

CITY COUNCIL REPORT



Meeting Date: February 20, 2018

Charter Provision: *Provide for the orderly government and administration of the affairs of the City*

Objective: *Appoint Officials*

ACTION

Associate City Judge Reappointment. Discuss, consider, and act on the potential reappointment of Statia Hendrix, Associate City Judge, to a term of four years, as set forth in the City Ordinance, to begin on **March 9, 2018**. Consideration of Judge Statia Hendrix's reappointment will include a presentation by Judicial Appointment Advisory Board (JAAB) Chair, Judge Bradley Astrowsky, and may include, but is not limited to questions between Council and the JAAB representative(s), Donna Brown (HR Director), Judge Hendrix 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 Judicial Appointments Advisory Board (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 term lengths for all associate city judges was amended to four years.

Judge Statia Hendrix was originally appointed as an associate city judge on February 7, 2012 and will conclude her second term on the bench on March 8, 2018.

The Council-appointed JAAB has completed a comprehensive review of Judge Hendrix's application for reappointment (Attachment 1) and voted unanimously (with Board Member Padish being absent) to recommend reappointment for a third term as set forth in ordinance.

During their discussions, the JAAB noted that there was an overall reduction in Judge Hendrix's ratings from the independent survey of attorneys, defendants, witnesses and court staff. While some of the comments received from the defense attorneys' interviews still spoke of a perceived prosecutorial bias given her prior background as a prosecutor, many comments expressed were of

her fairness in sentencing reflecting a greater balance. During the interview, Judge Hendrix offered positive examples of the work she has done to improve this perception, and made note of the fact that there was a very limited number of surveys submitted in comparison to the number of people she sees in her court room and questioned whether such a limited survey response would fairly represent how she is truly perceived in the community. Overall, the JAAB was impressed with her positive accomplishments over the past four years, especially her innovation of the Domestic Violence Court and passion for breaking the cycle of violence.

A copy of the letter from Judge Bradley Astrowsky, JAAB Chair, conveying the JAAB's recommendation to the Honorable May and City Council Members is attached (Attachment 2).

Two other reference documents are included for Council's review and consideration:

- Summary Statistical Data Reports for All City of Scottsdale Judges (as of December, 2017) and Current Survey Statistical Data Reports for Judge Statia Hendrix (Attachment 3)
- Judge Hendrix's Reappointment Process Timeline (Attachment 4)

An audio recording of the January 17, 2018 meeting is available to City Council Members and the public to hear the public comments, Judge Hendrix's interview and all discussions held by JAAB about their reappointment recommendation to City Council for Judge Hendrix to serve a third 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> . The DRAFT minutes are also available for your review (Attachment 5).

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. As approved by City Council on May 3, 2005, with an effective date of May 1, 2005, associate city judge salary amounts are set annually in conjunction with City Council's annual budget review process. As such, Judge Hendrix's salary is presently set for the current fiscal year and will be determined by City Council for fiscal year 2018/19 through the FY 2018/19 budget development process.

ANALYSIS & ASSESSMENT

Community Involvement

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

The reappointment process included the following steps:

- July 12, 2017 – Judge Hendrix received a letter from staff, on behalf of the JAAB, inviting her to apply for reappointment.
- July 20, 2017 – Judge Hendrix submitted her application for reappointment.
- October and November, 2017 – An outside firm conducted a survey of citizens, legal community and staff on Judge Hendrix’s performance. (See Attachment 3 for survey result reports)
- December 13, 2017 – In response to the JAAB’s request for any information related to Judge Hendrix, a letter from the AZ Commission on Judicial Conduct was received confirming that Judge Hendrix has never been publicly disciplined for judicial misconduct.
- Weeks of December 20, 2017 and January 3, 2018 – Solicitation of public comment was conducted. (Public comments received can be heard from the posted recording of the JAAB meeting and are summarized in the DRAFT Minutes of the meeting).
- January 17, 2018 – The JAAB completed their extensive process in considering Judge Hendrix’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 Hendrix. Based on all the information the board gathered, the JAAB voted unanimously (6-0) to recommend Judge Hendrix’s reappointment to the City Council.

OPTIONS & STAFF RECOMMENDATION

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 Hendrix be retained as an Associate City Judge and reappointment effective March 9, 2018 to another judicial term of four years as set forth in the City’s Ordinance.

RESPONSIBLE DEPARTMENT(S)

Human Resources

STAFF CONTACTS (S)

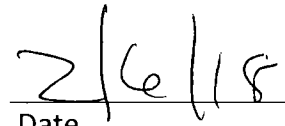
Donna B. Brown, Director – Human Resources, dbrown@scottsdaleaz.gov

APPROVED BY



Donna B. Brown, Director – Human Resources

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



Date

ATTACHMENTS

1. Judge Hendrix's Application for Reappointment
2. JAAB Recommendation Letter from Judge Bradley Astrowsky, Chair
3. Summary Statistical Data Reports for All City of Scottsdale Judges (as of December 12, 2017) and Current Survey Statistical Data Reports for Judge Statia Hendrix
4. Summary of Judge Hendrix's Reappointment Process
5. **DRAFT** Meeting Minutes – January 17, 2018, JAAB Public Meeting

JUL 20 2017



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

A. PERSONAL INFORMATION

1. Full name: **Statia Danette Hendrix**
2. Office address: **3700 N. 75th Street Scottsdale, AZ 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 have continued my assignment in Courtroom #1 during this term. My caseload consists of every type of criminal case filed in the court. In addition, I preside over all animal forfeiture and abatement cases for the City of Scottsdale. As of August 1, 2016, all domestic violence cases are housed in Courtroom #1 and I am the presiding judge for this problem-solving court.

In terms of volume, between the dates of March 1, 2014 and June 30, 2017, I have presided over more than 200 bench trials, 60+ jury trials, 60+ evidentiary hearings, 100+ protective order hearings, and hundreds of pre-trials, sentencings, and OSCs.

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

I love this job and the opportunity it affords me to positively impact people both in and out of the courtroom. I remain committed to serving this community and the litigants that appear in my court. In addition, I have new and additional responsibilities as the "DV Judge". I look forward to meeting and exceeding the goals of this assignment; holding defendants accountable and keeping victims safe.

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

Through this appointment I have been introduced and welcomed into professional circles that I wouldn't have ever imagined. Shortly after my previous reappointment, I was invited to participate in new judge orientation (LNJO) as an evidence presenter. This involves teaching evidence concepts to newly appointed/elected judges and justices of the peace. I have now participated in that training each of the last three years. In 2017, I help to teach the inaugural session of Scientific Evidence; a class added to specifically

address the judge's role and expert testimony. Because of the association with LNJO, I was invited to participate as a panel member in the annual evidence program at the judicial conference. Each of the last three years I have presented case law updates and evidence hypos for many of the 400+ Arizona judges who attend that conference.

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 I attend the mandatory judicial conference and specifically seek out the topics that are most important for my bench assignments. In addition, I frequently use webinars and other online programs recommended by my committee colleagues as refreshers and training tools. And in preparation for my DV assignment, I attended a one week "DV for Judges" seminar in San Diego, CA. This conference was put on by a national DV organization with the purpose of educating judges in the dynamics of DV, teaching judges to recognize certain victim behaviors, and creating an understanding of the toll DV takes upon a victim and the family.

8. Describe any additional experience, accomplishments or awards that you would like to share with the Board.

I currently serve on two Arizona Supreme Court committees. The first is CIDVIC (Committee on Impact of Domestic Violence in the Court) where I've just begun my second three-year term. The second is the Advisory Committee on Rules of Evidence. The purpose of both groups is to make recommendations on issues affecting the court system statewide. My involvement with both committees came via invite and because of my willingness to participate in judicial opportunities outside of the courtroom. These are important committees with the directive and motivation to affect positive change in our courts. I feel strongly about my ability to contribute and to advocate on behalf of limited jurisdiction courts.

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.

None

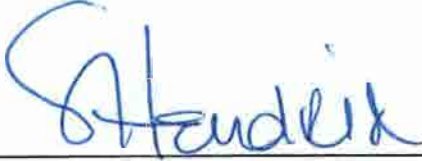
The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale 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: 7/21/2017



(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
9191 E. San Salvador Drive
Scottsdale, AZ 85258

AUTHORIZATION FOR BACKGROUND CHECKS

As part of the application process for reappointment as Associate City Judge, I authorize the Scottsdale Judicial Appointments Advisory Board and the City of Scottsdale to conduct credit, criminal, driving and disciplinary record checks; and to review my City of Scottsdale personnel

file and relevant employment records. (Note: You may be asked to complete an additional form(s) to provide required source data or signature authorization).

Full Name: **Statia Danette Hendrix**

Current Home Address: [Redacted]

Former Home Address: [Redacted]

Message Phone: **(480) 312-** [Redacted]

Date of Birth: [Redacted]

Place of Birth: [Redacted]

(City, County and State)

Social Security Number: [Redacted]

State Bar Number: [Redacted]

Driver's License Number: [Redacted]

Date: 7/21/2017



(Signature)



**City of Scottsdale
Human Resources**

9191 E. San Salvador Drive
Scottsdale, AZ 85258

PHONE: 480-312-2491
WEB: www.ScottsdaleAZ.gov

January 23, 2018

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

RE: Reappointment of Hon. Statia Hendrix as Scottsdale Associate City Judge

Dear Mayor Lane and Members of the City Council:

On January 17, 2018, the Scottsdale Judicial Appointments Advisory Board (JAAB) convened to consider the application of Judge Statia Hendrix for reappointment to a four-year term as an Associate City Judge of the Scottsdale City Court. Judge Hendrix will complete her second term on March 9, 2018.

The JAAB used a very thorough process in considering this matter, including an independent survey of attorneys, defendants, witnesses, jurors, and court staff; reference checks with attorneys who regularly appear in her court; public testimony concerning Associate City Judge Hendrix; and a formal interview by the Board. The JAAB was especially impressed with the positive accomplishments of Judge Hendrix as an Associate Judge over the past four years, especially her innovation of the Domestic Violence Court and passion for breaking the cycle of violence.

After deliberation, the Board voted unanimously (6-0) to recommend to the City Council the reappointment of Judge Hendrix to a four-year term as Presiding City Judge beginning March 9, 2018.

I extend my thanks to my fellow Board members for their service. We all appreciate the opportunity to help our community and the City of Scottsdale. If you have questions or need further information, please feel free to contact me at (602) 372-2048.

Respectfully,

Hon. Judge Bradley Astrowsky
Superior Court of Arizona in Maricopa County
Chair, Scottsdale Judicial Appointments Advisory Board



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

December 12, 2017

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

Subject: Reappointment Report for Judge Statia D. Hendrix

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 Hendrix between January 1 and June 30, 2017.

The table below provides the counts of surveys distributed and received. A total of 1,128 surveys were distributed for the current report period. Of those, the post office returned 90 (8.0 percent) as undeliverable, and we received a total of 116 usable surveys for an effective response rate of 11.2 percent.

ATTACHMENT 3

Scottsdale City Court
Survey Distribution and Receipt Summary
Judge Statia D. Hendrix
December 2017

Reported As	Respondents	Medium	Distributed	Returned - Undeliverable	Net Dist	Responses	Net Rate
Attorney	Total	All	151	2	149	24	16.1%
	Private Attorneys	Mail	137	2	135	17	12.6%
	Peer Judges & Prosecutors	Online	14	0	14	7	50.0%
Defendant/Witness	Total	All	834	87	747	29	3.9%
	Police Officers	Online	212	0	212	14	6.6%
	Defendants	Mail	622	87	535	15	2.8%
Juror	Total	Mail	70	1	69	25	36.2%
Staff	Total	Online	73	0	73	38	52.1%
Grand Total			1,128	90	1,038	116	11.2%
Mail			829	90	739	57	7.7%
Online			299	0	299	59	19.7%

Interpreting Statistical Reports

The summary sheets (All Reports as of December 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 and the accompanying report for Judge Joseph Olcavage, while the sheets for Judge Statia D. Hendrix 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 DECEMBER 11, 2017**

CITY OF SCOTTSDLAE JUDICIAL APPOINTMENTS ADVISORY BOARD

Name of Judge:
All Reports as of December 2017

Total Surveys: 4052 **Prepared:** December 2017

	ATTORNEY					821		DEFENDANT/PLAINTIFF					2050		JUROR					357		STAFF					824		
	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	
I: Legal Ability																													
Legal reasoning ability.	28	45	94	181	385	733	3.2																						
Knowledge of substantive law.	22	46	92	172	401	733	3.2																						
Knowledge of rules of evidence.	20	51	93	155	395	714	3.2																						
Knowledge of rules of procedure.	21	42	99	169	411	742	3.2																						
Knowledge of laws pertaining to sentencing.	16	19	114	167	420	736	3.3																						
Keeps up to date.	15	25	91	146	402	679	3.3																						
Legal Ability Summary	122	228	583	990	2414	4337	3.2																						
II: Integrity																													
Conduct free from impropriety.	28	37	81	118	488	752	3.3																						
Equal treatment regardless of race.	12	13	76	110	490	701	3.5	45	27	250	481	759	1562	3.2	1	2	14	63	143	223	3.5	2	10	61	143	521	737	3.6	
Equal treatment regardless of gender.	16	18	73	111	487	705	3.5	44	39	276	461	781	1601	3.2	1	2	15	70	149	237	3.5	5	20	56	152	507	740	3.5	
Equal treatment regardless of economic status.	20	18	80	106	483	707	3.4	63	64	246	452	767	1592	3.1	0	2	16	67	146	231	3.5	8	8	69	148	504	737	3.5	
Avoided prejudging outcome of case.	46	60	69	107	457	739	3.2																						
Basic fairness and impartiality.	54	49	68	116	473	760	3.2	108	103	245	456	794	1706	3.0	0	2	15	68	167	252	3.6	8	24	64	138	518	752	3.5	
Exhibits personal integrity.																													
Integrity Summary	176	195	447	668	2878	4364	3.3	260	233	###	1850	3101	6461	3.1	2	10	74	332	769	1187	3.6	29	84	311	713	2600	3737	3.5	
III: Communication Skills																													
Clear and logical oral communications/directions.	20	46	108	160	416	750	3.2	58	91	272	509	814	1744	3.1	2	0	12	78	163	255	3.6	9	29	93	187	455	773	3.4	
Clear and logical written decisions.	23	37	58	120	345	583	3.2																						
Explained proceedings to the jury.																													
Explained reasons for delays.																													
Clear explanations of the juror's responsibilities.																													
Clear instructions to the jury.																													
Communication Skills Summary	43	83	166	280	761	1333	3.2	58	91	272	509	814	1744	3.1	10	5	61	335	820	1231	3.6	9	29	93	187	455	773	3.4	
IV: Judicial Temperament																													
Understanding and compassion.	36	59	111	127	415	748	3.1	105	115	277	519	696	1712	2.9	2	0	19	68	136	225	3.5	12	33	105	192	416	758	3.3	
Dignified.	26	30	103	156	443	758	3.3	68	64	301	487	808	1728	3.1	2	1	14	67	151	235	3.5	8	15	89	173	490	775	3.4	
Courteous.	32	38	105	142	445	762	3.2	73	93	286	488	794	1734	3.1															
Courteous to litigants.																													
Courteous to jurors.																													
Is accessible.	20	30	96	144	422	712	3.3																						
Conduct that promoted public confidence in the court and judge's ability.	43	53	76	140	440	752	3.2	105	103	238	453	813	1712	3.0	3	2	12	57	154	228	3.6	17	24	68	151	499	759	3.4	
Judicial Temperament Summary	157	210	491	709	2165	3732	3.2	351	375	###	1947	3111	6886	3.0	12	4	68	317	754	1155	3.6	54	98	352	696	1875	3075	3.4	
V: Administrative Performance																													
Punctuality in conducting proceedings.	13	22	131	182	393	741	3.2	61	98	346	518	680	1703	3.0	1	3	18	65	147	234	3.5	15	35	77	162	440	729	3.3	
Maintenance of proper control over courtroom.	15	22	107	152	448	744	3.3	36	49	291	484	843	1703	3.2	2	0	13	62	160	237	3.6	8	19	63	150	486	726	3.5	
Promptness in making rulings and rendering decisions.	11	13	118	164	417	723	3.3																						
Hard worker.	11	22	75	137	414	659	3.4	45	54	204	396	654	1353	3.2	1	3	9	42	120	175	3.6	9	11	62	112	559	753	3.6	
Respectful treatment of staff.																													
Cooperation with peers.																													
Cooperation with staff.																													
Efficient management of calendar.	15	37	93	146	387	678	3.3																						
Admin. Performance Summary	65	116	524	781	2059	3545	3.3	142	201	841	1398	2177	4759	3.1	4	6	40	169	427	646	3.6	84	171	509	1023	3367	5154	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 December 2017, including the current report.

CITY OF SCOTTSDLAE JUDICIAL APPOINTMENTS ADVISORY BOARD

Name of Judge:
All Reports as of December 2017

Total Surveys: 4052 **Prepared:** December 2017

	ATTORNEY					821		DEFENDANT/PLAINTIFF					2050		JUROR					357		STAFF					824																
	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															
I: Legal Ability																																											
Legal reasoning ability.	4%	6%	13%	25%	53%	100%	3.2																																				
Knowledge of substantive law.	3%	6%	13%	23%	55%	100%	3.2																																				
Knowledge of rules of evidence.	3%	7%	13%	22%	55%	100%	3.2																																				
Knowledge of rules of procedure.	3%	6%	13%	23%	55%	100%	3.2																																				
Knowledge of laws pertaining to sentencing.	2%	3%	15%	23%	57%	100%	3.3																																				
Keeps up to date.	2%	4%	13%	22%	59%	100%	3.3																																				
Legal Ability Summary	3%	5%	13%	23%	56%	100%	3.2																																				
II: Integrity																																											
Conduct free from impropriety.	4%	5%	11%	16%	65%	100%	3.3																																				
Equal treatment regardless of race.	2%	2%	11%	16%	70%	100%	3.5	3%	2%	16%	31%	49%	100%	3.2	0%	1%	6%	28%	64%	100%	3.5	0%	1%	8%	19%	71%	100%	3.6															
Equal treatment regardless of gender.	2%	3%	10%	16%	69%	100%	3.5	3%	2%	17%	29%	49%	100%	3.2	0%	1%	6%	30%	63%	100%	3.5	1%	3%	8%	21%	69%	100%	3.5															
Equal treatment regardless of economic status.	3%	3%	11%	15%	68%	100%	3.4	4%	4%	15%	28%	48%	100%	3.1	0%	1%	7%	29%	63%	100%	3.5	1%	1%	9%	20%	68%	100%	3.5															
Avoided prejudging outcome of case.	6%	8%	9%	14%	62%	100%	3.2																																				
Basic fairness and impartiality.	7%	6%	9%	15%	62%	100%	3.2	6%	6%	14%	27%	47%	100%	3.0	0%	1%	6%	26%	67%	100%	3.6	1%	3%	9%	18%	69%	100%	3.5															
Exhibits personal integrity.																																											
Integrity Summary	4%	4%	10%	15%	66%	100%	3.3	4%	4%	16%	29%	48%	100%	3.1	0%	1%	6%	28%	65%	100%	3.6	1%	2%	8%	19%	70%	100%	3.5															
III: Communication Skills																																											
Clear and logical oral communications/directions.	3%	6%	14%	21%	55%	100%	3.2	3%	5%	16%	29%	47%	100%	3.1	1%	0%	5%	31%	64%	100%	3.6	1%	4%	12%	24%	59%	100%	3.4															
Clear and logical written decisions.	4%	6%	10%	21%	59%	100%	3.2																																				
Explained proceedings to the jury.															1%	0%	5%	26%	68%	100%	3.6																						
Explained reasons for delays.															1%	1%	8%	26%	65%	100%	3.5																						
Clear explanations of the juror's responsibilities.															1%	0%	4%	27%	68%	100%	3.6																						
Clear instructions to the jury.															1%	1%	4%	27%	68%	100%	3.6																						
Communication Skills Summary	3%	6%	12%	21%	57%	100%	3.2	3%	5%	16%	29%	47%	100%	3.1	1%	0%	5%	27%	67%	100%	3.6	1%	4%	12%	24%	59%	100%	3.4															
IV: Judicial Temperament																																											
Understanding and compassion.	5%	8%	15%	17%	55%	100%	3.1	6%	7%	16%	30%	41%	100%	2.9	1%	0%	8%	30%	60%	100%	3.5	2%	4%	14%	25%	55%	100%	3.3															
Dignified.	3%	4%	14%	21%	58%	100%	3.3	4%	4%	17%	28%	47%	100%	3.1	1%	0%	6%	29%	64%	100%	3.5	1%	2%	11%	22%	63%	100%	3.4															
Courteous.	4%	5%	14%	19%	58%	100%	3.2	4%	5%	16%	28%	46%	100%	3.1																													
Courteous to litigants.															1%	0%	6%	28%	65%	100%	3.6																						
Courteous to jurors.															1%	0%	4%	26%	69%	100%	3.6																						
Is accessible.	3%	4%	13%	20%	59%	100%	3.3																																				
Conduct that promoted public confidence in the court and judge's ability.	6%	7%	10%	19%	59%	100%	3.2	6%	6%	14%	26%	47%	100%	3.0	1%	1%	5%	25%	68%	100%	3.6	2%	3%	9%	20%	66%	100%	3.4															
Judicial Temperament Summary	4%	6%	13%	19%	58%	100%	3.2	5%	5%	16%	28%	45%	100%	3.0	1%	0%	6%	27%	65%	100%	3.6	2%	3%	11%	23%	61%	100%	3.4															
V: Administrative Performance																																											
Punctuality in conducting proceedings.	2%	3%	18%	25%	53%	100%	3.2	4%	6%	20%	30%	40%	100%	3.0	0%	1%	8%	28%	63%	100%	3.5	2%	5%	11%	22%	60%	100%	3.3															
Maintenance of proper control over courtroom.	2%	3%	14%	20%	60%	100%	3.3	2%	3%	17%	28%	50%	100%	3.2	1%	0%	5%	26%	68%	100%	3.6	1%	3%	9%	21%	67%	100%	3.5															
Promptness in making rulings and rendering decisions.	2%	2%	16%	23%	58%	100%	3.3																																				
Hard worker.	2%	3%	11%	21%	63%	100%	3.4	3%	4%	15%	29%	48%	100%	3.2	1%	2%	5%	24%	69%	100%	3.6	1%	1%	8%	15%	74%	100%	3.6															
Respectful treatment of staff.																						2%	3%	10%	19%	66%	100%	3.4															
Cooperation with peers.																						1%	2%	10%	21%	67%	100%	3.5															
Cooperation with staff.																						2%	4%	10%	21%	63%	100%	3.4															
Efficient management of calendar.	2%	5%	14%	22%	57%	100%	3.3																																				
Admin. Performance Summary	2%	3%	15%	22%	58%	100%	3.3	3%	4%	18%	29%	46%	100%	3.1	1%	1%	6%	26%	66%	100%	3.6	2%	3%	10%	20%	65%	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 December 2017, including the current report.

**CITY OF SCOTTSDALE
JUDICIAL APPOINTMENTS ADVISORY BOARD**

**STATISTICAL DATA REPORTS
FOR
JUDGE STATIA D. HENDRIX
DECEMBER 11, 2017**

CITY OF SCOTTSDLAE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge:
Statia D. Hendrix

Total Surveys: 116 Prepared: December 2017

	ATTORNEY					24		DEFENDANT/WITNESS					29		JUROR					25		STAFF					38		
	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	
I: Legal Ability																													
Legal reasoning ability.	4	2	4	3	9	22	2.5																						
Knowledge of substantive law.	4	4	1	5	9	23	2.5																						
Knowledge of rules of evidence.	4	4	2	4	8	22	2.4																						
Knowledge of rules of procedure.	3	5	2	5	9	24	2.5																						
Knowledge of laws pertaining to sentencing.	2	1	4	7	10	24	2.9																						
Keeps up to date.	2	0	5	4	10	21	3.0																						
Legal Ability Summary	19	16	18	28	55	136	2.6																						
II: Integrity																													
Conduct free from impropriety.	3	2	2	1	14	22	3.0																						
Equal treatment regardless of race.	1	1	2	0	14	18	3.4	1	0	4	4	17	26	3.4	0	0	0	4	20	24	3.8	0	0	4	12	21	37	3.5	
Equal treatment regardless of gender.	1	0	3	0	15	19	3.5	1	0	4	4	18	27	3.4	0	0	0	4	20	24	3.8	0	2	3	12	20	37	3.4	
Equal treatment regardless of economic status.	1	1	3	0	14	19	3.3	1	0	4	4	18	27	3.4	0	0	0	4	20	24	3.8	0	0	7	11	18	36	3.3	
Avoided prejudging outcome of case.	3	5	0	2	12	22	2.7																						
Basic fairness and impartiality.	5	1	2	3	12	23	2.7	2	1	4	2	18	27	3.2	0	0	0	4	21	25	3.8	0	2	3	12	20	37	3.4	
Exhibits personal integrity.																													
Integrity Summary	14	10	12	6	81	123	3.1	5	1	16	14	71	107	3.4	0	0	0	20	102	122	3.8	0	6	20	56	102	184	3.4	
III: Communication Skills																													
Clear and logical oral communications/directions.	3	3	2	5	11	24	2.8	1	2	4	2	18	27	3.3	0	0	0	4	21	25	3.8	0	2	6	4	26	38	3.4	
Clear and logical written decisions.	4	1	1	3	6	15	2.4																						
Explained proceedings to the jury.																													
Explained reasons for delays.																													
Clear explanations of the juror's responsibilities.																													
Clear instructions to the jury.																													
Communication Skills Summary	7	4	3	8	17	39	2.6	1	2	4	2	18	27	3.3	0	0	0	20	102	122	3.8	0	2	6	4	26	38	3.4	
IV: Judicial Temperament																													
Understanding and compassion.	2	1	5	3	12	23	3.0	2	0	5	2	18	27	3.3	0	0	0	4	21	25	3.8	0	3	3	11	20	37	3.3	
Dignified.	2	0	4	5	12	23	3.1	1	0	6	2	18	27	3.3	0	0	0	4	21	25	3.8	1	1	2	10	23	37	3.4	
Courteous.	1	2	4	4	13	24	3.1	1	0	5	3	18	27	3.4															
Courteous to litigants.																													
Courteous to jurors.																													
Is accessible.	1	2	2	6	10	21	3.0																						
Conduct that promoted public confidence in the court and judge's ability.	3	3	1	5	11	23	2.8	2	0	3	2	20	27	3.4	0	0	0	4	21	25	3.8	1	2	3	8	23	37	3.4	
Judicial Temperament Summary	9	8	16	23	58	114	3.0	6	0	19	9	74	108	3.3	0	0	0	20	105	125	3.8	3	8	10	38	89	148	3.4	
V: Administrative Performance																													
Punctuality in conducting proceedings.	1	1	2	7	12	23	3.2	1	0	4	3	18	26	3.4	0	0	0	4	21	25	3.8	2	1	2	11	19	35	3.3	
Maintenance of proper control over courtroom.	1	2	4	4	13	24	3.1	1	0	4	2	19	26	3.5	0	0	0	4	21	25	3.8	0	1	5	11	19	36	3.3	
Promptness in making rulings and rendering decisions.	1	2	4	4	13	24	3.1																						
Hard worker.	1	1	3	4	10	19	3.1	1	0	2	2	18	23	3.6	0	0	0	4	19	23	3.8	1	1	4	9	22	37	3.4	
Respectful treatment of staff.																													
Cooperation with peers.																													
Cooperation with staff.																													
Efficient management of calendar.	1	2	3	4	10	20	3.0																						
Admin. Performance Summary	5	8	16	23	58	110	3.1	3	0	10	7	55	75	3.5	0	0	0	12	61	73	3.8	6	9	24	68	135	242	3.3	

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

Surveys were distributed to individuals who appeared in court between January 1 and June 30, 2017

CITY OF SCOTTSBLAE JUDICIAL APPOINTMENT ADVISORY BOARD

Name of Judge: Statia D. Hendrix	Total Surveys: 116					Prepared: December 2017																								
	ATTORNEY					24		DEFENDANT/PLAINTIFF					29		JUROR					25		STAFF					38			
	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		
I: Legal Ability																														
Legal reasoning ability.	18%	9%	18%	14%	41%	100%	2.5																							
Knowledge of substantive law.	17%	17%	4%	22%	39%	100%	2.5																							
Knowledge of rules of evidence.	18%	18%	9%	18%	36%	100%	2.4																							
Knowledge of rules of procedure.	13%	21%	8%	21%	38%	100%	2.5																							
Knowledge of laws pertaining to sentencing.	8%	4%	17%	29%	42%	100%	2.9																							
Keeps up to date.	10%	0%	24%	19%	48%	100%	3.0																							
Legal Ability Summary	14%	12%	13%	21%	40%	100%	2.6																							
II: Integrity																														
Conduct free from impropriety.	14%	9%	9%	5%	64%	100%	3.0																							
Equal treatment regardless of race.	6%	6%	11%	0%	78%	100%	3.4	4%	0%	15%	15%	65%	100%	3.4	0%	0%	0%	17%	83%	100%	3.8	0%	0%	11%	32%	57%	100%	3.5		
Equal treatment regardless of gender.	5%	0%	16%	0%	79%	100%	3.5	4%	0%	15%	15%	67%	100%	3.4	0%	0%	0%	17%	83%	100%	3.8	0%	5%	8%	32%	54%	100%	3.4		
Equal treatment regardless of economic status.	5%	5%	16%	0%	74%	100%	3.3	4%	0%	15%	15%	67%	100%	3.4	0%	0%	0%	17%	83%	100%	3.8	0%	0%	19%	31%	50%	100%	3.3		
Avoided prejudging outcome of case.	14%	23%	0%	9%	55%	100%	2.7																							
Basic fairness and impartiality.	22%	4%	9%	13%	52%	100%	2.7	7%	4%	15%	7%	67%	100%	3.2	0%	0%	0%	16%	84%	100%	3.8	0%	5%	8%	32%	54%	100%	3.4		
Exhibits personal integrity.																														
Integrity Summary	11%	8%	10%	5%	66%	100%	3.1	5%	1%	15%	13%	66%	100%	3.4	0%	0%	0%	16%	84%	100%	3.8	0%	3%	11%	30%	55%	100%	3.4		
III: Communication Skills																														
Clear and logical oral communications/directions.	13%	13%	8%	21%	46%	100%	2.8	4%	7%	15%	7%	67%	100%	3.3	0%	0%	0%	16%	84%	100%	3.8	0%	5%	16%	11%	68%	100%	3.4		
Clear and logical written decisions.	27%	7%	7%	20%	40%	100%	2.4																							
Explained proceedings to the jury.																														
Explained reasons for delays.																														
Clear explanations of the juror's responsibilities.																														
Clear instructions to the jury.																														
Communication Skills Summary	18%	10%	8%	21%	44%	100%	2.6	4%	7%	15%	7%	67%	100%	3.3	0%	0%	0%	16%	84%	100%	3.8	0%	5%	16%	11%	68%	100%	3.4		
IV: Judicial Temperament																														
Understanding and compassion.	9%	4%	22%	13%	52%	100%	3.0	7%	0%	19%	7%	67%	100%	3.3	0%	0%	0%	16%	84%	100%	3.8	0%	8%	8%	30%	54%	100%	3.3		
Dignified.	9%	0%	17%	22%	52%	100%	3.1	4%	0%	22%	7%	67%	100%	3.3	0%	0%	0%	16%	84%	100%	3.8	3%	3%	5%	27%	62%	100%	3.4		
Courteous.	4%	8%	17%	17%	54%	100%	3.1	4%	0%	19%	11%	67%	100%	3.4																
Courteous to litigants.																														
Courteous to jurors.																														
Is accessible.	5%	10%	10%	29%	48%	100%	3.0																							
Conduct that promoted public confidence in the court and judge's ability.	13%	13%	4%	22%	48%	100%	2.8	7%	0%	11%	7%	74%	100%	3.4	0%	0%	0%	16%	84%	100%	3.8	3%	5%	8%	22%	62%	100%	3.4		
Judicial Temperament Summary	8%	7%	14%	20%	51%	100%	3.0	6%	0%	18%	8%	69%	100%	3.3	0%	0%	0%	16%	84%	100%	3.8	2%	5%	7%	26%	60%	100%	3.4		
V: Administrative Performance																														
Punctuality in conducting proceedings.	4%	4%	9%	30%	52%	100%	3.2	4%	0%	15%	12%	69%	100%	3.4	0%	0%	0%	16%	84%	100%	3.8	6%	3%	6%	31%	54%	100%	3.3		
Maintenance of proper control over courtroom.	4%	8%	17%	17%	54%	100%	3.1	4%	0%	15%	8%	73%	100%	3.5	0%	0%	0%	16%	84%	100%	3.8	0%	3%	14%	31%	53%	100%	3.3		
Promptness in making rulings and rendering decisions.	4%	8%	17%	17%	54%	100%	3.1																							
Hard worker.	5%	5%	16%	21%	53%	100%	3.1	4%	0%	9%	9%	78%	100%	3.6	0%	0%	0%	17%	83%	100%	3.8	3%	3%	11%	24%	59%	100%	3.4		
Respectful treatment of staff.																														
Cooperation with peers.																														
Cooperation with staff.																														
Efficient management of calendar.	5%	10%	15%	20%	50%	100%	3.0																							
Admin. Performance Summary	5%	7%	15%	21%	53%	100%	3.1	4%	0%	13%	9%	73%	100%	3.5	0%	0%	0%	16%	84%	100%	3.8	2%	4%	10%	28%	56%	100%	3.3		

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

Surveys were distributed to individuals who appeared in court between January 1 and June 30, 2017

JAAB REAPPOINTMENT TIMELINE

Associate City Judge Statia Hendrix

Current Term Expires March 9, 2018

<u>Date</u>	<u>Description</u>
July 12, 2017	Staff to send letter and application on behalf of JAAB apprising incumbent judge of process for reappointment.
August 7, 2017	Staff to send email to City Court Administrator requesting list of individuals appearing in Judge Olcavage's courtroom from January 1, 2017, through June 30, 2017.
August 3, 2017	Deadline for filing formal application for reappointment with Human Resources.
August 31, 2017	Deadline for receiving lists of jurors, defendants, attorneys and public defenders who have appeared in the judge's courtrooms from specified dates above.
September 20, 2017	Deadline for staff to get survey contact info to Research Information Specialists (RIS).
October 1, 2017	RIS to distribute/email surveys.
November 1, 2017	Send letter to AZ Commission on Judicial Conduct Initiate background checks.
November 25, 2017	Deadline for submission of completed surveys to RIS.
December 12, 2017	Compiled survey results/reports due to HR.
December 1, 2017	Distribute due diligence interview assignments to JAAB members.
Week of December 15, 2017	Survey results data and other public hearing meeting materials distributed to JAAB and copies sent to incumbent judges and Court Administrator.
Week of December 20, 2017 and January 3, 2018	Call for Public Comment posted in Arizona Republic
January 15, 2017	All advance due diligence work completed.
Week of January 15, 2018	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.
February 6, 2018	Council Report and supplements due to the City Clerk's office.
February 12 - 19 - February 2, 2018	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.
February 20, 2018	City Council action on reappointment.



DRAFT MINUTES

**City of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting
6:00 p.m., Wednesday, January 17, 2018
North Corp Yard, Wrangler Conference Room
9191 E. San Salvador Drive
Scottsdale, Arizona 85258**

PRESENT: Judge Bruce Cohen, Chair
Judge Bradley Astrowsky, Vice Chair
Judge Max Covil, Board Member
Sandra Schenkat, Board Member
Stanley Morganstern, Board Member
Brian Adamovich, Board Member

ABSENT: James Padish, Board Member

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

GUESTS: Presiding Judge Joseph Olcavage
Judge James Blake
Judge Orest Jejna
Julia Dybas, Court Administrator
Judge Pro Tem Lori Patrick
James Austin Woods
Judge Statia Hendrix

CALL TO ORDER

The meeting was called to order at 6:05 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.

1. REAPPOINTMENT OF BOARD MEMBER

Chair Cohen congratulated Judge Astrowsky on his reappointment to a second term.

2. APPOINTMENT OF NEW BOARD MEMBER

Chair Cohen welcomed Board Member Covil to the Board.

3. PUBLIC COMMENT

The purpose of this item is to give the public an opportunity to give comments or input regarding the performance and reappointment of Presiding Judge Joseph Olcavage and Associate City Judge Statia Hendrix.

Chair Cohen invited Judge Blake to provide his comments, which were recorded as follows:

“Mr. Chairman, members of the committee, my name is Jim Blake. I’ve been an Associated City Judge in Scottsdale since 2001 and I’m here to offer my support for the reappointment of both Judges Olcavage and Judge Hendrix. I’ve known both of them since 2001, Judge Olcavage first as an associate judge with me on the Court and now as Presiding Judge. I support his retention. He’s a very calming influence as a supervisor. Having been a supervisor myself at the County Attorney’s Office, it can be a very frazzled or harassing position. It’s nice to have someone who’s calm there. And when you have a problem, you can go to someone who doesn’t explode on you, doesn’t cause any issues, but says, you know, let’s settle down. Let’s talk about this and let’s resolve this issue. So I really appreciate his calming influence. He’s also been a very inventive judge. We have the Veteran’s Court and I help him when he is not available or is in a City meeting or something like that. I cover Veteran’s Court for him both here and in Tempe. We have the Homeless Court that he supports. I very much support his retention as a judge. He knows the law. He teaches. Just last week he was teaching at the Judicial College with the new judges, the JPs, helping them become better judges. And he has the highest ethical standards.

On Judge Hendrix, as I said, I’ve known her also since 2001. She was a prosecutor. She prosecuted in my court. I’ve known her as an associate judge. She is also innovative in how she does things, especially with DV Court. She has created her own DV Court that she does specially to handle. I’ve watched her in DV Court. I’ve been to some of her training on DV, because every so often you have to assist someone in that area, even though it’s a specialty court. She really cares about the defendants and breaking the cycle of violence, as those people who have done DV, you know, a lot of times it just keeps going on, unless someone can intervene. As felony people know, it gets a lot worse. And it’s nice to have someone who knows and intervenes in the misdemeanor courts to break that cycle. She’s very enthusiastic about her job. It’s nice to have people who aren’t as old as myself and Judge Jejna. And someone who’s still very enthusiastic and learning about the law. She – also like Judge Olcavage, she teaches. Both her and I teach at the Judicial Convention. As she you know, she does that with evidence. And of course, she is very knowledgeable of the law and ethical. I fully support their retention as judges. Mr. Chairman, members of the committee, I’d be happy to answer any questions you may have. Thank you for allowing me to speak and thank you for your service.”

Chair Cohen invited Julia Dybas to provide her comments, which were captured as follows:

“Good evening. Thank you so much for letting me speak. I also, Judge Cohen and member of the Board, I’m the Court Administrator and have been the Court Administrator at Scottsdale City Court since 2013 and I was the Deputy Court Administrator in – since 2008. I’ve worked at the Arizona Supreme Court prior to that and the Maricopa Superior Court prior to that. And I guess I just want to come here and offer my support for both Judge Olcavage and Judge Hendrix and echo a couple of things that Judge Blake just mentioned. But in addition, one of the – my jobs at

the Arizona Supreme Court was auditing courts, both superior, general and limited jurisdiction court. And kind of without a doubt, I really feel like the bench and Scottsdale City Court has had some of the highest standard judges in the state. And literally reviewed over 100 courts in the state. So it's a very impressive bench and both Judge Olcavage and Judge Hendrix bring a lot to the table.

"Judge Hendrix has recently worked with me on a national guideline for domestic violence. It's a publication. It's through the National Association for Court Management and then also a webinar we're developing. And this is all on her own time in addition to her – she doesn't ask for reduced calendar settings or anything like this. She's doing this on her lunch hours and after work and before time. She's bringing in speakers on domestic violence and issues. She does tons of trainings for all the Court staff and other staff in other courts across the state. Staff really, really appreciate her efficiency on the bench. She's just a very classy judge who is always just very judicial, appropriate, ethical and works extremely hard.

"Judge Olcavage, I can't say enough great things about. Honestly, I feel like the Court is without a doubt, one of the best limited jurisdiction courts in the State of Arizona. We've been recognized as that, as a high performing Court. We have been recognized as that for national awards and local awards. We are – been asked just recently by the Arizona Supreme Court to come speak in front of the Justice For All Task Force. It's a task force that has a ton of initiatives. We have got almost all of them implemented and always have. And so we were just asked to present to this very prestigious board on all the things we were doing. And they were extremely impressed. Judge Olcavage has always kept staff, the employees and the Court customers at the forefront. That's – when I first came on, that's one of the first thing he said. 'I care about the customers and the ease and how do we make things simpler and easier for them and more access to justice? And how do we make it more – the whole process less confusion and scary?' We've done videos. We've done more informational and signage, a lot of different things. And his second passion is staff. Staff love him, because he's constantly doing things, whether it's food activities or training or focus groups to find out what he can do, what I can do to make the Court a better place to work and a better place for our Court customers. So unequivocally, these are two outstanding individuals. I just hope you support them in their appointment. And I'm here to also answer any questions you may have."

Chair Cohen asked about trends in the caseload coming into the Court. Ms. Dybas said there is a decline in photo enforcement. There is a slight increase in criminal overall and a little decline in DUIs. Chair Cohen noted that for a time, the Court and judges were stretched to the limits, however that issue has not surfaced for a while. Ms. Dybas stated that while those decreases are present, there is actually an increase in people coming to Court. They have implemented a compliance assistance program to assist people in getting out of default. If they come in and pay a small percentage, they are helped to get out of default and onto a payment plan, get their license back and hopefully back to work again. They offer several programs and four to five specialty courts. The Court offers interpreters from any language. There are also onsite treatment providers who perform assessments onsite.

Board Member Morganstern inquired as to the average monthly number of domestic violence cases. Ms. Dybas she did not know the number off the top of her head and that perhaps Judge Hendrix would be the better person to answer. Judge Hendrix sees the individuals every month. If they are following through with their programs, she may not see them for another month or two. If doing poorly, she may see them weekly.

Chair Cohen invited Judge Jejna to provide his comments, which were captured as follows:

"Good evening, Judge Cohen, members of the Board. It's again my pleasure to be here to speak on behalf of Judge Olcavage as well as Judge Hendrix. Judge Blake is a tough act to follow in terms of providing you with a plethora of information both of the judges as well as Julia, who provided you with some of the other technical side of things. So I try to think to myself, what is it different that I can tell you about both of the judges. I've known Judge Olcavage since my days of practice, when I practiced in the different courts in the state before I took the bench 17 years ago, and I've known him ever since. He's been a great individual as a mentor. Even after 17 years of being on the bench, I still look to Judge Olcavage for mentoring, whether it be myself or other judges on the bench and as well as some of our pro tem judges who appear in our Court handling our calendar. He's done a wonderful job. He's always an excellent person, a go-to guy who can give you practical knowledge, practical information and some guidance on some of the issues that we encounter in our Courts. And seemingly, there is always something new to encounter, regardless of circumstances.

"Judge Olcavage, I think, is also in the forefront of fair justice, the new implementation by the Supreme Court, where we are very closely monitoring and very closely listening to individuals who are taken into custody. There was obviously a time when sometimes the requirement for bonding and release conditions, as we now see after the Ferguson case, the Supreme Court has taken a stance where we take that a little bit more sensitively. Release conditions are more liberally applied at times. And so those are considerations that come into play. And I think Judge Olcavage has done an excellent job of implementing that philosophy in our Court, so that we follow the mandates of the supreme Court.

"Judge Hendrix is also a person who has practiced before me, when I was on the bench. And she handled a particular caseload with the City Attorney's Office. Wonderful judge from that perspective. Knows the law. Is extremely efficient. But the things that I can tell you different that the other two commentators have provided is that I think Judge Hendrix provides a special passion for the domestic violence calendar that she handles. Just to give you some mechanics. I know that there was an earlier question as to how many cases she handles per month. What will happen is for Judge Hendrix, not only will she handle cases that come right out of the box, let's say right out of arraignments that will go to her Court, but also what will happen is sometimes Judge Blake and I will cover Jail Court. A lot of our domestic violence cases come through the Jail Court. Whether they're in custody or out of custody, ultimately they pass through our hands and then move on to Judge Hendrix. Now a lot of times, it might be in a pretrial category, where the case is not yet resolved and then she'll take over the handling of it. Or it'll be a case where Judge Blake and I resolve it at the Jail Court level. But then Judge Hendrix continues on in the process.

"And again, I think the beauty of what Judge Hendrix is doing is she's trying in her best efforts by monitoring these individuals, having them come back for domestic violence review hearings. Quite frankly, some of the people pass with flying colors and do extremely well at doing the programs that they're required to do under the domestic violence laws. And then on the other side, unfortunately, there are those that don't do so well. And she does a wonderful job of reining those individuals in, providing them the appropriate guidance to bring about the success that's necessary in domestic violence cases. And so I think that the passion that she delivers is fantastic for our Court, so that we can serve our community and serve those individuals that are charged with those particular types of matters. And I think she fills a tremendous void in that particular category. So hopefully I've given you a little smidgen – a little different of what the other two commentators were able to provide to you. I'm open for questions if you wish."

Lori Patrick submitted a written comment, which Chair Cohen read for attendees. "Judge Olcavage is a superior judge and an excellent presiding judge and leader. I've served as a pro tem judge for nearly ten years, and he is patient, wise and innovative. Judge Hendrix, too, is a great judge and mentor. I urge the JAAB to retain and reappoint both."

Chair Cohen invited James Austin Woods to provide his comments, which were recorded as follows:

"I was asked by Sandy to help her with her due diligence. Very small sort of way. She wanted me to go with her and observe Judge Hendrix in Court. So we went to Court and we in the morning observed a judge pro tem. And the judge did a fine job. Maybe make a couple of errors. But then in the afternoon, we observed Judge Hendrix. And she did not make a single mistake. In fact, she was quite fantastic, I'd say. So just echoing some sentiments, but I do feel that if you were to ask some defense attorneys what they think of the judge and you got something negative, it's worth reminding that Scottsdale's a difficult, you know, Court to win from defense attorney's standpoint. Sometimes the defense attorneys maybe take that out on a judge, instead of on maybe the prosecution or themselves. So I'd keep that in mind as well if reading the comments from other lawyers, having – being a public defender myself and one who prides himself on not taking things personally. When I have appeared before the judge with clients, I've found her to be firm, but fair. And that's about it.

There were no further public comments. Chair Cohen explained that the next portion of the meeting would address the surveys. Vice Chair Astrowsky proposed moving into executive session prior to discussion of the surveys. He would like the opportunity to get input concerning some of the issues that came up as well as follow up concerning advice that was provided by the City Attorney to board members before the meeting. Discussion ensued as to which items the Executive Session discussion would apply to.

EXECUTIVE SESSION

BOARD MEMBER ASTROWSKY MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL ADVICE AND HOLD DISCUSSION PERTAINING TO THE INFORMATION PROVIDED BY THE CITY ATTORNEY TO BOARD MEMBERS CONCERNING ITEMS 7, 8 AND 10. BOARD MEMBER MORGANSTERN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT.

Executive Session was held from 6:27 to 6:55 p.m.

4. DISCUSSION OF JUDICIAL SURVEY RESULTS ON ASSOCIATE CITY JUDGE STATIA HENDRIX

Chair Cohen asked board members for comments on the survey results. Board Member Schenkat stated that she compared the results of 2013 to 2017, noting that Judge Hendrix's averages were higher in 2013, except for in the area of communications. Vice Chair Astrowsky agreed that attorneys rated her more poorly in 2017 overall in legal ability, integrity, communication skills. Chair Cohen pointed out that the Superior Court for Pinal County, Pima County and Maricopa County use a similar type of process. The board that oversees the Superior Court looks at these categories. They analyze the categories of unsatisfactory and poor. If the total percentage in these categories is 25 percent or higher in any area, they believe that is a basis to bring someone in and ask them questions about their performance. In every category for Judge Hendrix, these numbers are 10 percent and 9 percent, with one being 14 percent, not

coming close to the 25 percent threshold used by the Superior Court. Vice Chair Astrowsky said that in looking at the 2017 results from attorneys, the way the Judicial Performance Review Committee totals these amounts is to total the unsatisfactory and poor totals. If looking at the attorney legal ability summary, the total is 26 percent. For integrity (not total but for the category of avoiding pre-judge outcome of the case, the total is 37 percent). Communication skills were at 28 percent overall. Board Member Morganstern advised consideration for the very poor response to the survey. Board Member Adamovich noted that there are a total of 116 total surveys, so the trend is not a blip, and is consistent with the amount of surveys returned for other judges. Vice Chair Astrowsky noted that there is the 2013 data set to compare from. In 2013, there were 32 attorney responses. The current data set has 24 responses. The data set for attorneys in terms of legal ability in 2013 was 11 percent in the negative category, whereas 2017 reflected 26 percent. Board Member Schenkat said that there is an average four point average decrease in integrity, judicial temperament, administrative performance and legal ability. She asked whether the judges receive the survey results. Lorelei Oien, Management Analyst, confirmed that the judges receive their most recent results. Chair Cohen pointed out that the other categories (Defendant or witness, juror and staff), there is not a replication of the same types of concerns. This seems to be an issue more focused on the lawyers.

5. DISCUSSION OF JUDICIAL SURVEY RESULTS ON PRESIDING CITY JUDGE JOSEPH OLCAVAGE

Chair Cohen noted that Judge Olcavage's numbers are exemplary as far as the lack of negative survey returns. He invited comments from board members. Board Member Schenkat stated that communication skills is the only category under 3 points and questioned whether this is a consideration. Vice Chair Astrowsky did not see the concern, given the overall numbers in the category, which are overwhelmingly positive. Chair Cohen pointed out that the combined percentage of unsatisfactory and poor is only 8 percent for staff. Board Member Schenkat said the communication skills summary is 3.7 percent. Vice Chair Astrowsky cited the 3.5 percent for judicial temperament. Board Member Schenkat noted the survey responses reflecting inability to hear the judge speaking. There was general consensus that there has not been a significant increase in unsatisfactory totals.

6. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE HENDRIX'S PERFORMANCE OR REAPPOINTMENT

Board Member Morganstern quoted from comments received as follows: "Courtroom runs very smoothly. She treats everybody equality. Fair and impartial. Very good with unrepresented litigants. No questions as to her legal ability and judicial temperament." One attorney who did not appear before her often, but had a number of associates who did commented: "None of the associates have registered any complaints about the way Judge Hendrix operates her courtroom." In summary, Judge Hendrix has been highly recommended for reappointment by the majority of people he has spoken to.

Board Member Schenkat made a statement as follows: "As the layperson appointed by the Scottsdale City Council, I take this assignment of investigating through direct communication with the assigned attorneys and prosecutors very seriously. While it can be intimidating to be on a board with all professional lawyers or judges, I feel the City Council has trusted me to represent the citizens of Scottsdale and their interest in attempting to have a fair and just City Court. I will read direct quotes from those I surveyed, so that there is no generalization and each voice is heard. While most of the comments are flattering, a few are not." She was assigned six people for Judge Hendrix and the comments include:

1. "She is not as patient as other judges. Sometimes she gives the appearance of not caring. When she first became a Judge, she was pro-prosecution. She still leans that way."
2. "She is confident in her rulings. I feel she is inconsistent at times. She is usually not victim-friendly and doesn't punish violent offenders to the degree of the crime."
3. "I have not really done much in front of Hendrix myself. Maybe others in my firm have. No strong opinion positive or negative. Scottsdale Court is one of the most efficient in the Valley, so please pass on that compliment."
4. "She is fair and has a great temperament. I like her as a judge."
5. "She is prompt, pleasant and treats everyone in Court well. She keeps it moving."
6. "It is obvious she was a prosecutor. She advances issues that even the prosecutors don't bring up. She is respectful and courteous."

Board Member Schenkat said she was unable to observe Judge Hendrix in trial, but did observe Judge Hendrix's walk-in proceedings. Her impression was that Judge Hendrix was compassionate to defendants, explaining court proceedings and attempting to be helpful. It is evident that Judge Hendrix would like to prevent defendants from being reoffenders. Chair Cohen noted that he had previously mentioned to City Council how seriously Board Member Schenkat takes her role on the board and the effort she puts into the process. He expressed appreciation for her work.

Board Member Adamovich reported on the comments he received as follows: "She was courteous. She was professional." One person commented that she was one of the top two judges. "She is an asset to the City of Scottsdale."

Vice Chair Astrowsky quoted from the comments received: "Very professional on the bench. Excellent demeanor. Very professional with pro pers as well as facilitating settlement. Fair sentencing. In the past, she demonstrated an extreme bias towards the State in all respects, but has improved to an acceptable level of bias. Significant leaning toward the State regarding substantive issues. Has knowledge of the case law, but has problems in applying that knowledge to a particular set of facts appropriately."

Board Member Covil stated that he received mostly positive comments, including: "Very cordial. Very professional. Good temperament. Treats people appropriately and fairly. Fair in trial. Listens to both sides. Does not feel she is biased." One criticism was that in her decisions on motions, she does not put the information in writing, instead just stating, "granted," or, "denied," and does not give feedback. One person said they would like more information as to why she arrived at a particular decision. Other comments were: "Good job communicating with people, whether sophisticated or unsophisticated. Doesn't agree with the decisions that she makes, but feels that she is fair."

Chair Cohen shared his conclusion from the comments received, including an improved perception. Previously, whether labeled rightfully or wrongfully as being pro-prosecution, such feedback was not as pervasive. There were comments from a number of people on substantive rulings that she tends to lean towards the State, however on sentencing, most described her as fair or that she often takes into account mitigation. One lawyer, having appeared before Judge Hendrix frequently, was very outspoken and had negative comments such as "She never rules for the defense ever. She's a rubber stamp for the prosecutor. You should never file a motion in front of her. It's a waste of time." This individual did acknowledge the fairness in sentencing. Overall, the comments were very favorable, describing her as very respectful and "Treats people fairly in her courtroom."

7. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE OLCAVAGE'S PERFORMANCE OR REAPPOINTMENT

Board Member Morganstern quoted from the comments received, "As the administrative judge, he knows the Court inside and out." Everyone spoken to described him as "Fair and professional. There is absolutely no question about his legal ability, integrity or judicial temperament." There were no negative comments.

Board Member Schenkat quoted from the comments received:

1. "I love Judge Olcavage."
2. "I have known Judge Olcavage for over 20 years. I hold him in high regard. He handles the docket efficiently and keeps things running smoothly. I would give him the utmost recommendation for reappointment."
3. "He listens very well. He gets the arguments. He properly applies the law. He is one of the best judges."
4. "I feel I have had good experiences before Judge Olcavage. He is neutral and I have no issues with him."

Board Member Adamovich said that the comments received were unanimously positive. One gentleman spent 25 minutes telling Board Member Adamovich why the City is lucky to have Judge Olcavage as a judge, recounting very detailed stories. It was a pleasure listening to the stories, as the gentleman had a lot of experience with the judge.

Vice Chair Astrowsky summarized his input by quoting one comment, "Judge O is the best." All comments were consistent with this positive feedback.

Board Member Covil reported all positive feedback. One comment said, "Not enough good things to say about Judge Olcavage." Another said that Judge Olcavage was his favorite judge in the State of Arizona. One person said, "His policies have been very successful. The Court runs well." The commenter believes that Judge Olcavage should be retained.

Chair Cohen stated that he received similar positive feedback. One person told him a story about defendants who had mental health issues and how patient and fair Judge Olcavage was in dealing with them. Chair Cohen added that sometimes the greatest challenge presented to judicial officers is what to do with people who do not understand or have issues that interfere with their ability to participate in the way that is socially acceptable. How those people are treated is a good reflection on who a judge is.

8. DISCUSS QUESTIONS FOR INTERVIEWS OF JUDGE HENDRIX AND JUDGE OLCAVAGE

Chair Cohen asked for input on specific questions for Judge Hendrix. Board Member Schenkat said she will pose a question regarding the increase in negative ratings over year 2013. She would also like to ask about an item of personal information submitted by Judge Hendrix. Board Member Schenkat quoted from the submission: "I look forward to meeting and exceeding the goals of this assignment (related to being the DV judge), holding defendants accountable and keeping victims safe." Board Member Schenkat questioned whether keeping victims safe is the role of Judge Hendrix and not the responsibility of the police department. Another question is whether this is an objective statement to say: "Holding defendants accountable." Chair Cohen said Judge Hendrix should be given the opportunity to explain what she meant by the statement.

Vice Chair Astrowsky will ask a question regarding how difficult it is to take the bench, when one is associated with one side of the courtroom, related perceptions that come into play and what Judge Hendrix did to overcome these perceptions. Board Member Morganstern noted that Judge Olcavage made a comment in her application that taking on the domestic violence docket presented new and additional responsibilities and he would like to ask her what those are and how she is handling them.

9. INTERVIEW OF JUDGE HENDRIX

Chair Cohen welcomed Judge Hendrix to the meeting and invited her to provide a statement. Judge Hendrix's comments were captured as follows:

"Well, I don't really have much to say. I certainly think that I have a great job. And I'm really grateful for all of the opportunities that have come my way because of it. I appreciate so much that Judge Olcavage has allowed me most everything that I asked. He has voluntold me for several things, but they've really enriched my experience. And just do my best every day."

Chair Cohen invited questioned from board members. Board Member Schenkat explained that she compared the 2013 surveys to the 2017 surveys. For every category except for communication, the totals have decreased. She asked how Judge Hendrix feels about the change. Judge Hendrix's reply was recorded as follows: "I don't know. You know, I did look at the surveys briefly, but this is what I'll say. And these are the numbers that kind of stand out in my head. I believe there was 169 or 170 or 180 surveys sent to lawyers. And I think the return was 24. I don't even know how you get a true sample. I don't know how you get a true measure. And so it's very difficult answer, you know, based on that."

Board Member Schenkat noted that some of the averages went down to 3.4 and 3.5 in different categories. She suggested that Judge Hendrix consider reviewing the results for her own edification. Judge Hendrix said she was not certain what that really means and that it would be necessary to ask the person who made the comments to have some measure of the intent. Further comments were recorded as follows: "All I can say to you is that there's so much that has changed for me in those – since that original survey went out. I've grown in so many ways as a judge, learned a lot, accepted a lot of criticism, tried to do things differently, better. But you're never going to make anybody (sic) happy and I don't expect to. I couldn't and I shouldn't want to. And that's what I'll say about my performance."

Board Member Morganstern stated that he had practiced family law for many years and could appreciate the problems in the DV Court. Judge Hendrix's application indicated that as the DV Judge, she had to take on new and additional responsibilities. He asked her to enumerate those responsibilities. Judge Hendrix's comments were recorded as follows: "So I took all of the DV caseload into my courtroom, but I still have my share of the DUI caseload. That did not change. And my share of the other cases. So now in addition to that, I have all of the DV cases. I hear all of the pretrial issues, all the trials and I took on the calendar that we call DV review, but it's basically the follow up after conviction, to make sure that court orders are followed, that the mandatory program is completed. You know, people need to be held accountable in certain areas. And so that's an additional calendar. So it was added responsibility, but it was what I wanted to do. And so that's what I meant by that."

Board Member Morganstern asked whether allocation of parenting time or child support orders can be issued in domestic violence cases. Judge Hendrix stated she could not issue such orders. These are misdemeanor domestic violence related charges and she is making a finding of guilt and sentencing. There is also a required program upon conviction and it is her job to ensure they complete the program and follow orders with regard to contact, alcohol programs, jail or other factors in the sentence.

Vice Chair Astrowsky noted the difficulty in transitioning from a practice area to the bench, having spent time on one side of the court. He asked "What, if anything, did you do to overcome perceptions, perhaps incorrect perceptions, that maybe just because you came from one area, that you automatically were going to be one-sided or biased?"

Judge Hendrix's comments were captured as follows:

"Well, and actually, that was the feedback that came my way at my first reappointment, which was only two years into the job. It wasn't even a full two years, because the whole process started – one of the first things that I did – and luckily Judge O was up for it and Judge Jejna also did it with me was – there was a woman who I had met at the judicial conference, who – she did this service where she would come and videotape you. I think you knew about this, too, Judge Cohen. And she would – well first, before she videotaped, she interviewed me and I told her what some of the concerns were, that there was this perception that just because I – well, it wasn't even a perception. Some people outright said it. 'She came from prosecution. She's prosecution oriented and these are the things that we've seen.' So I shared that with her. And she asked me some other questions and then she came and videotaped me on the bench in several different types of proceedings. And she asked me 'What is the most challenging type of proceeding for you?' And she came on those days. And then she followed up with me. We'd watch the videos together. She gave me some pointers about, you know, my facial expressions or you know, how I might, you know, move a little bit too much and what that sense that would give the people who were listening to me just some way – some little, small changes that I can make. Because really it wasn't about the rulings, because the rulings, I don't think, have changed all that much. But it was this feeling, I think, that some of the attorneys had and may still have. Who knows? But – so I did incorporate a lot of those changes. And then I do feel that over these last few years, I feel much more separate from what I did before than I – how I feel now than what I felt before. I do – I feel a difference in who I was and that practice that I had. And you know, I hear myself thinking about things in a different way than I did. So it did take a little bit of time. And I had to acknowledge that. You know, I didn't go to the bench, you know, absolutely removed from prosecution. It was a part of my life for 16 years. But it was an adjustment that I had to make. And I accept that and own that criticism. And I'm sure it still exists. And they're going to think what they're going to think, but I do think that I've made some changes there."

Vice Chair Astrowsky asked how she would respond to those who still maintain that perception. Judge Hendrix's comments were recorded as follows: "Well, you know, the fact of the matter is that there's a segment of the defense population that they're going to think that forevermore, because that's how they knew me. That's how they see me. And so any time I make a ruling adverse to them or any time that I exert control in the courtroom, that's what it's going to be about. There's nothing I can do. I try to be fair. I try to give everyone equal time. I try to make the best rulings I can. I do not think that I favor one side over in the courtroom, but some people will think what they will think. Like I said, I can't make everybody happy and I don't want to. I mean, I – I mean, it just would be impossible."

Vice Chair Astrowsky asked about the standard practice concerning how substantive motions are ruled on. Are reasons provided on the record? Is there a simple statement, "Motion to suppress denied," or is a written ruling provided. Judge Hendrix's reply was recorded as follows: "All of it. It depends on the situation. Sometimes it's as simple as denied. Sometimes it's a little bit more explanation. Other times I need time to either go back and listen to something or reread something or maybe they're going to submit some additional information or a case and then I'll rule by minute entry. So it could happen any of those ways."

Vice Chair Astrowsky stated that he appreciates Judge Hendrix's point about the survey response rate. However, there is perhaps some value, even given that response rate when doing comparisons. For example, in the area of communication skills, her overall ratings in 2017 data were significantly worse than in 2013. He asked Judge Hendrix for any insight into the reasons behind this. Judge Hendrix's comments were captured as follows: "Like I said, I don't know that I can speak to that without knowing who the respondents are. But I'll tell you this. This is one thing I noticed about the surveys. Twenty-four lawyers responded. There were four who clearly were unhappy with me for some reason, because down both columns, everything was unacceptable. Everything, including takes the bench – you know, something about being prompt with, you know, unfair treatment to staff or things that are like, oh, that's absolutely not true. So you might think that I'm a poor communicator or I don't know the law, or you know, that I'm prosecution-minded or whatever. But to say that I don't start proceedings or I'm not efficient with my time, it's just not true. And it shows me that you have a beef that is just so strong that you're not even really paying attention. You're just going all the way down. And I think that's clear. So that turns into 18 percent feel this way. Eighteen percent. Really? Four of 24 of 170. So that's why it's very difficult for me with the surveys. I'm not saying that I don't give them any value at all. And I know they have to be sent, but I just don't know that it's an accurate or a fair measure of what really happens day to day."

Chair Cohen commented that he performed a wedding last year. One of the groomsmen was a person Chair Cohen knew, but had not seen since the gentleman was a boy approximately 20 years ago. The gentleman asked whether Chair Cohen knew Judge Hendrix, indicating that he had appeared before her. Chair Cohen replied that he did know her. The gentleman commented, "She changed my life. I did something dumb. And it really was dumb. And I got charged and I ended up appearing in front of Judge Hendrix. And I contested it. And I knew it was dumb and I knew it was probably wrong, but I needed to express what I felt. And she let me express it. And then basically validated that what I did wasn't representative of who I was. And it changed my thinking on things." Chair Cohen commented that the experience changed the man's thinking about courts, compliance with law and not being defined by one act. Chair Cohen added that he and Judge Hendrix met after her last Board review. She was very gracious and a very good conversation took place. What was most impressive was how receptive she was to the input. Judge Hendrix responded to the comments as follows:

"And you know, honestly, I feel the same way that I felt after meeting with you and meeting Linda is that I know that there's always areas to improve and I'm very much interested in that. But despite what journey I take and how I work to make myself a better judge and – the surveys are going to be the surveys. I mean it – you know, misdemeanor Court is a place where people – and I say lawyers mostly, because that's what it is. They come with certain expectations. And if you are different or your way is different, or if your discretion takes you in a different direction, it's very difficult for some to accept, but I feel very strongly that I have to do the job the way I think that it should be done. Not the way it's been done before, but I have to do what I think is right by the people of Scottsdale, by victims and defendants. And sometimes that puts me in the crosshairs with certain people, but I can't do it any other way. And so I'm sure that every time I

come before this Board, there's going to be a segment that thinks she doesn't belong or her way is not the way we used to have it or we want to have it. I – you know, there's not much I can do about that.”

Board Member Schenkat referred to the application under personal information, question number five, “Why are you seeking reappointment?” She quoted from the response, “Holding defendants accountable and keeping victims safe,” and asked for an explanation of the meaning of the statement. Judge Hendrix's comments were recorded as follows:

“Well, and I think I was – if I didn't write this clearly, I apologize. I think I was speaking directly to my role as DV Judge. That is the main goal of the Court. And that is the main reason why those cases are kept together, why they're assigned to one judge, who has received the training. And it's why we do the review process, so that I stay engaged with the defendant throughout the time that they are under the jurisdiction of the Court. And those are the two main goals. Defendant accountability and victim safety. Those are the reasons why we do it. I don't mean like I'm physically going to their house to keep them safe, but keeping them safe through holding the defendant accountable, making sure the defendant receives and completes the treatment that is required by law, follows the Court's orders with regard to you know, no contact. Or if this is other treatment or programs that have to be completed, that type of thing.”

Board Member Covil noted that Judge Hendrix's application lists a number of activities for development. He asked which opportunity she is most excited to engage in in the coming years. Judge Hendrix's comments were captured as follows: “Well, the way I see it, the DV Court is only in its earliest stages. There's so many more things that we can and should be doing as a Court in that realm. But change is slow there. And Judge Olcavage is very supportive, but you know – so I've got lots of things that I'm thinking about for that DV Court. Like for example, I would love for the Court to have someone who is at least a part of the time available as a social worker or advocate that is able to meet with victims or other people who come to the Court looking for help or needing resources. I would like to include providers of our domestic nonviolence program in our weekly staffing prior to DV review. That's very common in DV Courts. That's a big change. This Court has never done that before. I've already taken steps to be more – in better communication with our probation officers, who handle our supervised cases. There's so much more that we can be doing in that area. So that's really my focus. The other things that I do certainly benefit the Court. The committees. Participating in judicial training and all that. I do enjoy it. And it's exposed me to a lot, but the DV is really my focus, so it's what I'm excited about.”

The interview concluded, Judge Hendrix was thanked for her time and left the meeting. Discussion ensued regarding questions for Judge Olcavage. Chair Cohen noted that there were survey comments about having difficulty hearing Judge Olcavage. Board Member Morganstern anticipated asking Judge Olcavage why he does not do jury trials. Board Member Covil stated he would like to ask about Judge Olcavage's caseload compared to other judges.

10. INTERVIEW OF JUDGE OLCAVAGE

Chair Cohen invited Judge Olcavage to make a statement, which was captured as follows:

“What I try to focus on in my job is access to the Court and information to try and keep people from getting into more trouble than they're already in. I think a lot of people think that if they ignore the problem, then it's going to go away. That only makes it snowball on them. So we've done a number of innovations over the last few years to try and remedy that as far as possible. Number one, if you have a court case, whether it is an arraignment or all the way to trial, you're going to

get a phone call from us reminding you of that court date. And we do that every time. So if you have an arraignment, pretrial, order to show cause, we're going to call you a few days before and say remember to show up to court, and hope we can reduce the number of people that don't show up. We have some educational videos that we did, where we teach you how to read a criminal complaint and a civil complaint, what the charges are, when your court date is, where to work on the ticket, what's going to happen to you if you don't show up in a criminal, which will be a warrant. What will happen if you don't show up in a civil case, which is going to be default and fines and a license suspension. And if you can't make it to court, how to file a motion to continue.

"We have something that most courts don't have. Well, starting January 2nd, we also put into our case management system a delay. So if we issue a warrant, because you don't show up for an arraignment or a pretrial, we're going to let you know that. The warrant will not issue for 14 days. You get a chance to come in and resolve it. Same with the civil, which believe it or not, can actually be worse than the criminal. Because in a civil case, what happens is you get defaulted. You owe money. It goes into collections. Motor Vehicle is notified. Your license is suspended. You don't know that. You get stopped. The next thing you know, you get a ticket for a suspended license, which is criminal. And if you didn't know this, your car gets towed in a suspended license case. So we now have implemented a 14-day delay in default. You're not going to be defaulted. We're going to let you know what's going to happen. Starting in February, we're going to also go to a delay in putting you into collections. I think we have it set for about 56 days. You're going to get two more notices. You have an opportunity to come in. We've established an online motion feature for access to Court, meaning people can write in and ask for motions to continue, more time to complete their educational programs, reset their jail. You can even quash your warrant. Doesn't mean it's going to be granted, but quite often, we do it and reset a new court date. That's also part of our queue. So if you're doing an arraignment, or a pretrial, an order to show cause, you finished your calendar.

"You have all these people that don't show up. We're going to go through each case first in a register of actions. Because if you called us or filed a motion, it's going to appear there. So even if you don't show up, somebody had an emergency, their car broke down, we can continue that, because we know that occurred. A lot of people do not show up for order to show cause. They don't do their educational programs. In a DUI and domestic violence, they're required by law, so we explored how to resolve that and try to do a front end approach, rather than a back end approach. We looked at what Phoenix used to do. They used to have screeners in-house. Tempe still does that. And when we experimented with it, what we found out happened is people got screened earlier and more people were complying, which means if more are complying, less warrants are going to go out. Now they have to go to the in-house screener. They have their option to go to anybody they want. But if they go to our in-house screener, they get it done and then they'll say, 'What's the most convenient location for you to do the classes?' They bring up a variety and they go to anybody they want to. But again, that avoids the ultimate warrants going out for them.

"Education-wise, we started advisory counsels at DUI arraignments. A DUI is probably the most serious event we have in terms of penalties. People don't understand that. So when we do an arraignment, we'll say at this table is a public defender, he's your advisory counsel. He can talk about DUI in general, your specific case, because the prosecutor gave him a copy of the police report or how Motor Vehicle works. What about license suspensions or restrictions? How does the interlock work? How does SR22 – he or she can answer all those questions. We also have, for people that can't pay their fines and then ignore and get thrown into collection, we have a citizens assistance program. You can come in. We'll take you out of collections. We'll try and set up a reasonable payment plan. We'll let Motor Vehicle know what you did to get your license

reinstated, so you can keep working or get a job. If you're impoverished, we also have a community restitution program. Doesn't take care of all the fine. You can take care of all the fine in community restitution except for a surcharge, the State surcharges and the reimbursable costs. We have a number of programs to try to help people out, educate them, let them know what's going on. And even on the back end, after it's happened, we're going to start to line things to try and get them to come in and say here's what's going to happen. Eventually in terms of the defaults, we hope we can program our case management system that if you don't show up, not only are we going to tell you your license is going to be suspended, there could be a warrant for you, but this is what you're going to owe, including all fees and surcharges and your fees for collections. And hopefully that will inspire people to show up. So we're going to give them plenty of time to try and come in and resolve things before the penalties increase. So it's kind of an overview of what we're trying to do."

Board Member Morganstern asked why Judge Olcavage is no longer doing jury trials. Judge Olcavage's response was recorded as follows: "That is true. I was doing them for the first few years when I started. I had Court administration saying, 'When you get tied up in a jury, you're not available and we need you.' Well, that was fine at the time, because believe it or not, most of our DUI trials are taking a day to do. I can do them in a day. And we have an overtime budget. So if I went to 6 or 6:30, I could finish a trial. But for those of you that are involved in DUI, you know these days, it's taking two days to three days. So now I'd be tied up for two days or three days. If they want me, they can't get a hold of me. I tried to do one-day trials. So I set up a calendar. Well, you know, some reckless driving, theft, shoplifting are one-day trials. But we have to put money up to have the jury, because we contract with Superior Court so that you have the juries for so many months. You pay them for that. Well, I wasn't getting any one-day trials, so it's kind of throwing money down the drain. So I figured okay, I'll do something else instead. And what we replaced my jury calendar with was our DUI arraignment calendar. Well, all I do is the DUI arraignments, but that's where we have the public defender advising the citizens as to the consequences of the DUI."

Board Member Morganstern asked whether jury trials on the docket are being handled by a pro tem. Judge Olcavage said he replaced the jury trial docket with the DUI arraignment docket.

Board Member Schenkat noted that Judge Olcavage has all superior ratings on the surveys. In terms of communication, the rating went from 3.5 in 2013 to 2.9 in 2017. She asked whether he had a sense of why he received the low rating in this area. Judge Olcavage's response was recorded as follows: "Well, that is a little baffling. I know that 37 of Court staff responded and we have 60 total, although I was told that not everybody got the survey. Some of it went to junk mail. The only thing I can think of is I don't have direct communication with most of the staff. Maybe 12 to 15 people, such as the judges, Court administration, my bailiff. When we're talking about people in the front counter that are answering the phones, talking to the citizens, security, for instance, the people that process the motions that come in. And I'm not sitting beside them working with them like I do my bailiff or administration. My relationship with them is, 'Well, how was your vacation? How's your family? Did you have a good day?' That type of stuff. So while I don't have a definitive answer, that would be my best answer."

Chair Cohen noted that there was feedback from some people regarding difficulty hearing him and asked whether a microphone is used in the courtroom. Judge Olcavage's response was captured as follows: "We're going to solve that problem, because they're going to get me a microphone that actually works. We have witnesses. And there is a mic that records and also broadcasts, but broadcasting is so poor, what we say is, 'This won't broadcast. It just records, so speak loudly.' So I mean, sometimes – and believe it or not, sometimes people can't hear me

standing in front of me. And I think I'm yelling. And they say, 'We still can't hear you, Judge.' And to me, I'm yelling. The problem also is our bailiff sits next to me. And when they're doing work, you're kind of talking over each other. So one of the things we're looking for in the future, I know a lot of courts have a situation where the bailiffs are set apart from the bench, a little room, so you don't get all that noise. And we're eventually going to remodel the courtroom and that's one of the things we're working into it, more separation, so you can hear the person and you're not talking over people. But that won't happen until such time as we're able to remodel, which is a year down the road, but we are going to get a microphone to help that situation out, so I am aware of it, yes."

Chair Cohen commented that it is always a pleasure to see Judge Olcavage. The reputation of Judge Olcavage is incredible across the board. The respect that he has garnered from the community is incredible. Judge Olcavage described an instance where he was approached by a gentleman in a store, who thanked him for his patience in handling his father's DUI case.

The interview portion was concluded. Judge Olcavage was thanked for his participation and left the meeting.

11. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE HENDRIX

Board Member Morganstern stated he did not see any reason why Judge Hendrix should not be reappointed. Board Member Schenkat said her concern is that Judge Hendrix took the comments regarding being pro-prosecution perhaps a little too lightly and seemed to be defending the issue, rather than wanting to try even harder. She suggested more follow-up, as was done after the previous evaluation. Board Member Adamovich commented that Judge Hendrix has shown with her actions that she is working towards improving in terms of bringing someone in to help her evaluate her performance and is open to feedback. She is also realistic. Board Member Covil said she seemed to be expressing frustration. All of her involvement shows her dedication. She did seem to be sort of defensive, but in some of her comments, she acknowledged that there is always room to improve.

Vice Chair Astrowsky posed a scenario to Chair Cohen by asking the following question: "If you or I were to appear in front of the JPR Commission and have the responses that we heard today, what do you think would happen?" Chair Cohen suggested that Vice Chair Astrowsky address his own question. Vice Chair Astrowsky said there would be people voting against retention. He made the observation, because sometimes that process is compared with this one. However, perhaps this Board should not be as rigid as the JPR regarding people being able to be honest and voice frustration with return percentages, statistics, et cetera. He was slightly turned off by the flippant attitude expressed. It also important to observe trends, which in this case was a significant downward trend. If there was follow-up and work on this subsequent to the 2013 evaluation, why is there a significant downward trend? He does agree with Board Member Morganstern that he does not see a reason to not retain her. He questioned what could be done to help the situation. That being said, she seems to be the perfect person to be in the DV Court. She has unique qualifications, temperament, desire and interest, although he was disappointed by her presentation. Board Member Morganstern commented that her presentation echoes some of the comments received, such as, "It's my way or the highway."

Chair Cohen said he had a slightly different visceral reaction, perhaps having gotten to know her through and since the 2013 process. He sees her as someone that has grown into the role of being a judge. She seems more comfortable in the role, not comfortable in the sense of taking it

for granted, but recognition that the mission is not to displease people, but also not to please them. The JPR recognizes that there are statistical problems with the surveys, because of response rate, however they do not accept this as a justification. However, years ago, that was the defense that was commonly raised. The direction from the JPR has been to assume it knows the limitations, but respond to the results anyway. Whether this position has transferred to the Scottsdale Court is unknown. He agrees with comments regarding appreciating her passion for the issue of domestic violence. Another factor is the reputation of the individual, which is especially relevant considering Judge Hendrix was a prosecutor prior to becoming a judge. Her fairness in sentencing is reflective of greater balance.

Board Member Schenkat asked whether the City Prosecutor is causing judges to be labeled in this way. Vice Chair Astrowsky said he does not see the connection. There have been meetings before where negative feedback was received regarding the City of Scottsdale Prosecutor's Office, but he does not see that issue connected to this.

Chair Cohen sought clarification on the question in terms of whether Board Member Schenkat feels there is a possibility that the reputation or belief of the City Prosecutor is rubbing off, because discretion is taken away from the judges, and therefore they are viewed harshly, because the Prosecutor's Office is very single-minded on certain things. Board Member Schenkat confirmed the understanding and noted that Chair Cohen at the last meeting said he was going to have a meeting with the City Attorney related to this question. Ms. Scott advised the Board that they need to stick to the agenda. To the extent that this topic is reasonably related to the reappointment recommendation for Judge Hendrix, then it is an appropriate conversation.

Chair Cohen stated he had a great meeting with the City Prosecutor's Office, but it was not in his capacity as the Chair. The meeting addressed procedural justice. The City Prosecutor's Office was very receptive. Board Member Schenkat commented that Judge Hendrix's positives outweigh the negative, but there is a negative component. All of it needs to be on the table to evaluate and help her improve. Chair Cohen said some of this relates to education and exposure about the limitation of the surveys. Board Member Morganstern commented that as an effective domestic violence judge, Judge Hendrix should be retained.

VICE CHAIR ASTROWSKY MOVED TO RECOMMEND REAPPOINTING JUDGE HENDRIX. BOARD MEMBER MORGANSTERN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT.

Ms. Scott advised that typically, the Board also takes a motion on how the recommendation is going to be conveyed to City Council. I.e., sending a member of the body down to be present and take questions or letting the minutes speak for themselves.

VICE CHAIR ASTROWSKY MOVED TO HAVE REAPPOINTMENT RECOMMENDATIONS SENT TO CITY COUNCIL VIA A LETTER DRAFTED BY STAFF AND THE CHAIR, AND NOTING THAT THE CHAIR WILL MAKE HIMSELF AVAILABLE TO COUNCIL MEMBERS FOR A MEETING AND WILL MAKE A STATEMENT DURING THE CITY COUNCIL MEETING. BOARD MEMBER MORGANSTERN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT.

Chair Cohen clarified that the process will apply to Judge Olcavage as well.

12. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE OLCAVAGE

Board Member Morganstern voiced his opinion that Judge Olcavage should clearly be reappointed and noted the absence of negative comments in his survey results.

VICE CHAIR ASTROWSKY MOVED TO RECOMMEND REAPPOINTING JUDGE OLCAVAGE. BOARD MEMBER MORGENSTERN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT.

13. TIMELINE FOR JUDGE OREST JEJNA'S JUDICIAL APPOINTMENT

Ms. Oien reported that the reappointment date is in 2020. Chair Cohen suggested that the review process timeline that has been used for Judge Hendrix and Judge Olcavage be used for Judge Jejna. The process begins four to five months before appointment with a meeting at approximately two to three months before the term is up. There was consensus to follow this timeline.

14. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED JUNE 8, 2017

Chair Cohen called for a motion to approve the minutes.

BOARD MEMBER SCHENKAT MOVED TO APPROVE THE MINUTES OF PUBLIC MEETING CONDUCTED JUNE 8, 2017. VICE CHAIR ASTROWSKY SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER COVIL ABSTAINED. BOARD MEMBER PADISH WAS ABSENT.

15. APPROVAL OF 2017 JAAB ANNUAL REPORT

Chair Cohen called for a motion to approve the 2017 annual report. Board Member Schenkat requested two corrections. The Judge Jejna appointment was a 6-0 vote. However, only six members were present. She recused herself and did not vote for reappointment. Under the service dates, they should be January to December, however, she just happened to be reappointed in September.

BOARD MEMBER SCHENKAT MOVED TO APPROVE THE JAAB ANNUAL REPORT. BOARD MEMBER MORGANSTERN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER COVIL ABSTAINED. BOARD MEMBER PADISH WAS ABSENT.

16. FUTURE AGENDA ITEMS

Chair Cohen stated that in the past, issues were brought to the Board that they engaged in. However, they were then advised as to the limitations of the charter. Unfortunately, the appointments are all stacked together and the Board goes for long periods of time without meeting. It is anticipated that the next meeting would include the specific mandate of reviewing Judge Jejna's reappointment.

17. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Chair Cohen called for nominations. He thanked the Board members and staff for their work and partnership, noting that his term is complete.

BOARD MEMBER SCHENKAT MOVED TO ELECT BRADLEY ASTROWSKY AS CHAIR. CHAIR COHEN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT. VICE CHAIR ASTROWSKY ABSTAINED.

VICE CHAIR ASTROWSKY MOVED TO ELECT STANLEY MORGANSTERN AS VICE CHAIR. CHAIR COHEN SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER PADISH WAS ABSENT. BOARD MEMBER MORGANSTERN ABSTAINED.

ADJOURNMENT

With no further business to discuss, and being duly moved and seconded, the meeting of the Judicial Appointments Advisory Board adjourned at 8:35 p.m.

SUBMITTED BY:

eScribers, LLC

Respectfully submitted,
Lorelei Oien
HR Management Analyst

Reviewed by,
Bradley Astrowsky
JAAB Chairperson

Jagger, Carolyn

From: Webmaster
Sent: Monday, February 19, 2018 1:10 PM
To: Jagger, Carolyn
Subject: Comment on 02-20-2018 Agenda Item (response #3)

Comment on 02-20-2018 Agenda Item (response #3)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Comment on 02-20-2018 Agenda Item
URL:	http://www.scottsdaleaz.gov/council/meeting-information/agenda-comments/02-20-2018
Submission Time/Date:	2/19/2018 1:08:36 PM

Survey Response

AGENDA ITEM	
Which agenda item are you commenting on?	16 Hendrix reappointment
COMMENT	
Comment:	I have advised the mayor and council in a private email to refer to several pages of the draft minutes from the 1/17/18 JAAB meeting when Judge Hendrix was interviewed and the JAAB discussed their recommendation. In 2013, Judge Hendrix was advised that she needed training and oversight and Judge Cohen made that happen. Her scores decreased from 2013, therefore I would recommend that Judge Hendrix have additional training if you intend to reappoint her. A conditional vote for reappointment would be appropriate.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
NAME	

Name:	Sandra Schenkat
CONTACT INFORMATION	
Please provide the following information so someone may follow up with you if they have questions about your comment (optional).	
Email:	sandyjusticeforall@gmail.com
Phone:	(480) 828-5757
Address:	10961 E. Gary Road Scottsdale, AZ 85259
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

Page 5 of 18 of item #5 (Draft Minutes). Austin Woods misspoke when he was quoted as saying: "I was asked by Sandy to help her with her due diligence". I actually asked him to research Scottsdale court trial dates for Judge Hendrix as I wanted to observe her during trial. Mr. Woods wanted to observe also but the day that he thought was to be a trial was just a "walk in" court. We did observe her and both felt that she was thorough and compassionate to the pro pers. We both walked away from that experience feeling that Judge Hendrix did an exceptional job.

On pages 6 and 7 of 18, you will note my comments related to Judge Hendrix. Three were positive and three were negative and related to pro-prosecution.

On page 9 of 18, please read #9 the interview the JAAB had with Judge Hendrix.

On page 10 of 18 you will read Judge Astrowsky's questioning of Judge Hendrix. She referred back to 2013 when Judge Cohen had assisted her with video taping of her court to assist her performance. Perhaps that same help could be offered to her again because of the negative comments.

Page 11 of 18 was more of Judge Astrowsky's questioning.

Page 15 of 18. please read Item 11.

Page 16 of 18, Chairman Cohen comments regarding Hendrix's pro-prosecution.

I believe it is incumbent on the city council to review this with Chief Judge Olcavage and ask that he assist Judge Hendrix in becoming a better judge. While she received many glowing comments, she also received several negative comments. Therefore, it would be wise for city council to not just look at the JAAB recommendation as a final word. Please do what you can to help improve the Scottsdale city court with the powers that are vested in your positions. Thank you, Sandra Schenkat 480 282 5757

Jagger, Carolyn

From: Austin Woods <austin.woods@gmail.com>
Sent: Wednesday, February 14, 2018 2:03 PM
To: sandra schenkat
Cc: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Kathy; Phillips, Guy; Milhaven, Linda; Smith, David N; Judge Astrowsky; Olcavage, Joseph; Stanley Morganstern; Jagger, Carolyn
Subject: Re: City Council 2/20/18 Judge Hendrix reappointment

Sandy, et. al.

I stand by what I said. Every word of it.

My thoughts on Judge Hendrix should be quite clear.

If anyone has any further questions, don't hesitate to ask.

Sincerely,
James A
ustin
W
oods, Esq.
Partner
WOODS LAW OFFICES, PLLC
The Atticus Building
650 North 3rd Avenue
Phoenix, AZ 85003
Tel. 602-258-2599

Fax. 602-258-5070

NOTICE: This communication is confidential and may contain information that is privileged, personal, or attorney work product. This communication is intended only for the named recipients; it is not intended for public dissemination. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

On Wed, Feb 14, 2018 at 11:10 AM, sandra schenkat <sandyjusticeforall@gmail.com> wrote:
Hello Mayor Lane, Vice Mayor Korte and council members,

You have your 2/20/18 packet for review for the next council meeting. I would like to bring a few issues to your attention before the meeting on 2/20/18. I have a conflict for that meeting so will not be able to make a statement the night of the meeting.

As a JAAB member, I have taken this duty seriously and consequently, I feel compelled to advise you of the following:

Please read the Draft Minutes related to the JAAB meeting which was held 2/17/18. Item #16 on regular agenda. I have certain pages which I would like you to pay careful attention to:

Jagger, Carolyn

From: sandra schenkat <sandyjusticeforall@gmail.com>
Sent: Wednesday, February 14, 2018 11:10 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Kathy; Phillips, Guy; Milhaven, Linda; Smith, David N
Cc: Judge Astrowsky; Olcavage, Joseph; Stanley Morganstern; Jagger, Carolyn
Subject: City Council 2/20/18 Judge Hendrix reappointment

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