

**City of Cottonwood
Judicial Review and Appointments Advisory Board Meeting Minutes**

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Friday, March 20, 2009 at 4:00 PM in the Cottonwood City Council, 826 N. Main Street, Cottonwood, Arizona.

<u>Board Members</u>	<u>Present</u>	<u>Absent</u>
Donna Castillo, Citizen	X	
William Fischbach, Attorney	X	
Randall Garrison, Citizen	X	
Shiloh Hoggard, Attorney	X	
Robert Oliphant Citizen	X	
Deborah Schaefer, Designee of Presiding Judge of Arizona Superior Court, Yavapai County	X	
Justin Vaughn, Attorney	X	
Iris Dobler, Employee/Recording Secretary	X	
Marianne Jiménez, City Clerk	X	

Items of Business

- I. Call to Order – The meeting was called to order by the Chairman, Robert Oliphant, at 4:00 PM.
- II. Roll Call – All members were present.
- III. Approval of Minutes of February 18, 2009 Meeting – Deborah Schaefer made a motion to approve the minutes as amended; Donna Castillo seconded. Motion carried unanimously.
- IV. Introduction of Board/panel members – Iris Dobler, Recording Secretary; Marianne Jiménez, City Clerk
- V. Interviews of short-list of applicants – See attached.
- VI. Adjournment – Shiloh Hoggard made a motion to adjourn the meeting; Donna Castillo seconded; motion passed. Meeting adjourned at 6:30 PM.

Respectfully Submitted,

Iris Dobler
Recording Secretary

V. Interviews of Short-list of Applicants -

Robert Oliphant welcomed the candidates to the City of Cottonwood and gave them general information about the process. The Judicial Review and Appointments Advisory Board (JRAAB) received more than two dozen applications since the position was announced. The Board members have pored through applications at several meetings, and gathered information from various Bar Associations and public authorities in addition to information about independent interviews which brings us to today. All the meetings of the Advisory Board have been held in accordance with Arizona's open meeting law; they've been open to the public, anyone could attend any of our meetings. Notices have been properly posted as required. Under Cottonwood's Ordinance, it seems to me that our task today is to consider whether to recommend all of you, one of you, two of you, three of you, or none of you to the Cottonwood City Council. If we make a recommendation, I think it should be clear that the City Council does not have to accept that recommendation. It may direct us to recommend additional candidates from the more than two dozen applications that we received; it may direct us to do additional recruiting, or it may accept one of the candidates that we forward to it, if we do that. In this area, the final determiner rests with the Cottonwood City Council. We are only advisory and we do not have the final authority. I've been told and anticipate that if we do make a recommendation today, that the City Council has tentatively placed on its April 7th agenda, the opportunity to discuss the recommendation should we make one today. Again, we may or may not. So that's sort of some general background of what we're doing and the limits of our participation in this process.

We are going to follow a procedure today that is used by the Cottonwood City Council for the last several months, which we think is both fair and open and helpful. What we're going to do is we have put together five general questions. We agreed on the five general questions. We are going to ask each of you to respond to the general questions. We're going to rotate the asking of the questions so that one of you will have the opportunity to respond to question #1 first, then the second candidate will be able to respond first to question #2, and we'll rotate you around. On the 5th question, we have a little thing here, and we'll draw someone's name to respond first. We think this will work. We'll be relatively informal; we're trying very hard to be as fair and as open as we can. For your information, we've been using a matrix we've developed to try to help us assess the various applicants as they go through the process. So each of us have the matrix grid system worked out with several points on it which each of the commissioners will be using. At some point after we hear your presentations, and after we hear from the public, we may have sort of a pause here, sort of a little work session while each of the commissioners works on their assessment, on this grid, and then we'll pass our matrix grids down to Iris, who will then add them up, and she'll give us sort of a tally of the points on each of the applicants. It's not final or binding; it's just something we use to help us assess the general reactions to the presentations to the candidates. So that's how we're going to do it. Along with the five general questions, there may also be some follow-up questions from the members of the commission that have questions generated by your presentation or response to the general questions.

I was asked, just for your information, on a technical point, and for the Commissioners, we've been kicking around the open meeting law, and whether or not you can have an Executive Session. Under Rule 8, we're guided by the State Statute, City Ordinance, and then the Uniform Rules that the Arizona Supreme Court uses, in terms of judicial selection. As you might expect, there seems to be a real conflict between our rule and the judicial handout we received, and the State Statute. For this meeting, there will not be an Executive Session for two reasons: 1. we didn't give notice that there would be; and 2. we did receive an opinion from the Cottonwood City Attorney that we would follow the existing Arizona Statute at this point. That statute gives the candidates the option of asking that the discussion be an open forum anyway. So very little is gained by asking for an Executive Session usually in these types of proceedings.

We'd like you to relax, participate, and try to have some fun. I know this is a very important position for our City. I'll share with you, as well as you can responses to our questions. Again, we really appreciate your application, you taking the time to come up here, and we're hoping very much. We'd like to select all of you at this point, unfortunately only one of you eventually, or maybe none of you – we don't know at this point what the City Council will do. But we wish you all good luck. We've put a table up here. You can sit at that table if you would like. When you're answering the questions you can come up here to the podium if you'd like. We'll leave that to your discretion – whatever makes you feel comfortable. So before I begin, anything any of the commissioners would like to add on behalf of the commission? All right, we're ready to ask our round of questions.

Ms. Iris Dobler: Mr. Chairman, excuse me, just in case your name is not on the matrix, please write your name, board member, on the matrix so when I get them I know who they are from and I can get them back to you.

Mr. Oliphant: O.K. So just because I like variety of some sort, I am going to ask Ms. Castillo to ask the first general question and that we would begin with Michael Carroll.

Ms. Castillo: Mr. Carroll, are you ready?

Mr. Carroll: Yes. Where would you like me to sit?

Ms. Castillo: You can either sit there or you can come to the podium, whichever you prefer, whichever makes you more comfortable.

Ms. Castillo: Question #1: What are the most important qualifications that you possess that qualify you for the position of Magistrate in the City of Cottonwood?

Mr. Carroll: I'd say that one, I have over four years experience in the civil courts. I've worked in the Superior courts in the city of Phoenix, and I've worked in the smaller courts, which doesn't come as a big surprise to you. The Mayor will personally assure you that I'm familiar with virtually every issue that has come up in every setting. I have presided over countless jury trials, and non-jury trials. I've issued countless Orders of

Protection. I've been operating a business of my own for 20 years and it's been a valuable experience that could bring knowledge to this courtroom.

Mr. Oliphant: By the way, I'm sorry. I should have also said we have a five minute total time limit to try to keep control of the time and Iris is going to keep track of that so everybody knows this. O.K. Yes sir, anything else you would like to share with us?

Mr. Carroll: Well along with the growth of these experiences, I've learned a lot from being a judge. I've learned the importance of being open and compassionate when necessary. And I think these experiences are very valuable. What I mostly remember of the job in Phoenix, I loved it.

Mr. Oliphant: O.K. Commissioners, on this point, any questions? Oh, I'm sorry, Mr. Vaughn.

Mr. Vaughn: Mr. Carroll, can you describe for us exactly what it is that you have loved about the job that you have done?

Mr. Carroll: Prior to becoming a Judge, I was a Prosecutor for the City of Phoenix. I really enjoyed prosecuting. I'm not sure that I enjoyed it as much as being the prosecutor. One thing that attracted me to the bench and that caused me to love the bench is the lack of the time that was spent in the offices that I prosecuted in. But I will say that, without exception, that the offices I worked in allowed me to exercise my discretion appropriately, and adequately. But there is always an agenda in court. Generally that has not been the case. You're able to rule the way you want to and for what is best and there's not a lot of politics. And it's very attractive. I feel like I've made a lot of contributions as a prosecutor to a permanent solution and it has contributed to the result that as a judge you make the final say and that's significant and that I have acted properly.

Mr. Vaughn: O.K. Thank you, Judge.

Mr. Oliphant: Anyone else? O.K. Thank you very much. We'll ask Mr. LaSota next. And Ms. Castillo. . . Would you like Ms. Castillo to repeat the question, sir?

Mr. LaSota: Sure.

Ms. Castillo repeats Question #1

Mr. LaSota: First of all I think I'm well rounded as an individual and I grew up in a number of different areas. I'm ethical and I'm moral and I know the law. I've been an administrator of my own business for over 25 years. I think that's important to the assigned position here, especially in areas of setting budgets and to work with personnel by EEOC regulations and things of that nature. My undergraduate degree is in accounting, and while I was in that profession I also worked as a dignitary accountant for a lot of medical corporations as well as established accounting services for several

different major hospitals. I finished my undergraduate degree at the age of 19, and started law school at the age of 20. And what I did while I was in law school, was to start my legal experience by working as an intern in an attorney's office. Went to several law clinics while attending Arizona State University, and worked several years in the Arizona Governor's Office. In the administrative realm as an owner/manager/supervisor, setting budgets, policies and everything that goes along with owning your own business. I am sure you are well aware of those skills that go along with that as well. My experience as an attorney is over 30 years with different experiences in a number of different settings. I recently converted a theatre just outside of the Town of Mayer. But the bottom line is that I have 8 years of trial court experience in Mesa and that in Chandler, where I am currently a Judge, I just finished a 2 year term in Scottsdale Municipal Court and 3 longer terms as a prosecuting attorney in Municipal Court. The Municipal Court has also prepared me for the past 30 years and I bring that to the court as well. I also think it's important that a Judge also be involved, especially in a small community like this where there's a great deal of community involvement, as well as involvement throughout the community for years. As far as pro bono activities, I've represented a number of domestic violence victims and also provided them with the understanding of what victims go through when they come to the courts in these matters. I've represented a lot of pro bono cases over the years, a significant, probably thousands of hours of that type of counsel over the last 30 years. I always tried to do at least eight hours a month, and many months it was much more than that. I'm also involved in community work with my horse activities and I'm a soccer coach for my oldest son. I think my people skills in court and these qualifications and skills as a supervisor, working with supervisors and employees under me working with and for me as a judge with defendants and victims. I think I would be able to get along with the City Council well. That's basically my overall qualifications.

As far as my other qualities as a judge, as I said, I adhere to high standards of integrity, honesty, and fairness. I think I have a good judicial temperament. I try to emphasize civility, courtesy, dignity, tact, patience of individuals with the attorneys and victims who come before me. I think I have a personality that is free of arrogance, free of violence, free of prejudice. I try to use body language in court to make sure people feel that their case is being listened to, that understanding of their arguments are and that I'm going to give them a fair shot at things. This is not a hanging courtroom. So they don't feel a decision has already been predetermined. I try to make sure that everyone who comes before me feels they are treated with respect and they feel that they have the hot shot at whatever they are trying to establish. And that regardless of what the outcome is, I want them to feel that they were treated fairly.

I also believe that I am a skilled communicator that I not only can convey my ideas precisely to the individuals who appear before me before the court, but also that I possess the ability to listen and listen carefully and make sure that I understand what's being said and what I need to know at every proceeding. I have a lot of world life experiences that I bring to the Court, and I get along with people. I was an Air Force brat so I have been in many other states and worked with all kinds of people of many different persuasions. I think that's important in court work where any kind of individual minorities can come.

When I've lived in other countries, I've been the minority, so I know how it feels to be in those kinds of situations. I think I'm decisive, responsible, I can effectively manage case loads in the courtroom and, as indicated with the body language, I try to show openness, fairness and I'm a good listener.

Mr. Oliphant: You have about 30 seconds here. Commissioners? All right, Mr. Levin. And would you like the question repeated, sir?

Mr. Levin: Yes, please.

Ms. Castillo repeats Question #1

Mr. Levin: I've been a lawyer for 30 years. Not that I've been a prosecutor. I've been a public defender, I've been a Judge Pro Tem, that's in private practice. So I have, I believe, the required and budgeted knowledge and experience for the board to decide that I can be fair and impartial and that would be some of the most critical characteristics that a judge to be... I'm certainly, based upon my experience, I'm able to listen to the arguments that the respective sides, prosecution and defense or the defendant would be making. I'm able to assess the facts and apply the law, not that I haven't as the number of years that I have. I have been given the knowledge of the law to be able to apply to the various types of cases. As indicated in my resume, I've had experience with the law from misdemeanors to first degree murder cases so that either knowledge will be helpful. I've lived in the Verde Valley for some 30 years. I've watched Cottonwood grow. I've watched the Verde Valley grow up. I've watched Sedona grow, so I have a familiarity with the area and some knowledge about the characteristics of each of the communities which I feel is very important.

Mr. Oliphant: O.K. Any other questions for Mr. Levin? Yes, Mr. Vaughn.

Mr. Vaughn: Having been here for 30 years, sir, what trends do you see and where do you see Cottonwood and the Verde Valley headed?

Mr. Levin: I think it's fair to say that the Cottonwood, Verde Valley and Sedona and the entire area is going to keep growing. More businesses will be coming in; more people will be arriving. Unfortunately, there's somewhat of an economic downturn happening, but I suspect in a few short years that will turn around so that the business of the court in that type of growth will also increase. I think that at this point in time there will be a need to keep up with trends and streamline the court procedures, and provide the type of justice that the community expects to see.

Mr. Oliphant: Commissioners, other questions? All right. Thank you very much. Ms. Miner? Would you like the question repeated?

Ms. Miner: No that's o.k. First, thank you for allowing me this opportunity to come before you. It amazed me when Iris gave me a call. I thought what qualities do I have that would make me a good judge. I believe it is my sense of respecting every individual and

treating people with dignity and courtesy. That's how I was raised. It didn't matter whether it was, I'm from a small town in South Dakota, so it didn't matter whether it was the crazy lady who lived on the corner who cut the toes of her tennis shoes out or the banker. My Mom told me, "You treat both of those people the same. You be polite, you be courteous and you treat them with respect." And, that's how I treat the individuals that come into my courtroom. Every person has a story, every person has a reason why they were coming and they're unfortunate. But it doesn't matter whether it's a perpetrator of domestic violence, which I abhor, he still deserves to be treated with respect by the judge, or whether it's a kid who has been in trouble. That young person deserves to be treated with respect and courtesy.

I would call my judicial temperament, probably firm but fair. I've been a judge in a tribal community, two tribal communities, and maybe that's unique to all of you and it was unique to me as I entered into the world of Indian law. My first three weeks at Standing Rock and Standing Rock is a Lakota-Sioux reservation that sits on the North Dakota and South Dakota border. My first three weeks there was adjusting to challenges, none of this was making any sense! I wondered what the hell is going on and it dawned on me that it wasn't Indian law, it wasn't tribal law; it was that I needed to learn how to listen differently. As a non-native person we tend to be linear. We tell a story and this happened and then this happened, and then this happened. I had to learn to listen in a circular fashion. Once I did that, then things started making sense. So the big dog in the room, the Judge, had to be humbled and be open to learning. Learning a new experience. I went through two elections at Standing Rock. I don't know if any of you are familiar with tribal court judges, but I often say we have the shelf life of melted butter and melted butter tends to last longer than a tribal court judge because we're not part of the tribe. I made it through two elections as a non-tribal person being voted on by tribal lawyers. And it was because they knew they got a fair shake from me, because I listened. Yes, Judges like to talk, lawyers love to talk, that's why we're in this profession. But most importantly, I had to learn to listen. Be respectful. To hear what they had to say. They knew I would listen. I might rule against them, but at least they got to tell their story. But I think that's important, not only in the tribal court but in municipal court where you have many poor savored nuggets. People, by and large, they know what they have done right and they know what they have done wrong and they want to be heard. And yes, you make a decision based upon what you hear.

Mr. Oliphant. You have about 30 seconds.

Mr. Miner: They want to be heard as do I now. I think my best qualities as a judge are that I am fair and decent and responsible. And I thank you for this opportunity.

Mr. Oliphant: Now just a second here. Commissioners? Questions? O.K. Thank you very much. Now you sort of get an idea of how this goes. We're going to start with our next question. That's right, Mr. LaSota, you've got it down. Mr. Fischbach, would you mind taking question #2. Thank you very much.

Mr. Fischbach, Question #2: Tell us about a dilemma you faced in which you had to apply Canons of Judicial Ethics or the Rules of Professional Responsibility, and how you resolved the situation. (Please keep names of clients or parties confidential.)

Mr. LaSota: It wouldn't necessarily be one case in particular, but the consequences of several cases over the years. And I would say that many people have a story and many times I've had the situation come up where defendants come up and they have perjured testimony and they have a certain way of phrasing things and someone asks can I have my sister say such and such, and some are rather insistent on wanting someone to say something on their behalf in a certain situation. The way I usually handle it is to explain to them, and sometimes I'll show them the rules of professional responsibility, that I can't allow them to have perjured testimony, and that since they've told me what they've told me, I know that's what they've intended and I know that that's perjured from what they're telling me, and that they will either not testify, or they will have to terminate my representation of them, or that they'll have to hire someone else to represent them, but that I'm not going to be the person who's going to go against the rules of professional ethics for anybody or any thing. So, I've had that happen several times, and the way I handle it is that I just explain to them that I just don't want to do it. On several occasions I've had to say, "No, I'm not going to continue to represent you." I don't know what their situation is but I offer them the advice or something of that nature and not that the client opposes that but he is still going to try to do what he wants and they are not the appropriate type of motion. It's that place in the rules where you can't say, "Hey Judge, do you want me to perjure myself." But the judge knows the fact that the person has an ethical contract and himself. That's when I'm going to withdraw and essentially take myself off the case.

Mr. Oliphant: Questions? Yes, Mr. Vaughn.

Mr. Vaughn: Judge LaSota, in your experience in serving as a judge, have you had occasions to sit on the bench and have concerns that an attorney might be violating the exact rule under this situation that you've just described that you encountered, and if so, have you had opportunity to address that situation?

Mr. LaSota: I don't think it's come up to the standpoint that I can say that I know that that's what going on. Sometimes when you suspect that that's what's going on, you know attorneys think that I tend to give the person the benefit of the doubt, unless there's something that I can know for sure that that's what they're doing, or maybe something came out. I wouldn't accuse them of it. If it's something there is a concern about, I might try to do a meeting in chambers with the prosecutor if I'm concerned about it, but it hasn't even ever really come to that. Most of the time, I see attorneys have those types of situations come up, I indicate if they are willing to withdraw and you can read between the lines that something like that is going on. But you do not always want the individual out if it's obvious to me that there's something going on there.

Mr. Oliphant: Other questions, o.k? Thank you very much. Let's see, Mr. Lewis.

Mr. Fischbach reads Question #2 again

Mr. Levin: Well, in my practice, for the past 20 some odd years, the problem hasn't come up with some kinds of ethics. The kinds of issues that arise, would be with a client who wants a certain defense or some kind of practice on their own behalf, either because they have manufactured a story or that doesn't go along with the facts and your decision is to whether or not to pursue that or to advise them, based upon your analysis of the case and to learn how to proceed. There have been several instances in my career, where that sort of situation has occurred. Unlike a Judge or perhaps a situation where you're dealing head to head with attorneys all the time and you can see other attorneys and the way they practice. At least in the context that I'm talking about, the general approach that we in the criminal defense partake is that the client has three choices to make: They can decide whether or not to take the plea, whether or not to go to trial, and whether or not to testify if the case goes to trial. Everything else is the decision that the lawyer gets because based upon the strategy and tactics of the law. So in those kind of situations, I've never been faced with having to report something to the bar because I have been able to talk to my client and have the client do exactly what he has to do. Now that doesn't necessarily sit well with clients sometimes. There has been another instance in my career, involved with, not a lawyer but a judge, where unfortunately the Judge was meddling in the rights of my client and the Judicial Ethics Committee, at some point in time, became involved and so there was a situation where because of the behaviors and the decisions that negatively effected my clients, from a Constitutional standpoint the Judicial Ethics Committee pursued an investigation towards this individual and I was involved in that investigation. So if the crux of the questions is that are you sensitive to the Canons of Ethics and the requirements of the law based upon experience and knowledge, then I would have to say that I have some experience in that area.

Mr. Oliphant: Commissioners? Questions? Yes, do you have a question? All right. Thank you very much. Ms. Miner. Would you like the question re-read?

Mr. Fischbach reads the question #2

Ms. Miner: Yes. I had a situation in a divorce trial and a custody issue where in both parents had arranged to go in for drug testing and counsel had shared the results with the mother and when it came to the day of the hearing and the opposing counsel chose to admit my clients drug test results with the court and I look at it and I check it against what I have in my file and they were different. So when the court asked if I had any objections to the tests being submitted, "Yes, Your Honor, I do. May I have a moment, can I have a recess." Spoke to the defense counsel, and showed him what I had and I said, "If you go forward with this, I believe there is a difference. I have an ethical obligation to inform the court of the difference." And I gave him the chance not to do it and we went on. I guess he didn't believe me because he went ahead and submitted it and I approached the court. I informed the Judge and the Judge said he would handle it in a way that he saw fit and that attorney was called before the State Board. It's an unfortunate situation, but I gave counsel the chance not to do it and he proceeded with it. I have a concern about the association with the court in Williams and that the tribal court can have advocates that are

not blocking individuals but according to tribal law they are held to the same professional standards as other attorneys. Often times, I will see what I believe to be a conflict of interest. I will call the advocate forward and explain my concerns to inform her and give her the opportunity to withdraw from representation and they can get someone else appointed to represent the individual or that he or she has a conversation with their client to allow the client to waive the conflict. When you see that, you have to address it and you try to do so in a manner that educates the advocate so he or she is aware of it.

Mr. Oliphant: Commissioners? Questions? Yes, Deborah.

Ms. Schaefer: Does the tribal court have a code of conduct for their judges or something like that?

Ms. Miner: Our rules allow for the judges to follow the State code.

Ms. Schaefer: O.K. Have you ever contacted a court to speak with a judge on behalf of an employee of yours that got a speeding ticket in another court?

Ms. Miner: No. No, if an employee tells me they have speeding tickets I say, "Save your paycheck and slow down."

Ms. Schaefer: Thank you.

Mr. Oliphant: I have a question. When you made the report you gave us, this issue with the lawyer, did you like the lawyer or dislike the lawyer? Or were you attempting to simply enforce the code of professional responsibility? What do you see as your motive behind making the report?

Ms. Miner: I'm ethically obligated to and yes, it was a lawyer that I liked. Hard to believe, yes, lawyers can like lawyers. No, it was a lawyer that I liked and that I had respect for and I was really disappointed. I was really disappointed.

Mr. Oliphant: Commissioner? Thank you very much. Mr. Carroll, Judge. Would you like the question repeated, sir? O.K. got the question.

Mr. Carroll: Unlike Ms. Miner I am not one of those lawyers who just loves to talk. I believe that it was in my best interest to listen. I'm not crazy about talking too much in front of you. But, in answer to your question, I was very fortunate I liked law school. I clerked for the Court of Appeals for a judge that I really admired immensely and he's not in trouble with the board and he taught me so much about the law and about doing the right thing. After that I made it into prosecution and stayed in prosecution until I got the bench. As I alluded to earlier, as a prosecutor I wasn't placed in very many ethical dilemmas. We have ethics, obviously that we have to follow and occasionally we have a situation where you have to respond where you don't believe the case should be charged and the supervisors and the evidence and whatever. I've never felt that this was a dilemma.

As a judge, it was a little different and this may sound like notice, but it kind of shocked me when I sat on the bench in Phoenix in 1986, the first Christmas that we were in Phoenix, it was a very large court. Hundreds of judges and hundreds of staff and a variety of Christmas decorations around. I came in one morning and, probably the Tuesday before Christmas, I found on my desk a tin of cookies from Cookies from Home. I had never heard of "Cookies from Home" but they are a company in Tempe and it was wrapped up and part of it said, "Best Wishes for the Season" and it was from a local law firm. So I took it out to the bailiff and I said, "We can't accept this." And she said, "We've always accepted this. We've done this for years." And I said, "Well, we can't accept this." So I called the presiding judge and said that we could not accept gifts from law firms that practice in this court. He ultimately agreed but it took two years for the court to get over that. And it took even longer for them to get over sending a Hallmark card. It seems insignificant now.

One other issue that happened and it was disturbing to me, but the prosecutors office was very large and they handle hundred of cases, thousands of cases and they had a practice when a case would come down from the Superior Court or from the Appellate Court that was favorable to the States position on an issue that had come before the court. They would go around to the Judge's chambers and they would put a copy of that decision on the judge's chair and the first time that it occurred to me, I asked a judge if this was common and he said yes it was. So I wrote a letter to the city prosecutor and I said, "I understand that this is common practice but I don't want you to do it in my court. Because first of all, it's not your obligation to educate me in the letter of the law and it's my obligation to educate myself in the letter of the law. But more importantly because the prosecutors' office has a continuing presence in the courtroom the defendants have the ability to plant the seeds and even if there might not be a specific case, before this court, this case will find its way in time to this court it will undoubtedly apply to a case in the future. The ability to plant the seed that the defense attorney's and defendants know that and I think that it is a part of good communication and hope the prosecutors know that.

Mr. Oliphant: Give us just a second. Yes, any questions from the commissioners? Thank you very much. Thank you, Judge. All right, well we are moving right along. Question #3. Randy would you mind taking question #3 and I think our order Mr. Levin will be answering first. What is question #3? Mr. Garrison.

Mr. Garrison: The duties of this court require supervision of administration of the judicial and internal administrative functions of the municipal court, including budget preparation, personnel, training, facilities, procurement and finance. Please describe your experience in these areas.

Mr. Levin: Thank you, commissioner. Well, my current position with the spending budget and the deputy court better and in that capacity I have actually had to budget a restriction in regards to the younger attorneys who come into our office. I provide them guidance. My experience with the trials, getting involved with other lawyers and prosecutors, and defenders and other court personnel. So to the extent that I have

managed people in that capacity, I believe that would provide the experience that this court would require. As far as the budgetary judicial responsibilities, I have been a judge pro tem for the City of Sedona for several years and I would have to say that sometimes you don't get that opportunity to sit as a judge. There was a period of time about 4 years ago when I was the interim judge for about 4 months when the City Council was contemplating appointing me Judge so during that time frame I had supervisory experience for court personnel and additional responsibilities and managing the financial affairs of the court, all be it in a very limited way. I have experience that goes back much further as a contracted city attorney for Sedona and have advised and counseled on other commissions and boards. So I believe that I have the ability and experience to manage that aspect of this position. But if you are looking for specific financial responsibilities for managing a large budget, I haven't had any experience in that regard directly, but indirectly I have had my current position with the city's attorney's office.

Mr. Oliphant: O.K. Commissioners? Any questions? Thank you very much. Ms. Miner. Would you like the question repeated. All right, Mr. Garrison.

Mr. Garrison reads question #3 again.

Ms. Miner: When I served as a Junior Judge in the Standing Rock court, I was the one who was ultimately responsible for the budget for the tribal court and in that capacity I had to work closely with the judicial committee which was made up of members from tribal counsel and then ultimately we went before the tribal counsel to help explain what the judicial review what the budget requests were for and to justify it. I'm familiar with working with obtaining Federal funds because the kind of work we're looking at we do receive some State money like the Bourbon Grants or looking at the issuing dept. As well as actively seeking out grants, from the Federal government, state government, private institutions to be run through the court as well as the handles on the casino revenue. In doing so you have the tribal courts as well as other courts aren't always Federally funded. And you need to be efficient and you have to deliver a justice system to the members of the community and so it's a matter of streamlining practices. It was a matter of how do you allocate your limited resources in a wise manner. It didn't mean that you had to cut a clerk because you needed to get a probation officer. And I had to be the one to make those ultimate decisions. And get the blessing through Tribal Counsel. It's always hard when money is tight but you need or are able to bring in computerizing our court records and that entailed getting people trained. I was big on having my staff trained because I felt that they needed that so they could be more effective in their work but also to bring that professionalism to a court system. And that also would bring respect to the community to the court system and so with staff I tried to allocate at least two meetings per year confidence, more staff. I was fortunate that an Associate Judge was brought in two months before and I made sure that she had the opportunity to go to a judicial college in Reno and they do have a Tribal Court section within the National traditional college. So training is important and it needs to be part of a budget. I'm used to being told, "No, we don't have money for it." And then we figure out another way to get it done. I'm familiar with writing grants and overseeing grants even if that means fighting with the Grant Manager back in D.C. to get it approved. To maybe doing something different to

get things done that originally have been proposed. You never know what your court system, what challenges it might face. I don't think two years ago any of us would have been able to see the challenges that we are facing now. The court is facing those now. It has to be more efficient to deliver their justice system. I guess that I would have to make the tough decisions to terminate people but I have to make sure that my record is complete so when I have to make that decision, it was supported ultimately by the tribal council even though it's me doing the firing.

Mr. Oliphant: Commissioners? I have a question or two. How large is that budget that we're talking about?

Ms. Miner: We operated anywhere between a \$1.3 and \$1.6 million dollar budgets.

Mr. Oliphant: How many staff did that involve?

Ms. Miner: We had 16 and it fluctuated anywhere up to 22.

Mr. Oliphant: And your roll again in handling or developing that budget was what?

Ms. Miner: Well, working with the court administrator, and developing what we were going to be looking at what was going to be our salary costs, what all positions that we need filled. A lot of times she would have a temporary position because of maybe funding from a grant or through the 638 confab. It would allow for bringing that person on. And then that money would be gone so how would you continue those two weeks when you were under staffed. It would provide for training, travel, legal research. But there had not been a law library so it was to develop legal research.

Mr. Oliphant: More specifically, in working with the court administrator, what did you see your roll as?

Ms. Miner: My roll was...She looked at the Chief Judge as, "This is your court, what do we need?" And I looked to the court administrator to be the one who ran the actual numbers and to be in charge of the line items. "Tell me where we're at and tell me where we need to go." Our court administrator, the first court administrator I worked with, had been a person who did a lot of 638 work. When I talk about 638 is under the Indian Self Determination Act, finds that under contract with the B.I.A. to do various services. So she knew the 638 regulations as to how you can maneuver within your budget if you needed to move funds from, let's say training, to office supplies.

Mr. Oliphant: Commissioners? O.K. Thank you very much. Mr. Carroll. Would you like the question again or do you got it?

Mr. Carroll: I got it. First of all, in terms of administrative personnel, when I was working at the prosecutor's office, in the field section I was responsible for all of the administrative duties and that assignment involved the hiring and firing of various positions. And I did not do any of that at the County Attorney's Office nor at the

Attorney General's Office. When I became a Judge, I was responsible for my immediate staff; the Bailiff, the Clerk, and those kinds of things. I also, as a Judge in Phoenix, was on the budget committee for a period of approximately 10 years in the early stages of that. So I participated in the courts handling of a budget and also sat for the City Counsel to work out the city's budget and that was the extent of my roll in that.

The other administrative experience I had was, frequently the presiding judge was unavailable or the assistants to the judges who just needed some help so I would lend a hand and help out with the administrative duties involved with managing the court.

Mr. Oliphant: O.K. Yes, sir, Mr. Vaughn.

Mr. Vaughn: But, Judge, what immediate staff did you typically have to manage in your courtroom?

Mr. Carroll: I had a bailiff, a clerk and, of course, a court file person and that was typically the staff.

Mr. Vaughn: And how did you interrelate with them in the court, supervise, train? Could you describe that process?

Mr. Carroll: Training was not so much. A lot of that was done in court. Generally, in the court setting, Judges basically instruct their staff as to how they want things done and the certain standards that they want met and then the staff's responsible for that. If there was a problem with staff, I did not personally hire or fire staff. I would go their immediate supervisor and discuss the problem and see if we could resolve the problem.

Mr. Vaughn: Thank you.

Mr. Oliphant: What was your roll on the budget committee that you were on in Phoenix?

Mr. Carroll: I was one of two Judges that advised as to what things needed to remain in the budget which was weapons to protect us from the courtroom standpoint. There were certain things that were mandated, funds for interpreters, funds for quality benches, and when you do it in years you start with nothing and then you start filling every thing in and, of course, I assume it's the same with most municipalities as the city rules say, "Be prepared to hire and fire some people to cut 10%." And we ultimately had to make those decisions as the court could, both ethically and initially having to cut certain personal.

Mr. Oliphant: O.K. Other questions, Commissioners? Thank you very much, Judge. Mr. LaSota. Would you like the question re-read? O.K. you got it.

Mr. LaSota: As I stated before, I have an accounting degree, so I think that will help with the accounting and the significant number of management questions. While I was in that wretched course of study, I also ended up being so enmeshed in the clemency offices and student teaching in the 17 classes that I was in, that I would end up student teaching anyone who needed assistance in the process. One of the classes that they did teach was

budgetary training and also student budget management classes. As indicated also, I helped prepare budgets for American Medicor Corporation which has hospitals in the San Antonio area and another small town and also with 8 major hospitals that I consulted and other individuals who were part of a team who worked with the management for each hospital and figured out the budgets for each month for going on about 2 years. So I have extensive experience with budgets.

I've had my own office for 24 years now. I have helped the owner/manager, supervising staff. Mostly for the first few years of my practice I did all the employee provisions myself from training the staff all the way down to the receptionist, the legal assistant, as well as attorneys. Probably for about 15 years now I have had a manager who has been at war with individuals such as the receptionists and legal assistants and so I still have a lot of interaction with them. As part of that I still help set up budgets for individuals and I also make sure I stay on top of the EOC rules such as termination policies and following the state rules for personal. I made sure those were enforced according to our policy manual and everybody knew then what the rules were in the office. While I was in the other offices, the prosecution office and other offices I worked in and while working for other attorneys I also had supervision for these other secretaries in those offices and their assistants. As a judge pro tem these past 8 years, I did have supervision experience over clerks and staff at those courts. The Judge Pro Tem experience that I had there wasn't much budget experience it has all been primarily within final practice. As far as setting policy in those offices, I have helped set policies at those offices as far as polices and procedures for personnel as well as setting policy for international goals. There are quite different rules for the International Buckminster Association so there were quite a few different things to learn there because they have quite a few rules and policies.

Mr. Oliphant: Commissioners, questions? The size of your budget? Just give me some idea of the size of the budgets that you have been working with or have worked with.

Mr. LaSota: Well the hospitals, those can be in the range of 15 million plus and the other hospitals, as far as my office, I had up to 15 attorneys at a time so I can't even remember what the top budget was but I am sure it was in the 7 figures. Obviously they were there for a number of years until they downsized and a lot of them started getting pro tem experience so. It's been several years that I have been in the pro tem position in the court systems.

Mr. Oliphant: And your role in the budgeting process, when you talk about the 15 attorneys, was what?

Mr. LaSota: Well, it's my own office so I budgeted everything like the salaries, expenses, the personnel and everything. And I still write the procedures for the medical corporation but it's a much slower scale than the law office is for a major hospital.

Mr. Oliphant: O.K. Commissioners? Anything? Thank you very much. Well, so far so good. We've gone through an hour. You've tolerated us in doing our very best to form

accurate perspectives on this. And we're down to, if I'm correct, Ms. Miner. And Mr. Vaughn, would mind taking question #4? Asking question #4?

Mr. Vaughn: I asked all my extra questions because I figured in this sequence I was going to miss out. I am more than happy to join in. Judge, as the Presiding magistrate you'll be expected to manage the court and its employees, as well as work with the Mayor, City Council and City Manager. If you are selected for this position, what do you think your greatest challenge will be in performing those duties?

Ms. Miner: I think the greatest challenge is, first, getting to know the people. What opportunities will the Judge have to just sit down and visit with the Mayor, visit with the other individuals without people, "Oh my gosh, a Judge is talking to someone!" I believe the challenge is to get to know people and also to maintain judicial independence. That is very important. I come from a system, different than what anyone else is used to, and that is one reason why I truly value judicial independence. In my previous position, my clerks often laughed when they would say to their boyfriends on the phone what was their opinion of how I ruled or whether I ruled incorrectly. I wasn't disrespectful. I would say, "Mr. Chairman, I'm glad you're interested. Any time you want to come over and sit in the courtroom, you're always welcome to. But this is what I heard for the facts and the evidence and that's why I entered the sentence that I made." I never changed a decision despite the threats of "You're going to be removed from office", blah, blah, blah. Well, because I had to look at myself in the mirror every morning. So I always want to make sure that there is judicial independence. I believe I can work with anybody, on anything, at any given time. To be respectful, to listen to what the other people have to say and I hope that they will hear what I have to say. I am a strong advocate for a strong independent court system. It doesn't matter if it's a municipal court, a tribal court or the United States Supreme Court. So I want to make sure that we are adequately funded, that the staff is trained and they have the equipment that is necessary to do their jobs. That they know that they do have the support of the Judge behind them. And to make sure that we are delivering. We're in the business, if you will, of delivering a legal system to the people and to make sure that we are respectful and courteous to the people that come before us and that we provide the answers. When someone comes in, in that we are respectful, even if you were angry when they come in. I believe in dealing with irate people possibly, or people who have a different view. I always try to ask questions. Number one to try to diffuse the situation, but also for me to learn what are they wanting, what are they needing, what am I needing to hear from them. I believe that it is important to meet with the Mayor, who is an elected official. The other city staff that I will be dealing with, to always be respectful to them and listen to what they have to say and to ask questions, so I learn. And I hope that they would ask questions of me so I can explain as well. If you'd like, could you ask the question again and I will explain it well.

Mr. Vaughn: If you like, Judge Miner. (Repeats question #4.)

Ms. Miner: You know, just number one, getting to know the people and once I get to know the people. You know, we all have our little quirks, our little traits and once you

learn those, you're able to avoid the situation when the quirk comes out or that quirk is really a good quirk, how to work with it.

Mr. Oliphant: Commissioners? Questions? No questions, o.k. thank you. Judge Carroll, would you like the questions read again?

Mr. Carroll: What would be the biggest challenge, in terms of staff, I think that the staff would be open in trying to reach a synchronous with the spirit of how the court should operate. I think the biggest challenge in unifying personnel in a Municipal Court of this size and this level is judicial independence. And I say that because I come from a court that was tremendously bigger that I felt had a really good grasp of the separation of the court and the City Council and the City Manager. After a few years I found that not to be so very true and that in certain courts, it seems that as you move down, as you progress down from the United States Supreme Courts, to the Tribal Courts, to the State courts and to the justice and municipal courts, the lines become blurrier in terms of where those lines are and there are times, much to my chagrin, that I felt that the City Council viewed the city court as just another department, much like the Parks department or the waste water department or like the roads department. And it wasn't and it couldn't be, it's not just another department. And I noticed in looking in the organizational chart, the Mayor and the Council and down through the various departments, you have the court off to the side, recognizing that it's not just another department. Many cities for a long time, I'm not sure of the specifics right now, and when I say that it's not that it gives the court the right to do whatever it wants. Obviously the Mayor and the Council and the administration personnel have their vested interest and the funding for the court and seeing that the court is run properly, obviously. When I talk about independence, I'm talking about those things that pop up, especially in small communities. Can the court, can the Judge, rule independently from the bench without influence from the Council, without influence from the police, without influence from literally anyone, can we act independently? And when you get into the smaller communities, it can be very difficult. I remember once at a judicial seminar, speaking, Sam, I forget his last name. He was a Judge and he is still a Judge in the Verde Valley, but a tremendously nice guy and a good Judge. But he was talking about the difficulty working in a small community and the fact that you know people, you know everybody and that they are people that you grew up with and there's a history. It's very difficult to act independently in that setting and I think you really have to struggle with it and you have to know the Council and you have to explain what you feel is important as to what direction that the Council has to give to the court. And I think that those things can be resolved and I think they can be resolved in a very small setting. You've got a very small setting here, there's the City Hall and the police department right next to that and the courts here and you develop a sense of family and sometimes these things are further than they should and the court may be asked to rule. I think that's maybe the most challenging situation in these small town situations.

Mr. Oliphant: Commissioners, questions? O.k. Thank you very much. Mr. LaSota.

Mr. LaSota: I think the greatest challenge to a small town is space and it think in some respects its limited resources and that the City Council of the City of Cottonwood has

now at 11% and a two year bracket and not getting anything and so it's not going to get hurt so much this year and next year as it will the year afterwards. So there's budget cuts on the way, there's salary cuts, a lot of things that are not going to be too pleasant for the personnel working in the court. That raises concerns for the ones who are working with the staff, keeping moral up, letting staff know that I am on their side and I'll do what I can to try to help the situation out and to do what I can to help out. Funding issues for the employees and forecasting getting more funds to try to help the court out so it can do its job. But I think more importantly arriving at the concern of the economy and the limited resources, is making sure that there are the resources for a timely and effective period for the administration of justice. Sometimes there might be an occasion in the law where the City Council might be in a situation where they are trying to cut down on the number of cases and trying to save money, not appoint a court appointed attorney to counsel. A lot of time the City Council will try to pressure the courts in those areas to try to cut down expenses that are provided to the court. So I think it's important not only that your making sure that the rules of justice are followed but that the administration of justice is running as it is supposed to. You should also make sure that the Council protects things and how the City might be budget wise and make sure it doesn't infringe on a persons' right to due process and the right to a fair trial. When it comes to the background, I think the whole purpose that we are here for is to make sure that justice will be served. That doesn't always occur sometimes when you're talking those kind of issues.

Mr. Oliphant: O.K. Commissioners? Alrighty, no. Alright, thank you very much. Mr. Levin. I know, Mayor, what you go through now. Yes sir.

Mr. Levin: I like Ms. Miner's answer. You know in the old days, the general idea behind having Municipal Courts and the Justices of the Peace, was to reflect the values of the community. So you had people from throughout the community sitting as judges in order to do that sort of thing. So I think one of the biggest challenges is going to be balancing the personality of the community with the integrity of the law. We are a community of the law, that's what governs the way in which our society functions. If a Judge is capable of applying the law to the facts on a case by case basis and functioning as a fair and impartial individual, that person should do well. If that's the guiding principle, there shouldn't really be any problems in the Judge's ability to interact with the City Council, the City Manager or any of the other departments, or people in the community. As long as that message is communicated throughout the community and the community is against you, you've been judged in that way. Then that's what will guide the way that the court is run, that's what is going to guide the way the community is and the way it's perceived. That's one of the important things to remember.

Mr. Oliphant: All right. Commissioners? Thank you very much. Now, I know we're to question 5. And for question 5 we're going to have a drawing and be as fair as we can and let's see who goes first. It is Mr. Carroll and then Mr. LaSota and then Ms. Miner. O.K. Question #5, Deborah, would you handle that please?

Ms. Schaefer: This should be one of the easier ones. Can you please tell us about your interest and desire of moving to and working in this community.

Mr. Carroll: My wife and I, in the last few years, have been discussing relocating. We wanted to relocate out of the Phoenix area. We're tired of the heat, we're tired of the pollution, and when I saw it on the community board, I was delighted. I love this part of the state and I think it's absolutely gorgeous and Leslie, my wife, and I came back from Turpin, Colorado and Sunday I drove through Cottonwood just once again to familiarize myself with the area. I thought I had been to Cottonwood countless times and I have to tell you honestly, until I continued on Route 260 instead of making that left that goes up to Mingus Mountain and up to Jerome, I didn't know this part of Cottonwood existed. I truly did not know there was an Old Town Cottonwood and I was amazed. It's amazing that there's this long stretch where you figure it's over. You know there's Sizzler and there's Jack-in-the-Box, not that that's bad but I thought that was where Cottonwood was. And I see this court and then all of a sudden you see this whole new Cottonwood and it's just the right place at the right time and my wife stood outside the courthouse there and said, "That's adorable!" And it is! It seems like a community that cares and it seems like it wants to preserve what it has. I think that's in sharp contrast to Phoenix. I wish they had as much interest in preserving their heritage as Cottonwood has. And I've read about Cottonwood and it sounds like a very interesting place. They have made movies here and I guess I was impressed with that. I guess if they can make a movie here then it's not without its moments. I grew up in a very small town and about 1500 people and I only came to the city because my parents came to the city. I'm not a big fan of the city.

Mr. Oliphant: Any questions, commissioner? O.k. Thank you very much. And Mr. LaSota is next.

Mr. LaSota: I was a horseman from a young age in Phoenix and I started raising horses in 1977. I started looking in the smaller communities in the smaller cities with smaller houses. There's a lot of trails and a lot more land and a lot of affordable land where I can have my horses and I like the smaller rural areas. That's kind of where I was raised. I was raised in smaller cities outside Nellis Air Force and we moved around from Colorado Springs and I moved to Tucson when I was 6 to 10 or 12 years old and it was a very small community. I've lived in Idaho on Air Force bases out in the middle of nowhere and these smaller communities in these rural areas with horses have meant something to me. In the big cities, unfortunately, I lost my son in the wreckage of the big city life so I wanted to get away from that. In a small town, I want to raise my third son and they will be raised in the same schools that your children go to. In the big cities there's the violence and all those other things that go on. Plus the smaller court and coming into a smaller community as opposed to being the big community. I feel that I can make a difference in the lives of people and whether they're defendants or victims. Whether it's the community at large that needs to have a sense of protection and they are going to have a court that will enforce the laws and act justly. I think this is the type of community that's good for me and I think that is good for the community. You know the way you can look at it is like your grandmother married your grandfather and she's taken care of him for the past number of years. Now Grandpa might not have been the best looking man in the world, he may not have had the most money and he may not have had certain

aspects about people before, but I think my skills and my interests and things that I can bring to this community are kind of like Grandpa. Even though he might not have been the most handsome or the most articulate, he's got the overall qualities that are going to best for this community and I think this community has been good for me and I think I have been good for the community. Given that, I think I will be staying in this community for a very long time. I'm in my early 50's now and I can see myself staying in this court for 20 years or longer and hopefully we can get to know each other better as time goes by. This is a place that I want to stay for a long term and get myself into the community and be a valued member of the community for a number of years to come.

Mr. Oliphant: Thank you. Commissioners? Questions? Thank you very much. Ms. Miner.

Ms. Miner: My husband and I have relocate at this time and when I came through this area 30 years ago, when I got a job with the Yavapai-Apache Nation. Now originally we rented a home in Clarkdale, we were right on the Black Hills Drive where the line was with Cottonwood and Clarkdale. And I liked Cottonwood but he thinks it's a big city. I am from Draper, South Dakota, 1100 people and that was on Sale Day. And so Cottonwood to me was just the right size. It had the services that we wanted without the hustle and bustle and the millions and billions of people that are in the valley. I believe South Dakota and North Dakota's population combined is 1.3 million compared to 4 million people in the valley. So Cottonwood to me is a big city but it's a small town. We only lived in the Clarkdale area for about 9 months until we had become acquainted with a real estate agent in Camp Verde who showed us property in Camp Verde. But my neighbors in Clarkdale on Peregrine Lane, they were just like me. You're going, "Oh my God, there's a bunch of them up here. What are we going to do?" But they were just like me in that as we were moving in, people came across the street, "Hello. Where are you from? What are you doing here?" It was just friendly. I've noticed that when I'm in the stores, I'm one of those people that when I'm in the grocery line and there's somebody ahead of me, I'm going to turn around and speak to the person behind me. And people would talk and people would visit and you can learn a lot about people in the Wal-mart or CVS or Walgreens. It's amazing what you can learn. And Cottonwood has that small town flavor but it's got the big town stuff going on and I've felt welcomed here and it's a good place to be and I really would like to serve in your court and this community and this whole group of people.

Mr. Oliphant: Commissioners, questions? O.K. Thank you very much. Mr. Levin. Would you like the questions repeated?

Mr. Levin: I've been an advocate all my life and when you're an advocate you have a totally different way of looking at the law because you're representing people's interests or trying to convince other individuals what you're trying to do. The judicial position is where you have to be balanced and you have to be fair and that's a challenge, that will be something new. That's one of the reasons why I am interested in being appointed to this position. I remember about 20 years ago, prosecuting in this very area. The Judge's office used to be across the street, the police department was just next door. You have to drive a

little bit now but the facility has gotten a lot nicer. But I've grown up in this community, I've grown up in the Verde Valley so I'm acquainted with the issues and the growth. The fact that, in our community, there is a new position, a new challenge, I'd like the opportunity for that challenge.

Mr. Oliphant: Commissioners, questions? All right, thank you very much. O.k. Commissioners, we did agree on five general questions. Do any of you have a burning question that you would like to present to the Board candidates? They've covered, okay, everything is covered. With your permission, I would ask the applicants, is there something we should know that hasn't come out that you think is very important that we should know about you? We could give you each maybe a minute. I mean there isn't something, but something that through our five general questions we have overlooked and we just don't know about. If you wanted to share something for a minute, you could do that. Otherwise, we'll just take it as it is. Yes, sir, go ahead, you have one minute.

Mr. LaSota: All right, this is just a brief thing to share. There was a previous concern about that the Council had on your part about the fact that there had been some bar points or something like that. Those were things that were never filed as complaints. Those were things when I ran a big law office for many years and every kind of complaint from somebody I had to interview, those of you who have had to do that, and just so you know, the way that the State Bar is set up, they look at a complaint as if, if a complaint is true, would it constitute a violation. And obviously, there were no facts to find on any single case to even make it to the first step. So most of the situations about when somebody didn't want to be counseled in their case or they didn't want the hook on the DIU or they didn't get their money back and they didn't want me involved in their case. So you see the flavor of those kinds of things. I just wanted you to know basically how the State Bar was set up and the fact that it didn't go from a letter going across the attorney General's desk to anywhere. Even from reading the letters, that there wasn't anything to the allegations of unprofessional conduct.

Mr. Oliphant: O.K. Any one else want to share anything that you think we should know? O.K. We now open the floor to the public and invite anyone in the public to say anything they would like to about any of the candidates. If there's anyone out there who would like to say anything, you're welcome to come up here. We would probably limit you to about five minutes. Yes, if you will give your name and address. Please.

My name is Jenny Hamilton and I live on ??? And I have been a member of this community for 15 years now. I've had the pleasure of working with Judge Miner over these past few months in my class area. I'm the Educational Services Coordinator for the Yavapai County jails and then I also contract those same services with the Tribe, that's why I'm working with Judge Miner in that way. I can say though, that all four candidates we are very lucky to cause them to be contacted to be candidates for this position and who we choose here today. But I did want to say that I've worked with Judge Miner and she's done a very good job of telling you who she is and displaying who she is. She is...it is an honor for me to work with her. She has the respect of all of her clients who come

before her and they speak very highly of her and the Nation will be very sorry to lose her, should we lose her. Thank you.

Mr. Oliphant: Thank you. Anyone else want to say anything, about anything? All right, we'll close the floor to the public. And we will now begin our own discussions up here. I would ask, with the commissions acquiesces, ask that we spend a few minutes completing the matrix. And when we're completed and with your acquiesces, if you will add up your points and send all of the matrixes to Iris who will give us a total, cumulative point score. This is not definitive, it's just some indication of how the group may or may not feel and we did add a reference section here to the matrix based on the references that we got. Iris did the independent reference checks. Yes, Randy.

Mr. Garrison: Can we take a small break?

Mr. Oliphant: Sure, Randy asked for a small break so we will take about 5 minutes. Is that all right? Everyone is back so we will be back in session and we will just continue working on our matrixes until the commissioners indicated that they have completed them and added them up and are ready to give them to Iris. You've given yours to Iris already, o.k

We can do it both ways. The suggestion by Mr. Vaughn was that do a double sort of ranking here. One we will rank the total scores as Iris is doing. And then if we can rank what each person ranked their person one, two, three, four. So we actually get a dual report, one on the total points per applicant and then the number of ones, twos, threes, and fours based on the individual points of the applicants. Does that make sense?

Ms. Jiménez: Would you like them both?

Mr. Oliphant: Yes, we would like them both ways. So we're working on a dual ranking. How many ranked total scores per applicant and then how each commissioner ranked the applicants one, two, three or four. So we get a dual type of feedback which we hope will give us guidance, it may not. And then we'll see after we get those reports if any of the commissioners, even with the reports, wants to make a recommendation that we forward an applicant to the City Council. Again, thank all of you for your cooperation. So far it's gone very well. And it is tough, it's just tough. So a representative of the court system gets appointed to the commission so we actually have four citizens and three lawyers. I'm a former lawyer so I'm counted as a, I'm actually retired. I'm a "doing nothing" lawyer so I'm a citizen, just an ordinary citizen. A relatively ordinary citizen. All that will be destroyed so give that to Iris down there. Except those documents that are required by the Open Meeting laws and those documents will be retained. And as I said, the Mayor was sitting over there and she was sitting through the whole thing. We only make recommendations. The Council will be the final decision maker in this situation. The decision might be to take more applicants which we enjoy, don't we Donna?

Ms. Jiménez: And the Council will have all the materials for their consideration that were given to us, is that right?

Mr. Oliphant: Yes, that's right. They'll have everything that has been provided and in addition to that, if we do make a recommendation, we will. The ordinance requires a summary of the attributes that we thought the Council should consider for this person. And we're all volunteers.

Mr. Vaughn: We're not getting paid? I never knew that.

Mr. Oliphant: See the lawyers immediately...The most interesting thing about this commission is that we have had 100% attendance at every one of our meetings. And virtually unanimous agreement, strong discussion on things, but eventually unanimous agreement on a particular approach that we should take on an issue. It's really quite rewarding to work with a group of people who are functioning like that, it's really a positive thing.

Mr. Vaughn: And the most difficult thing for this group is trying to do math late on a Friday afternoon. That's always challenging.

Mr. Oliphant: That's right. I would be very challenged if Iris weren't here. We were warned about this Open Meeting law, to be very careful about it. Some of us are on different other boards together and different organizations so we have to be careful. So far I don't think a quorum of us has ever gathered but in a small town, it's an interesting kind of thing. But worry not!

Still working on it. We need to rank everyone as one, two, three or four. We've got the first half done. That's the number of first place with the high scores.

All right, the Chair would entertain a motion from any member of the commission, I'll make these public afterwards so you can see them if you want to. Would entertain a motion to forward to the City Council any one, one person or we can have as many as all of them.

There's a motion to refer Laurie Miner, one of our candidates, to the City Council. Is there a second to that motion? I'll second the motion. Is there discussion?

Mr. Garrison: Yeah, I would, I don't, unless I'm misunderstanding our job, I would prefer we. I personally didn't have any problems with any of the candidates. I would prefer that we create a ranking system and that we push all four of the candidates on to the Council and let them make their choice based on our ranking. I have all my notes during this whole meeting.

Mr. Oliphant: So that would be speaking in opposition to this motion. Yes, go ahead Mr. Vaughn.

Mr. Vaughn: Mr. Chairman, I concur with Mr. Garrison's comments and believe we should discuss the ranking of the four candidates. I believe the courts will be well served with any of the four but I believe that we would likely be able to reach a consensus on the board and with the City Council. I would discourage the motion on that.

Mr. Oliphant: O.k. anything else?

Mr. Garrison: Hopefully on the recommendations and the scores we can essentially come up with.... I would recommend that we send this over to the City Council so that they may make the final selection for the Magistrate which it is their ultimate job to do.

Mr. Vaughn: Is the sheet still circulating that has everyone's rankings? May I have that just for a moment?

Mr. Oliphant: It would appear consistent with the actual numbers. Is there thing further for the record?

Deborah Schaefer: I would just like to state something further. We had a number of very well qualified applicants and those receiving the majority of votes from this Board and moving forward in the process and have interview today. I wanted to say for the record and I want to be clear, that my vote on the nomination for the candidates to be referred to City Council, should not be misconstrued that those interviewees are more qualified than the incumbent. I just feel that I needed to state that for the record.

Mr. Oliphant: Any other discussion on the motion?

Donna Castillo: Going back and reviewing the ordinance #533, it just says that on your State 5-E #1 as soon as possible after voted for, the Board shall deliver it's written recommendation concerning the City Magistrate appointment to the City Council. I rescind my motion of nomination and go with Mr. Garrison's suggestion.

Mr. Oliphant: So you're asking that I take away my second and I shall do that. All right, now there's no motion on the floor. Is there a new motion to be made by any of the commissioners? Mr. Garrison?

Mr. Garrison: I'll defer. I recommend that we forward our order of merits onto the City Council with our rankings and let that speak for itself so that they may make the ultimate determination on the best candidate.

Mr. Vaughn: And I'll second that.

Mr. Oliphant: All right, so as I understand the motion, is to rank the applicants that we have heard today and forward that ranking, along with our comments I suspect to the... Now you didn't say the comments.

Mr. Garrison: I'll amend my motion to include the comments.

Mr. Oliphant: To the City Council. That seems to be the motion. And it is seconded.

Female voice: Just a question. The ranking of all of our numbers compiled together or individually?

Mr. Garrison: Yes, and I would have to say that the final tally, not necessarily our individual ones, because there are going to be minor differences there, but I think once again the final collective tally speaks for the collective wisdom and judgment of the Board here.

Mr. Oliphant: Mr. Vaughn?

Mr. Vaughn: Yes, Mr. Chairman, what I wanted to check and what I've discovered in reviewing the numbers is that the total numerical scores and the rankings resulting from that, are identical to the rankings resulting from the positional scores. In other words, first through fourth. The result is arrived at and so if we're at the point of addressing that openly we can do that, but they're identical.

Mr. Oliphant: They came out to be the same? So that the motion on the floor is that we provide our ranking to the City Council for all four candidates and leave it up to them. And take it from the, is that right? With the comments. All in favor say Aye.

ALL: Aye

Mr. Oliphant: Opposed? (None) O.K. What is the ranking that we send to the City Council? What's on this paper here in front of me.

Mr. Vaughn: I can list out names in order of one through four.

Mr. Oliphant: O.K. Why don't you give us one through four.

Mr. Vaughn: And Mr. Chairman, with your permission, I have been referring to everyone as Judge. The first ranking would be in favor of Judge LaSota, the second ranking would be in favor of Judge Miner, the third ranking would be in favor of Judge Carroll and the fourth ranking would be in favor of Judge Levin.

Mr. Oliphant: And that's both numerically, in terms of total points on our matrix and on the one, two, three, four.

Mr. Vaughn: May I point out that those rankings were different for how each of the members ranked them. They were remarkably close in numbers and in rankings and again we reinforce to the candidates that it's my personal opinion that any one of them would be outstanding to have as the judge for the City of Cottonwood.

Mr. ???: The same goes for me. They are all very qualified candidates. You are all outstanding and qualified.

Mr. Oliphant: That is direction to the Chair. So I will do that, Iris. We will draft something and I will send it to you and you can send it, in terms of commentary, to each member of the Board, without us reconvening and we will forward that to the Council.

I'll tell you the total, top points for something like this was 318, number of points 302 was second number, 292 was third and 284 was fourth. And those point totals are also consistent with the rankings of one, two, three, four. That's very consistent. So I will forward this information to the City Council with comments. Before I send it off you will get an e-mail from Iris so you can comment on it. O.K.? And if there is a need for another meeting, we will hold another meeting if there's not, City Council has already tentatively scheduled this issue for April 7th which would unfortunately require that all four of you return to the City Council if they put it on their agenda since they would want to hear from each of you also. They will be notified by Ms. Jiménez, right? And they may decide only to interview one, two or three. Two, I'm not sure, but they have complete discretion in terms of what they want to do.

Female voice: Do we need to be present for the April 7th?

Mr. Oliphant: We don't need to...as far as I know, we don't need to be present at all, no. If you want to say something publicly at that meeting, you will have an opportunity to do so at that time. It's not mandatory. Does that pretty well cover it, Iris? Ms. Jiménez, Marianne, did we cover what we need to do?

Ms. Jiménez: Yes, if the Chairman wishes be present at the meeting on April 7th, representing the Board.

Mr. Oliphant: I can do that, I hope the Council doesn't say, "You're supposed to do this." But they could also have it remanded back to us for directions to select one, two or three. The Council has total discretion as to what they want to do. So your work is not done and you are all on this commission for at least two years? One year. I got the three, well you're around for a long time. Let's keep all our information, keep it confidential. Let's see what the City Council does with our recommendations to them, o.k.? Yes, sure.

Female voice: I would like to thank Iris Dobler for all the work she has done for us. All the e-mails, all the investigations. I know we shocked her the first night at the first meeting when she found out she was going to have to do all of this for us. She's a trooper. Just thank you from all of us.

Mr. Oliphant: I think I would entertain a motion to adjourn. Any other business that we need to discuss?

Mr. Garrison: If the Council does not reach a decision, can you let us all know via e-mail?

Iris: Yes, I will.

Mr. Oliphant: O.K. Motion to Adjourn.

Shiloh Hoggard: I move that we adjourn.

Donna Castillo: I second it.

Mr. Oliphant: All in favor?

ALL: Aye

Mr. Oliphant: We're adjourned. Meeting was adjourned at 6:30PM.