



JUDICIAL ADVISORY BOARD MINUTES

October 5, 2015

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 October 5, 2015 at 7:45 a.m.

BOARD PRESENT

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

BOARD ABSENT

Phillip Austin

STAFF PRESENT

Michael Claspell
Nicole Fazzio
Jackie Ganier
Matt Tafoya
Paul Thomas

Chairman Lesar welcomed the Board and City staff to the meeting and excused Boardmember Austin from the entire meeting.

1. Elect Chair and Vice Chair.

Chairman Lesar commented that he had spoken briefly with Deputy City Clerk Michael Claspell and Assistant City Attorney III Jackie Ganier regarding the parameters the City Code sets in electing a Board Chair and Vice Chair. He noted that Ms. Ganier stressed the importance of the Board having a dialogue and gauging the interest of its members in serving.

Discussion ensued regarding the willingness and ability of board members to serve as Chair or Vice Chair.

It was moved by Chairman Lesar, seconded by Boardmember Downie, that Boardmember Brooks be appointed as Chairman of the Judicial Advisory Board.

Chairman Lesar declared the motion carried unanimously by those present.

It was moved by Boardmember Downie, seconded by Boardmember Sanders, that Boardmember Harris be appointed as Vice Chairman of the Judicial Advisory Board.

Chairman Lesar declared the motion carried unanimously by those present.

Chairman Brooks thanked Boardmember Lesar for his service as Chairman and recognized his efforts and dedication related to the Board's work on judicial compensation and the evaluation of

applicants, which resulted in the appointments of Magistrates Peters and Fujii in December 2014.

2. Approve minutes from the August 25, 2014 Board meeting.

It was moved by Boardmember Lesar, seconded by Vice Chairman Harris, that the minutes from the August 25, 2014 Board meeting be approved.

Upon tabulation of the votes, it showed:

AYES – Brooks-Harris-Downie-Lesar-Sanders

ABSTAIN – Esparza

Chairman Brooks declared the motion carried unanimously by those present and voting.

3. Items from citizens present.

There were no items from citizens present.

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

Presiding Magistrate Matt Tafoya expressed appreciation to the Board for their diligence in evaluating the candidates for the vacant City Magistrate positions. He reported that the new Magistrates, Lisa Muth (Peters) and Craig Fujii, are kind, efficient, always willing to help and added that both individuals are assets to the Court.

Presiding Magistrate Tafoya reported that during a meeting with Mayor Giles, the Mayor inquired regarding the status of the Veterans Court and how quickly it would be operational. He stated that after sharing that the Court was waiting for funding for a public defender, the money was made available and the Veterans Court began operation.

Presiding Magistrate Tafoya explained that the Veterans Court is held on the second and fourth Thursday of each month. He said that if an individual does not want to be in the Veterans Court, they will be put into the regular court system. He noted that the Veterans Court has been very successful and remarked that the City Manager, members of the City Council and the Mayor of Gilbert have attended to observe the proceedings. He invited the members of the Judicial Advisory Board to visit and observe the Veterans Court.

Responding to a question from Chairman Brooks, Presiding Magistrate Tafoya clarified that during arraignment, the defendants are asked if any of them are veterans. He explained that for those who respond in the affirmative, information on the Veterans Court is provided to them. He further noted that the prosecutor works with the public defender, with some cases being dismissed and others resulting in a reduced sentence if the defendant is willing to comply with the requirements outlined by the judge. He noted that a group discussion of the various cases is completed by Court staff prior to the opening of the Veterans Court and added that approximately 25 cases can be reviewed prior to the start of the Court session.

In response to a question from Boardmember Lesar, Presiding Magistrate Tafoya reiterated that the Veterans Court is held the second and fourth Thursday of every month at 9:15 a.m. He remarked that members of the Judicial Advisory Board may contact him for an opportunity to

attend a case review meeting. He pointed out that between 50 and 60 veteran cases are handled each month.

In response to a question from Boardmember Downie, Presiding Magistrate Tafoya explained that victims are notified and participate in the Veterans Court process. He stated that if restitution is possible, it is mandatory that it be ordered.

Responding to a question from Boardmember Harris, Presiding Magistrate Tafoya stated that not all municipal courts have established a Veterans Court. He noted that the City of Tempe has a Veterans Court and remarked that steps have been taken to create a Regional Veterans Court that would include Tempe, Chandler, Gilbert, Scottsdale and Mesa. He commented that each participating city would contribute resources to the Regional Veterans Court.

In response to a question from Boardmember Esparza, Presiding Magistrate Tafoya clarified that it is necessary for the Veterans Administration to verify that individuals have served in the military before they are allowed into the program. He stated that the Court will accept all veterans, including those who were dishonorably discharged.

Responding to a question from Boardmember Harris, Court Administrator Paul Thomas stated that the Mesa Municipal Court building has the capacity to accommodate a Regional Veterans Court. He noted that the Court anticipates processing approximately 500 veterans each year.

In response to a question from Chairman Brooks, Mr. Thomas explained that the Veterans Court would not require a full time judge. He noted, however, that it would be necessary for a part-time pro tem judge to increase his work hours to accommodate the Veterans Court.

Presiding Magistrate Matt Tafoya, in addition, reported that the Mesa Municipal Court moved to a new case management system. He explained that the Court was closed for one week in July to accommodate the transition to the new system. He acknowledged that during the initial transition some system glitches were encountered, which caused the E-Court to be taken offline for one month. He noted that this action resulted in numerous calls to the Mayor, the City Council, the City Manager's Office and even 911. He remarked that with the system now fully operational, the use of staff time is much more efficient.

Mr. Thomas reported that the Court found that defendants, who were scheduled for a Rule 11 mental health evaluation for competency to stand trial, were scheduled for a "pre-screen" or initial evaluation at a doctor's office. He noted that the Court was experiencing a 40% no-show rate due to the fact that the defendants did not appear for the scheduled appointments or were unable to locate the doctor's facility.

Mr. Thomas stated that by contracting for the pre-screens to be conducted "in-house" at the municipal level, the no-show rate has dropped to less than 5%. He explained that a proposal to have the Rule 11 evaluation conducted at the municipal level was sent to the Supreme Court for review. He added that the City of Mesa and the City of Glendale are now part of a pilot program.

In response to a question from Boardmember Downie regarding the Rule 11 evaluation, Presiding Magistrate Tafoya explained that a defendant was required to go to downtown Phoenix for an evaluation. When the defendant did not show up, a warrant was issued, the defendant was jailed and kept there until an evaluation could be completed, which could be as long as nine months. He further explained that with the proposed changes, the nine month time

frame would likely drop to two months, the evaluation would take place in the Mesa Court and defendants would have better access to the court system.

Responding to a question from Boardmember Lesar, Mr. Thomas clarified that a doctor could be consulted regarding a full Rule 11 evaluation right away. He further explained that a report could be generated within ten days, the defendant could be back in court within 30 days and the entire process completed within 60 days.

In response to a question from Chairman Brooks, Mr. Thomas stated that with only one evaluation report, the Court expects to realize cost and time savings, an improved case management system and the ability to provide better overall service.

Responding to a question from Boardmember Esparza, Mr. Thomas explained that a tie in with local resources will allow the prosecutor to dismiss misdemeanor charges and use other options, such as diversion, to provide defendants with the help that they need.

In response to a question from Boardmember Downie, Mr. Thomas stated that the Mesa Municipal Court will not take over the management of court-ordered treatment for the seriously mentally ill.

Boardmember Downie commended the Mesa Court staff for their efforts.

5. Review and discuss policies, schedule and work plan for the Board.

Chairman Brooks briefly discussed the materials provided to the Board and noted that the primary document of interest was the Work Plan.

In response to a question raised by Presiding Magistrate Tafoya, Chairman Brooks clarified that the two most recently appointed City Magistrates, Craig Fujii and Lisa Muth, were recommended for appointment by the Board in December 2014 and not scheduled to take part in the 2015 – 2016 reappointment process.

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

6a. Review reappointment schedule.

Chairman Brooks noted that this item was covered under agenda item 5.

7. Scheduling of meetings and general information:

Next meeting:

February 1, 2016, 7:45 a.m.
Lower Level Council Chambers
57 E. First Street

8. Adjournment.

It was moved by Boardmember Esparza, seconded by Boardmember Sanders, that the meeting of the Judicial Advisory Board be adjourned at 8:46 a.m.

Chairman Brooks 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 5th day of October 2015. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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