewording remains to be done.

Discussion ensued among the members of the Board relative to Judge Switzer's recommendations.

Ms. Pence informed the Board of staff's intention to review another option, which would provide the Boardmembers with the various candidates' original applications for appointment or reappointment and, in addition, Boardmembers would receive supplements completed by the applicants containing updates and revisions that have occurred since the filing of their original applications.

Vice Chairman Hart expressed the opinion that a number of the questions that Judge Switzer recommended be deleted from the Application for Reappointment constitute occurrences that could take place during the course of their terms, i.e. questions nos. 24, 26 and 40.

Discussion ensued among the members of the Board relative to the importance of maintaining all of the questions that may be subject to change during the judges' terms on the bench.

Boardmember Shipley suggested that questions concerning whether any changes have occurred in the applicants' health since the initial application was filed, job performance, whether the applicants like their job and why or why not, a question soliciting recommendations from the applicants on methods of improving their job performance, and a question relating to whether the facilities in which they work are adequate and, if not what improvements might be included.

Boardmember Patterson pointed out that question number 45 relates to health and suggested that the applicants be asked whether any changes in their physical condition have occurred since the filing of the initial applications.

Discussion ensued among the members of the Board relative to Judge Switzer's recommendation that the number of references required for reappointment on specific questions be lowered.

Ms. Pence informed the Board that Judge Ortiz would be requested to complete and submit the Application for Reappointment and said that the streamlined application for reappointment would begin with the five magistrates who will be reviewed in the year 2000.

Chairman Wilson commented that sufficient time exists for staff to prepare a draft of the streamlined application for reappointment for subsequent review and revision prior to the upcoming reappointments in 2000.

Boardmember Shipley referred to question 18b and said that if the answer is a positive one, perhaps this category should also state "If so, which positions and when did you resign?" and then "If not, please give reasons."

Vice Chairman Hart also recommended that the questions on the streamlined application be extremely specific and that instructions to the candidate direct them to carefully review their previous application and emphasize that any changes to any of the responses in the application must be noted in the supplemental application. Vice Chairman Hart added that there should also be a signature line and a notation where the applicants certify that there are no changed circumstances, facts or occurrences that have occurred since the filing of their original applications.

Boardmember Shipley suggested that the sheet entitled "Authorization for Background Checks" be amended to include a line for the applicants' e-mail addresses.

Ms. Pence encouraged the Boardmembers to review the materials they have been provided and submit all recommendations and revisions to her for discussion at a future meeting.

Boardmember Shipley also noted that 72% of the magistrate positions expire on the same date and recommended that thought be given to staggering the terms.

Chairman Wilson requested that Ms. Pence convey Mr. Shipley's concerns to the Council and said that this matter has been a topic of discussion among the members of the Board.

3. Review and consider a contract with Research and Information Specialists, Inc. to perform judicial surveys from March 1, 1999 – February 29, 2000.

In response to a question from Chairman Wilson, Ms. Pence clarified that the payment for services amount in the City of Mesa Personal Services Contract for Judicial Surveys and Evaluations to be performed by Research and Information Specialists, Inc., should read "up to \$12,000" rather than the current "sum of \$12,000." Ms. Pence noted that the charges to the City will be based on the amount of time the consultant devotes to the project and expressed the opinion that the amount is reasonable in view of the amount of work to be accomplished.

In response to a comment from Ms. Pence regarding the fact that the actual printing of the surveys will be done in-house, Boardmember Shipley recommended that staff perform a cost analysis to determine whether duplication services could be provided by the consultant at a lower cost.

Ms. Pence informed the members of the Board that the contract has been reviewed by the City Attorney's office.

It was moved by Vice Chairman Hart, seconded by Boardmember Keppel, to recommend that the City of Mesa enter into the proposed contract with Research and Information Specialists Inc., for the purpose of conducting judicial surveys and evaluations.

Chairman Wilson declared the motion carried unanimously by those present.

Chairman Wilson referred to the survey forms and noted that on page 3 of 3, the last item states "The only comments that will be considered by the Judicial Advisory Board are those taken from this survey and those given at the public hearing which will be held in May." Chairman Wilson noted that the Board previously reviewed and considered signed letters that were forwarded to them and did not limit the deliberations to the survey and the public hearing. Chairman Wilson stressed the importance of allowing the Board to review signed letters that are forwarded to the Board regarding the applicants.

It was the consensus of the Board that signed letters regarding applicants will be reviewed and considered by the members of the Board.

Discussion ensued relative to the fact that anonymous letters will not be reviewed by the Board and the fact that as done previously, anonymous comments on the survey will be distributed only to the magistrate seeking reappointment and to the Judicial Advisory Board.

Vice Chairman Hart recommended that the above listed paragraph referred to by Chairman Wilson be amended to state "Your comments are very important and will be considered by the Judicial Advisory Board along with those given at the public hearing which will be held in May" to encourage survey respondents to provide information.

In response to a question from Boardmember Kerr, Ms. Bleyle advised that attorney surveys will be mailed out rather than distributed at the time of the various trials. Ms. Bleyle added that despite the number of times attorneys have appeared before the judges, they will only receive one survey to complete and the survey will have a place for them to indicate how many times during the past year they have appeared before the particular judge being surveyed.

Boardmember Kerr recommended that the juror's survey form be amended to thank the jurors for serving in that capacity and include a statement requesting that the jurors rate the court procedures/administration as well as judicial performance.

Ms. Barrett questioned whether she would receive feedback relative to the jurors' survey forms and added that the Court is in the process of developing a feedback form for jurors to report the manner in which they were treated by staff.

Chairman Wilson stated that the Board is willing to proceed with the surveys, which will include the recommendations provided this date by the members of the Board.

4. Consider the procedure for review of reappointment of Magistrate Victor Ortiz.

Chairman Wilson stressed the importance of providing citizens with an opportunity to attend the May 5, 1999 public hearing and provide comments and stated the opinion that the public hearing should be scheduled for 6:00 p.m. on that date. Chairman Wilson added that following the public hearing, a formal interview will occur, followed by Board deliberations.

Ms. Pence recommended that the Board meet during the month of March but stated that at this time it does not appear that an April meeting is necessary.

Discussion ensued among the members of the Board and it was determined that the next meeting of the Judicial Advisory Board will be held on Wednesday, March 17, 1999 at 8:00 a.m. followed by the May 5, 1999 public hearing/interview for the reappointment of Magistrate Victor Ortiz.

5. Adjournment.

It was moved by Boardmember Keppel, seconded by Vice Chairman Hart, that the meeting of the Judicial Advisory Board adjourn at 9:05 a.m.

Carried unanimously.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 3rd day of February 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK