

Staff Summary Report

Council Meeting Date: 11-06-08

Agenda Item Number: _____

SUBJECT: Request approval of the appointment of Thomas J. Robinson as City Court Judge and approval to enter into an employment agreement under the terms described therein.

DOCUMENT NAME: 20081106mclca01 **COURT ADMINISTRATION (0501-02)**

COMMENTS: N/A

PREPARED BY: Louraine Arkfeld, Presiding City Judge (350-8614)

REVIEWED BY: Judy Aldrich, Chair, Judicial Advisory Board

LEGAL REVIEW BY: Kara Stanek, Assistant City Attorney (350-8458)

FISCAL NOTE: Sufficient funds have been appropriated in cost center 1410.

RECOMMENDATION: That the Mayor and Council appoint Judge Thomas J Robinson for a two-year term.

ADDITIONAL INFO: In January of this year, the Judicial Advisory Board (JAB) began the recruitment and selection process for a City Judge position with the Tempe Municipal Court. The Council appointed Board members are:

Dr. Judy Aldrich, Chair
Public Member

Honorable Mark Aceto
Judge, Maricopa County Superior Court

Thomas E. Klobas, Esq.
State Bar of Arizona member

Margaret Stockton
Public Member

Brad Tebow, Esq.
State Bar of Arizona Member

Louraine Arkfeld, Presiding Judge
Ex officio Member

This judicial position is becoming vacant upon the retirement of Judge O'Hair-Schattenberg at the beginning of January 2009 and is one of three full-time judicial positions in the Criminal Division. All of the work of the court is based on what the judge does in the courtroom, work which can be done by no one else. The Tempe Municipal Court judges carry the highest number of cases per judge of any municipal court judge in the state so there is no capacity to spread the work of this position to the remaining two judges. This is an essential and crucial position.

The Judicial Advisory Board reviewed 23 applications for the position of City Judge. Eight applicants were selected to be interviewed on September 16, 2008. Following the interviews, four applicants were scheduled for a second round of interviews on September 30, 2008. On October 2, 2008 the Judicial Advisory Board met in Public Session and voted to recommend the appointment of Thomas J. Robinson. The decision was difficult as all of the candidates had many excellent qualities. However the JAB focused on a vision of the best candidate who would bring not only substantive legal knowledge, but also an ability to work with all types of people, a level of maturity and a focus on serving the citizens of this community.

Judge Robinson, a Tempe resident, currently serves as a Commissioner for the Tempe Municipal Court where he hears both civil and criminal matters. He has served in this position since April 2007. For 12 years prior to that he served the Tempe Municipal Court as a Hearing Officer handling civil matters. He also serves as an instructor in these matters for the Governors' Office of Highway Safety and for the Annual Civil Traffic Hearing Officers' Training. He also serves the Phoenix Municipal Court by special appointment to hear their conflict cases. He previously served as a prosecutor in Phoenix and in the State of Kansas.

The Judicial Advisory Board recommends that the Council appoint Thomas J. Robinson to the position of City Judge and approve a two-year contract.

AGREEMENT

THIS AGREEMENT (Agreement) is entered into the date below, signed by and between Thomas Robinson (Employee) and the City of Tempe (City).

I.

The City and Employee desire to enter into a contract for employment by the City of Employee in the position of City Court Judge.

II.

This Agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties and rules of conduct, and compensation during the term of this Agreement. It is agreed as follows:

- 1) TERM. This Agreement shall be effective from January 3, 2009 through January 2, 2011.
- 2) COMPENSATION. Employee shall be paid the annual sum of \$138,891.00, in 26 bi-weekly installments for the period of January 3, 2009 to January 2, 2011 together with all other City benefits which are otherwise available to unclassified, exempt City of Tempe employees. This salary will be reviewed and adjusted annually to keep in accordance with the standard City policy and procedures.
- 3) DUTIES. Employee shall perform the duties of City Court Judge under the administration of the Presiding Judge of the Tempe City Court and pursuant to all laws, ordinances, and rules of the State of Arizona, City of Tempe, and Arizona Supreme Court.
- 4) CONDITIONS OF EMPLOYMENT.
 - a) Employee shall maintain normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday except for legal holidays, vacation or other leave as granted by the personnel policies of the City or the Presiding Judge.
 - b) Employee shall preside as Judge over all assigned Court calendar dockets in a timely fashion and shall notify the Presiding Judge, if necessary, in a timely fashion of his inability to preside over any docket in order that the Presiding Judge may secure the service of a Judge Pro Tem.
 - c) Employee shall at all times ensure that his conduct as Judge of the City Court of the City of Tempe does not violate Administrative Orders Revised No. 96-32 of the Supreme Court of Arizona, the Code of Judicial Conduct, Rule 45 of the Rules of the Arizona Supreme Court, and any other Rule or law governing the conduct of judges during the terms of this contract.
 - d) Employee shall not during his term of employment commit any act, which would be grounds for dismissal pursuant to Rule 4 of the Personnel Rules and Regulations of the City of Tempe.
- 5) TERMINATION. During the term of this Agreement, the employee may be removed from office by the City Council of the City of Tempe for violation of this Agreement. Notice of removal of office shall be delivered in writing to the employee and employee shall have the right to request a hearing before the City Council of the City of Tempe. Any such request for hearing and any hearing shall be in accordance with Rule 1, Section 105(B)(4)(C),(D), and

(E) of the Personnel Rules and Regulations of the City of Tempe, except that said hearing shall be before the City Council of the City of Tempe and not the Merit System Board.

DATED this _____ day of _____, 2008

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney

Employee