

City of Cottonwood
Judicial Review and Appointments Advisory Board Meeting Minutes - DRAFT

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Monday, April 4, 2011 at 9:00 AM in the Old Town Substation, 817 N. Main Street, Cottonwood, Arizona.

<u>Board Members</u>	<u>Present</u>	<u>Absent</u>
Donna Castillo, Citizen	X	
Randall Garrison, Citizen	X	
Shiloh Hoggard, Attorney	X	
Lindsay Odell, Attorney (Vice Chair)	X	
Robert Oliphant Citizen (Chairperson)	X	
Deborah Schaefer, Designee of Presiding Judge of Arizona Superior Court, Yavapai County		X
Justin Vaughn, Attorney	X	
Iris Dobler, Employee/Recording Secretary	X	

Items of Business

- I. Call to Order – The meeting was called to order by the Chairman, Robert Oliphant, at 9:00 AM.
- II. Roll Call – A quorum of the membership was present. Deborah Schafer, who has excused herself from the current duties of the Board, because of possible conflicts, was not in attendance.
- III. Approval of Minutes of March 28, 2011 Meeting – Minutes were approved and accepted with one typo correction. Motion made by Shiloh Hoggard; seconded by Lindsay Odell.
- IV. Call to the Public – There were no members of the public present.
- V. Discussion and Approval of Recommendation Report to Council – A discussion about the draft Recommendation was held, with a few changes suggested by various Board members. Board member Justin Vaughn passed out three sheets of paper he had prepared, explaining he felt there were several items of concern the Board had discussed that should be included in the Recommendation Report to Council.

It was agreed that Document A (attached) should be included as Item 26 in the Report.

Justin Vaughn moved; Donna Castillo second that Document B (attached) be included as Item 25, with the following note added: “The Judicial Review and Appointments Advisory Board survey was conducted confidentially. Therefore, the Board was unable to attribute the ratings contained in the Board survey specifically to one group (i.e., Court staff, Police Department staff, City Manager or Pro Tem Magistrates), or to any person within the above listed group.” Motion carried unanimously.

Document C was discussed in depth, with the following points agreed to by the JRAAB:

1. He has admitted to the Commission on Judicial Conduct and the JRAAB that he accessed internet dating services during work hours, even up to “a few hours” at a time.
2. He has admitted to the JRAAB doing personal, health-related internet searches during work hours.
3. He had his work computer hard drive wiped clean.
4. He appeared excessively defensive concerning conflicts with prior staff members.
5. He has had a complete turnover of the entire staff in the last two years.
6. The JRAAB survey included question #19 asking whether the Judge is observing established work hours. The results were three “needs improvement” and one “unsatisfactory” response. (Five respondents to the survey did not rate this question.) [Justin Vaughn moved; Randy Garrison seconded to approve this statement; motion carried.]
7. Judge LaSota’s statement regarding a desire to have long-term employment with the Cottonwood Municipal Court appears in direct opposition to him seeking employment elsewhere. [Lindsay Odell moved; Randy Garrison seconded to add this statement to the Report; motion carried.]
8. His claim of significant financial benefit from new policies was undocumented.
9. The Judge acknowledged that his widespread use of deferred prosecutions may cause some frustration to law enforcement. [Randy Garrison moved; Donna Castillo seconded that wording on this be slightly changed; motion approved.]
10. The Judge reported the Court has been handling approximately double the number of cases as before the Magistrate’s term begin and collections to the City have increased by approximately \$100,000 per year from the year before he took office. (A graph from the City Budget Department, which suggests that the Judge’s estimate might not be accurate, was not produced during the interview with him so the Board could solicit a response. It was produced for the first time at the April 4 Board meeting and the Board asked Ms. Iris Dobler to forward it to Judge LaSota, which was done the next day.)

Several items from the original Document C handed out by Justin Vaughn were deleted from the Report. One item that was removed: motion made to remove by Robert Oliphant; seconded by Lindsay Odell; 3 aye votes, 2 opposed. Another item that was deleted had 4 aye votes, 1 nay vote, 1 member abstained from voting.

- VI. Adjournment – Randy Garrison moved to adjourn the meeting; Justin Vaughn seconded; meeting adjourned at 11:00 AM.

Respectfully Submitted,
Iris Dobler, Recording Secretary

Judge LaSota was found to violate the following rules from the Code of Judicial Conduct:

1.2 A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

3.1 A judge may engage in extrajudicial activities, except as prohibited by law or this code. However, when engaging in extrajudicial activities, a judge shall not:

(A) participate in activities that will interfere with the proper performance of the judge's judicial duties;

...

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality or demean the judicial office;

...

(E) make use of court premises, staff, stationery, equipment, or other resources, except for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

In the performance evaluations, the categories in which there was significant criticism (one third or more of negative comments) and in which improvement is needed include the following:

1. Instructions and directions are easily understood.
2. Demeanor gives confidence in ability.
3. Creates a culture supportive of staff, which fosters individual motivation, high levels of individual and team performance, and quality of service. (only one satisfactory respondent)
4. Interacts harmoniously with the public, co-workers, supervisors, elected officials, and individuals present in the Courthouse.
5. Defines expectations and tasks clearly.
6. Observes established work hours. Observes annual/sick leave requirements.
Communicates with staff regarding unscheduled absences.