

JUDICIAL ADVISORY BOARD MINUTES

December 5, 2007

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 December 5, 2007 at 7:49 a.m.

COMMITTEE PRESENT

Marlon E. Branham, Chairman
David M. Talamante
Scott Rhodes
Murray G. Snow

COMMITTEE ABSENT

Michael B. Cowan
Stella Hunsaker
Linda Rottman

STAFF PRESENT

Kathleen Broman
Michael Claspell
Pat Granillo
Matt Tafoya
Paul Thomas

(Chairman Branham excused Boardmembers Cowan, Hunsaker and Rottman from the entire meeting.)

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

1. Introduce new Boardmember.

Deputy City Clerk Michael Claspell introduced newly appointed Boardmember Scott Rhodes, Designee of the State Bar Board of Governors.

Mr. Rhodes provided a short synopsis of his professional background.

Chairman Branham welcomed Boardmember Rhodes to the Judicial Advisory Board.

2. Elect Chair and Vice Chair.

It was moved by Boardmember Snow, seconded by Boardmember Talamante, that Chairman Branham be reappointed Chairman of the Judicial Advisory Board.

Chairman Branham stated that because of his busy work schedule, he would respectfully decline the nomination.

It was moved by Boardmember Snow, seconded by Boardmember Rhodes, that Boardmember Talamante be appointed Chairman of the Judicial Advisory Board.

Chairman Branham declared the motion to appoint Boardmember Talamante Chairman of the Judicial Advisory Board carried unanimously by those present.

It was moved by Chairman Talamante, seconded by Boardmember Rhodes, that Boardmember Snow be reappointed as Vice Chairman of the Judicial Advisory Board.

Chairman Talamante declared the motion to reappoint Boardmember Snow Vice Chairman of the Judicial Advisory Board carried unanimously by those present.

3. Approve the minutes from the March 7, 2007 Board meeting.

It was moved by Vice Chairman Snow, seconded by Chairman Talamante, that the minutes of the March 7, 2007 meeting be approved.

Chairman Talamante declared the motion carried unanimously by those present.

4. Hear an update on the Mesa Municipal Court from Presiding City Magistrate Matt Tafoya.

Presiding City Magistrate Matt Tafoya addressed the Board and provided a brief status report on the Mesa Municipal Court. He expressed appreciation to his staff for their professionalism and in particular, acknowledged Court Administrator Paul Thomas, Administrative Support Assistant III Susan Bozile and Deputy Court Administrators Lenny Montanaro, Albert Lemke and Janie Moreno for their efforts and hard work.

Magistrate Tafoya distributed copies of an architectural drawing depicting the new Mesa Municipal Court Building. He explained that the building has been designed to provide increased automation and greater efficiency in the processing of cases. Magistrate Tafoya also advised that construction is scheduled to begin in May 2008, with a tentative completion date of May 2010. He added that on July 1st of this year, an arraignment court was established for the purpose of centralizing all such proceedings into one facility.

Magistrate Tafoya further reported that the Mesa Municipal Court was one of only six courts invited to participate in a Driving Under the Influence (DUI) pilot program implemented by Arizona Supreme Court Chief Justice Ruth McGregor. He stated that the program was recently completed and that the statistics generated by the various courts were transmitted to the Supreme Court for analysis. Magistrate Tafoya also spoke regarding the Court's goal to obtain a 100% completion rate of its DUI cases within 180 days.

Magistrate Tafoya highlighted the "Good to Great" Project, which includes the development of specific performance standards for the Mesa Municipal Court. He also noted that the "CourTools," which have been identified as the model core performance measures, would be accessible via the Court's computer system so that citizens could review the Court's performance in a variety of areas. He noted that some of the services currently available online include making payments, rescheduling hearings, and posting bond (with the exception of domestic violence cases).

In response to a series of questions from Chairman Talamante, Magistrate Tafoya clarified that a Pro Tem judge is currently assigned to the arraignment court for a period of three months, after which time another Pro Tem judge would be rotated into that position. He also stated that the Mesa Municipal Court employs five Court interpreters, of which two have obtained Federal Court certification.

Chairman Talamante expressed appreciation to Magistrate Tafoya for the update.

5. Review notebooks and discuss policies, schedule and Work Plan for the Board.

Chairman Talamante stated that each Boardmember was provided information relative to the reappointments of Presiding Magistrate Matt Tafoya, Magistrate Robin Allen and Magistrate Elizabeth Arriola.

Mr. Claspell reported that the notebooks, policies and Work Plan are self-explanatory and that the meeting dates are tentative, pending the Board's approval. He also asked that the Boardmembers review the roster to ensure that all of the information is correct.

6. Review and consider items related to the reappointment of magistrates:

a. Review reappointment schedule

Mr. Claspell advised that the Judicial Advisory Board would consider Presiding Magistrate Matt Tafoya, Magistrate Robin Allen and Magistrate Elizabeth Arriola for reappointment in 2008. He explained that the reappointment for Magistrates Tafoya and Allen would be for a four-year term and a two-year term for Magistrate Arriola. Mr. Claspell noted, for the benefit of Boardmember Rhodes, that the term for new appointments and the first reappointment is two years and that subsequent reappointment terms are four years.

Vice Chairman Snow inquired if the Board authorized Mr. Claspell to undertake the steps outlined in the Board's Work Plan for the January 2, 2008 meeting, whether it would be necessary for the Board to meet at that time.

Mr. Claspell responded that he did not foresee a problem with Vice Chairman Snow's suggestion. He said that he would be happy to work with Chairman Talamante to send out the Board's inquiry letter to the Arizona Commission on Judicial Conduct and also formally invite the three Magistrates to apply for reappointment to the Mesa Municipal Court.

It was moved by Vice Chairman Snow, seconded by Boardmember Branham, that Mr. Claspell be authorized to complete the various procedures for the above-referenced reappointments (as identified in the Board's Work Plan for the January 2, 2008 meeting), that the January 2, 2008 meeting be cancelled, and that at the February 6, 2008 meeting, the Board be prepared to review the applications for reappointment, assign reference checks and courtroom visits, review survey results, and finalize and assign interview questions for said reappointments.

Boardmember Rhodes stated that approximately ten years ago, his law firm was retained to conduct an investigation of the Mesa Municipal Court and two of its judges, including Magistrate Allen. He explained that he was extensively involved in the process and appointed as the Special City Attorney to represent the Judicial Advisory Board in making its recommendation to

reappoint Magistrate Allen following the investigation. Boardmember Rhodes added that although he does not believe he has a conflict of interest in this regard, he felt it was appropriate to make such a disclosure.

In response to a question from Vice Chairman Snow, Boardmember Rhodes clarified that when he was appointed the Special City Attorney for the Judicial Advisory Board, he was "open" to the Board's decision concerning Magistrate Allen's reappointment. He noted that he could maintain an open mind with respect to the current reappointment as well.

Chairman Talamante called for the vote.

Chairman Talamante declared the motion carried unanimously by those present.

7. Discuss reappointment application.

Senior Human Resources Analyst Kathleen Broman stated that she provided the Boardmembers with a copy of the Reappointment Application for their review. She explained that in 2004, staff worked in conjunction with Presiding Magistrate Tafoya to streamline the application.

Chairman Talamante said that it was the concurrence of the Board that the current Reappointment Application be utilized for the upcoming reappointments.

8. 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)).

(The Board did not convene an Executive Session.)

9. Scheduling of meetings and general information:

Chairman Talamante stated that the next meeting of the Judicial Advisory Board would be held on February 6, 2008 at 7:45 a.m. in the Lower Level Council Chambers, 57 East 1st Street.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

It was moved by Vice Chairman Snow, seconded by Boardmember Branham, that the meeting of the Judicial Advisory Board be adjourned at 8:25 a.m.

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 5th day of December 2007. 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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