

# CITY COUNCIL REPORT



Meeting Date: July 5, 2017  
 General Plan Element: *Provide for the orderly government and administration of the affairs of the City*  
 General Plan Goal: *Appoint Officials*

## ACTION

**Associate City Judge Reappointment.** Discuss, consider, and act on the possible reappointment, including terms of employment, of James Blake, Associate City Judge, to a term of four years, as set forth in the City Ordinance, to begin **September 8, 2017**. Consideration of Judge James Blake's reappointment will include a presentation by Judicial Appointment Advisory Board (JAAB) Chair, Judge Bruce Cohen, and may include, but is not limited to questions between Council and the JAAB representative(s), Donna Brown (HR Director), Judge Blake and/or other relevant staff.

## BACKGROUND

In accordance with Scottsdale Revised Code, Section 9 – 2 (a), City Council shall appoint, and may remove for cause, the city judge, associate city judges and judges pro tempore, as the City Council deems necessary. The JAAB shall make recommendations to the City Council, as provided in Division 13, Article V of city code, relating to the initial appointment or reappointment of the city judge and associate city judges. As established in section 9-2 (b) of the Scottsdale Revised Code, through adoption of Ordinance 4079 on April 30, 2013, reappointment terms lengths for all city judges was amended to four years.

Judge James Blake was originally appointed as an associate city judge on September 10, 2001 and he will conclude his sixth (6<sup>th</sup>) term on the bench at Scottsdale City Court on September 7, 2017.

The Council-appointed Judicial Appointments Advisory Board (JAAB) has completed a comprehensive review of Judge Blake's application for reappointment (Attachment 1) and unanimously recommended reappointment for another term as set forth in ordinance. During the interview, the JAAB noted that Judge Blake was widely praised for his superior legal knowledge, fairness and integrity. In response to being informed by board members that, while improved over the last reappointment in 2013, judicial temperament arose as an area that Judge Blake should continue to improve upon, and it was noted that both the defense and prosecution stated that his rulings were fair and that he took the time to explain his rulings.

Judge Blake offered positive examples he has already implemented in order to improve in this area. One example was that he was taking more time to explain the workings of the court and options available to the defendants representing themselves in a way that would be more understandable and helpful. As Judge Blake spoke with the JAAB members, his compassion for self-represented defendants appearing in front of him was noted, and JAAB members who interviewed Judge Blake four years ago noted the improvement in his demeanor.

No other judicial conduct concerns or issues were identified or discussed by the JAAB during the meeting. Judge Blake's survey scores and public comments were very complimentary of his legal knowledge and ability and were noted as vital to the City of Scottsdale's judiciary. A copy of a letter from Judge Bruce Cohen, JAAB Chairman, conveying the JAAB's recommendation to the Honorable Mayor and City Council Members for Judge Blake's reappointment is attached (Attachment 2).

Two other reference documents are included for Council's review and consideration (Attachments 3 and 4) which include:

- Summary Statistical Data Reports for All City of Scottsdale Judges (as of May 19, 2017) and Current Survey Statistical Data Reports for Judge James Blake;
- Judge Blake's Reappointment Process Timeline.

In addition to the attachments referenced above, City Council Members and the public can listen to a recording of the JAAB meeting held on June 8, 2017 to hear public comments, the interview between the JAAB and Judge Blake and all discussions held by JAAB members leading up to their reappointment recommendation to City Council for the retention of Judge Blake to serve another term. The recording is available on the JAAB webpage and can be accessed through the following link: <http://www.scottsdaleaz.gov/boards/judicial-appointments-advisory-board>

### **Compensation**

Scottsdale Revised Code Section 9-2 provides that the City Council will determine the compensation of the City Judge and all other Judges of the City Court. Prior to May 1, 2005, the salaries of associate city judges were set by the City Council at the time of reappointment and the amounts remained fixed for the full two-year term. Because associate city judge terms do not run concurrently, the respective pay increases occurred at different times which led to salary inequities. Research and analysis has concluded that the salaries of all associate city judges should be uniform.

Human Resources recommended to City Council on May 3, 2005, that City Council approve the setting of the associate city judges' salary amounts annually in conjunction with City Council's annual budget review process. In addition to creating equitable salary amounts for all associate city judges, this action allowed for annual market adjustments that may be authorized as part of the annual budget process for most city employees. The recommendation was approved with an effective date of May 1, 2005. As such, Judge Blake's salary will be set through the adoption of the FY 2017/18 budget process.

## **ANALYSIS & ASSESSMENT**

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**Community Involvement**

The Council-appointed JAAB is a seven member board made up of distinguished judges, attorneys and Scottsdale citizens and includes Judge Bruce Cohen (Chair), Judge Bradley Astrowsky, Scottsdale attorneys Donald Alvarez and James Padish, and citizens Sandra Schenkat, Stanley Morganstern and Brian Adamovich.

The reappointment process included the following steps:

- March 6, 2017 – Judge Blake received a letter from staff, on behalf of the JAAB, inviting him to apply for reappointment.
- March 17, 2013 – Judge Blake submitted his application for reappointment.
- Mid-April to Mid-May, 2017 – Outside firm conducted survey of citizens, legal community and staff on Judge Blake’s performance. (See Attachment 3 for survey result reports)
- April 19, 2017 – In response to the JAAB’s request for any information related to Judge Blake, a letter from the AZ Commission on Judicial Conduct was received confirming that Judge Blake has never been publicly disciplined for judicial misconduct.
- Weeks of May 20 and May 31, 2017 – Solicitation of public comment was conducted. (Public comments received can be heard from posted recording of JAAB meeting and are summarized in the DRAFT minutes of the meeting which are set forth in Attachment 5.)
- June 8, 2017 – The JAAB completed their extensive process in considering Judge Blake’s reappointment which included a review of the judge’s application for reappointment and the judicial survey results, reference checking, a public hearing to invite community input, and an interview with Judge Blake. Based on all of the information the board gathered, the JAAB voted unanimously (7-0) to recommend Judge Blake’s reappointment to the City Council.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach**

The Council-appointed Judicial Appointments Advisory Board makes recommendations to the City Council on the retention of the Presiding and Associate City Judges based on a thorough review process. The JAAB has voted to recommend to Council that Judge Blake be retained as an Associate City Judge and reappointment effective September 8, 2017, to another judicial term of four years as set forth in the City’s Ordinance.

**RESPONSIBLE DEPARTMENT(S)**

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Human Resources

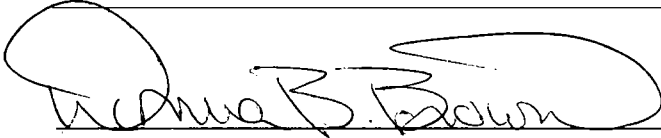
**STAFF CONTACTS (S)**

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Donna B. Brown, Director – Human Resources, [dbrown@scottsdaleaz.gov](mailto:dbrown@scottsdaleaz.gov)

**APPROVED BY**

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Donna B. Brown, Director – Human Resources

6/19/17  
Date

(480) 312-2615, dbrown@scottsdaleaz.gov

**ATTACHMENTS**

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1. Judge Blake’s Application for Reappointment
2. JAAB Recommendation Letter from Judge Bruce Cohen, Chair
3. Summary Statistical Data Reports for All City of Scottsdale Judges (as of May, 2017) and Current Survey Statistical Data Reports for Judge James Blake
4. Summary of Judge Blake’s Reappointment Process
5. **DRAFT** Meeting Minutes – June 8, 2017 JAAB Public Meeting



**City of Scottsdale  
APPLICATION FOR REAPPOINTMENT AS  
ASSOCIATE CITY JUDGE**

**A. PERSONAL INFORMATION**

1. Full name: James Gregory Blake
2. Office address: 3700 North 75<sup>th</sup> Street  
Scottsdale, Arizona 85251
3. Message phone number: (480) 312- [REDACTED]

**B. PROFESSIONAL BACKGROUND AND EXPERIENCE**

4. Summarize your tenure as Associate City Judge, including dates served and the nature and volume of your caseload.

I started as an Associate City Judge on September 10, 2001 and took the oath of office on September 11, 2001. During that time period, I have presided in Courtroom 4 and each week I also preside in Courtroom 9, which is our jail court. From September 2001 till the present, I have handled the entire range of cases that appear in City Court. Those cases include among other things Driving While under the Influence cases, Domestic Violence cases, and even Dog at large cases. I have also had the opportunity to do civil traffic cases, Orders of Protection and Injunctions against Harassment civil orders.

City Courts have a high volume of cases and Scottsdale is no exception. I have received my statistics from the staff. Per the court the statistics for this term for me are: Arraignments- 5123; Pretrial conferences-4058; Bench trials-230; and Jury Trials- 62.

5. Why are you seeking reappointment as Associate City Judge?

I have practiced in the area of criminal law for over thirty-three years. I have prosecuted and tried almost every crime that exists in Arizona. I view being a judge as the natural progression in my legal career. The City of Scottsdale has given me that opportunity. In the fifteen and one-half years that I have been a judge, I have learned a great deal. I also learn something new each and every day and hope to continue with that process. Finally, I have always felt an obligation to serve the community. Since I became an attorney, I have always worked in the public sector as a way of contributing to my community. Even though I have been eligible to retire for over six years, I will seek reappointment as a way to continue with that service.

6. What two or three aspects of your performance or contributions as Associate City Judge are you most proud of during your present term?

- (1) Training: Due to the changing nature of the Law, I have prepared courses for Judges and court staff to keep them current on new developments in the law. For several of the last years, I have taught annually at the Arizona Magistrates Association's Spring Conference on recent developments in case law and statutes. I have also taught at the annual Judicial Conference and the Supreme Court's Judicial Transportation Conference. I will be teaching at the Magistrates conference in May, 2017, at Scottsdale City Court in February, June and July, 2017 and at the Annual Judicial Conference in June, 2017. Also for the Supreme Court, I annually update the Judicial manual for limited jurisdictions Courts on the topic of Initial Appearances and Arraignments.
- (2) Community Service: I am, as listed above, active in teaching in the legal arena at judicial conferences and at Scottsdale City Court. I am also on the Public Lawyers State Bar of Arizona Board of Directors. During this term I have also been a continuing member of the Legal Services Committee. I started that membership in 1996 although that service has now concluded during this term. I also take part in the Supreme Court review of legislative bills at the Arizona State Legislature to make sure the bills do not adversely affect our city court.

7. What have you done as Associate City Judge to further your professional development and to prepare yourself for a subsequent term on the bench?

Each year as a judge I have endeavored to attend as many continuing legal education courses as possible without leaving the court shorthanded and within the budget constrains. When I teach at the seminar, I am allowed to attend the entire seminar for free. In 2014, 2015 and 2016 I attended and taught at the Arizona Magistrates Conference. During this term I have attend and taught at the State Judicial conference and the Supreme Court Judicial Transportation conference. I have been invited to teach at this year's State Judicial Conference. I also keep current on new cases, prepare and teach a course on that subject to the Scottsdale city court judges and staff. Finally I keep apprised of the new state laws that are enacted each year and prepare and teach a course on that subject to the Scottsdale city court judges and staff.

8. Describe any additional experience, accomplishments or awards that you would like to share with the Board.  
Nothing additional

### **C. CONDUCT AND ETHICS**

9. List and describe any sanctions imposed upon you by any courts or judicial oversight bodies for violation of any rule or procedure or for any other professional impropriety.  
None
10. Are there any other issues pertaining to judicial conduct or ethics that should be disclosed to the Board.  
No

The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale any information requested by said Board in connection with the processing of my application for reappointment as Associate City Judge.

I certify that all the information provided herein is true and complete to the best of my knowledge. I agree and understand that omissions, misstatements, and falsifications may be cause for rejection of this application or may otherwise impact my continued employment with the City of Scottsdale. I give the Judicial Appointments Advisory Board and the City of Scottsdale the right to investigate and verify any information obtained through the application process. Permission is granted and I release from any and all liability any employer, agency, or individual assisting the Board or the City of Scottsdale in providing relevant, job related information or survey data that will assist with this process.

I understand that I may be required to successfully complete an alcohol/drug test as part of the reappointment assessment process.

My signature below acknowledges my understanding and agreement with the above.

Date: 03/17/2017

  
\_\_\_\_\_  
(Signature)

Submission of this application expresses my willingness to accept reappointment to the judicial position applied for in this application if tendered by the Scottsdale City Council.

  
\_\_\_\_\_  
(Signature)

**Please submit the completed and signed application and all supplemental information to:**

Lorelei Oien  
Human Resources  
91919 E. San Salvador Drive  
Scottsdale, AZ 85258

**AUTHORIZATION FOR BACKGROUND CHECKS**





**City of Scottsdale  
Human Resources**

9191 E. San Salvador Drive  
Scottsdale, AZ 85258

PHONE: 480-312-2491  
WEB: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

June 20, 2017

The Honorable Mayor W.J. "Jim" Lane  
Members of the Scottsdale City Council  
3939 North Drinkwater Blvd.  
Scottsdale, AZ 85251

RE: Reappointment of Hon. James Blake as a Scottsdale Associate City Judge

Dear Mayor Lane and Members of the Council:

On June 8, 2017, the Scottsdale Judicial Appointments Advisory Board (JAAB) convened to consider the application of Judge James Blake for reappointment to a four year term as an Associate City Judge of the Scottsdale City Court. Judge Blake will complete his sixth term on September 7, 2017.

The JAAB used a very thorough process in considering this matter, including: an independent survey of attorneys, defendants, witnesses and court staff; reference checks with attorneys who regularly appear in Judge Blake's court; public comment concerning Judge Blake; and, a formal interview of Judge Blake by the Board. The JAAB would like to emphasize that Judge Blake's survey scores, reference checks and public comments were outstanding. His reputation in the community is commendable, he possesses superior legal knowledge, fairness and integrity, and he exemplifies all of the traits we seek from an independent judiciary. It is also noted that Judge Blake has dedicated significant time and expertise to the judiciary and the legal profession through his numerous speaking engagements and seminar teaching.

Seven (7) Board members were present at the public meeting to consider Judge Blake's application for reappointment. After broad-scoped deliberation, the Board voted unanimously to recommend to the City Council the reappointment of Judge Blake to another term, beginning September 8, 2017.

If you have questions or need further information, please feel free to contact me.

Respectfully,

*Bruce R. Cohen*

Bruce R. Cohen  
Judge of the Maricopa County Superior Court  
Chair of JAAB  
(602) 372-0686

**ATTACHMENT 2**





RIS  
P.O. Box 20958  
Mesa, AZ 85277-0958  
(623) 565-6551

May 19, 2017

Ms. Lorelei Oien  
City of Scottsdale  
Human Resources Systems  
7575 E. Main Street  
Scottsdale, AZ 85251

Subject: Reappointment Report for Judge James Blake

Dear Lorelei:

The following pages provide the survey materials in support of the re-appointment process for the judge named above. This letter provides assistance in interpreting those materials.

***Surveys Distributed and Returned***

You provided me with listings containing names and contact information for private attorneys, city prosecutors, city court judges, police officers, defendants, court staff, and city prosecutor (non-attorney) staff. I developed online survey forms, new for this reappointment cycle, and sent email invitations to all groups except for private attorneys and defendants; email addresses were not available for these individuals. These groups included parties who appeared before Judge Blake between August 1, 2016, and January 31, 2017.

The table below provides the counts of surveys distributed and received. A total of 1,115 surveys were distributed for the current report period. Of those, the post office returned 101 (9.1 percent) as undeliverable, and we received a total of 146 usable surveys for an effective response rate of 14.4 percent.

**Scottsdale City Court**  
**Survey Distribution and Receipt Summary**  
**Judge James Blake**  
**May 2017**

Reported As	Respondents	Medium	Returned -		Net Dist	Responses	Net Rate
			Distributed	Undeliverable			
<b>Attorney</b>	<b>Total</b>	<b>All</b>	<b>146</b>	<b>4</b>	<b>142</b>	<b>21</b>	<b>14.8%</b>
	Private Attorneys	Mail	132	4	128	11	8.6%
	Prosecutors	Online	11	0	11	7	63.6%
	Peer Judges	Online	3	0	3	3	100.0%
<b>Defendant/Witness</b>	<b>Total</b>	<b>All</b>	<b>1064</b>	<b>124</b>	<b>940</b>	<b>92</b>	<b>9.8%</b>
	Police Officers	Online	231	0	231	75	32.5%
	Defendants	Mail	833	124	709	17	2.4%
<b>Staff</b>	<b>Total</b>	<b>All</b>	<b>74</b>	<b>0</b>	<b>74</b>	<b>43</b>	<b>58.1%</b>
	Court Staff	Online	54	0	54	38	70.4%
	Prosecutor (Non-Attorney) Staff	Online	20	0	20	5	25.0%
<b>Grand Total</b>			<b>1,284</b>	<b>128</b>	<b>1,156</b>	<b>156</b>	<b>13.5%</b>

**Interpreting Statistical Reports**

The summary sheets (All Reports as of May 2017) provide the combined results for all of the responses we have received since the beginning of our work with the City of Scottsdale, including those for this report, while the sheets for Judge James Blake provide the results for the current survey cycle. All of the reports are structured in the same way.

At the top of the report page, under the "City of Scottsdale Judicial Appointment Advisory Board" line, the report provides Name of Judge, Total Surveys, and Prepared. The Total Surveys number is the total of all surveys received: attorney, defendant/plaintiff, and staff. The Prepared field is the date on which the results were compiled.

For the numerical and percentage reports, the survey questions are in the left-most column and are categorized into *Legal Ability*, *Integrity*, *Communication Skills*, *Judicial Temperament*, and *Administrative Performance*. The responses to each question are displayed on the line corresponding to the question under the appropriate respondent group. These responses give the number (or percentage) of respondents who rated the judge as:

- UN = Unacceptable (0 points)
- PO = Poor (1 point)
- SA = Satisfactory (2 points)
- VG = Very Good (3 points)
- SU = Superior (4 points)

Mean scores are based on a scale of zero to four as defined above: an Unacceptable response is worth zero points and a Superior response is worth four points. A category summary is given at the bottom of each category, for example, "Legal Ability Summary." These summaries are the total number of responses for all questions in that category.

A legend for translating the response categories is located at the bottom of each page, along with the time period for which surveys were distributed. The second page provides the percentages for all of the numerical responses on the first page.

Thank you for the opportunity to provide this information. As always, please call me at (623) 565-6551 or email me at jimriggs@cox.net if you have any questions or require any additional information.

Sincerely,

*James E. Riggs*

James E. Riggs  
Owner

Attachments

**CITY OF SCOTTSDALE  
JUDICIAL APPOINTMENTS ADVISORY BOARD**

**SUMMARY OF  
STATISTICAL DATA REPORTS  
THROUGH MAY 19, 2017**

**CITY OF SCOTTSDLAE JUDICIAL APPOINTMENTS ADVISORY BOARD**

Name of Judge: All Reports as of February 2017	Total Surveys: 3812					Prepared: May 2017																							
	ATTORNEY					778		DEFENDANT/PLAINTIFF					1953		JUROR					332		STAFF					749		
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	
<b>I: Legal Ability</b>																													
Legal reasoning ability.	23	43	88	175	367	696	3.2																						
Knowledge of substantive law.	17	42	89	164	382	694	3.2																						
Knowledge of rules of evidence.	15	47	89	149	376	676	3.2																						
Knowledge of rules of procedure.	17	37	95	162	391	702	3.2																						
Knowledge of laws pertaining to sentencing.	13	18	108	156	402	697	3.3																						
Keeps up to date.	12	25	84	141	381	643	3.3																						
<b>Legal Ability Summary</b>	<b>97</b>	<b>212</b>	<b>553</b>	<b>947</b>	<b>2299</b>	<b>4108</b>	<b>3.3</b>																						
<b>II: Integrity</b>																													
Conduct free from impropriety.	25	34	77	116	462	714	3.3																						
Equal treatment regardless of race.	11	12	73	108	464	668	3.5	43	27	243	462	700	1475	3.2	1	2	14	59	123	199	3.5	2	10	53	125	474	664	3.6	
Equal treatment regardless of gender.	15	18	69	109	460	671	3.5	42	38	269	445	720	1514	3.2	1	2	15	66	129	213	3.5	5	18	50	133	461	667	3.5	
Equal treatment regardless of economic status.	19	16	76	104	457	672	3.4	61	64	239	434	707	1505	3.1	0	2	16	63	126	207	3.5	8	8	57	131	461	665	3.5	
Avoided prejudging outcome of case.	42	55	67	104	433	701	3.2																						
Basic fairness and impartiality.	48	48	64	112	449	721	3.2	104	102	235	441	735	1617	3.0	0	2	15	64	146	227	3.6	8	22	55	122	472	679	3.5	
Exhibits personal integrity.																													
<b>Integrity Summary</b>	<b>160</b>	<b>183</b>	<b>426</b>	<b>653</b>	<b>2725</b>	<b>4147</b>	<b>3.4</b>	<b>250</b>	<b>231</b>	<b>986</b>	<b>1782</b>	<b>2862</b>	<b>6111</b>	<b>3.1</b>	<b>2</b>	<b>10</b>	<b>74</b>	<b>312</b>	<b>667</b>	<b>1065</b>	<b>3.5</b>	<b>29</b>	<b>77</b>	<b>270</b>	<b>629</b>	<b>2368</b>	<b>3373</b>	<b>3.6</b>	
<b>III: Communication Skills</b>																													
Clear and logical oral communications/directions.	16	43	104	151	397	711	3.2	55	89	263	488	761	1656	3.1	2	0	12	74	142	230	3.5	9	24	76	175	414	698	3.4	
Clear and logical written decisions.	18	36	55	115	333	557	3.3																						
Explained proceedings to the jury.															2	1	13	63	153	232	3.6								
Explained reasons for delays.															2	2	16	50	119	189	3.5								
Clear explanations of the juror's responsibilities.															2	0	11	64	152	229	3.6								
Clear instructions to the jury.															2	2	9	64	152	229	3.6								
<b>Communication Skills Summary</b>	<b>34</b>	<b>79</b>	<b>159</b>	<b>266</b>	<b>730</b>	<b>1268</b>	<b>3.2</b>	<b>55</b>	<b>89</b>	<b>263</b>	<b>488</b>	<b>761</b>	<b>1656</b>	<b>3.1</b>	<b>10</b>	<b>5</b>	<b>61</b>	<b>315</b>	<b>718</b>	<b>1109</b>	<b>3.6</b>	<b>9</b>	<b>24</b>	<b>76</b>	<b>175</b>	<b>414</b>	<b>698</b>	<b>3.4</b>	
<b>IV: Judicial Temperament</b>																													
Understanding and compassion.	34	57	105	122	392	710	3.1	102	114	265	496	647	1624	2.9	2	0	19	64	115	200	3.5	12	30	96	170	377	685	3.3	
Dignified.	24	29	98	150	419	720	3.3	65	63	291	470	750	1639	3.1	2	1	14	63	130	210	3.5	7	14	82	157	443	703	3.4	
Courteous.	31	35	100	134	422	722	3.2	70	92	275	471	737	1645	3.0															
Courteous to litigants.															2	1	13	61	131	208	3.5								
Courteous to jurors.															3	0	10	56	140	209	3.6								
Is accessible.	19	25	94	136	401	675	3.3																						
Conduct that promoted public confidence in the court and judge's ability.	39	49	75	134	417	714	3.2	102	102	229	434	757	1624	3.0	3	2	12	53	133	203	3.5	16	20	62	136	453	687	3.4	
<b>Judicial Temperament Summary</b>	<b>147</b>	<b>195</b>	<b>472</b>	<b>676</b>	<b>2051</b>	<b>3541</b>	<b>3.2</b>	<b>339</b>	<b>371</b>	<b>###</b>	<b>1871</b>	<b>2891</b>	<b>6532</b>	<b>3.0</b>	<b>12</b>	<b>4</b>	<b>68</b>	<b>297</b>	<b>649</b>	<b>1030</b>	<b>3.5</b>	<b>51</b>	<b>88</b>	<b>323</b>	<b>625</b>	<b>1697</b>	<b>2784</b>	<b>3.4</b>	
<b>V: Administrative Performance</b>																													
Punctuality in conducting proceedings.	12	19	129	172	370	702	3.2	59	98	333	497	630	1617	3.0	1	3	18	61	126	209	3.5	13	34	71	144	398	660	3.3	
Maintenance of proper control over courtroom.	14	20	101	146	423	704	3.3	34	48	283	467	783	1615	3.2	2	0	13	58	139	212	3.6	8	18	51	133	445	655	3.5	
Promptness in making rulings and rendering decisions.	10	10	113	157	394	684	3.3																						
Hard worker.	10	18	72	131	392	623	3.4	43	52	199	377	606	1277	3.1	1	3	9	38	101	152	3.5	8	10	55	99	508	680	3.6	
Respectful treatment of staff.																													
Cooperation with peers.																													
Cooperation with staff.																													
Efficient management of calendar.	14	33	90	139	366	642	3.3																						
<b>Admin. Performance Summary</b>	<b>60</b>	<b>100</b>	<b>505</b>	<b>745</b>	<b>1945</b>	<b>3355</b>	<b>3.3</b>	<b>136</b>	<b>198</b>	<b>815</b>	<b>1341</b>	<b>2019</b>	<b>4509</b>	<b>3.1</b>	<b>4</b>	<b>6</b>	<b>40</b>	<b>157</b>	<b>366</b>	<b>573</b>	<b>3.5</b>	<b>78</b>	<b>153</b>	<b>447</b>	<b>909</b>	<b>3087</b>	<b>4674</b>	<b>3.4</b>	

UN=Unacceptable, PO=Poor  
SA=Satisfactory, VG=Very Good, SU=Superior

This summary is based on the results for all Scottsdale judicial surveys reported as of May 2017, including the current report.

**CITY OF SCOTTSDLAE JUDICIAL APPOINTMENTS ADVISORY BOARD**

**Name of Judge:**  
**All Reports as of February 2017**

**Total Surveys:** 3812      **Prepared:** May 2017

	ATTORNEY					778		DEFENDANT/PLAINTIFF					1953		JUROR					332		STAFF					749															
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean														
<b>I: Legal Ability</b>																																										
Legal reasoning ability.	3%	6%	13%	25%	53%	100%	3.2																																			
Knowledge of substantive law.	2%	6%	13%	24%	55%	100%	3.2																																			
Knowledge of rules of evidence.	2%	7%	13%	22%	56%	100%	3.2																																			
Knowledge of rules of procedure.	2%	5%	14%	23%	56%	100%	3.2																																			
Knowledge of laws pertaining to sentencing.	2%	3%	15%	22%	58%	100%	3.3																																			
Keeps up to date.	2%	4%	13%	22%	59%	100%	3.3																																			
<b>Legal Ability Summary</b>	2%	5%	13%	23%	56%	100%	3.3																																			
<b>II: Integrity</b>																																										
Conduct free from impropriety.	4%	5%	11%	16%	65%	100%	3.3																																			
Equal treatment regardless of race.	2%	2%	11%	16%	69%	100%	3.5	3%	2%	16%	31%	47%	100%	3.2	1%	1%	7%	30%	62%	100%	3.5	0%	2%	8%	19%	71%	100%	3.6														
Equal treatment regardless of gender.	2%	3%	10%	16%	69%	100%	3.5	3%	3%	18%	29%	48%	100%	3.2	0%	1%	7%	31%	61%	100%	3.5	1%	3%	7%	20%	69%	100%	3.5														
Equal treatment regardless of economic status.	3%	2%	11%	15%	68%	100%	3.4	4%	4%	16%	29%	47%	100%	3.1	0%	1%	8%	30%	61%	100%	3.5	1%	1%	9%	20%	69%	100%	3.5														
Avoided prejudging outcome of case.	6%	8%	10%	15%	62%	100%	3.2																																			
Basic fairness and impartiality.	7%	7%	9%	16%	62%	100%	3.2	6%	6%	15%	27%	45%	100%	3.0	0%	1%	6%	27%	65%	100%	3.6	1%	3%	8%	18%	70%	100%	3.5														
Exhibits personal integrity.						100%	3.2						100%	3.0						100%	3.6						100%	3.6														
<b>Integrity Summary</b>	4%	4%	10%	16%	66%	100%	3.4	4%	4%	16%	29%	47%	100%	3.1	0%	1%	7%	29%	63%	100%	3.5	1%	2%	8%	19%	70%	100%	3.6														
<b>III: Communication Skills</b>																																										
Clear and logical oral communications/directions.	2%	6%	15%	21%	56%	100%	3.2	3%	5%	16%	29%	46%	100%	3.1	1%	0%	5%	32%	62%	100%	3.5	1%	3%	11%	25%	59%	100%	3.4														
Clear and logical written decisions.	3%	6%	10%	21%	60%	100%	3.3																																			
Explained proceedings to the jury.						100%	3.3						100%	3.1	1%	0%	6%	27%	66%	100%	3.6						100%	3.6														
Explained reasons for delays.						100%	3.3						100%	3.1	1%	1%	8%	26%	63%	100%	3.5						100%	3.5														
Clear explanations of the juror's responsibilities.						100%	3.3						100%	3.1	1%	0%	5%	28%	66%	100%	3.6						100%	3.6														
Clear instructions to the jury.						100%	3.3						100%	3.1	1%	1%	4%	28%	66%	100%	3.6						100%	3.6														
<b>Communication Skills Summary</b>	3%	6%	13%	21%	58%	100%	3.2	3%	5%	16%	29%	46%	100%	3.1	1%	0%	6%	28%	65%	100%	3.6	1%	3%	11%	25%	59%	100%	3.4														
<b>IV: Judicial Temperament</b>																																										
Understanding and compassion.	5%	8%	15%	17%	55%	100%	3.1	6%	7%	16%	31%	40%	100%	2.9	1%	0%	10%	32%	58%	100%	3.5	2%	4%	14%	25%	55%	100%	3.3														
Dignified.	3%	4%	14%	21%	58%	100%	3.3	4%	4%	18%	29%	46%	100%	3.1	1%	0%	7%	30%	62%	100%	3.5	1%	2%	12%	22%	63%	100%	3.4														
Courteous.	4%	5%	14%	19%	58%	100%	3.2	4%	6%	17%	29%	45%	100%	3.0																												
Courteous to litigants.						100%	3.2						100%	3.0	1%	0%	6%	29%	63%	100%	3.5						100%	3.5														
Courteous to jurors.						100%	3.2						100%	3.0	1%	0%	5%	27%	67%	100%	3.6						100%	3.6														
Is accessible.	3%	4%	14%	20%	59%	100%	3.3																																			
Conduct that promoted public confidence in the court and judge's ability.	5%	7%	11%	19%	58%	100%	3.2	6%	6%	14%	27%	47%	100%	3.0	1%	1%	6%	26%	66%	100%	3.5	2%	3%	9%	20%	66%	100%	3.4														
<b>Judicial Temperament Summary</b>	4%	6%	13%	19%	58%	100%	3.2	5%	6%	16%	29%	44%	100%	3.0	1%	0%	7%	29%	63%	100%	3.5	2%	3%	12%	22%	61%	100%	3.4														
<b>V: Administrative Performance</b>																																										
Punctuality in conducting proceedings.	2%	3%	18%	25%	53%	100%	3.2	4%	6%	21%	31%	39%	100%	3.0	0%	1%	9%	29%	60%	100%	3.5	2%	5%	11%	22%	60%	100%	3.3														
Maintenance of proper control over courtroom.	2%	3%	14%	21%	60%	100%	3.3	2%	3%	18%	29%	48%	100%	3.2	1%	0%	6%	27%	66%	100%	3.6	1%	3%	8%	20%	68%	100%	3.5														
Promptness in making rulings and rendering decisions.	1%	1%	17%	23%	58%	100%	3.3																																			
Hard worker.	2%	3%	12%	21%	63%	100%	3.4	3%	4%	16%	30%	47%	100%	3.1	1%	2%	6%	25%	66%	100%	3.5	1%	1%	8%	15%	75%	100%	3.6														
Respectful treatment of staff.						100%	3.4						100%	3.1						100%	3.5	2%	3%	10%	19%	66%	100%	3.4														
Cooperation with peers.						100%	3.4						100%	3.1						100%	3.5	1%	1%	9%	20%	68%	100%	3.5														
Cooperation with staff.						100%	3.4						100%	3.1						100%	3.5	2%	4%	10%	21%	64%	100%	3.4														
Efficient management of calendar.	2%	5%	14%	22%	57%	100%	3.3																																			
<b>Admin. Performance Summary</b>	2%	3%	15%	22%	58%	100%	3.3	3%	4%	18%	30%	45%	100%	3.1	1%	1%	7%	27%	64%	100%	3.5	2%	3%	10%	19%	66%	100%	3.4														

UN=Unacceptable, PO=Poor  
SA=Satisfactory, VG=Very Good, SU=Superior

This summary is based on the results for all Scottsdale judicial surveys reported as of May 2017, including the current report.

**CITY OF SCOTTSDALE  
JUDICIAL APPOINTMENTS ADVISORY BOARD**

**STATISTICAL DATA REPORTS  
FOR  
JUDGE JAMES BLAKE  
PREPARED MAY 19, 2017**



**CITY OF SCOTTSDLAE JUDICIAL APPOINTMENT ADVISORY BOARD**

**Name of Judge:  
James Blake**

**Total Surveys: 169      Prepared: May 2017**

	ATTORNEY					21		DEFENDANT/WITNESS					92		JUROR					14		STAFF					42	
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean
<b>I: Legal Ability</b>																												
Legal reasoning ability.	0	0	0	7	12	19	3.6																					
Knowledge of substantive law.	0	0	1	5	13	19	3.6																					
Knowledge of rules of evidence.	0	0	1	5	12	18	3.6																					
Knowledge of rules of procedure.	0	0	1	5	13	19	3.6																					
Knowledge of laws pertaining to sentencing.	0	0	2	4	13	19	3.6																					
Keeps up to date.	0	0	2	3	13	18	3.6																					
<b>Legal Ability Summary</b>	0	0	7	29	76	112	3.6																					
<b>II: Integrity</b>																												
Conduct free from impropriety.	0	1	1	5	12	19	3.5																					
Equal treatment regardless of race.	0	0	1	4	13	18	3.7	1	1	20	21	28	71	3.0	0	0	0	2	9	11	3.8	0	2	3	6	28	39	3.5
Equal treatment regardless of gender.	0	0	1	5	12	18	3.6	1	2	21	20	28	72	3.0	0	0	0	3	11	14	3.8	0	2	3	6	28	39	3.5
Equal treatment regardless of economic status.	0	0	3	3	12	18	3.5	3	1	19	21	28	72	3.0	0	0	0	3	10	13	3.8	1	0	5	7	27	40	3.5
Avoided prejudging outcome of case.	0	3	2	4	9	18	3.1																					
Basic fairness and impartiality.	0	3	2	5	10	20	3.1	8	12	19	17	24	80	2.5	0	0	0	4	10	14	3.7	1	0	3	9	28	41	3.5
Exhibits personal integrity.																												
<b>Integrity Summary</b>	0	7	10	26	68	111	3.4	13	16	79	79	108	295	2.9	0	0	0	17	49	66	3.7	2	6	16	34	142	200	3.5
<b>III: Communication Skills</b>																												
Clear and logical oral communications/directions.	0	0	2	5	13	20	3.6	2	12	19	26	22	81	2.7	0	0	0	4	10	14	3.7	0	1	6	5	29	41	3.5
Clear and logical written decisions.	0	0	2	4	9	15	3.5																					
Explained proceedings to the jury.																												
Explained reasons for delays.																												
Clear explanations of the juror's responsibilities.																												
Clear instructions to the jury.																												
<b>Communication Skills Summary</b>	0	0	4	9	22	35	3.5	2	12	19	26	22	81	2.7	0	0	0	12	56	68	3.8	0	1	6	5	29	41	3.5
<b>IV: Judicial Temperament</b>																												
Understanding and compassion.	0	6	6	4	4	20	2.3	4	9	25	18	19	75	2.5	0	0	0	4	10	14	3.7	1	3	8	14	14	40	2.9
Dignified.	0	1	6	5	8	20	3.0	2	7	27	21	21	78	2.7	0	0	0	2	12	14	3.9	0	1	6	14	20	41	3.3
Courteous.	1	3	6	6	4	20	2.5	4	10	26	19	19	78	2.5														
Courteous to litigants.																												
Courteous to jurors.																												
Is accessible.	1	1	5	6	6	19	2.8																					
Conduct that promoted public confidence in the court and judge's ability.	0	3	5	5	7	20	2.8	8	9	20	20	21	78	2.5	0	0	0	1	13	14	3.9	0	1	5	10	25	41	3.4
<b>Judicial Temperament Summary</b>	2	14	28	26	29	99	2.7	18	35	98	78	80	309	2.5	0	0	0	9	61	70	3.9	3	8	27	51	75	164	3.1
<b>V: Administrative Performance</b>																												
Punctuality in conducting proceedings.	0	0	3	4	14	21	3.5	0	8	25	20	23	76	2.8	0	0	0	2	12	14	3.9	0	1	3	6	28	38	3.6
Maintenance of proper control over courtroom.	0	0	1	7	13	21	3.6	0	5	26	19	28	78	2.9	0	0	0	2	12	14	3.9	1	0	2	4	32	39	3.7
Promptness in making rulings and rendering decisions.	0	0	2	4	14	20	3.6																					
Hard worker.	0	0	0	5	13	18	3.7	1	6	14	11	22	54	2.9	0	0	0	2	10	12	3.8	0	0	3	3	34	40	3.8
Respectful treatment of staff.																												
Cooperation with peers.																												
Cooperation with staff.																												
Efficient management of calendar.	0	0	3	3	14	20	3.6																					
<b>Admin. Performance Summary</b>	0	0	9	23	68	100	3.6	1	19	65	50	73	208	2.8	0	0	0	6	34	40	3.9	2	4	28	45	185	264	3.5

UN=Unacceptable, PO=Poor  
SA=Satisfactory, VG=Very Good, SU=Superior

Surveys were distributed to individuals who appeared in court between August 1, 2016, and January 31, 2017

**CITY OF SCOTTSDLAE JUDICIAL APPOINTMENT ADVISORY BOARD**

Name of Judge: <b>James Blake</b>	Total Surveys:		169		Prepared:		May 2017																					
	ATTORNEY					21		DEFENDANT/PLAINTIFF					92		JUROR					14		STAFF					42	
	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean	UN	PO	SA	VG	SU	Total	Mean
<b>I: Legal Ability</b>																												
Legal reasoning ability.	0%	0%	0%	37%	63%	100%	3.6																					
Knowledge of substantive law.	0%	0%	5%	26%	68%	100%	3.6																					
Knowledge of rules of evidence.	0%	0%	6%	28%	67%	100%	3.6																					
Knowledge of rules of procedure.	0%	0%	5%	26%	68%	100%	3.6																					
Knowledge of laws pertaining to sentencing.	0%	0%	11%	21%	68%	100%	3.6																					
Keeps up to date.	0%	0%	11%	17%	72%	100%	3.6																					
<b>Legal Ability Summary</b>	<b>0%</b>	<b>0%</b>	<b>6%</b>	<b>26%</b>	<b>68%</b>	<b>100%</b>	<b>3.6</b>																					
<b>II: Integrity</b>																												
Conduct free from impropriety.	0%	5%	5%	26%	63%	100%	3.5																					
Equal treatment regardless of race.	0%	0%	6%	22%	72%	100%	3.7	1%	1%	28%	30%	39%	100%	3.0	0%	0%	0%	18%	82%	100%	3.8	0%	5%	8%	15%	72%	100%	3.5
Equal treatment regardless of gender.	0%	0%	6%	28%	67%	100%	3.6	1%	3%	29%	28%	39%	100%	3.0	0%	0%	0%	21%	79%	100%	3.8	0%	5%	8%	15%	72%	100%	3.5
Equal treatment regardless of economic status.	0%	0%	17%	17%	67%	100%	3.5	4%	1%	26%	29%	39%	100%	3.0	0%	0%	0%	23%	77%	100%	3.8	3%	0%	13%	18%	68%	100%	3.5
Avoided prejudging outcome of case.	0%	17%	11%	22%	50%	100%	3.1							0%	0%	0%	36%	64%	100%	3.6								
Basic fairness and impartiality.	0%	15%	10%	25%	50%	100%	3.1	10%	15%	24%	21%	30%	100%	2.5	0%	0%	0%	29%	71%	100%	3.7	2%	0%	7%	22%	68%	100%	3.5
Exhibits personal integrity.																												
<b>Integrity Summary</b>	<b>0%</b>	<b>6%</b>	<b>9%</b>	<b>23%</b>	<b>61%</b>	<b>100%</b>	<b>3.4</b>	<b>4%</b>	<b>5%</b>	<b>27%</b>	<b>27%</b>	<b>37%</b>	<b>100%</b>	<b>2.9</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>	<b>74%</b>	<b>100%</b>	<b>3.7</b>	<b>1%</b>	<b>3%</b>	<b>8%</b>	<b>17%</b>	<b>71%</b>	<b>100%</b>	<b>3.5</b>
<b>III: Communication Skills</b>																												
Clear and logical oral communications/directions.	0%	0%	10%	25%	65%	100%	3.6	2%	15%	23%	32%	27%	100%	2.7	0%	0%	0%	29%	71%	100%	3.7	0%	2%	15%	12%	71%	100%	3.5
Clear and logical written decisions.	0%	0%	13%	27%	60%	100%	3.5																					
Explained proceedings to the jury.														0%	0%	0%	7%	93%	100%	3.9								
Explained reasons for delays.														0%	0%	0%	8%	92%	100%	3.9								
Clear explanations of the juror's responsibilities.														0%	0%	0%	21%	79%	100%	3.8								
Clear instructions to the jury.														0%	0%	0%	21%	79%	100%	3.8								
<b>Communication Skills Summary</b>	<b>0%</b>	<b>0%</b>	<b>11%</b>	<b>26%</b>	<b>63%</b>	<b>100%</b>	<b>3.5</b>	<b>2%</b>	<b>15%</b>	<b>23%</b>	<b>32%</b>	<b>27%</b>	<b>100%</b>	<b>2.7</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>18%</b>	<b>82%</b>	<b>100%</b>	<b>3.8</b>	<b>0%</b>	<b>2%</b>	<b>15%</b>	<b>12%</b>	<b>71%</b>	<b>100%</b>	<b>3.5</b>
<b>IV: Judicial Temperament</b>																												
Understanding and compassion.	0%	30%	30%	20%	20%	100%	2.3	5%	12%	33%	24%	25%	100%	2.5	0%	0%	0%	29%	71%	100%	3.7	3%	8%	20%	35%	35%	100%	2.9
Dignified.	0%	5%	30%	25%	40%	100%	3.0	3%	9%	35%	27%	27%	100%	2.7	0%	0%	0%	14%	86%	100%	3.9	0%	2%	15%	34%	49%	100%	3.3
Courteous.	5%	15%	30%	30%	20%	100%	2.5	5%	13%	33%	24%	24%	100%	2.5														
Courteous to litigants.														0%	0%	0%	7%	93%	100%	3.9								
Courteous to jurors.														0%	0%	0%	7%	93%	100%	3.9								
Is accessible.	5%	5%	26%	32%	32%	100%	2.8																					
Conduct that promoted public confidence in the court and judge's ability.	0%	15%	25%	25%	35%	100%	2.8	10%	12%	26%	26%	27%	100%	2.5	0%	0%	0%	7%	93%	100%	3.9	0%	2%	12%	24%	61%	100%	3.4
<b>Judicial Temperament Summary</b>	<b>2%</b>	<b>14%</b>	<b>28%</b>	<b>26%</b>	<b>29%</b>	<b>100%</b>	<b>2.7</b>	<b>6%</b>	<b>11%</b>	<b>32%</b>	<b>25%</b>	<b>26%</b>	<b>100%</b>	<b>2.5</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>13%</b>	<b>87%</b>	<b>100%</b>	<b>3.9</b>	<b>2%</b>	<b>5%</b>	<b>16%</b>	<b>31%</b>	<b>46%</b>	<b>100%</b>	<b>3.1</b>
<b>V: Administrative Performance</b>																												
Punctuality in conducting proceedings.	0%	0%	14%	19%	67%	100%	3.5	0%	11%	33%	26%	30%	100%	2.8	0%	0%	0%	14%	86%	100%	3.9	0%	3%	8%	16%	74%	100%	3.6
Maintenance of proper control over courtroom.	0%	0%	5%	33%	62%	100%	3.6	0%	6%	33%	24%	36%	100%	2.9	0%	0%	0%	14%	86%	100%	3.9	3%	0%	5%	10%	82%	100%	3.7
Promptness in making rulings and rendering decisions.	0%	0%	10%	20%	70%	100%	3.6																					
Hard worker.	0%	0%	0%	28%	72%	100%	3.7	2%	11%	26%	20%	41%	100%	2.9	0%	0%	0%	17%	83%	100%	3.8	0%	0%	8%	8%	85%	100%	3.8
Respectful treatment of staff.																												
Cooperation with peers.																												
Cooperation with staff.																												
Efficient management of calendar.	0%	0%	15%	15%	70%	100%	3.6																					
<b>Admin. Performance Summary</b>	<b>0%</b>	<b>0%</b>	<b>9%</b>	<b>23%</b>	<b>68%</b>	<b>100%</b>	<b>3.6</b>	<b>0%</b>	<b>9%</b>	<b>31%</b>	<b>24%</b>	<b>35%</b>	<b>100%</b>	<b>2.8</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>15%</b>	<b>85%</b>	<b>100%</b>	<b>3.9</b>	<b>1%</b>	<b>2%</b>	<b>11%</b>	<b>17%</b>	<b>70%</b>	<b>100%</b>	<b>3.5</b>

UN=Unacceptable, PO=Poor  
SA=Satisfactory, VG=Very Good, SU=Superior

Surveys were distributed to individuals who appeared in court between August 1, 2016, and January 31, 2017

**JAAB REAPPOINTMENT TIMELINE**  
***Associate City Judge James Blake***  
**Current Term Expires September 8, 2017**

<u><i>Date</i></u>	<u><i>Description</i></u>
March 10, 2017	Staff to send letter and application on behalf of JAAB apprising incumbent judge of process for reappointment.
March 13, 2017	Staff to send email to City Court Administrator requesting list of individuals appearing in Judge Blake's courtroom from May 1, 2016, through August 30, 2016.
March 24, 2017	Deadline for judges to file formal application for reappointment with Human Resources.
March 24, 2017	Deadline for receiving lists of jurors, defendants, attorneys and public defenders who have appeared in the judge's courtrooms from specified dates above.
	Initiate background checks. Send letter to the AZ Commission on Judicial Conduct.
	HR staff works in conjunction with Research and Information Specialists, Inc. to distribute Judicial Surveys to Defendants, Jurors, Attorneys, City Staff and Public Defenders.
March 31, 2017	Deadline for staff to get survey contact info to RIS.  RIS to distribute/email surveys.
April 28, 2017	Deadline for submission of completed surveys to Research Information Specialists.
May 12, 2017	Compiled survey results/reports due to HR.
May 8, 2017	Distribute due diligence interview assignments to JAAB members.
Week of May 22, 2017	Survey results data and other public hearing meeting materials distributed to JAAB and copies sent to incumbent judges and Court Administrator.
May 22, 2017	All advance due diligence work completed and written letters of recommendation filed with HR.
Week of June 5, 2017 (to be confirmed)	JAAB conducts public hearing on reappointment applications, reviews survey data, and develops interview questions. Conducts interview with incumbent judges, formulates recommendations and transmits in writing to the City Council.
June 20, 2017	Council Report and supplements due to the City Clerk's office.
June 26 - 30, 2017	JAAB Chair and HR Executive Director meet with non-quorum of City Council members to review the JAAB's recommendation / explain the process used / answer questions if requested by council members.
July 5, 2017	City Council action on reappointment.



## DRAFT MINUTES

**City of Scottsdale  
JUDICIAL APPOINTMENTS ADVISORY BOARD  
Regular Meeting  
6:00 p.m., Thursday, June 8, 2017  
North Corp Yard, Wrangler Conference Room  
9191 E. San Salvador Drive  
Scottsdale, Arizona 85258**

**PRESENT:** Judge Bruce Cohen, Chair  
Judge Bradley Astrowsky, Vice Chair  
Donald Alvarez, Board Member  
James Padish, Board Member  
Sandra Schenkat, Board Member  
Stanley Morganstern, Board Member  
Brian Adamovich, Board Member

**STAFF:** Lorelei Oien, Management Analyst  
Sherry Scott, City Attorney's Office

**GUESTS:** Joseph Olcavage  
James Blake  
Orest Jejna  
Mark Brammer  
Julie Dybas  
Catherine Gaudreau  
Patty Badenoch  
James Austin Woods  
Susan Wheeler  
Statia Hendrix

### CALL TO ORDER

The meeting was called to order at 6:00 p.m.

### ROLL CALL

A formal roll call confirmed the presence of Board Members as noted above. Chair Cohen asked that all those in attendance introduce themselves. Judge Bradley Astrowsky introduced himself as the Vice Chair. Board Member Padish introduced himself as the Scottsdale Bar representative. Board Member Morganstern introduced himself as a representative of the general public. Board Member Schenkat stated that this was her second term on the Board. Board Member Adamovich introduced himself as a representative of the public. Board Member Alvarez introduced himself as a representative of the State Bar.

**1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON MARCH 7, 2017**

Chair Cohen called for a motion to approve the minutes.

**BOARD MEMBER MORGANSTERN MOVED TO APPROVE THE MINUTES OF PUBLIC MEETING CONDUCTED MARCH 7, 2017. BOARD MEMBER ADAMOVICH SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER SCHENKAT ABSTAINED.**

**2. TERM EXPIRATION OF BOARD MEMBER**

Chair Cohen stated that this meeting was Board Member Alvarez' last meeting and thanked him for his six years of service. Lorelei Oien presented Board Member Alvarez with a gift on behalf of the City.

**3. PUBLIC COMMENT**

Chair Cohen invited Mark Brammer to provide his comments, which were recorded as follows:

"My name is Mark Brammer. I have lived here in Scottsdale since about '91. My wife has a business here called Janet Brooks Design. Pretty well known. I think most people do know her. I'm really here because I'm pretty upset about some things. My wife came home today. She's – she'll kill me for saying this, but she's 68. And she got beat-up hard today in court. Apparently my attorney got a last minute emergency, needed to postpone. My wife, probably five days ago got a restraining order against our neighbor. And the subject matter I'm going to bring up is I think not taken seriously or a lot of people just don't recognize it for what it is. But it's a real way of cyberbullying people. And because of technology, I think we gotta realize that the shit's out of the horse on this thing. There's people that use it for good reasons. There's people that use it for bad reasons. I unfortunately have a neighbor that used it for bad reasons. We signed a petition two years ago, along with all the other neighbors to get – to have this dog – we paid for a collar or a bark collar. Wouldn't do it. Anyway, didn't happen. He had to have his dog removed.

Well, my wife is – like I said, she just got a restraining order from a judge in City Court today. It was denied. She came home in tears. She's very, very frustrated. I don't even know what to do. I'm going to show you this. I'm not good at that. I'm not an attorney. But this is our backyard, okay? And you can pass this around. But what I'm going to talk about is revenge porn. This is something that – you're probably starting to read about it, because of drones, because of sophistication. But it's a problem, especially in the hands of somebody that wants to get back at you, because you got their dog out of the backyard, or now, the neighborhood. This is our backyard. This is our Jacuzzi. And again, I just turned 64, which can't believe. But even at our age, we do like some quiet time together. Here's our Jacuzzi. Here's the neighbor's camera. You can pass that around and look at it. This is the camera that is set looking right into our backyard at all times. I mean, it's creepy. I can't – I don't have kids coming over. It has audio and it has video.

I've brought this up to Scottsdale PD. What happens. The individual takes that camera, turns it down to the ground. When the PD leaves, he puts it right back up where it was. And I really

think – I have another person in Paradise Valley that said she looked up the other day and here was a drone. She was topless out by the pool. And there was a drone filming her. Now, I don't know if I'm the first one that's brought this up, but it real – it is killing my personal life at home, because she says, 'I get a restraining order. Then it gets kicked out of court.' I don't know what to do. The only good experience – I mean this. I have no political – I have nothing. It was a Judge Jejna or Janna (phonetic), something like that. That's the only gentleman that we've ever been in front of that listened to us. I actually kind of got slapped around a little bit by him. But it was a good judge and he was honest. And he takes these things seriously. And I don't know what format. I – I'm not, you know, involved in City Councils. But I really think that this type of infringement is something you guys probably ought to spend a little bit of time seeing if – what's on the books.

What is your – you know, what guides – what guidelines do you guys have? Because technology is coming at us fast. And I don't think any – I mean, I feel bad enough when I go in front of the mirror and I see myself. This is guy is a – he's a computer expert from – he's got a computer degree. And he said he's put these pictures up on the internet. And he's filming my wife. He's going to send it to you know, this that, porn sites, whatever it may be. I have no idea, because I have – I barely have a chance to get my emails, I'll be honest with you. But I think it's something that everybody, especially women, I think more – if a guy wants to film me, I really don't care sometimes. But it is very, very – I guess it's just the infringement. It really could really hurt people. And I'd like to see if this Council – if I'm at the right format could maybe –"

Chair Cohen asked Mr. Brammer if his comments relate to Judge Blake in terms of his service. Mr. Brammer said he did not know who his wife appeared before. Chair Cohen explained that the Advisory Board's charter is to review and make recommendations to the City Council regarding retention or appointment of judicial officers to the Scottsdale City Court. It is recommended that Mr. Brammer contact City Council or the Legislature. He noted that Mr. Brammer has addressed an important issue in terms of advancing technology being used by those with nefarious intentions. Mr. Brammer reiterated his frustration that his wife was not able to obtain a continuance. Board Member Alvarez offered to take Mr. Brammer's business card and post a message on the Arizona Trial Lawyers List Service as there are attorneys who handle this type of case who may be interested in talking to Mr. Brammer. Chair Cohen expressed sympathy for the difficult situation.

Chair Cohen invited Julie Dybas, Scottsdale City Court Court Administrator to speak. Her comments were captured as follows:

"Good evening, everyone. Good evening, Chair Cohen and members of the Advisory Board. So thank you for you for giving me an opportunity to make a couple of comments. I think the first thing I want to do is clarify the last thing, that Judge Blake did not hear that case earlier today, that he – so I – Judge Blake is not the individual that he doesn't like. Although Judge Jejna is, so that's lovely. I don't know who your – it may be a pro tem, so I just wanted to kind of set the record straight on that. But I'm here just to offer my support for Judge Blake and to maybe answer any questions. And we frankly have a wonderful bench. We just do. I'm just so proud to work for and with all of them.

Judge Blake, a couple of key points I kind of wanted to bring out. Staff really, really adore Judge Blake. And one of the reasons is because Judge Blake is one of those judges that has an incredible work ethic. If we needed somebody in Jail Court, he's there. If there's – he needs

to stay late or take extra cases, he'll do that. So he is somebody that really does a lot of work at the court. He's really foundational in that.

He also has a really strong legal mind. If we have any questions regarding the law, we will definitely go to him and ask any questions. Judge Blake will give his time in terms of lunch hours or whatever for trainings for court staff or anybody else on the law, on legislation, on anything like that. He is – runs a really tight court. And he keeps things moving forward. And he will deny continuances and make people unhappy. He has a great calendar management. And I will say regardless of his style or approach, he really treats everybody fairly and consistently across the board. So it doesn't matter if you're frankly from a really high price defense bar or if you're a self-represented litigant, Judge Blake really does treat everybody the same and with respect. And I don't want to take up a lot of time, but I just wanted to really be here, offer my support. And he's a really important part of our bench and we're very proud to have him on there.

Chair Cohen invited Judge Olcavage to speak. His comments were recorded as follows:

"Judge Olcavage, Presiding Judge of Scottsdale City Court. Mr. Chairman and members of the JAAB Committee, I'm here to support Judge Blake. I'm not going to go over a lot of things that you already have. I just want to point out a few things you may not be aware of. Judge Blake is extremely efficient. He probably does more jury trials than any other judge in our court. As Ms. Dybas said, he's extremely helpful. He's always willing to come in and help out other courts, if they are busy doing something else. We have Veterans Court. We're part of the regional Veterans Court in Scottsdale, where veterans that have been charged with a criminal violation that have emotional issues or anger management or substance abuse can go to Veterans Court. I conduct that every other Wednesday, when we present to them what is required of them, what they would have to do if they are interested. If they are interested, they would be transferred to Tempe City Court, where the regional court is run out of. And that's run by Judge Maxim. And there they have the staffing with the Veteran's Administration, providers of services. And they come up with a treatment plan, which they gotta follow through. The judge holds them accountable. Judge Blake is my backup for Veterans Court at our court. He's also the backup for our court for Judge Maxim, which means if Judge Maxim is out, Judge Blake has to go to Tempe City Court and actually run the regional Veterans Court there.

He also runs the Restitution Court. Restitution – if a victim is out financial amounts, due to criminal activity that is assessed, if we hear from the victim that they're not paying or they believe the Defendant has the ability to pay more, we'll set through the Restitution Court, which is a specialty court in Judge Blake's courtroom. He'll bring them in. They have to fill out a financial affidavit. We'll do a credit check. He may require income tax returns. Then he's going to set them up on a payment plan. He may bring them back every week. He may bring them back once a month. Once they're established on the plan, if they meet expectations, like pay \$200 a month, they actually don't have to show up in court. If they miss a payment or they're unemployed or they can't make the amount, then they are going to have to show up. And this court is meant to help the victims, who are entitled to get their restitution. Judge Blake also gives us the legal updates. So if there's any changes in the law through the Court of Appeals or Supreme Court, he's going to let us know how they impact our court. And also at the end of each legislative session, there's numerous changes that would affect the City Court. He brings us up to date on that, because he tracks the legislative changes throughout the year.

And the last thing I want to point out is he's very involved in judicial education throughout the State of Arizona. We have COJET classes internally for staff and for judges. He participates



and puts programs together for that. He talks to the Arizona Magistrates Association, which is made up of city judges around the State. He also speaks and teaches Justice of the Peace at their association. In fact, he was teaching downtown for the justices this morning. He had a group of people he was teaching – or this afternoon, rather. He teaches at the Governor's Office of Highway Safety once a year. And he is a regular speaker at the annual judicial conference for the Supreme Court. So these are a few things that probably don't jump out at you, but I think are very important. And I want you to know about that."

Chair Cohen thanked Judge Olcavage for his comments. He invited Judge Jejna to speak. His comments were captured as follows:

"Good evening, Judge Cohen, members of the board, members of our community. I probably won't sit, because that means I'll stay longer. I've probably known Judge Blake longer than anybody here in this room. Judge Blake and I go back to the mid 80's. Judge Blake was a prosecutor. I was a defense lawyer on the criminal side of things. And so that's where our beginnings began. Judge Blake has always been honest. His integrity is of utmost, highest integrity. He's been a true friend. Anytime we have issues in the court, he's actually our go-to guy. A lot of times he likes to joke with me. He says, 'You know,' – he says, 'I've heard people say Judge Jejna's the nice judge, but Judge Blake is the smart judge.' And quite frankly, he is the smart judge. I rely many times on his expertise, his legal acumen. He's on top of the law, as Judge Olcavage has told us. He speaks before the state and judicial conferences as well as other conferences. And as I say, he is the go-to guy for us at the court. And if there's an issue that is of touchy interest, he's always the guy that you can sit down with and have an honest discussion regarding the issues. And so I'm here in support of Judge Blake, having known him for well over 30 years. And I highly support him in his position. I think he can do a wonderful job for the city. So thank you for this opportunity."

Chair Cohen thanked Judge Jejna for his comments. He invited Judge Catherine Gaudreau to speak, introducing her as the newest member of the judiciary in the State of Arizona, City of Surprise. Her comments were recorded as follows:

"Catherine Gaudreau. And I have lived in Scottsdale since 2002. We moved here. Started in Florida, then California, then Wisconsin and here. But I have had the honor of recently being appointed as the Associate Judge in the City of Surprise. Prior to that, I spent 11 years, up until the month that I left, as a prosecutor in the City of Scottsdale. And for many of those years, close to 11 years, I was assigned to Judge Blake's court. I've been in front of all of the judges in Scottsdale and we're fortunate to have such an outstanding bench here. But – and I think that I've learned something invaluable for each one of them. Their styles, their knowledge. But as to Judge Blake, I tell people – people would be nervous prosecutors, if they're knew about getting assigned to Judge Blake's court. And I would say, 'You are going to be a better attorney for having served in that court.' And people have told me after, 'You're so right. And I feel – I'm so happy to have had that experience there.' And mostly prosecutors, because there were people from our office being rotated through that court."

You know no matter what, Judge Blake is going to make his decisions based on not who you are or how you sound or what you look like, but what are the facts that are proven in court and what is the law that applies to those facts. And that's what you want a judge to do. And to do it with humanity and compassion and explain the rulings. I can only echo the comments about his integrity and his legal mind. I used to joke that he uses the statute book for his pillow. 'Well, I was reading the book last night and I found this. And what do you think about that?' He's fascinated by the law and by the changes in the law and really, truly enjoys discussing it. Much

of what I learned and what allowed me to get the job that I have now that it's – I knew I would love it, but it's exceeded my wildest dreams. I'm so happy to be where I am. And I owe that to Judge Blake, as well as to the other judges in Scottsdale and all the judges I've ever practiced in front of. But in Arizona, I knew that I was ready to contribute more to this legal community.

And at my investiture, I said I was fortunate to have some of our judges here there. Judge Blake was not able to make it, but I said I still hear his voice in my head on a pretty regular basis. "Well, what about this? And what about this?" I mean, you – he was the last court I was assigned to before I left Scottsdale – City of Scottsdale. But if I can analyze cases the way that he does and have the quick mind that he does, City of Surprise will be very lucky to have me, once I learn all of the ins and outs about my job. I absolutely support his reappointment. I'm looking forward to hearing him as well as Judge Cohen and Judge Hendrix. Other – Judge Olcavage at the judicial conference, my first judicial conference, which is coming up very soon. And everyone, I think, in the judiciary, I think in the judiciary that I've met knows that Judge Blake is an outstanding legal resource for everyone. So thank you for allowing me to speak."

Vice Chair Astrowsky made a public disclosure concerning his knowledge of Judge Blake. His comments were recorded as follows:

"In 1995 to 1996 time period for about a handful of months while at the Maricopa County Attorney's Office, Jim Blake was my supervisor at the – actually, he wasn't my direct supervisor. He was my supervisor's supervisor. And then also, in 2010 I served as a juror on a DUI trial in front of Judge Blake. I was the alternate, so I didn't get to make the decision. There's nothing about those two experiences that would impact my ability to be fair and impartial in the setting, but I felt the need to disclose it. And if anyone has any issues with that, feel free to ask questions."

There were no questions for Vice Chair Astrowsky.

#### **4. DISCUSSION OF JUDICIAL SURVEY RESULTS ON ASSOCIATE CITY JUDGE JAMES BLAKE.**

Ms. Oien stated for the record that Judge Blake has not seen his survey results. The normal practice is that the Judge would be sent the survey results at the same time as Advisory Board Members. Judge Blake has not had time to prepare anything in response. This was the result of an oversight. She spoke with the Court Administrator in terms of Judge Blake not wanting to delay the interview, but she would like to confirm this with Judge Blake as well.

Chair Cohen asked for any comments on the survey results. There were no comments.

#### **5. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE BLAKE'S PERFORMANCE OR REAPPOINTMENT**

Chair Cohen asked that Board Members provide any comments related to the feedback received.

Sherry Scott noted for the record that this is the portion that can be discussed publicly and should not include any confidential or personally identifying information that those interviewed did not want publicly disclosed. Confidential portions would need to be reviewed in executive

session, if necessary. Chair Cohen reminded everyone that all those spoken with were assured that they would not be identified and that anything attributable to them would remain confidential. Only the general information would be relayed. He asked whether anyone had information that might potentially violate this principle if discussed in open meeting.

Board Member Morgenstern said that what was told to him by various attorneys was on the basis that the comments would remain confidential. As such, he recommended convening into executive session. Board Member Alvarez asked whether the individuals requested that their names remain confidential or that the comments were confidential. Board Member Morganstern replied that the comments were understood to be confidential. Board Member Alvarez said that if the people are not being identified, there should be no issue with simply discussing the comments. Ms. Scott said that if there are comments from prosecutors or court staff, there are very few of those who interact with the judge. Just the general comment can lead to personal identifying information. This is a concern, even if the name stays confidential. Chair Cohen asked whether Board Members would be able to comment on the information provided without specificity. Board Member Morganstern said there are a couple of instances where the relationship of the person who spoke to the judge might give away their personal identification.

Ms. Scott said that the process should rely on the Board Member who had done the due diligence. If they feel the comment itself requires confidentiality or would lead to personal identifying information, there can be an executive session. If some of the comments are not going to lead to potentially identifying a person, they can be repeated during the public meeting for the purposes of transparency. Vice Chair Astrowsky suggested that Board Members first share all information that is without personal identification issues and then after that, move to enter executive session. Chair Cohen said either sequence is fine. It may be that after public comment, it is not necessary to go through the confidential comments.

Vice Chair Astrowsky said that to a person, regardless of which side of the courtroom they sat on, the input was consistent. Overall, individuals indicated that they had nothing negative to say. Judge Blake uses thorough analysis of the law and makes fair rulings. He is good with lawyers. He is very smart and knowledgeable on the law. He does a better job than most in explaining his rulings and provides written clear rulings concerning the law. He is unbiased and rules right down the middle. Regardless of which side you are on, he will rule fairly, based upon the facts of the case and the applicable law. The only negative comment was that perhaps his, "bedside manner," could be improved a bit. However, overall everyone spoken to loves him, wants him to stay and loves appearing in front of him.

Board Member Padish said that much of what Vice Chair Astrowsky related is precisely what he learned from talking to both members of the Defense Bar and the Prosecutor's Office. The comments made by judges in support of Judge Blake were repeated by those spoken with from a totally different perspective. He is known to be bright, very competent and efficient. The most telling comments reflected that both the Defense Bar and the prosecutors described him in similar terms, which is probably the highest praise that a judge can have. He is smart, tough on both sides, very competent and fair. Board Member Padish said he has known Judge Blake for nearly as long as Judge Jejna. Early on, they had cases adverse to each other. Board Member Padish also tried cases before Judge Blake. Judge Blake is the same person he was 30 years ago.

Board Member Morganstern said he generally had the same experience in his discussions. Judge Blake was described as being very fair, highly qualified, that he treats everyone with respect. There were comments that he could be short at times, but short with those people who

deserve it. One attorney described Judge Blake as Scottsdale's best judge, great judicial temperament, always well prepared. He was very helpful to a young attorney while, "getting through the minefield of what a courtroom can be." The Judge wants people to be accountable, but is very fair. Generally, even if there was a negative comment, the end result was that they would certainly support his reappointment.

Board Member Schenkat said she had 11 people on her contact list. One was a wrong number. One individual claimed he had never been in Judge Blake's courtroom. One individual wanted to politely decline from discussing Judge Blake. Two did not return calls after three times. There were six responses. She quoted the comments as follows:

"Hasn't appeared before Blake, but has heard he has reputation of being a fair judge. Blake always gives good rulings and he gives both sides equal time. He should be reappointed. Seems to be more prosecution oriented but also seems like he calls it like he sees it. Claimed he has not appeared before Blake in at least a year, but Blake is courteous and follows the law. Nothing bad to say about him. Has appeared before Blake many times and has only favorable comments to share. He listens well and is fair. Likes Blake's efficiency. He is very intelligent. Knows the law. Very fair. He even gives the defendants a chance to speak. Blake is the most efficient of the Scottsdale judges."

Board Member Adamovich said that many of his conversations resonated with what others have said. However, the comment that stood out was, "Judge Blake could be the best judge that they have over there, but he's a little bit too prickly." The bedside manner was a common theme.

Board Member Alvarez said that all of the people he spoke with, including both prosecution and defense said that he should be retained. Many similar comments were received, including, "Well prepared, diligent, gets decisions out quickly, very hard-working, fair and well reasoned opinions, competent, professional, wants you to be prepared, courteous, good with both prosecution and defense." As a follow-up, Board Member Alvarez asked interviewees what they think about the Scottsdale City Court. Everyone rated the court and judges in general highly.

Chair Cohen said he spoke to a number of people and that getting the calls returned is a challenge. Echoing what Judge Gaudreau said, one person indicated that they had appeared before Judge Blake countless times over the years. They commented that Judge Blake was incredibly patient during that attorney's learning curve. Other descriptions included, "Well respected with a brilliant legal mind." This was a common theme. People indicated fairness, that there was an understandable basis for decisions, that he was not afraid to rule in whatever way the circumstances dictated. Another notable comment was, "Decisions are fair but delivery at times is too direct." Similar comments were, "Too direct, could be abrasive, could be intimidating, could be abrupt, short with people." This was a common theme, according to attorneys both prosecution and defense, who noticed that the abruptness was more noticeable with self-represented litigants. This is a problem, if this is an accurate perception. Otherwise, across the board, everyone were absolutely recommending retention.

Chair Cohen asked whether Board Member Morganstern was of the opinion that an executive session would be necessary to further discuss comments. Board Member Morganstern said in light of what has been said, he did not feel the need to address further the comments he was concerned about.

## 6. DISCUSS QUESTIONS FOR INTERVIEW OF JUDGE BLAKE

Chair Cohen said he would be asking Judge Blake about the comments that were made. He invited other Board Members to propose questions. Board Member Schenkat said that in 2013, there had been a discussion regarding Judge Blake's judicial temperament. She went and observed Judge Blake in his courtroom out of curiosity. Both times she observed him, she found him to be very reasonable. However, the comparison between 2013 and 2017 shows that the scores on temperament remain about the same. In 2013, the Board did advise Judge Blake that he needed to be a bit more conscious of his temperament.

Board Member Padish asked whether Board Member Schenkat had had any other personal experience with Judge Blake. Board Member Schenkat said she did have a personal experience in 2012, which was very favorable. Board Member Padish asked whether she was a litigant in Judge Blake's courtroom and particularly a defendant. Chair Cohen advised that Board Member Schenkat should not feel compelled to go into the matters, if she was not comfortable. Board Member Schenkat stated that she did not feel it was relevant to address the matter further. Her observation was limited to the fact that the 2013 comments were similar to 2017 and that perhaps the Board could remind Judge Blake once again. All the other scores were significantly above expectations and this was his only negative. Chair Cohen noted that the 2013 statistical data reports do reflect what Board Member Schenkat stated.

Board Member Schenkat added that she and Board Member Morganstern visited the court and observed Judge Blake in the police section. He did, "great," at that time. Chair Cohen asked whether Board Member Schenkat had a line of inquiry she intended to question him about. Board Member Schenkat replied that her inquiry would be limited to the comments concerning his temperament. She views him as very stern, which is a positive for a Judge, however, there is a fine line from stern to rude.

Board Member Alvarez stated that every judge has their own personality. If there are four or five on a bench, there will be one that is more stern than others. In the comments he received, none noted rudeness or disrespectfulness. The comments were that he was respectful and to the point. This may be misinterpreted as being disrespectful. Depending upon the case and the litigants, a judge may become impatient when a litigant should know better than what their behavior or arguments imply. Sometimes they have to be cut off. He agreed that the Board should speak to him about this, if they feel it is of concern.

Vice Chair Astrowsky said that in comparing 2013 to the present, he would analyze the results in the same way that the Judicial Performance Review Committee would analyze when considering Superior Court Judges. If there is an unsatisfactory or poor performance in any category that is 25 percent or higher, a conversation to discuss this would be required. In 2013, he would have been called down, because of those numbers. In 2017, he would have been left alone. It should be noted that the numbers are better significantly from 2013 to 2017 in terms of percentages. None of them when added together would dictate a conversation or concern.

Board Member Padish said that one of the challenges in relying on statistics is the return rate. The return rate for 2017 for Judge Blake showed that 19 people returned a response. It is unfair and unwise to draw any meaningful conclusions from such a limited pool of responses. There was discussion that the total responses depends on the group of people being surveyed. There were 19 attorneys, but in the next column, there were 169 responses, when adding all respondents, such as witness, jurors, defendants and staff. There were 92 from witnesses, 14

from jurors and 42 from staff. Chair Cohen agreed, however, that the return rate is very low across the board. The statewide average is typically 13 to 15 percent.

Board Member Schenkat asked whether confidential comments should be discussed or whether executive session would be necessary for some demeaning comments. She referred to the page that lists respondent's comments. Chair Cohen said that the confidentiality relates to the fact that the people providing the comments should remain confidential, not that it requires the Board to address the issue itself confidentially. Ms. Scott agreed, stating that if the Board can address the comments publicly without it being able to be traced back reasonably to the author, Board members are free to comment generally.

Chair Cohen said that temperament is certainly a question to be posed, however he did not want that to be the primary focus, especially as the overwhelming nature of the comments have been exceptional.

Board Member Morganstern cited the notice of change of judge, which was listed a number of times. In 2016, the occurrence was substantially more than every other month. He questioned whether Judge Blake could be asked about this. Vice Chair Astrowsky said this might be a fair question. However, there were previous concerns that there may be entities or groups misusing the notice of change of judge. The idea was to determine if this was a pattern across the board. It is difficult to assess this by just looking at one judge. Board Member Alvarez pointed out a mistake on the average, noting that it says 10.2 and should be 4.3. Chair Cohen agreed that the original version was incorrect, however, it was subsequently corrected. He added that this is a very high volume court. This does seem to be an outlier and it is worth asking whether Judge Blake is aware of something that occurred in June of last year that would explain this.

Vice Chair Astrowsky said he did not know whether the Board should be looking for questions to ask just to fill time. With such positive responses, the Board may want to address a couple questions to the concerns and move on. Chair Cohen added that the discussion about temperament is very important, but should not skew the discussion. Board Member Alvarez commented that Judge Blake may just be tough judge. Chair Cohen commented that being on the bench is not a popularity contest.

Board Member Schenkat asked whether everyone has had an opportunity to read the confidential comments section. There was agreement that everyone had the opportunity to review them. Board Member Schenkat commented that some of the statements are pretty serious, which was the reason she brought up the temperament issues and that Judge Blake should be aware of these comments.

Board Member Alvarez said that the negative comments are by witnesses and not by the actual litigants themselves. Witnesses are generally in the courtroom only for a very short period of time before leaving. Board Member Schenkat commented that she was shocked at reading the last four comments. Board Member Adamovich said that an average person will be in the courtroom for a very limited period of time. The comments are a tagalong issue and not a qualifier. However, there should be a conversation about avoiding this issue. Board Member Padish stated that these are anonymous comments by individuals who were in court with a particular agenda and the disgruntled comments appear to come from those on the losing end of the dispute. He could not imagine an instance where Judge Blake or any other judge in Scottsdale threw a tantrum and stormed off the bench.

Board Member Padish said that he does not wish to give credibility to anonymous statements by grilling Judge Blake. Chair Cohen said that speaking from experience, there is a tremendous amount of perception involved. The point is well taken that there has been overwhelmingly positive feedback. However, this does not mean that Board Members should not address areas of concern.

## **7. INTERVIEW OF JUDGE BLAKE**

Judge Blake was invited to join the meeting and welcomed any statements or comments. Judge Blake said he was present to seek support for reappointment. He has been a judge since 2001. He believes he has demonstrated the ability to be a good judge and is prepared to answer any questions.

Chair Cohen thanked Judge Blake for being present and invited questions from Board Members. Board Member Morganstern addressed the notice of change of judge and particularly the number of changes requested in June of 2016 and asked whether there was a particular circumstance behind the occurrences. Judge Blake did not recall the particular month, however, there were three main groups involved. The Law Firm of Craig Rosenstein raised the defense that the DPS machine had broken a year after the testing of the blood sample. They made the argument in opening statement. The State moved to preclude it. Judge Blake asked how showing that the machine broke a year later related to the case at hand. The response was that there was no basis, but they were going to argue it anyway. He informed the defense that he was granting the State's motion. The defense argued that he was destroying their defense argument. The defense objected, resulting in notices of change of judge.

The second group was David Cantor and he has no explanation for the occurrence. The third group was the State in reference to escort cases. They had an escort case Judge Blake tried as a bench trial. He did not believe their facts fit the City ordinance and he told the State he would not convict the defendant. The question was as to the fact that you have to accompany someone in order to do an escort service. The defendant went to a hotel room and did not accompany the individual anywhere. Because they believed the facts did fit the statute, the State then began to notice Judge Blake on the day of arraignment. As such, he could not complete the arraignment. In those instances, he would go to Judge Jejna and Judge Olcavage and ask if they would do the arraignment so that the person did not have to come back twice.

Chair Cohen said that there has been high praise for Judge Blake as a judge, including the following adjectives: Brilliant, and an incredible legal mind. The Board wanted to provide Judge Blake the opportunity to respond to comments regarding temperament in terms of abruptness. Attorneys noticed different treatment to self-represented litigants. Judge Blake said that he has the highest not guilty record of any judge on bench trials, with the last not guilty verdict just yesterday. He tries to treat self-represented litigants the same. They receive fair treatment.

Chair Cohen clarified that the comments were in regard to demeanor. Judge Blake acknowledged that he is a strict judge. He knows there are instances where litigants are interrupting him while he is also interrupting them, as both make efforts to get their point across. Under those circumstances, he addresses the situation, allows the person to say whatever they want and then asks for the same courtesy in return. If the situation is not going well, he will suggest they take a break, settle down and begin again when both are ready to resume. At



other times, litigants have difficulty thinking on their feet. In these instances, he will ask them to have a seat and think about what they want to say and then resume when they are prepared.

Board Member Padish said that one respondent said Judge Blake is “softening up.” Judge Blake said that unfortunately, sometimes people come before him who have been dealt a bad hand in life. It’s easier to be tough with someone who is, “bad,” doesn’t care or is committing crimes. It is another case when there is just a sad situation.

Chair Cohen said that members of the bench reflect on other members of the bench. Comments describing Judge Blake include: Fairness, integrity, an incredible legal mind, treats people equally. He thanked Judge Blake for reflecting so favorably on the judiciary as a whole. Judge Blake thanked the Board for its comments and service.

Judge Blake left the meeting at 7:12 p.m.

## **8. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE BLAKE**

Chair Cohen asked for the Board’s recommendations to City Council.

**BOARD MEMBER ALVAREZ MOVED TO RECOMMEND REAPPOINTING JUDGE BLAKE TO THE CITY COUNCIL FOR ANOTHER FOUR YEAR TERM. VICE CHAIR ASTROWSKY SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).**

There was discussion that Chair Cohen would sign a letter formally recommending Judge Blake’s reappointment to the City Council. He also agreed to appear before Council for formal presentation.

**BOARD MEMBER ALVAREZ MOVED TO APPOINT CHAIR COHEN TO REPRESENT THE BOARD AND SPEAK TOWARDS THE REAPPOINTMENT RECOMMENDATION AT THE JULY 5, 2017 CITY COUNCIL MEETING. BOARD MEMBER ASTROWSKY SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).**

## **9. TIMELINE FOR JUDGE JOSEPH OLCAVAGE’S AND JUDGE STATIA HENDRIX’S JUDICIAL REAPPOINTMENTS**

Chair Cohen stated that Judge Olcavage and Judge Hendrix remain to be addressed for next March. As they have the same dates of reappointment, they could both be addressed during the same meeting. There was consensus to this approach. Ms. Oien suggested that JAAB meet the week of February 12th, however there is flexibility. The recommendation must go before Council by the end of February. The Board may choose to meet more quickly, such as in December, if desired. Chair Cohen stated his preference for not waiting for the last moment. He suggested meeting in December or beginning of January. There was consensus for the second or third week of January. He asked Ms. Oien to provide possible dates for the Board.

## **10. FUTURE AGENDA ITEMS**

Board Member Schenkat said that at the last meeting, the Board discussed the possibility of a fifth judge and asked whether the Board would undertake further discussion. Vice Chair Astrowsky recalled that the previous discussion concluded that this is not necessarily the Board's role and would more likely be under the purview of City Council, depending upon population. Board Member Morganstern recalled that the discussion related to how the number of judges was determined and that an answer was to be forthcoming from the law department. Board Member Alvarez said this is something that has been discussed in the past as well. His recollection was that the Board was to receive information about the volume of cases. This is largely a budget issue. The court does have a healthy list of pro tems that they rely upon.

Ms. Scott said that the agenda item is for the purpose of identifying future agenda items and not for the purpose of holding the actual discussion. She proposed putting the item on the agenda in order to educate the Board regarding the process.

Chair Cohen said it is outside the scope of the Board's charge. The context in which there was some opinion that it would be appropriate to discuss was to the extent that the Board felt it affected the ability to make recommendations. If the court as a whole is overburdened, then the Board's recommendations could include comments regarding the strains that the court as a whole is experiencing.

Board Member Schenkat questioned the idea of budgeting for the court. Last year the court made \$19 million and their expenses were \$9 million. Chair Cohen said this would still be a City Council issue. Ms. Scott said that under the open meeting law, the Board needs to stick strictly to the agenda. This topic will be placed on the future agenda in order to have a full and complete discussion. Chair Cohen said the discussion should include the authority and mandate parameters of the Board.

Chair Cohen said that as a matter of disclosure and because of the items discussed at previous meetings, he has been invited to speak to the Scottsdale City Prosecutor's Office in June on the general subject of procedural justice. He is not appearing as a representative of the Board. He did have discussions with the City Attorney, who invited him to attend.

## **ADJOURNMENT**

With no further business to discuss, and being duly moved and seconded, the meeting of the Judicial Appointments Advisory Board adjourned at 7:25 p.m.

SUBMITTED BY:

eScribers, LLC

Respectfully submitted,  
Lorelei Oien  
HR Management Analyst

Reviewed by,  
Bruce Cohen  
JAAB Chairperson