



JUDICIAL ADVISORY BOARD MINUTES

February 3, 2014

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, 2014 at 7:47 a.m.

BOARD PRESENT

Peter Lesar
Kate Ali'varius
Phil Austin
David Brooks
Margaret Downie
Robin Harris
Teresa Sanders

BOARD ABSENT

None

STAFF PRESENT

Teri Overbey Brown
Michael Claspell
Matt Tafoya
Paul Thomas

1. Approve minutes from the November 4, 2013 Board meeting.

It was moved by Boardmember Ali'varius, seconded by Boardmember Harris, that the minutes from the November 4, 2013 Board meeting be approved.

Chairman Lesar declared the motion carried unanimously.

2. Items from citizens present.

There were no items from citizens present.

3. Review, discuss and take action on items related to the reappointment of Magistrates Michelle Lue Sang and Elizabeth Arriola, whose terms expire June 30, 2014.

a. Applications for Reappointment

Chairman Lesar reviewed items provided by the City of Mesa as follows:

1. Applications for both magistrates
2. Mid-term survey reports
3. Reappointment reports
4. Judicial statistics document

5. Feedback from the Commission on Judicial Conduct
6. Court schedule for both magistrates
7. Sample of interview questions used in the past

Chairman Lesar asked if any Boardmembers had questions or needed clarification regarding the materials. He stated that the Board would discuss the documents in Executive Session.

Responding to a question from Boardmember Downie, Presiding Magistrate Matt Tafoya clarified that Magistrate Arriola's court calendar consists of initial hearings (arraignments) and pre-trials. He explained that Magistrate Arriola does not conduct trials or motion hearings.

In response to a question from Boardmember Brooks, Presiding Magistrate Tafoya advised that Magistrate Arriola's assignment is by choice and noted that she requested the in-custody (Jail Court) area.

In response to a question from Boardmember Ali'varius, Presiding Magistrate Tafoya clarified that the "Average Number of Cases Pending," as identified in the judicial statistics document, varies from one judge to another. He commented that some judges maintain a much tighter court calendar resulting in fewer continuances, while others are more lenient and allow more continuances. He added that some cases require more continuances than others.

Responding to a follow-up question from Boardmember Ali'varius regarding the appeal statistics for the Mesa City Court, Presiding Magistrate Tafoya indicated that in relation to the number of cases handled by the Court, very few are appealed. He also said that reversals are rare, and remarked that most appeals come from the civil traffic area.

4. Convene an Executive Session.

It was moved by Boardmember Brooks, seconded by Boardmember Downie, that an Executive Session be convened at 7:56 a.m. to discuss items related to the reappointment of Magistrates Michelle Lue Sang and Elizabeth Arriola.

Chairman Lesar 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. §38-431.03A(1))

1. Reappointment of Magistrates – Interview questions

(At 8:45 a.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

Responding to a question from Boardmember Ali'varius, Court Administrator Paul Thomas reported that the Court is working with the courts in Chandler and Tempe to find a way to align their dockets to justify the assignment of a Veterans Administration (VA) representative for the East Valley to serve as an active case manager. He explained that the case manager would help connect veterans with various resources and services available through the VA and also manage cases post-disposition.

Mr. Thomas, in addition, remarked that other Valley courts are creating unique courts for veterans, the homeless and the mentally ill. He pointed out, however, that Mesa has taken a different, more clinical approach to connect the needed resources and services to a particular defendant or case.

Presiding Magistrate Tafoya commented on the success of conducting Rule 11 mental health evaluations (for those that may be deemed incompetent) "in house." He stated that prior to this change, the defendants appeared for the evaluations only 10% to 20% of the time, and noted that the "in house" screenings have resulted in an 80% to 90% attendance rate.

Presiding Magistrate Tafoya further discussed the upcoming Veterans StandDown at the Veterans Memorial Coliseum. He commented that through this event, veterans are verified, categorized by need and provided assistance to address several issues. He indicated that the Mesa Municipal Court participates in this event, which will take place on February 14 and 15, 2014.

Mr. Thomas reported that last year, nearly 1,500 veterans with outstanding warrants and other related issues were able to use this event to resolve their situations. He explained that attendees do not come with "neatly segregated issues" and stated that a variety of services, such as those offered by the Social Security Administration and the Motor Vehicle Division, are made available to those in attendance.

Responding to a question from Boardmember Downie, Mr. Thomas clarified that Mesa's Jail Court is the first point of contact for many defendants and is likely the best place to identify a defendant's needs and issues and to coordinate the associated resources to address them.

Mr. Thomas also discussed the fact that the Court has access to Magellan's (mental health services provided for Maricopa County) database. He explained that every morning prior to the start of the Jail Court, Court staff obtains the jail list of individuals who were arrested the previous night and checks the list against Magellan's database. He went on to explain that if a defendant has an active mental health case in the Magellan database, the information is provided to the Jail Court prior to the start of proceedings so that the City Prosecutor and the Public Defender can be made aware of the circumstances regarding the defendant.

In response to a question from Boardmember Austin, Mr. Thomas reported that the Court is trying to develop the best way to identify a veteran when a defendant enters the Court system. He commented that the goal is to try to identify up front all the available resources and connect those individuals in need with the appropriate resources. He added that it is easier for a prosecutor to suggest and discuss diversion programs and other options with the defense if the resources are already in place.

In response to a question from Boardmember Downie, Mr. Thomas remarked that while it may be inappropriate to ask a staff member to judge a magistrate's ruling, it would be fair to solicit feedback from staff regarding a judge's temperament, demeanor and the treatment of the defendants and others in his or her courtroom.

Discussion ensued relative to the Court's efforts to identify Court staff that the Judicial Advisory Board could survey in more depth regarding the judges up for reappointment; the use of the existing survey instrument to obtain feedback; and the possible development of additional alternatives by Court staff to solicit additional insight from those who are most familiar with the judges' courtroom operations, interactions and communication skills.

5. Scheduling of meetings and general information:

Next meeting:

Public Hearing and Interview
Magistrate Michelle Lue Sang
March 5, 2014
5:45 p.m., Lower Level Council
Chambers
57 East 1st Street

Public Hearing and Interview
Magistrate Elizabeth Arriola
March 5, 2014
6:15 p.m., Lower Level Council
Chambers
57 East 1st Street

Chairman Lesar stated that the next meeting of the Judicial Advisory Board will be held on March 5, 2014 at 5:45 p.m. in the Lower Level Council Chambers, 57 East 1st Street, at which time the Board would conduct a Public Hearing/Interview of Magistrate Michelle Lue Sang, followed by the Public Hearing/Interview of Magistrate Elizabeth Arriola at 6:15 p.m.

6. Adjournment.

It was moved by Boardmember Ali'varius, seconded by Vice Chairman Austin, that the meeting of the Judicial Advisory Board be adjourned at 9:07 a.m.

Chairman Lesar 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 3rd day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK