

ARTICLE III. - JUDICIAL SELECTION ADVISORY COMMISSION

Sec. 30-40. - Establishment; purpose.

The judicial selection advisory commission is hereby established. The purpose of the judicial selection advisory commission is to evaluate and make recommendations with regard to the selection of the best qualified individuals for the position of presiding and associate city judge, and the performance of incumbent presiding and associate city judges applying for reappointment.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)

Sec. 30-41. - Membership.

- (a) The judicial selection advisory commission shall be composed of the following:
- (1) An appellate court judge to be recommended for appointment by the Chief Justice of the Arizona Supreme Court;
  - (2) A Superior Court Judge of Maricopa County to be recommended for appointment by the presiding judge of the Maricopa Superior Court;
  - (3) A member of the State Bar of Arizona who shall be appointed from among three nominees recommended by the state bar board of governors;
  - (4) A member of the Maricopa County Bar Association who shall be appointed from among three nominees recommended by the county bar board of directors;
  - (5) And three public members who are residents of the city, who shall be appointed pursuant to section 2-296. None of the public members shall be an employee of the city.
  - (6) There shall be no ex-officio members of the commission.
- (b) All members of the judicial selection advisory commission shall be residents of Maricopa County.
- (c) Voting members shall serve staggered terms of four years, which shall expire on July 1. In order to create staggered terms, the following members shall be appointed to an initial term that shall expire on the second July 1 following the appointment: the appellate court judge member, the state bar of Arizona member, and one public member.
- (d) [Reserved.]
- (e) Members shall serve without salary or compensation, but shall be reimbursed for travel and out of pocket expenses on the same basis as employees pursuant to City Code section 3-60.
- (f) Unless otherwise expressly stated in this article, the bylaws contained in 2-295 shall govern the operation of the commission.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09; Ord. No. 2011-07, § 9, 2-22-2011)

Sec. 30-42 - Disclosure of conflict, ineligibility to vote.

- (a) At the earliest possible opportunity, a member shall disclose to the commission at a public meeting:
- (1) Any relationship with an applicant (such as business, personal, or attorney-client) that results in an actual conflict of interest or prejudice;
  - (2) All applicants who constitute "relatives" under the Arizona Conflict of Interest Law (A.R.S. § 38-501 et seq.), as amended;

- (3) All efforts to recruit a specific applicant/s; and
- (4) Any information that could reasonably create the appearance of conflict of interest or appearance of prejudice.
- (b) Any member with a relationship with an applicant required to be disclosed under subsection (a)(1) and (a)(2) above shall be ineligible to vote.
- (c) Any member that discloses information as required under subsection (a)(3) and (a)(4) above may be declared ineligible to vote on a specific recommendation if such member announces an intent to abstain from voting on the item, or a majority of voting members present affirmatively vote to declare an actual conflict or prejudice to exist on the item.
- (d) Member participation in the selection and recommendation process under this Article shall not be limited on any application submitted by persons the member recruited to apply, as long as the member has disclosed to all commission members the nature of their efforts to recruit the applicant, and the member is not otherwise prohibited from participating under this section.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)

Sec. 30-43 - Meetings.

- (a) The commission shall hold no less than one meeting each year for the purpose of reviewing the commission's operating procedures.
- (b) The chair of the commission shall also call for a meeting of the commission to begin the selection process for the appointment or reappointment of a current judge position no later than January 31 of the year in which the term of the current judge ends or within 30 days of being notified that a vacancy exists, whichever is earlier.
- (c) A quorum shall be four voting members.
- (d) The affirmative vote of a majority of the voting members present at a meeting and eligible to vote shall be required to take action, unless otherwise set forth herein.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)

Sec. 30-44. - Selection process.

- (a) Generally.
  - (1) All members shall consider all applicants in an impartial, objective manner, based only on the applicant's merit and without regard for race, religion, political affiliation or gender of the candidate.
  - (2) In considering initial appointments or reappointments, the commission shall utilize the Arizona Supreme Court's Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments, Rules 6, 7, 8, and 9; and the American Bar Associations Standing Committee on Judicial Independence, Report of the Commission on State Judicial Selection Standards, as guides.
  - (3) For each applicant, the commission shall inquire of the Arizona Commission on Judicial Conduct and the Arizona State Bar for information on pending or past disciplinary actions.
  - (4) Consistent with and in addition to the requirements of this chapter, the commission is authorized to develop such procedures as it deems reasonable to select and retain outstanding judges on the basis of merit.
  - (5) Costs associated with the selection and recommendation process shall be reported to council and shall be paid by the city at the direction of council.

(b) Application and advertising.

- (1) All applicants for appointment or reappointment shall complete an application containing such information as the commission and human resource department deems necessary and appropriate to comply with the law and to provide relevant information about the ability of the applicant to perform the duties of a judge.
- (2) Applicants shall be given a meaningful opportunity to supplement their applications with a reasonable number of letters of recommendation.
- (3) The commission, with the assistance of the commission secretary shall advertise each vacant judge position consistent with Chapter 3 of this Code, and in a manner designed to provide reasonable notice of the opening, but shall at least publish notice once in the Arizona Attorney magazine, or similar monthly publication; or, alternatively, in a professional newspaper once a week for two successive weeks.
- (4) The commission, with the assistance of the commission secretary, shall solicit public and professional comment in a manner designed to elicit constructive appraisals of a judge's qualification and prior performance, but shall at least publish notice of the potential reappointment once in the Arizona Attorney magazine, or similar monthly publication; or, alternatively, in a daily or weekly newspaper of general circulation once a week for two successive weeks.
- (5) Commission members shall actively seek and encourage well-qualified individuals to apply.

(c) Investigation and evaluation of qualifications.

- (1) In addition to any other material submitted to the commission, the commission shall consider the administrative performance and work load of the applicant, to the extent such does not conflict with judicial independence, including but not limited to: case aging, case load, the time to rule on matters, and rulings that have been reversed or affirmed on appeal.
- (2) The commission shall not limit its investigation of applicants to documents and material submitted to the commission, but shall hold public hearings, personal interviews, and conduct such investigations into the background, performance, and qualifications of the applicants as the commission deems necessary and appropriate.
- (3) The commission shall conduct at least one public hearing soliciting public input concerning the appointment or reappointment of a judge.

(d) Interviews.

- (1) The commission shall personally interview at least three candidates for initial appointment as a city judge.
- (2) The interview shall consist of an applicant presentation and commission follow-up questions and be limited to 90 minutes.
- (3) Interview questions shall be drafted by the commission in advance with assistance from the commission secretary. Each applicant shall be given the interview questions and a copy of the material submitted to the commission in relation to the applicant, prior to the interview.
- (4) Each applicant will be given an opportunity to present answers to the interview questions and response to materials submitted. The commission shall then ask follow-up questions if necessary.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)

Sec. 30-45. - Recommendation process.

- (a) The commission shall vote on the candidates in an open meeting.

- (b) Recommendations shall be made in writing no later than April 1, or within two business days of the final vote.
- (c) The recommendation for initial appointment shall contain the names of the three best-qualified candidates in alphabetical order and summarize the qualifications of each final candidate.
- (d) The recommendation for reappointment shall specifically state that the commission does or does not recommend reappointment of the judge, and summarize the reasons for the recommendation.
- (e) Recommendations for appointment or reappointment shall be delivered as soon as possible after the vote of the commission as follows:
  - (1) Recommendations regarding the appointment or reappointment of the presiding judge shall be delivered to the city council.
  - (2) Recommendations regarding the reappointment of associate judges shall be made to the city council.
  - (3) Recommendations regarding the initial appointment of associate judges shall be made to the presiding judge. The presiding judge shall then personally interview each applicant submitted by the commission and recommend one candidate to city council for appointment no later than May 1, or within ten business days of the receipt of the recommendation by the commission.
- (f) Recommendations for appointment by the commission shall be used to fill any vacancies that arise within four months of the initial recommendation for appointment.
- (g) The names of final candidates and their applications shall be disseminated to the public or the media upon request, at any time after the recommendation is made. The release of this information shall be subject to redaction of home addresses, telephone numbers or other personal or confidential information.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)

Sec. 30-46. - Council decision.

The city council may accept or reject the recommendation submitted pursuant to this article. The city council may also refer a specific appointment or reappointment back to the commission for more investigation and findings.

(Ord. No. 09-41, § 2(Exh. A), 12-10-09)