

# Judicial Committee Meeting Transcript – 11/13/2017

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>> Flannigan: Good morning, everybody. I call together the judicial committee. It's 2:03 P.M. In the Austin city council chambers. We'll start with agenda item number 1. Do we have any citizen communicators today? Packed fewness a judicial committee meeting. All right, then we move on to agenda item number 2 as we continue our discussion on process and timeline for the evaluation and appointment of municipal court judges. So committee members, I've handed out another straw proposal as we evolve our process. I know the meeting schedule is item number 3 and we will take these concurrently as these are related. So today what I'm hoping to accomplish, you can see in the first line, I want us to talk about strategic outcomes, I want us to talk about some of the documents that judge statman has put together that lay out the information that we were given about how our existing judges were and have been evaluated and then take about what our community stakeholder process is going to be. I would like to get us today to a point where we feel confident posting a full update for the council on the message board and that way the court clerk can talk to our colleagues and make sure we're heading in a good direction for the council. And you can see laid out in the straw proposal we added a December meeting, January and 2 in February. And the second beginning of February, end of February, so that we can get all of our evaluations and interviews complete with two full councilmembers to spare in case there is a delay after the eighth, then we still have a fall back on March 22nd for the full council to do approval. I can invite judge stat man to come up and review the document if y'all would like

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that at this point. Are we good? Judge stat man, would you like to come up and go over the materials you've presented us with? >> Afternoon. There are two chunks of material, and there was a big binder that is related to specific judges, and I'm assuming that that's something you want to hold off discussing until executive session. >> Flannigan: Yes, but I think it would be good to review the redacted and the

blank forms that you provided so that we can talk about what those evaluations contain. >> So I gave you a bunch of information and research that had some of my scribbling and notes in the margin, so pardon me. At the midterm I got interested in this, how do you evaluate judges? And remarkably there is very little information. There's not a handbook. There is nothing concrete either at the city or state level. There's no requirements to do this. And in Texas most of our judges are elected judges, so their evaluation occurs once every four years. Menu judges are a little different. So I looked at this midterm and decided to do a survey and that would be really for the judges themselves, kind of how am I doing the survey. Then around the first of this year I started looking at it more murrowly and part of the reason is the judges that have been around a long time, we never knew what the evaluation process was. It was very closed. We weren't told when it was happening, we weren't told what the criteria was. In order to get our surveys, judge Solomon actually had to make a public information

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request he asked, I guess, the court clerk and was told no. So that's how we got to see our end of term surveys. And one of my promises to the judges is that we would be transparent and actually put some thought into this. And also give them a voice because they've never been able to say to councilmembers, hey, there's some things on my survey I don't agree with or this is who I am, this is what I've accomplished, these are the things that I would like for you to know about myself and know what I want to do if I get to stay the next four years. So I looked and this there's not much from Texas, but there's some from Kansas. There is some from the new Mexico judicial performance and evaluation commission. Because LLC all judges in New Mexico are appointed. So they evaluate people from all levels and there is an American bar association paper. Going through these there's some things that don't apply because they're looking at civil judges as well. But I cleaned that there should be a self-evaluation. Again, so judges can kind of think about their own job and be able to give you information about themselves. There should be an anonymous stakeholder survey where people can rate without fear of reprisal an anonymous opportunity for the stakeholders to give open-ended comments. And there's some basic areas for evaluation that just kept coming up in the research materials. And this is preparation. Is the judge prepared for their dockets? Do they have their orders? Do they know what they're supposed to be doing when they walk in that courtroom? Do they have adequate knowledge of the law? What is their judicial temperament? This is very, very hardening assess. But it includes how do they treat the people that appear

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before them and the people that they work with? And also impartiality or fairness. Is this judge fair? Do they have biases that they show in court. Then you need to look at things that are specific to your jurisdiction. So for example, competence in using our computer system and willingness to consider community service and payment plans? So the packet also includes some examples, the self-survey, and that's got 22 or 23 questions that are more specific to what the judges do on a daily basis. And then the end of term stakeholder survey and then a sample survey that came from the president of the Texas municipal court association and that's how he and the judges in his court were evaluated. And that's from Arlington, which is smaller than Austin, but I thought it was still interesting to take a look at that. Do you have any questions about anything specific in the packet? >> Flannigan: You may have covered this in the last meeting, but help me understand again who the stakeholders are who participated in the anonymous survey? >> I don't have the list in front of me so I could be skipping a few. >> Flannigan: A high level is fine. >> The detectives who regularly appear in court, the prosecutors, the courtroom staff, the court assistants that are next to the judges everyday. Management of the court. And then going outside of court, pretrial services officers, these are the people that bring the pr bonds to the judges. The officers at central booking and defense attorneys who regularly appear in court. I think I've covered the bases. I think it probably gone out to about 300 people.

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It did not go out to people what -- like defendants or the patrol officers who would regularly appear in court because one of the things I read is you don't want it to be skewed by somebody who ma be upset about a ruling. So we tried to get a broad group of people who could give some good information. >> Garza: I understand that it would be difficult to, I guess, come up with an evaluation and you said you were looking at the midyear. I'm still trying to understand, is there an evaluation -- did you do an evaluation aside from surveys that were done? >> I used the survey as the evaluation tool. >> Okay. So there wasn't -- you didn't sit down with the judge and ask questions and evaluate that way? >> I did with some and that was of the survey. If you want to talk about the survey we can, but this was more of a self "How am I doing" to kind of give them an idea if we do a survey at the end of the year this is what it's going to be like. >> Garza: Okay. >> Flannigan: Greg? >> Casar: As far as you listed attorneys that are regularly at menu court. I know a lot of folks go through booking with an attorney and some throughout. Are there groups of attorneys that are regularly with folks when they go through that process? >> It did include -- more accurate to say attorneys who regularly appear before judges. So it was some of the attorneys that practice in our court and a lot of the attorneys that would be coming before the judges at central booking to present requests for pr bonds. >> Casar: So you included both of those groups, thanks. >> Flannigan: So one of the questions that I'd like us to talk about is how we

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see the engagement of community stakeholders in this process. And 78 tool is one thing and to -- and the survey tool is one thing and to understand where there may or may not be gaps and what we would like to see. And I know there are other stakeholder groups that have certainly contacted my office about the court, the municipal court, but what their role might play in this process. I don't know, judge statman if you have a thought on that? >> I can tell you in the recruitment and hiring process in the past what has happened. And at the midterms we went and recruited and sent recruitment materials to every minority bar that we could find because we wanted to cast the broadest net. One issue is because you cannot practice criminal law in Travis county while you're doing this job because you would be coming across your own clients, especially over at central booking, we end up getting a lot of civil attorneys. So we wanted to find a diverse and inclusive group of people that have criminal law knowledge. So that was the first step was reaching out to all the minority bars and having them tell their numbers if somebody is interested in this please apply. Over the years there has been a stakeholder group which usually is the Austin bar's criminal law association and the Austin criminal defense lawyers association. And they interview the candidates, the people that have not been judges before. So they interview the applicants and they will give a determination if this person is qualified, not qualified or highly qualified. I would like to see that process include a foremore

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stakeholders, maybe again reach out to the minority bar associations and see who has criminal law experience and who would be willing to sit on that and participate in that just so that it can be a broader and more diverse group. >> Flannigan: So we're thinking about -- so you're saying that we might convene an outside group of attorneys? >> Yes. >> As far as I know that is what has been done at least for the last 15 years. >> Flannigan: In Austin. >> In Austin. >> Flannigan: But the last 15 years would have been three times. >> And before that I don't know. But the last -- >> Flannigan: 15 years sounds like a long time. >> Exactly. >> That's an interesting thing to contemplate how we might pull that together and what role and at what point in the process we want to engage. But you're saying that that stakeholder group, that evaluating stakeholder group only applies to prospective new judges, not in the evaluation of our judges? >> No. >> Flannigan: Is there a reason for that? >> Why the bars would not be included? >> Flannigan: Yeah. >> I think we just went after people that regularly have contact with the judges. Many members, say, of the Austin bar association, are civil lawyers who have not heard of us or even really don't know where the white courthouse is. So we wanted people who are regularly in contact and can tell you on a daily basis what this judge is like. >> Flannigan: I can see that being true for the full-time judges who then only do this work, but we also have more part-time judges than full-time judges. Do the part-time judges also practice law on the side? I assume that's what part time means. >>> >> Yes, but they do civil or administrative, but not criminal law. >> Flannigan: I can see how it's a challenging,

narrow focus to find judge candidates with criminal law experience, but not currently practicing. And is it just a currently

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practicing or shouldn't have practiced in over a past number of years? >> It is a currently practicing. And the most recent judge that moved directly from criminal law practice into being a judge was judge Figaruto, who was appointed four years ago. And he had a little time to wrap up the cases he had or refer them to someone else. >> Flannigan: I see. Delia? >> Garza: Why do we have so many part-time judges? That's part of the recruiting process is they have to hold another job, but then also try to be available when they're needed here. And I can see where that's hard to balance. >> We staff central booking 24 hours a day, seven days a week, 365 days a year. Over the weekends it's exclusively the part-time judges. And then if somebody has to be out sick, which happens more than you would think, a part-time judge fills in, both at central booking and at court. Even though we have 14 part-time judges, it is difficult to get people to fill shifts last minute, especially the overnight shifts. And there have been a few too many occasions where a judge has worked a double shift or a shift and a half because there was nobody that we could get. And the -- we work 40 hours a week and there's not really an overtime function for us? So there are some full-time judges that have gone in. I have gotten out of bed and gotten out of my pajamas and driven to central booking to take care of some stuff, so despite the large number it's still difficult to fill all the shifts.

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>> That's what I'm saying. It seems like the nature of that scheduling is like we're a dog chasing its tail kind of. They have to have a full-time job, but then they also have to be available, but they also have lives that I could see where if you get a call on a weekend you're like I can't come in tonight. Is the way we do things similar to other cities? Do they have as many part-time judges and the same problems? >> Some cities have many, many more, Houston, Dallas, but a lot of cities don't staff the central booking facility. So we're a little unique in that we are -- we practice over at municipal court, but we're also the magistrates, so that is an initial situation. >> Garza: Is it because of the fact that we staff on the weekends, it allows someone not to have to sit in jail over the weekend because they could get something -- like if it's a Saturday night they could get a po bond or whatever -- >> That is exactly it. And we have it 24 hours a day. This started off to prevent jail overcrowding, but it also has the effect of having somebody there to review and approve pr bonds or request for pr bonds or set bonds, so hopefully people have to spend the least amount of jail in one jail especially for non-violent offenses as possible. >> Garza: Do the last-minute issues, is the scheduling -- there's somebody supposed to be

working that Saturday night but they couldn't work? >> Yes. >> Garza: And that's when the last-minute requests come in. >> People get sick or have emergencies or there have been times people have no-showed and just forgotten a shift. That happens too. >> Garza: Okay. >> Flannigan: Councilmember pool. >> Pool: Did you say that -- I thought I heard somebody say that the part-time judges have to have a full-time job

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elsewhere? >> They don't have to have a full-time job. In fact, we have a couple of the part-time judges are retired full-time judges or retired attorneys. They don't practice anymore, but have had long and distinguished careers and this is something that they think they enjoy doing. >> Pool: That's my understanding. It's not a criteria to be a part-time judge and that it actually helps in a retirement situation as a visiting judge. And I think our past presiding judge of course is she also -- does she continue on as a visiting judge, Judge McKinney? >> Yes, she does. >> Pool: Thanks. >> Flannigan: Councilmember Casar? >> Casar: Back to the community input or portion. I think I would appreciate once we finish up our criteria or the metrics that would be used for applicants for us to send that out because even more than having people particularly interview folks that we want to know that the criteria that we're using has buy-in and then it's really up to us to ultimately figure out whether people -- how people do up against that criteria? I'd say that's one key point for me is once we have that wrapped up if we could send that out to that group so everybody knows what we're measuring, that would be good. >> Flannigan: Sure. And Councilmember Garza, I had the same questions about part-time and full-time and one of the things we'll talk about today is how we'll do a needs assessment of the court because we've heard in other council meetings that the workload has changed over time and been up and down. I think it's down right now according -- compared to historical numbers in terms of the number of cases and the workload. >> The number of cases and workload and the actual number of full-time judges. >> Flannigan: Right. So there's an open question for me too about the full-time judge that was replaced with a part-time judge and how -- how did we get away with that in a sense? >> The timing on it was pretty good because that was

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in -- citations are down. And it does not seem to impact court. Right now everything runs pretty smoothly. We have judges to cover all the dockets. The dockets aren't -- they weren't overcrowded. Judges aren't stressed. They're not struggling. There was a suggestion at the last hiring of -- mid-term hiring and it was from the committee that rates the judges, qualified/not qualified. And at that time there were some changes going on with truancy law and they suggested that the council consider perhaps having a full-time juvenile judge. And that was sort of pulled back for assessment. And what

happened is the truancy laws did what they were intended to do, which was actually lessen the cloudy quite a bit. And the study was determined that we don't need that full-time position and kind of at that time it's working well. The only issue is occasionally filling those last-minute overnight spots at central booking. >> Flannigan: Are there other specialties we should be considering? Are there specialties now between the judges or are there some that as the workload has evolved that we should be considering as we go through this process? >> There are some judges that handle dockets more often than others. One example, we do have some part-time judges who have specifically trained and observed with judge coffee at dacc to be able to substitute in that court. That court runs a little differently than ours and it requires somebody with a great deal of patience and passion. Especially patience. So there is some judges -- and he picks the judges that substitute over there for that reason, people that are familiar with that platform, for lack of a better word.

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We have a judge who is designated to handle all the juvenile cases. That was a request of the prior council. There were some community groups. Again, we're very concerned, especially during the dark ages and bad time period where the legislature had shifted a lot of cases into being criminal cases that should have been things that merely went to the principal's office. So they wanted one judge to handle all that case cloudy and be kind -- caseload and be familiar with the process. So we have one judge who typically handles that. We have one judge who is the teen court judge and has done that for about a decade and is very familiar with that program and is great with the kids who are participating in that program. And then we have one judge who does the environmental cases, which those are city code violations that don't come up regularly outside of those dockets so he tends to handle those, although if he's not there with all of them, if they can't be found or they're on vacation or whatever, it's opened up to any other substitute judge who is available. >> Flannigan: That's interesting. There's a lot more specialty in that than I expected. When I was looking at the job descriptions there's another document here. Which has the current job description, something that we're going to want to review as a committee and make sure that this aligns with what we're trying to do. So when I read the description of associate judge it includes perform duties of a magistrate and then separately there's a job description for night magistrate. Are these separate positions that we should be filling differently? >> I neglected to mention the night magistrate. And the specialty. We have one judge who works at central booking from 11:00 P.M. To 7:00 A.M. Sunday through Thursday. And that needs to be somebody who is familiar

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with that and will consistently show up and do the job. And he has done that now eight years. There was a magistrate before him and then I don't think -- I think that was a new position that was created to ease the issues at central booking when it went to 24. We've had the night magistrate and it does trials and the paperwork that we do, but that job is a little bit more limited than an associate judge. >> Flannigan: But the hours are terrible. >> But the hours are terrible. >> Flannigan: Yeah. I have seen in other areas where we have tried to make decisions about number of positions and salaries and that type of thing. If we have a challenge about filling these magistrate positions at odd hours, what is the policy solution to that? Is it a question of more part-time and less full-time or the reverse? Should we have more full-time? We have one night magistrate. Should there be additional full-time positions that do that to make it more a solidly staffed role? Is salary really a measure of influence on this. It's not like -- these are highly trained and professional folks that I don't know what their sensitivity to salary is in terms of showing up and doing a difficult job at odd hours. I want to find that solution as well so we can take to the full council and actually solve a problem. >> One potential solution to that is to recruit a few more part-time judges that are specifically appointed for evening, late night hours so that they know they're supposed to be available. That that's their main focus. We could consider having an

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additional full-time judge if the budget were there. That's a big hypothetical and issue for us as well. Maybe a 3:00 to 11:00 judge. Right now that kind of bounces between full-time judges and then we have -- there's a little issue with some of the -- part-time judges were given a specific appointment. The council could do a specific appointment like that for like a weekend, night magistrate who would be part-time and designated. You are there Friday and Saturday nights. And to pick up the bad hours, but you're there. That's your job all the time. So there are some considerations like that. I've put some thought into that for the selfish reasons of what would make it easier for me and for me to get less late night, early morning phone calls from people who have forgotten to come to work. >> Flannigan: I think it's so that the community has a more reliable court that can provide the services it's supposed to provide. I think that's what we're trying to accomplish here in a very confidently and reliable set of circumstances so the judges are able to -- I just don't want judges working double shifts. That's not good for the community either. >> It's not. And when it has happened it has been unavoidable. >> Flannigan: Yeah. So I think there's a question about how do we lay those out in a clear way. I haven't had a chance to read every document you've provided in addition to the binder that's about that thick, but helping understand what those opportunities might be I think will be a good conversation for our staffs to work on and to figure out in addition to our one full-time night magistrate maybe we need to be thinking about two of these part-time positions assigned specifically to magistrate duties at certain hours and that way as we lay out our plan for how the court is laid out, then the current judges can say, yeah, that's me, that's the one -- that's

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the role I like and that may sort out some of the questions for us too and simplify some of the factors. >> Garza: I don't know how we -- I always feel bad when council starts to really meddle in stuff that we really might not know about, but I feel like there is some way to fix this scheduling issue. And I don't-- it seems like the part-time judges are the weekend judges. They're the ones that get called in last minute, the part-time judges because it's not the full-time judges getting called in because you said they're not getting overtime. So I don't know if there's a fair way to do scheduling when everyone understands that there's going to be one weekend once every two months that they have to, you know, work a weekend. I could see where seniority wise those with more seniority on the court, just like with other jobs, get a better schedule, but I can't imagine asking a part-time appointee, you're only going to work Fridays and Saturdays. You would never get to do anything fun if you were working every Friday and Saturday. So that one judge you said that works only night, so is that a full-time judge and they only work 11:00 P.M. To seven A.M.? >> That's correct, he's full-time. >> Garza: And how many full-time judges work that kind of schedule? >> Just one. >> Garza: And why is that? >> That was decided by prior councils because we have an international agreement that we provide a judge there 24 hours a day. And I'm guessing, because I wasn't around then, that it was determined that having a full-time judge there would be less issues for scheduling and it would be very difficult to staff all of those overnight shifts with part time. And part-time judge it has sometimes been referred to and the appointment ordinances as a substitute

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judge. And it's what they are. They're supposed to be available, a pool of judges. They're only paid when they work. Which they cannot buy into the city's program and we do pie for annual training, but for the most part they're only paid when they work and the idea is they're available for a number of shifts and full-time judges and when a shift opens up. Nobody is supposed to be any number of hours, although the prior council saw fit to do that with a limited situation. >> Garza: So there would be instances where someone just doesn't show up and it's that where I'm struggling not to just have a evaluation. There is one thing that can be evaluated, that's one of them, did you show up when you are supposed to show up. Did you participate in those professional development? How many times did you participate? Those are things that I think I would really like to know as we're making this decision. If someone is not showing up, I -- there's no excuse. You have lots of technology and a no-show judge is a big concern especially if that's happening a lot. >> It is as is a judge that shows up late. That was one of the survey questions, especially for the staff at central booking. If someone is regularly scheduled do they show up on time. And so you may have some information about that. And that's something we can pull. I believe we can pull the past couple of years to let you know when someone was late. What is more difficult is to tell you when somebody changed last minute. When somebody volunteered to be paid to work on a

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Christmas holiday, which we try to set the holiday schedule months in advance and calls the day of and says no, I don't really want to work and we had that happen this year. And judge Coffey was kind enough to go and work. He was in town and went and worked that shift. So there are things that I'm not sure other than the recollection of me and the judicial secretaries, I'm not sure how easy it is to tell with our scheduling program how to pull up the last-minute changes, but we would try if you're interested in that. >> Garza: Last-minute changes I know can be caused by other things like childcare or something, so I would -- or getting sick. >> Or sickness. >> Garza: But when I hear no-show it sounds like they didn't even call, they just -- 9:00 comes up and nobody is there. And I don't think there's any excuse for that. If people are calling and saying they're not coming, that's one thing. If people just aren't showing up that's another thing. Is there a way to get that information? >> We can pull it up. Again, we've switched from handwritten scheduling to a computerized scheduling, so I'm not really sure what data it saves, but we can look. >> Garza: Thanks. >> Flannigan: Councilmember pool? >> Pool: I remember years ago there was an instance where there was a judge who wasn't coming and then that judge is no longer a imagine Austin judge. >> Although there have been no-shows and people coming in tardy, 30, 45 minutes, without us knowing until they showed up because we can't get ahold of them and do we need to call someone in or not. >> Pool: So we can talk about that. I think there that are things that we do just in --

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other than a courtroom setting where timeliness is emphasized and there are ways to kind of get to that and to make sure that it happens. I was a little bit more concerned right now to establish whether you have some of the judges either full-time or part-time who are simply not showing up at all. I do recall that that was a significant issue, but it was years ago. >> With the full-time judges over the last four years, I have not known of any instance where somebody did not -- simply didn't show up for work without an explanation. >> Pool: That's my understanding too. I didn't want to leave the impression that we had judges who now are simply not showing up. After that one instance was handled. Thanks. >> Flannigan: And I think something that, councilmember Garza, you said about us not wanting to tread into areas that are beyond our expertise, I don't want to take away from the presiding judge's authority on managing and scheduling the court and all that. I think that is an opportunity to manage this appointment process with the presiding judge so that the judges that we appoint are more -- we have already agreed to the type of schedule that they want to sign up for and don't find themselves in schedules that they didn't want. I think the night magistrate is a good example of it may sound like a friday-saturday schedule is visible, but if you find that one lawyer out there that it fits their life perfectly and you end up with a really fantastic judge who just owns that schedule, and I can speak out of

personal experience, I went through a couple of years in my life where I was working nights doing I.T. Work because of other things that were going on in my life. And it was perfect for the time that it was perfect. Councilmember pool? >> Pool: And just to expand on the whole

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continuum of experience, there are some folks throughout who perfect to work at night because maybe they need health care coverage for an ill number of the family that can be handled at night, but not during the day. So we will try really hard not to bring our own personal biases and expectations to the situation because it's the whole array of need. And I think we're clear on the fact that we need to have reliable coverage 24/7 and we need to have the pros professional judiciary possible both for not only our full-time, but for our part-time, be they retired or holding a job, it's a schedule. I think it's a challenge, but I think we're absolutely equal to it with the help from our good staff. >> And I do think that there are some of the current part-time judges. If they were guaranteed a Friday and Saturday shift, they would be more than happy to do the overnight Friday and Saturday shift. What we have right now is some of the part-time judges are overly interested in the number of hours other judges work, meaning that they will badger the secretaries for more hours. They will badger the -- they want to be called when there's an opening. And it's to the point that we have a five-week schedule. One of the staff goes through and does a spreadsheet of each part-time judge and how many hours he or she is assigned. So I have been reluctant outside of council appointment to designate anybody to have Friday and Saturday. That was something judge Mckee did several years ago, but I have been reluctant to do that for there might be cries of unfair and foul.

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But if council were to indicate that that is what you wanted, I think there would be less of a hue and cry. >> Flannigan: And obviously I don't want to go into conversations about individual judges here. If we want to do so we can talk about it in executive session for personnel. But I do think this is precisely the moment to do it where if you find that in managing the court that it helps to have more council direction, this is the moment we get to do it and it's the perfect time to address the policy matter and at the end of the day we're accomplishing our goals, getting a better court, more reliable service, et cetera, et cetera. >> Garza: I wanted to say I didn't mean to say I don't think we should meddle in it, I just feel bad when we do. [Laughter]. I was just trying to show some compassion and sympathy for the people that stand over there and look this way. We're going to meddle in it, sorry. >> Flannigan: Understood. Other questions? I have a few more. So you talked a little bit about the survey. Tell me about the self-assessment. >> The self-assessment, this is completely new to the judges. And the idea came from new

sources. One is some of the research information suggested that. And also my understanding is that this is part of council's process in evaluating all other council appointees that they are given a chance to do some sort of self-assessment as well as discuss the things that they have achieved, the activities that they've done, and their goals for the future. So that's where that came from. It's a self-rating that I think came from department of labor. And there's a description that's attached of how to rate yourself and think about it. It also has the letter of

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intent. So at the very top they get to tell you what their current position is and all the positions they would like to be considered for. This is sort of hard to assess yourself. I found for my own self-assessment there were very few things that were above 3, which is the middle range. Not because I don't think I'm an expert, but because I'm constantly learning and the law is constantly changing and I'm trying to improve. But also the things that they are assessed on, that we assessed ourselves on, are factors that I pulled out of the research and then added in ones that are specific to our court. And these are things to think about, including myself. How am I doing on this? So that is part of the assessment tool is how am I doing, and do I need to improve or change things if I'm reappointed? What do I need to do better? It also has an affirmation of eligible, which is a little strange, but there's the requirements, have you to have lived in the city limits and you have to have been licensed attorney for two years. There was another city who shall remain nameless, had a judge, they called me, their presiding judge called me because they had a judge who was not qualified to be a judge. It. And what do we do? The judge was -- came from another country, and was here legally and is an amazing person who got through undergraduate and grad school and law school, and was appointed after a few years of practice to be a judge, but was not yet a citizen, which is required by state law. So that judge, they had some issues, the judge stepped down for a little while. She had, I think 90 days until

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her citizenship was finalized. But I wanted to make sure that everybody knows we don't have problems on that end. Everybody that is qualified to be a judge meets the basic qualifications. >> Thank you, judge. Thank you for that. We have Ms. Grove, our clerk and our auditor, I want to talk about needs assessment and how we might become familiar with -- I mean, this is the question of how do you answer the question. How do we know that we have the right number of full-time? How do we know we have the right number of part-time? How are we expecting caseloads to change overtime? I don't expect us to answer those questions today, but I would like to at least have this committee give you the direction required so by the time we get to January, we can feel confident we have the right number. >>

Hi, I wanted to let you know about some of the data we're looking at right now. We're pulling the dockets for the last two years. How many dockets they are. Looking at the type and how long each one of those types of dockets last so we can say, for the last two years, we had 2,000 hours of dockets and we know a full-time judge position, based on 40-hour work week is 2080 hours per year. So we can align how many hours of dockets for two years, compared to the number of full-time hours and also look at part-time hours. In addition to that, judge statman can tell you, judges perform a lot of duties outside of the courtroom, associated with case management. So it is not just the docket hours that you need to look at. That is a good starting place. I think what I expect to find is just our Normal docket hours are more than our full-time judges' hours.

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Which of course is why we have the part-time judges in addition to filling in when -- during vacation and illness, they also help process paperwork. Those are a couple of things, we fully expect to have that for you by the end of this week. >> Excellent, I expect that we can get to that conversation in December rather than January. The faster we can get through this and get to the evaluation part, the better it will be for us and for the judges. Tell me a little bit more about the case management side. I think instinctively, the number of cases and size of the docket is easy to get your head around, but there are a number of hours that the judges spend on the docket in case management? >> We are not paperless, but we're paper-light. Everything goes through electronic queues. We process about 330,000 new cases per year and at least that many in closing cases. So as all of the cases are getting processed through whatever queue, they're all goes to a judge to be assigned approved or denied, whatever the case may be. There are motions that go to a judge, there is paperwork. I mean easily over a Muslim brotherhood dockets a year running through the queues. I'll have those numbers as well. >> Excellent. We'll have quite a bit of information to review between the needs assessment and the evaluation of the court's activities plus all of the surveys and the self-assessments that we have already received on the existing judges. Any questions for our clerk? I think we can start talking about how to move forward. Thank you. I know we have the auditor here and we talked briefly about her office about having an audit, perhaps of the court to get hard numbers around that. I think the timing will not make that possible. Something we may want to consider as a council, putting

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on a future audit list. Maybe prior to the next four-year cycle. So there is a longer runway for the auditor's office to do their work. Is that fair? If you want to talk about what that might look like in the future. >> Lori stokes, city auditor. I have looked at the court's caseload or workload of judges. Certainly

timing-wise, that is not something we can accomplish before January. That is a longer term, in fact, the ones I have seen are really almost year-long projects that have been done by other auditor's offices. Certainly doable, something to consider for a future plan. What we could do if y'all have special questions, we can use the special request format we have used for some other requests in the past, like how is this done in other cities, how does the workload compare. Obviously, there are caveats to that comparison. The central booking staffing is one of those caveats, something we can factor into the work. The special request format is designed for us to answer specific questions, not necessarily how to conclude on the recommendations, but to provide information, we can usually do those requests in about two months. Sometimes less. >> Commissioner Poole . >> Pool: We should let the center get its feet under it and see how that interfaces with the needs at our court. Of course, there is the concern about the facility at the court. And how that all fits into this as well. You all know I'm concerned about the safety not only of our staff you but also the people that come to court, to make sure they have appropriate -- so we have an

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appropriate facility for the important work that happens at the court. So I think an audit would be good. I do think that there are some things that are already underway that will get better from, if we let them run a wee bit. It is probably not a bad thing that we wouldn't be doing it right away anyway. I don't want to miss some of the intersections that are out there. Like with the sobriety center, and the homeless outreach street teams. That effort has continued to expand and that also has interplay with the courts. >> Yeah, I'm glad you said that at the end. We have had a couple of interesting conversations about why the caseload is shifting and to the extent that it is about how we have tasked our police department and what type of things we're asking them to do. Sobriety center is another good one to consider. There may be a space to lay that out over a multiyear phase and say when does it make sense to do an audit, the audit before you do the building, can you do them concurrently. So we can hit that runway once we finish the appointment process. Thank you for coming down and talking to us briefly about that. I want to go back to the proposed process a laid out. Councilmember Casar you asked me about another opportunity in January since there are no council meetings for the majority of the month. If we want to go faster than what I laid out here. Any comments or thoughts. >> I was looking at meetings -- I don't know if you want to take it up with item 2? >> We're doing them concurrently. >> I can't do one of the January 1s, but y'all can

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certainly still meet January 8. Or use the January meeting. I notice April 1 is a Sunday. So we probably don't want to meet on a Sunday. >> We have to have this finished by April, in terms of the appointments. >> So April -- >> The last judicial committee -- >> Oh, have you that date down there as the drop dead date? >> Yeah, not a meeting date. >> So the dates that are laid out here, talks about what we want to accomplish at each of the meetings so we can stay on track. Councilmember Casar? >> Casar: Is it you can't make that January date or other dates in January. The reason being since we don't have council meetings in January, I would like to get as much of the work that we might have scheduled in February done in January, because I think it will be. >> Pool: Please hold the meetings when the majority of y'all want them. My not being there should not stop you from meeting. I just wanted to highlight it. >> Casar: The reason being if you are around in later January, if we are actually kaukting evaluation -- conducting evaluations, I would anticipate -- if we want to schedule it, we can schedule it, but I want to have everybody from the committee or as many people from the committee there when we are actually in executive session doing evaluations of judges. >> Pool: I have to look. I was just looking at these dates. I don't know what other date you would be proposing. So we can take that under advisement. >> Casar: Sure. And also, how many other items do we have? I don't have the full agenda, we can go in and talk to staff and look at dates available. I think we will do higher quality work.

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I can do higher quality work in January. You know, probably interview people more -- feel better about the interviews if it is not jammed up. >> Flannigan: I'm definitely on board for going faster and give us more -- more time at the end to catch up in case something gets in the way. So we can definitely have our staffs convene on specific dates and make sure that everybody's calendars line up. On the task sequence, though, I do want to make sure that we're confident that this is the order in which we want to do things, even if we move up some of the dates. So at our December meeting, really digging into the job descriptions and finalizing our metrics. How it is we want to measure things. I want to talk about that at a high level today too, so we can think about in a broad sense, how do we want to narrow that down so folks that are applying and current judges will know. When I read the self-assessment document, as interesting as it is, I see the five and essay questions that are part of it. I think of other questions I would like to see written responses to. So that may be something we do. I think we talked about how the process is different for evaluating current judges very applicants. This is one of the areas where we have the self-assessment that gets us maybe some percentage of the way there and may be one or two other things to add to it. >> Those can also be part of the questions that we ask of the different applicants, candidates. >> Yeah. >> So I think there is almost a Venn diagram of this, where there is the self-assessment plus a couple of other things. Those things are also on the applicant side with whatever it is we think we want to ask around their experience as a lawyer as it relates to.

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>> I was looking at the listing of different judges. Last week I asked for an indication from the sitting judges, both full-time and substitute, part-time, if they wanted to be considered to continue. It looks like everybody does. Am I right on reading that. >> Flannigan: Yeah, I think everybody got the big binders. It is something you can review over Thanksgiving, if you choose to do so. I think we might be able to move up some of this stuff, if we have the needs assessment faster than we expected, we can discuss that in September and come to some kind of rough agreement about how many fte, how many part-time, we'll all consider our conversation -- with judge stetman about we want to delineate specific roles that we express a preference for during this process and hopefully give you the tools you need to manage the court in a more efficient way. And we can get to that place in December and start doing our -- so in December, doing what's listed here, plus the needs assessment and deciding the ftes, doing that in December. January, we can do all the evaluations and executive session stuff. The other thing we have to make sure we do in December is approve the judge descriptions. There is another document that hrd put together, human resources put together. They want to see postings happen in December. That gives them time to go through the human resources process required to get us at least legally qualified candidates that survive the hr process. So from a time line perspective, the absolute thing we have to get done in December is approving our job descriptions. I'm not sure if the descriptions we have, this associate judge, downtown

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judge, night magistrate, presiding judge. Are those the four we need to keep, too, or are we thinking about creating additional job descriptions as we flesh out some of these other items? This is really a question for the presiding judge. Are the four descriptions we have, generally speaking the four descriptions we need in terms of titles? And we should just make sure they say what they need to say on the description side? All right. That is a yes. I think that at least keeps it simple enough that we stick to the four job descriptions. Councilmember pool. >> Pool: If we change them we have to go through a process with the human resources department. We can't just change things up. If we're good with these, which I am, we should proceed with the general job descriptions we have got. >> Flannigan: I think we should have a general discussion about the job descriptions. I think the four titles, we won't change the four titles, we will have the four buckets. >> Pool: We need to check with hr to make sure we can do that. I think these may be part of a system, rod or Sonya, can you answer that? Are we able to amend or change or -- >> Yes, so you can move forward with the process in terms of defining the criterias that you want to look at, Rodney crontog manager. Then that would go through the department and it would be finalized and approved. At the point you are ready to post, you want to have the job description finalized. >> Pool: How long does it take to go through the process to make changes? >> I would guess a week, maybe. Maybe faster if there was an urgent need. I would give it at

least a week. >> Pool: Thanks. >> Flannigan: I would expect changes to the job description I would expect, but I won't guarantee that they wouldn't have substantive changes so it

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would be a fairly quick review of the hr process, but we might want to highlight certain areas. Very least, my hope through this process is when folks -- either our current judges or new people applying, they know up-front how they will be evaluated later. That ultimately is what I am hoping to accomplish, so we can be as clear as possible for those folks. >> I would say, if it is possible that the job description will be revised then we will alert our comp team to that possibility so they'll know to keep that in mind as they do their scheduling and resource allocations. >> Flannigan: To the extent that happens, it will happen December 18. >> You would provide those two comp for -- >> Flannigan: We will solidify the ones we have now or any changes to at our December judicial committee meeting on December 18. >> Ok. So let me just be clear or more clear. So whatever changes that you are proposing have to go to the compensation team to be approved. So you would provide us what you are recommending and then go through the compensation process to make sure it aligns with the criteria for the city. >> Flannigan: So there is the possibility that they come back and say it doesn't align. >> They would ask you for clarification or make sure that things align. So technically, you're providing to them, this is the changes that we want to make, and they would review that and provide and say, that fits with everything, or we have these suggestions to make it align. >> Flannigan: Let's consider it this way. Make sure we all reviewed the job descriptions and daylight any issues or concerns or gaps that you see in the job descriptions up-front. And we can provide that through staff for -- even if it is a gut-check review, to say it is informative or substantive, and then hopefully, if we identify anything critical, then we can daylight that in advance. But I think at the end of the

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day, as far as my understanding, if we want to have people apply and participate in a process for an appointment that happens in March, job descriptions have to be posted in December. >> Well, it just depends on how long you want to post the job. So there is a lot of other things to consider. You have to have a complete -- you want a complete review of the process for recruitment, we can certainly have that discussion with you as well. Typically from the point that you start the process, it is 6 to 8 weeks before you interview. You can look at it that way as well. >> Flannigan: Yeah. So human resources put together a plan, based on numbers of weeks, we fill that in with actual dates so we can see how that lays out with our process. Based on that analysis, we need to have the formal advertising the judge posting begins December 18 so we're all clear about what that will look like by the time the postings go

out. Obviously, we're the ones that still make the appointments at the end. To the extent the job descriptions reflect what we want to do. >> With that December 18 date, you would need something to compensation by Tennessee or 12 for review. >> Flannigan: We will review individually and daylight if there are gaps in the job descriptions. And if there are red flags. Maybe there won't be. Maybe they're great as they are. Informative versus substantive, we can have compensation review that and either accept or reject that at the December 18 meeting and hr can runoff and do the postings and the hr processes. >> Casar: When you say "Daylighting" is that message board post, contacting hr? How do you want to best handle that, so staff that are watching this would know what that means to you? >> Flannigan: I think there is an open question -- I have gotten conflicting legal opinion to the extent that we operate as a quorum. Let me button down that

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specifically on this issue. >> Casar: That just means outstanding issue if we daylight if we want to daylight. >> Flannigan: Just like meeting dates our staffs will handle process and we'll proceed accordingly. All right. Thank you. >> Thanks. >> Flannigan: Thank you. I think we should try to figure out what work we can get done in January and December. I would ask that we give ourselves the option of being posted in December to go into executive session in case everything is moving along quickly enough that we have the options, you know, we can provide all this information from the presiding judge to have any conversation about presenting judge or judicial candidates to give ourselves that flexibility. We can always choose whether to do that or not that day. I think it would be good to be posted to do that. >> Flannigan: I will make sure we're posted for that in every judicial committee meeting. >> Casar: You are doing way better than I asked. That's good. We'll be prepared to do that in case we're ahead of schedule. >> Flannigan: Yeah. >> Casar: My preference, still, is for us to try to see if we can get the presiding judge done earlier so that, I think order-wise that makes sense to me. >> Flannigan: When you say "Done" you mean review and not the appointment. All the review at the end and then the appointment. Councilmember pool. >> Pool: I would like to ask if the clerk or presiding judge have any insights or advice or recommendations on the job descriptions that I would be open to hearing them. I think it would be important to hear from you guys, too, if you think that the job descriptions are in any way lacking. >> Flannigan: Excellent point. Thank you. >> Pool: Thanks.

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>> Flannigan: Any other questions, thoughts, concerns? It still feels a little amorphous to me and I'm trying to wrap my head around from how do we get from where we are now to some type of objective measurement. And I'm hope to ideas. One possible way to go about it is -- I'm a fan of the strategic

outcomes process we are working under and developing. I am willing to use the work that the council has done to this point and use that as a framework. And then identify how that overlays with the backup that judge stetman has provided, the way other jurisdictions across the country do their evaluations how does that fit under the outcomes we're trying to accomplish. I think it could flow into an interesting set of questions we ask the judges to answer about how they see their role as a judge. How is that roll accomplish the certain things the council said we're trying to accomplish as a city. And get a sense from each judge what they think their place is in that process. In addition to the basics of fairness and, you know, temperament, all of those other things that are basic. But I think it would be valuable to see, you know the way the judges perceive themselves as accomplishing the goals that the city is trying to accomplish. I'm just not quite sure how to button that down in a really clear way. >> I think that a strongman proposal would be helpful. I think you have been great at putting something out there. We have all taken part in modifying it with no hard feelings. So I think you know, I would be available to help you work on that. I think we -- I feel the same way that we still haven't shaped this quite firmly enough and it might be putting something on a one-page or or

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two-pager and say this is the straw man and we can sort it out from there. >> Flannigan: I'm happy to do that. Councilmember pool, Garza, how do you feel about that moving forward? Councilmember pool. >> Pool: I'm worried if it is too elaborate, we can't do the work. For me, we need to evaluate in order to reappoint or determine who isn't going to be reappointed. I would like to go right at that. And whether this fits with the strategic plan or not is still -- I think you said the word amorphous. That is still amorphous in my mind. I don't know if it is practical application to the actual work we're trying to do. I want to stick to this, which is evaluations and the sooner we can start doing that, the happier I'll be for sure, if we're going to meet the end of March as a deadline. It is possible that we won't if we add to many layers. >> Flannigan: I completely understand. I will keep simplicity in mind. I also want to make sure that the process that we build, even though as a council we have not given ourselves enough runway to do this as much as we would have appreciated. As much as anyone else. But that we're creating a process that is reproducible, for the judges and community what our expectations are and how to move forward so we don't end up giving however many of us are or are not here four years from now, something that is reliable that the judges can move forward with. I'm happy to work on that. I will have my staffs work on that. Councilmember Casar if you want to help us work with that. We'll put together a strawman prop on how to move forward and we'll work with the clerk to help us vet things to the extent that we won't have another meeting until December 18 and we'll post on the message board and make sure other folks on the council have an opportunity to

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weigh-in. We also want to make sure we have given the council as much opportunity as possible to weigh-in so we don't end up getting into March and the council not understanding how we got to where we got. Any other comments? Councilmember Garza? >> Garza: So the proposal is for the two of you to work on an evaluation criteria? >> Flannigan: Yeah. >> Garza: Ok. Um ... My two cents with regards to the strategic plan is that seems like such a broad thing. It seems appropriate for critiquing councilmembers. I don't know how we use something so broad to critique a very specific department. I mean, not only are we just talking about a position, but we're evaluating folks who evaluate very fact-specific cases. It is literally case-by-case basis. I don't know how we -- the -- I think judge statman gave us this, the judicial performance evaluation commission, did you give us that? I -- I -- I am open to if you two want to sit down and come up with some criteria. I am wondering if you can do that with judge statman and she can create an evaluation as she would have knowledge of, you know, no, that is not a good question to ask because of this, or yes, that is a good question to ask because of this. I think it would be good to have -- I like the surveys, you know, just flipping through them, I haven't been able to flip through all of them, but I would like -- I would like an evaluation from judge statman and with y'all. Y'all put together that criteria maybe based on the suggestions and add to that

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basic human resources stuff. Were they a no-show. Regular stuff. Did they participate in professional development, did they take special steps to learn more about whatever kind of law, I think could be the next step. >> Yeah, I think that is fantastic. I don't want there to be confusion. My process generally is to go for the big idea and think broughtly how do we do things at that level? I'm not looking to overly complicate things. I would rather start in an idealized place and end up compromising in areas to compromise in order to hit our objectives, our goals and have all the elements you outlined will certainly be included. I think in a basic level, as we have seen on other areas as we have discussed, it is just buckets. So as we identify areas, trying to fit those in, in a way that can say to the community, here's the role that we see the court playing in mribing the goals of the city. There are obvious ones, government fits every department has to have an element of that, elements of safety, elements of affordability. And finding ways to assign that to how we evaluate judges. I think it will be at least an interesting conversation at the end of the day, it gets to be very simple. That can be where we end up, too. >> Garza: Quick question. Did the surveys -- you may have already said this and I may not have seen it yet. Is there like a summary that shows all of them, like, you know this judge ranks number one. I know a lot goes into this and this wasn't scientific, so to speak, but is there a broad summary that kind of ranks them? >> There is not. There is not a ranking. One thing that is included, there is a lot of comments. And I just -- even if there were a way to easily do it, I'm not sure without taking into account the comments, I'm not sure if that gives you the information you need to know.

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>> Garza: Ok. Thanks. >> Flannigan: Any other comments? Are we ready to close for today? Do you want to do an executive session and talk about any of the evaluations. Councilmember pool -- >> Casar: I was talking about in December. >> Flannigan: We were contemplating an executive session today, when you saw that judge stetman had provided the blank evaluation forms, I realized we could have that conversation here. That's fine. I think we can have our staffs work together and have a conversation about that. I think we can adjourn our meeting today. Everyone ok with that? >> Casar: My only question is, are we -- you said you were going to post on the message board this month. Are you going to post this particular time line document? Is this what you are intended to inform the council on? >> Flannigan: My hope is that we might even post our strawman proposal just to get a sense from the full council where their thoughts and concerns are. We can do more than one. >> Casar: The proposed process is not the calendar. The pro posed process is the strawman for the criteria? >> Flannigan: Yes. It will likely be both. Every committee is trying to figure out their 2018 calendar. I want to make sure we have our dates since we have an important job to do in a short period of time. As we get the strawman, it will be a good idea to put that out there as well. >> Casar: The next thing I note the alternative is 2/22. That is our slight preference in that is a date without a council meeting. >> Flannigan: Agreed. I'll look at that and we'll lay that out. All right. This meeting is adjourned.