

# DRAFT

## MINUTES OF THE CITY OF GLENDALE JUDICIAL SELECTION ADVISORY BOARD

THURSDAY, FEBRUARY 18, 2016

**Municipal Complex  
5850 West Glendale Avenue  
6:00 p.m. – Room B-3**

MEMBERS PRESENT: Christina Rubalcava, Chair  
Dr. Frank Sisti, Vice Chair  
Justice Ann Scott Timmer, Member  
Judge Randall Warner, Chair  
Justin Beresky, Member  
Marc Eaton, Member  
Nora Greer, Member  
Judge Elizabeth Finn, Non-Voting Member  
(Attended by teleconference)

STAFF PRESENT: Debbie Burson, Assistant HR Director  
Katie Douglas, JSAB Staff Representative

### CALL TO ORDER

Chair Christina Rubalcava called the meeting to order at 6:09 p.m.

### APPROVAL OF MINUTES FROM NOVEMBER 17, 2015 MEETING

Member Judge Randall Warner moved to approve the minutes as presented and Board Member Justice Ann Scott Timmer seconded the motion. It was voted unanimously to approve the Minutes as presented.

### OATH OF BOARD CHAIR CHRISTINA RUBALCAVA

Christina Rubalcava, who became JSAB Chair on November 29, 2015, took her oath at this time.

### OATH OF BOARD VICE CHAIR DR. FRANK SISTI

Dr. Frank Sisti, who became JSAB Vice Chair on November 29, 2015, took his oath at this time.

### BOARD ORGANIZATION

Chair Christina Rubalcava announced she was moving to Flagstaff and therefore, would be vacating her position on the Board with the conclusion of this evening's meeting. She advised the Board that in accordance with JSAB bylaws, Vice Chair Dr. Frank Sisti would fill the seat of Chair for the remainder of the unexpired term. Dr. Sisti's initial term as Chair will expire November 29, 2016. He is eligible for two additional one-year terms.

### BOARD ORGANIZATION

Chair Christina Rubalcava requested nominations for Vice Chair of the Judicial Selection Advisory Board. Member Ann Scott Timmer nominated Member Justin Beresky to fill the Vice Chair role. Member Nora Greer seconded the motion and it was voted unanimously to elect Justin Beresky as JSAB Vice Chair. Mr. Beresky's initial term as Vice Chair will expire November 29, 2016. He is eligible for two additional one-year terms.

### PRESENTATION OF IN-HOUSE COLLECTION PROCESS FOR JSAB SURVEY RECIPIENT LISTS

Chair Christina Rubalcava stated there were some questions at the previous meeting regarding how the survey lists were being compiled. She stated Judge Elizabeth Finn would discuss the matter with the Board.

Judge Finn reviewed the "In-house Recipient Data Gathering Process for JSAB Surveys" document which was provided to each Board Member. She stated that in the case of pre-trial dates, staff will physically look into the courtroom to confirm which judge was on the bench. This will be done to ensure those surveyed actually appeared before the judge being surveyed. In regard to non-jury trials, she stated that during the prior week there were only four trials that Judge Burkholder presided over so the yield from this type case would be small. Judge Finn also stated that non-jury survey recipients may also include private lawyers in addition to the other respondent groups listed on the handout.

Judge Finn advised the board that while they will include participants from evidentiary hearings and jury trials, the Court typically doesn't have a lot of these in a given time period. She also stated that jurors would receive an "environmental" survey which was

to be completed and collected by court staff as well as the “mail-in” survey which they would be asked to complete and mail in to RIS. She explained the “environmental” survey covered topics such as whether the parking instructions were adequate, whether the room temperature was comfortable, etc. Judge Finn also stated that protective order parties, including plaintiffs and defendants, would not be surveyed.

Judge Finn completed her review of the process and then asked if the Board had questions about the process. Chair Christina Rubalcava asked how they will ensure survey recipients are linked to the judge being surveyed. Judge Finn stated court staff will physically look into the courtroom to see which judge is seated. She went on to say survey forms will be handed to civilian witnesses and jurors at the conclusion of the trial. She further stated the judge’s name will be on the surveys. Board Member Marc Eaton asked why the surveys aren’t online. Judge Finn stated Mr. Riggs with RIS is will to use Survey Monkey, but her staff had not collected email addresses for this current list of survey recipients. When Member Marc Eaton asked why you need email addresses, Judge Finn stated other courts use Survey Monkey. She also stated when other presiding judges are up for reappointment, she receives surveys on them. She noted that by using Survey Monkey, they’d lose a lot of defendants and civilians.

Board Member Nora Greer stated she uses it for the City of Phoenix and she doesn’t find it that good. She stated they only keep it open for a very short period of time. She went on to say, it’s not perfect, but it may be better than a paper survey. Board Member Marc Eaton suggested using a legal based survey. Judge Finn stated there are certain categories of recipients where you could easily use Survey Monkey and reduce postage costs. Those categories are private lawyers, public defenders, police officers, pro temp judges, city court employees, department heads (for Presiding Judge only), and committee members because they all have email addresses. That leaves defendants, civilian witnesses and jurors. She stated for the previous survey, the Supreme Court would not give us access to juror’s addresses, even though they had provided this information in prior years. So, giving them a survey to mail in ensures they at least have the opportunity to complete and return a survey. Vice Chair Dr. Frank Sisti suggested that a kiosk could be used in an area of the courtroom where respondents could complete the survey before leaving the courtroom.

Member Justice Ann Scott Timmer asked if this topic falls under the bylaws or if there is a separate item on the agenda. Katie Douglas stated unfortunately she did not enter the by-laws on the agenda to be voted on by the Board. Chair Christina Rubalcava added that she didn’t catch it. She stated the Board will have to save this item for the next meeting. Member Justice Ann Scott Timmer asked if she could share her suggested corrections to the bylaws. She stated she had one “body” correction to page 10, item 2 in which the word “response” should be changed to the plural “responses”.

Chair Christina Rubalcava thanked Judge Finn and her staff as well as HR staff who helped prepare this document. She stated she has a better understanding of the process and think it sounds good. She further stated she's excited that we'll be able to link the judge's name to the surveys and know that it's correct. Chair Rubalcava also stated she applauds Judge Finn's dedication and thanked her for participating in the meeting by phone despite feeling ill. Judge Finn asked if the Board would be discussing the suggested bylaw changes even though they can't vote on them. Chair Rubalcava stated it was not listed on the agenda for discussion or action, so unless someone disagreed, we will postpone discussion of the bylaws until the next meeting at which time the board may vote on the issue.

Judge Finn stated in terms of what she's proposing in the document dated February 16, with the consensus of the board, this is the path she will take. Chair Rubalcava asked if everyone was in accord. There was no disagreement voiced. Member Ann Scott Timmer asked if the bylaw changes must be approved before Judge Finn and her staff can move forward with collecting data for the surveys. Judge Finn stated she didn't think so and advised the Board that in the future, we could end up with a higher number of defendants as survey respondents. Judge Finn stated her staff would start collecting data on herself and Judge Delgado on March 1, 2016, in preparation for their upcoming reappointment interviews.

Judge Finn stated when she met with the City Judges to discuss the plan for distributing surveys, they stated you could end up with a larger number of defendants than you would for any other of the other categories, such as public defenders private lawyers, etc. She further stated with the last reappointment survey, they surveyed every police officer at two of three police substations. Now, they'll only survey those officers who actually testify in front of the judge.

#### RECOGNITION OF OUTGOING MEMBERS JUDGE RANDALL WARNER, JUSTICE ANN SCOTT TIMMER AND CHAIR CHRISTINA RUBALCAVA

Staff Member Katie Douglas thanked departing Board Members for their contributions, their patience and their dedication to the board as well as their commitment of time and energy and presented each with a plaque of appreciation. She noted that Chair Rubalcava was currently in her fifth year of voluntary service to the Board. Chair Rubalcava served as a Vice Chair and was departing as the Board Chair. She also noted that Member Justice Ann Scott Timmer served two full three-year terms with JSAB and observed that during her time with the Board, Justice Timmer became a Justice of the Supreme Court. As for Judge Randall Warner, she noted that he also served two full three-year terms during which he first became Vice Chair and then Chair of the Board. He also served on the Board subcommittee which reviewed and updated JSAB survey questions for the

presiding city judge survey. In addition, in 2014, he became Civil Presiding Judge at Superior Court.

Member Judge Randall Warner stated Chuck Whitehead, a new judge on their bench, had been selected to fill his seat on the Board. Member Justice Ann Scott Timmer stated she had advised the Chief Justice just a couple days ago that her second term was ending and he was on the hunt for a replacement to fill her seat.

Chair Christina Rubalcava stated she was thankful for the kind words and the plaques. She also stated she was sure she speaks for all of the members when she said that working with everyone here at the city and working with the board members was a great experience. Member Judge Randall Warner stated he'd never done anything with city government and found this is a much different experience for him. He went on to say he'd never sat on the other side of a judicial selection process and that was a real eye-opener for him. He ended with saying it's been a pleasure to serve on the Board.

Member Justice Ann Scott Timmer stated it has been a nice experience. She further stated she now chairs the Pima County Commission to select their judges, so this has been a good experience. She went on to say she couldn't believe six years have gone by.

#### PUBLIC COMMENT

There were no comments from the public.

#### STAFF REPORT

Staff Member Katie Douglas advised the Board the next meeting would likely take place in July or August during which time the Board would consider the reappointment of City Judge John Burkholder. She stated she would begin collecting the appropriate documentation for this process and get the packets to Board Members twenty-one days before the meeting for their review. She further stated once the other new Board Members have been selected, she would reach out to all Board Members to determine a date for the meeting.

Judge Finn thanked outgoing members for all their time and effort put in by outgoing members. She further stated this process wouldn't work if we didn't have people willing to put in their time and engage in the process.

#### BOARD COMMENTS

There were no Board comments.

### CALL FOR FUTURE MEETING

The Board will meet next in July or August 2016.

### NEW BUSINESS

There was no new business.

### ADJOURNMENT

Member Justice Ann Scott Timmer moved to adjourn the meeting and Member Judge Randall Warner seconded the motion. The Board unanimously voted to adjourn and the meeting ended at 6:44 p.m.