

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Judicial Evaluation Committee Report

Meeting Date: November 12, 2014
Department: Municipal Court
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Alana Holmes
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ISSUE STATEMENT

This work session item is an opportunity for the council to review and accept the report submitted by the 2014 Judicial Evaluation Committee as part of the formal evaluation of Presiding Municipal Judge Wayne Allen. Eugene Code 2.011 requires a formal citizen review of the Presiding Judge's performance in the last year of the judge's four-year term.

BACKGROUND

Presiding Municipal Judge Wayne Allen was appointed by the council in 1994, and is in the fourth year of his current four-year term. The last formal evaluation was conducted in 2010, at which time the council reappointed Judge Allen and directed City staff to renew his contract for another four-year term. On July 28, 2014, the council appointed the members of the 2014 Judicial Evaluation Committee.

RELATED CITY POLICIES

The Municipal Court has concurrent jurisdiction with Lane County Circuit Court for violations and misdemeanor crimes in Oregon statute and in Eugene City Code, including all traffic offenses. The Municipal Court has sole jurisdiction over all parking offenses which violate City Code. Municipal judges have the authority to adjudicate cases, impose fines and other sanctions, issue warrants, summon jurors and perform all other judicial functions, according to Oregon statute governing justice courts, Eugene Charter and Eugene City Code. The judges are part-time independent contractors, not employees of the City. The Presiding Judge is appointed by the City Council.

Eugene Code Section 2.011 governs the appointment and evaluation of the presiding municipal judge. In the fourth year of the judge's term, a formal evaluation by an ad hoc citizen advisory committee and public hearing are required. The advisory committee is required to be at least five members, with at least one member of the Human Rights Commission, two attorneys familiar with the Municipal Court, and two other persons generally familiar with the judicial system. On July 28, 2014, the City Council appointed the following individuals as members of the 2014 Judicial Evaluation Committee to conduct a formal evaluation:

Human Rights Commission representative:

- Ken Neubeck

Attorneys familiar with the judicial system:

- Joe Connelly – Defense Attorney
- John Kilcullen – Local Attorney and former Municipal Court Judge

Others familiar with the judicial system:

- Eric Richardson – NAACP President
- Francisca Leyva Johnson – A former coordinator for Court Paso a Paso program
- Kathy Cunningham – Springfield Municipal Court Administrator

The Judicial Evaluation Committee conducted outreach by sending out a total of 364 surveys to defense attorneys, prosecutors, interpreters and advocates, police officers, University of Oregon Public Safety, other judges and court staff, and community partners such as Centro Latino Americano and Mediation Services with a 16 percent response rate. The compiled survey responses are included in the attached report and show that overall these stakeholders strongly agree or agree that Judge Allen continues to meet performance standards in the six categories assessed. In addition, the committee reviewed court performance data, defendant survey responses, complaints filed, and had a discussion with Judge Allen about court issues and accomplishments since 2010. A summary of their findings is also included in the attached report.

A subsequent work session is scheduled directly after the committee's report for council to discuss the evaluation report findings with Judge Allen. A public hearing is scheduled for the council meeting on November 17, 2014. At the November 19, 2014, council meeting, a work session and action item is scheduled for the council to consider reappointment of Judge Allen, or to direct staff to begin a recruitment process for a new Presiding Judge. Judge Allen's contract expires December 31, 2014.

COUNCIL OPTIONS

The council has the option to accept or not accept the 2014 Judicial Evaluation Committee's report.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the council accept the 2014 Judicial Evaluation Committee's report on Judge Wayne Allen's performance.

SUGGESTED MOTION

No motion required.

ATTACHMENTS

A. Cover Memo to Council: 2014 Judicial Evaluation Committee Report and attachments

FOR MORE INFORMATION

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