

**JUDICIAL BRANCH OF ARIZONA
IN MARICOPA COUNTY
JUDICIAL MERIT COMMISSION**



Thomas J. Davis, Chairman
N. Joseph Cayer, Member
Robert F. Oberstein, Member
Carol Smetana, Member
Maria Hoffman, Member
Phillip E. Hanley, Secretary

Quarterly Meeting Agenda
September 1, 2009

**Judicial Merit Commission – Quarterly Open Meeting Agenda
Law Library, Third Floor, Tang Conference Room
101 W. Jefferson, East Court Building - Tuesday, September 1, 2009 2:00 - 4:00 p.m.**

In addition to any Executive Sessions agendaized below, when necessary, the Commission may move to go into Executive Session intermittently throughout the meeting regarding any of the agenda items, pursuant to A.R.S. Section 38-431.03(A)(3) to obtain legal advice from its counsel and/or A.R.S. Section 38-431-03(A)(2) to review any confidential records.

I. Meeting convened

II. Approval of the Minutes

- June 2, 2009 - Special Meeting (distributed via e-mail)
- June 2, 2009 - Quarterly Meeting General Session (distributed via e-mail)
- June 2, 2009 - Executive Session (distributed via e-mail)

III. Appeals Pending Final Decision

1. *Frances Gilbert v. Juvenile Probation Department (Review of Circumstances)*

Termination Date:	June 5, 2009 (<i>Medical Termination</i>)
Hearing Officer:	Harold Merkow
Review of Circumstances:	Request received June 12, 2009
HO Report received:	July 7, 2009
HO Recommendation:	Sustain medical termination/deny request for appeal
Merit Commission Decision:	pending

2. *Robert Angstead v. Adult Probation Department – Suspension*

Suspension Dates:	April 27 – May 1, 2009 and May 11 – 15, 2009
Hearing Officer:	Harold Merkow
Hearing Scheduled:	June 4, 2009
HO Report rec'd:	June 25, 2009
HO Recommendation:	Sustain 80 hour suspension and deny appeal
Opposition Due:	July 9, 2009 – none received
Merit Commission Decision:	pending

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3. ***Michael Coleman v. Trial Court Security Department - Termination***
Termination Date: June 5, 2009
Hearing Officer: Douglas Erickson
Hearing Scheduled: July 13, 2009, adjourned to July 24, 2009
Hearing Held: July 24, 2009 & July 28, 2009
HO Report due: September 5, 2009

4. ***Brinda Slaughter v. Trial Court Security Department – Termination***
Termination Date: June 8, 2009
Hearing Officer: Amy Lieberman
Hearing Scheduled: July 24, 2009
Respondent’s Motion/Dismiss: Argued July 22, 2009
HO Recommendation: Respondent’s Motion to Dismiss denied
Respondent withdrew all discipline
Hearing date vacated

Appellant’s Motion to Reinstate
and Reopen Appeal: Filed July 29, 2009
HO Recommendation: Denied - August 11, 2009

5. ***Akesha Day v. Juvenile Probation Department – Termination***
Termination Date: June 26, 2009
Hearing Officer: Harold Merkow
Hearing Held: August 24, 2009 / continued to September 28, 2009

6. ***David Morris v. Court Technology Service – Termination***
Termination Date: June 26, 2009
Hearing Officer: Douglas Erickson
Hearing Scheduled: August 14, 2009 – appeal withdrawn

7. ***Joan W. Brown v. Judicial Branch Trial Courts - Termination***
Termination Date: September 19, 2008
Hearing Scheduled: November 13, 2008
Hearing Officer: Harold J. Merkow
Hearing Rescheduled: June 8, 2009 – appeal withdrawn

8. ***Hazel Moore v. Juvenile Probation Department – Termination***
Termination Date: April 9, 2009
Hearing Officer: Amy Lieberman
Hearing Scheduled: June 9, 2009 – settled/appeal withdrawn

9. ***Julia Escobar v. Juvenile Probation Department – Termination***
Termination Date: May 7, 2009
Hearing Officer: Amy Lieberman
Hearing Scheduled: June 22, 2009 – settled/appeal withdrawn

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10. *Halina Wood v. Justice Court* – Termination
Termination Date: April 30, 2009
Hearing Officer: Douglas Erickson
Hearing Scheduled: June 29, 2009 – No Show – appeal withdrawn

- IV. Hearing Officer Solicitation
 - a. Bid Open July 16, 2009 – No requests for qualifications
 - b. Reopen Bid – August 13, 2009

- V. Merit Rules Revisions/Changes
 - a. Review of Proposed Resolutions
 - b. Open Meeting Law Standard of Review
 - c. Hearing Officer Handbook Update

- VI. Executive Session

- VII. Call to the Public

- VIII. Future Agenda Items

- IX. Meeting Adjournment

Date and Time for Next Regular Quarterly Meeting
Tuesday, December 1, 2009 @ 2:00 p.m. in the Tang Conference Room