



JUDICIAL ADVISORY BOARD MINUTES

March 22, 2017

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 22, 2017 at 4:30 p.m.

BOARD PRESENT

David P. Brooks, Chairman
Margaret Downie
Pat Esparza
Robin Harris
Peter Lesar
Teresa Sanders
Wade Swanson*

BOARD ABSENT

None

STAFF PRESENT

Michael Claspell
Nicole Fazzio
Alfred Smith
Matt Tafoya

*(Boardmember Swanson participated in the meeting through the use of telephonic equipment.)

1. Approve minutes from the February 6, 2017 meeting.

It was moved by Boardmember Lesar, seconded by Boardmember Downie, that the minutes from the February 6, 2017 board meeting be approved.

Chairman Brooks declared the motion carried unanimously.

2. Convene an Executive Session.

It was moved by Boardmember Harris, seconded by Boardmember Esparza, that an Executive Session be convened at 4:33 p.m. to discuss information regarding magistrate appointment candidates and the reappointment process.

Chairman Brooks declared the motion carried unanimously.

a. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law [A.R.S. § 38-431.03(A)(2)]

1. Information Regarding Magistrate Appointment Candidates and the Reappointment Process (interview questions, and survey results)

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

(At 5:00 p.m., the Executive Session recessed and the Board reconvened their regular meeting.)

4. Conduct a public hearing to receive comments on the reappointment of Magistrate Craig Fujii.

Chairman Brooks declared the public hearing open at 5:08 p.m. for the purpose of receiving comments on the reappointment of Magistrate Craig Fujii.

Presiding Magistrate Matt Tafoya addressed the Board and stated that Magistrate Fujii is extremely dedicated to his job and to the delivery of justice. He emphasized that Magistrate Fujii spends a great deal of time reviewing his cases and writing his opinions. He noted that Judge Fujii's civil background and experience in private practice has been a benefit to the entire court. He stressed that Judge Fujii is patient, kind, constantly seeking to improve himself and is a great judicial officer. He urged the Board to recommend the reappointment of Magistrate Fujii to the Mesa Municipal Court.

Chairman Brooks thanked Presiding Magistrate Tafoya for his comments.

Chairman Brooks stated that there being no further citizens wishing to address the Board, he declared the public hearing closed.

5. Interview Magistrate Craig Fujii for reappointment.

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

Chairman Brooks thanked Magistrate Fujii for his input.

6. Conduct a public hearing to receive comments on the reappointment of Magistrate Valerye Boyer-Wells.

Chairman Brooks declared the public hearing open at 5:51 p.m. for the purpose of receiving comments on the reappointment of Magistrate Valerye Boyer-Wells.

Presiding Magistrate Matt Tafoya recommended the reappointment of Magistrate Boyer-Wells. He noted that since her last reappointment evaluation, he has seen Magistrate Boyer-Wells excel and exhibit confidence and passion for her position. He further noted that she has a strong desire to understand each situation and to ensure that all those visiting her courtroom understand the process and will, if needed, repeat or clarify points. He commented that Magistrate Boyer-Wells is excellent in jury trials, maintains control of her courtroom and thoroughly enjoys being a judge.

Chairman Brooks thanked Presiding Magistrate Tafoya for his comments.

Chairman Brooks stated that there being no further citizens wishing to address the Board, he declared the public hearing closed.

7. Interview Magistrate Valerye Boyer-Wells for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Magistrate Boyer-Wells.

Chairman Brooks thanked Magistrate Boyer-Wells for her input.

8. Conduct a public hearing to receive comments on the reappointment of Magistrate Lisa Johnson.

Chairman Brooks declared the public hearing open at 6:32 p.m. for the purpose of receiving comments on the reappointment of Magistrate Lisa Johnson.

Presiding Magistrate Matt Tafoya addressed the Board and stated that Magistrate Johnson's legal knowledge and application of the law is unquestioned. He emphasized that he has observed Magistrate Johnson on numerous occasions and noted that she is hardworking and dedicated to ensuring justice. He remarked that he and Judge Johnson had reviewed her survey results and the associated comments. He concluded by recognizing Magistrate Johnson as a great judge in the courtroom who is courteous and polite and one who applies the law in a fair and impartial manner. He reiterated his endorsement of Magistrate Johnson.

Chairman Brooks thanked Presiding Magistrate Tafoya for his comments.

Chairman Brooks stated that there being no further citizens wishing to address the Board, he declared the public hearing closed.

9. Interview Magistrate Lisa Johnson for reappointment.

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

Chairman Brooks thanked Magistrate Johnson for her input.

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

It was moved by Boardmember Harris, seconded by Boardmember Lesar, that an Executive Session be reconvened at 7:14 p.m.

Chairman Brooks declared the motion carried unanimously.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. [A.R.S. 38-431.03(A)(1)]; Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law [A.R.S. § 38-431.03(A)(2)]

1. Reappointment of Magistrate Craig Fujii
2. Reappointment of Magistrate Valerye Boyer-Wells
3. Reappointment of Magistrate Lisa Johnson
4. Information Regarding Magistrate Appointment Candidates (consumer reporting agency reports and survey results)

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

(At 8:36 p.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

12. Discuss and make recommendations to the City Council on the reappointment of Magistrate Craig Fujii and Magistrate Lisa Johnson for two-year terms and Magistrate Valerye Boyer-Wells for a four-year term.

Chairman Brooks stated that the Board has reviewed Magistrate Fujii's application, survey results, references, and visited his courtroom as part of evaluating his performance. He commented that Magistrate Fujii is a great candidate for reappointment. He noted that Magistrate Fujii's civil background has served him well in articulating his decisions and is a skill he can use to help his colleagues on the bench. He encouraged Magistrate Fujii to continue to find ways to improve and specifically suggested that the use of a wireless microphone. He concluded by congratulating Magistrate Fujii and noted that the Board looked forward to his continued service on the bench.

It was moved by Boardmember Lesar, seconded by Boardmember Harris, to recommend the reappointment of Magistrate Craig Fujii for a two-year term.

Chairman Brooks declared the motion carried unanimously.

Boardmember Lesar stated that the Board has reviewed Magistrate Boyer-Wells' application, survey results, references, and visited her courtroom as part of the evaluation process. He described Magistrate Boyer-Wells as passionate, a team player, a good listener and a judge who strives to serve the best interests of the community and those appearing before her. He noted that Magistrate Boyer-Wells is engaged in the courtroom and endeavors to understand the circumstances and will seek clarification when necessary. He emphasized that Magistrate Boyer-Wells is "about the people, not just the cases" and is engaged with the community and serves as a mentor to the next generation of lawyers and judges. He highlighted the fact that since her previous reappointment evaluation, Magistrate Boyer-Wells has engaged in self-reflection and has grown professionally as her recent survey results show both tenacity and a commitment to improvement. He concluded by acknowledging the high volume of cases and busy calendar Magistrate Boyer-Wells faces and encouraged her to explore options for effectively moving her cases and calendar forward, but noted that she should maintain the "personal touch."

Boardmember Downie commented that Magistrate Boyer-Wells has been challenged to improve her survey scores and the associated comments during her previous reappointment evaluation. She emphasized that Magistrate Boyer-Wells rose to the occasion and that her attitude was exemplary in taking the constructive criticism offered by the Board. She noted that the recent survey results illustrate the fact that she took the Board's recommendations seriously, which gives the Board great confidence in her.

It was moved by Boardmember Downie, seconded by Boardmember Sanders, to recommend the reappointment of Magistrate Valerye Boyer-Wells for a four-year term.

Chairman Brooks declared the motion carried unanimously.

Chairman Brooks stated that as with all judges, the Board takes its job seriously to ensure the best judges are recommended to the City Council for their consideration. He explained that the Board has reviewed Magistrate Johnson's survey results, interviewed references, visited her courtroom, and evaluated the information provided with her application. He noted that Magistrate Johnson's strengths include a great legal skill and ability, and the perception that she is a hard worker which was validated by her peers. He emphasized that Magistrate Johnson's survey results were not insignificant and should not be discredited and the lawyers perception of her decisions are issues worth thinking about. He stated that the Board anticipates improved survey results over the next two years. He concluded by noting that the Board believes she has great skill and she can evolve in a way that will benefit those who appear before her.

Boardmember Harris stated that he enjoyed visiting Magistrate Johnson's courtroom and that he sees greatness and potential in her. He noted that Magistrate Johnson has a great opportunity to reflect on input provided by professionals appearing in her courtroom who expect fair and appropriate judgements. He commented that Magistrate Johnson is hardworking, smart and talented and encouraged Magistrate Johnson to create her own plan for improvement.

It was moved by Boardmember Downie, seconded by Boardmember Esparza, to recommend the reappointment of Magistrate Lisa Johnson for a two-year term.

Chairman Brooks declared the motion carried unanimously.

13. Discuss and consider granting Chairman Brooks the authority to review and approve the minutes from today's meeting and forward to the City Council for acknowledgement.

Chairman Brooks explained that this item was included on the agenda so that the City Council could receive the minutes in a timely manner.

It was moved by Boardmember Esparza, seconded by Boardmember Lesar, to grant Chairman Brooks the authority to review and approve the minutes from the March 22, 2017 Judicial Advisory Board meeting and to forward the minutes to the City Council.

Chairman Brooks declared the motion carried unanimously.

14. Adjourn.

It was moved by Boardmember Sanders, seconded by Boardmember Esparza, that the meeting of the Judicial Advisory Board be adjourned at 8:54 p.m.

Chairman Brooks declared the motion carried unanimously.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 22nd day of March 2017. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK