

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application, 5 double-sided copies and one (1) single-sided copy must be filed with the Human Resources Department, Administrative Office of the Courts, 1501 W. Washington, Suite 221, Phoenix, AZ, 85007, no later than 3:00 p.m. on Monday, November 21, 2016. Read the application instructions thoroughly before completing this application form. The fact that you have applied is not confidential, responses to Section I of this application are made available to the public, and the information provided may be verified by commission members. The names of applicants, interviewees and nominees are made public, and commission files pertaining to nominees are provided to the Governor for review. This entire application, including the confidential portion (Section II), is forwarded to the Governor upon nomination by the commission.

SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 71)

PERSONAL INFORMATION

1. Full Name:
Lisa Ann VandenBerg
2. Have you ever used or been known by any other legal name? Yes If so, state name:
Lisa Ann Nelson
3. Office Address:
**125 West Washington
Old Court House
Suite 106
Phoenix, Arizona 85003**

**Glendale Community College, Glendale, Arizona-
September 2007**

10. List major and minor fields of study and extracurricular activities.

Undergraduate - Major: History (Pre-Law) Degree – Bachelor of Arts

Activities: Honor Council Student Attorney
Student Court Prosecutor
Reporter for college newspaper, *The Highlander*
Executive Council for Alpha Xi Delta Fraternity
Recording Secretary for College Pan-Hellenic Board
Director of Alcohol Education Program
Appointed to various President's Committees
Co-captain of Cheerleading Squad
Student Tutor for Political Science class

Graduate - Major: Law Degree – Juris Doctorate

Activities: School Appointed Tutor in Federal Income Tax Law
Professor's Aide for Tax Professor Suellen Wolfe
Drafted a current Pennsylvania Law creating the
Pennsylvania Address Confidentiality Program
Member of Public Interest Law Clinic
Officer of Criminal Law Society

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

**Undergraduate - Internship with U.S. Representative Bart Gordon in
Washington, D.C.
Internship with County Prosecutor / Civil Practice
Two Collegiate Letters in Athletics in Cheerleading
History Department citation for historical presentation**

**Graduate - Am Jure Certificate of Achievement in Legislative Drafting
Am Jure Certificate of Achievement in Pre-trial Methods
Dean's list - 1997
Internship with Lebanon County District Attorney, PA**

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

State Bar of Arizona	October 1997
United States Federal District Court of Arizona	June 2002

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? **No**

b. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state? **No**

14. Indicate your employment history since completing your formal education. List your current position first. If you have not been employed continuously since completing your formal education, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

EMPLOYER	DATES	LOCATION
Maricopa County Superior Court Commissioner/ Judge Pro Tem	February 2005 – Present	Phoenix, Arizona
Arizona Corporation Commission Staff Attorney	January 2002 – February 2005	Phoenix, Arizona
Maricopa County Attorney’s Office Deputy County Attorney	October 1997 – January 2002	Phoenix, Arizona

15. List your current law partners and associates, if any. You may attach a firm letterhead or other printed list. Applicants who are judges should attach a list of judges currently on the bench in the court in which they serve.

Please see Exhibit #15 – a list of Judges and Commissioners currently on the Maricopa County Superior Court.

16. Describe the nature of your present law practice, listing the major areas of law in

which you practice and the percentage each constitutes of your total practice.

Since appointment on February 14, 2005, I have served in a number of different areas including: Probate, Appellate, Civil, Family, and Criminal.

PROBATE: 100% currently since June 30, 2014. As Presiding Commissioner of Probate since October 2015.

Guardianships and or Conservatorships of Adults (30%)- Court determination after evidentiary hearing that the adult is either incapacitated and in need of care and supervision or unable to manage his or her property and affairs.

Conservatorships of Minors (30%)- Court determination after evidentiary hearing a minor owns money or property that cannot otherwise be effectively managed or protected. The Court may also make findings with regard to any settlement that provides said money or property.

Civil matters (10%)- Collateral matters to a Probate matter. Court determination consistent with findings in probate matter.

Estate Probate Matters (20%)- Court determination after contested evidentiary hearing a personal representative or estate document is rejected and findings directing the progression of the matter.

Release of Funds (5%)- Court determination after evidentiary hearing the former minor is qualified to receive custody and control of funds previously held for the minor's benefit.

Administrative (5%)- Unique issues dealing with trusts, accountings or compliance matters, liaison to probate registrar, problem solving/ scheduling assistance as Presiding Commissioner

In addition- Over-flow Court to Probate Associate Presiding Judge Edward Bassett's Mental Health and Court Compliance Calendars.

CRIMINAL: 100% from February 14, 2005 to June 29, 2014

Master Calendar

Pre-Trial Hearings (20%)- Includes Motions to Modify, Initial Pre-trial, Comprehensive Pre-Trial, Warrants

Changes of Plea (25%)

Settlement Conferences (20%)

Contested Proceedings (30%)- Jury Trials, evidentiary, Bench Trials, Trial on Priors, hearings

Problem-Solving Courts (5%)- Includes both DUI court hearings/ steering committee meetings and domestic violence court hearings/ steering committee meetings.

Regional Court Center, Glendale

Initial Proceedings (20%)- Includes advising Defendants of charges, setting release conditions, appointing counsel.

Changes of Plea (30%)

Sentencings (30%)

Protective Proceedings (20%)- Injunctions Against Harassment petitions/ contested hearings, Order of Protection petitions/ contested hearings.

NGA/ Bond Forfeiture/ FOJ

Not-guilty Arraignment (60%)- Advising Defendants of charges, appointing counsel, setting bond on Grand Jury matters.

Bond Forfeiture (20%)- Court determination on disposition of bond after a warrant was issued and resolved.

Fugitive of Justice (20%)- Determination as to whether a warrant is outstanding in another state and if so findings on authorization to travel, court effectuating Governor's warrants within statutory ninety days.

Initial Appearance

Initial Appearance (75%)- Advising Defendant of charges, determination on indulgency, appointment of counsel.

Warrants (25%)- Court determination on Defendant's Notice and Probable Cause.

CONCURRENT TO CRIMINAL: Assigned to Criminal Division (100%) February 14, 2005 to June 29, 2014 See #17 below. Includes: Assistance as described below to Civil, Family and Appellate Departments.

Civil/ Family – Duration 6 months, served at direction of Maricopa County Presiding Judge Barbara Mundell. Assisted Northeast Justice Courts by presiding over all contested Orders of Protection, Injunctions Against

Harassment and Injunctions Against Workplace Harassment and handling emergency petitions 3 days a week.

Family – Duration 9 months, served at direction of Family Court Presiding Judge Norman Davis. Assisted with review and ruling on backlog Consent Divorce Decree and Child Custody/ Support matters.

Lower Court Appeals – Duration 8 – 12 months, served Maricopa County Associate Presiding Judge Margaret Downie. Reviewed and issued Opinions on Lower Court Appeal backlog matters.

Civil/ Criminal – Duration 8 years, initially served Criminal Court Presiding Judge James Keppel. I was the main resource in hearing the hybrid Clearance of Record petitions pursuant to ARS §14- 4051.

17. List other areas of law in which you have practiced.

ARIZONA CORPORATION COMMISSION:

As a Staff Attorney of the Legal Division at the Arizona Corporation Commission, I handled a number of different areas of law including: Regulatory, Civil, Employment, Appellate, Arbitration and “Blue Stake” law.

Arizona Power Plant Transmission Line-Siting Committee (40%)- Litigation on 3 major applications including: staff report creation, review of site, attendance at public comment, presentation of witness at line-siting proceedings.

Utility Regulation (30%)- Presentation of staff matters in weekly staff meetings, formal accountings and settlement of applications.

Community Meetings (5%)- Travel to various locations across the state receiving public comments and/ or holding open meetings.

Office of Pipeline Safety (20%)- Representation of the subordinate/ independent state agency in employment arbitrations, Blue Stake law enforcement, compliance litigation before the Commission and local courts.

Corporate Division (5%)- Representation regarding employment law and Human Resource issues.

MARICOPA COUNTY ATTORNEY’S OFFICE:

As a Deputy County Attorney, I handled trial related matters as described below, as well as community speaking events and awareness

events. I was the office designee to work on the creation of Judge Pamela Franks' Juvenile Drug Court as well as attendee of National Drug Court Professionals conventions.

Trial Group B (30%)- Jury trials, bench trials, witness interview, plea negotiations, morning calendar proceedings.

Juvenile Division (55%)- Charging, arraignment, bench trials, witness interview, plea negotiations, morning calendar proceedings, drug court proceedings.

Preliminary Division (15%)- Probable cause hearings, plea negotiations, DUI jury trial.

18. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

Not Applicable

19. Describe your typical clients.

Not Applicable. As a Superior Court Commissioner I do not have clients.

20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? **No**

21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

Received an Am Jure Certificate of Achievement in May of 1997 from Widener University School of Law for my demonstrated scholarship and aptitude in Legislative Drafting.

Participated in the original drafting of and lobbying for Pennsylvania House Bill 1262 in the 1996-97 academic year through the Widener University School of Law Public Interest Clinic. In December of 2004, after 10 years of work by the Public Interest Clinic and the Pennsylvania Coalition Against Domestic Violence, Pennsylvania Governor Ed Rendell signed the bill creating the Pennsylvania Address Confidentiality Program for victims of domestic violence.

Regularly negotiated settlement agreements with utility companies and Interveners in various proceedings before the Arizona Corporation Commission ("Commission). Negotiation and drafting of a settlement agreement between the Commission Staff and Global Water, LLC

(“Global”). This settlement resolved “issues of first impression” as to whether a limited liability company could be regulated by the Commission. Additionally, drafted compliance agreements between the parties, Civil Complaints, and participated in the revamping of internal Commission regulatory rules and processes.

Currently, conduct settlement negotiations and capture the agreement on the record by Minute Entry. As well, rulings on complex matters are provided by drafting and issuing Ruling Minute Entries.

22. Have you practiced in adversary proceedings before administrative boards or commissions? **Yes**

a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

**Arizona Corporation Commission –
At least 60 proceedings**

**Arizona Power Plant and Transmission Line-siting Committee –
Numerous proceedings on three applications**

b. The approximate number of these matters in which you appeared as:

Sole Counsel:	55
Chief Counsel:	5
Associate Counsel:	3

23. Have you handled any matters that have been arbitrated or mediated? **Yes**
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel:	4
Chief Counsel:	-
Associate Counsel:	5

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case: and

(4) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

#1 PB# 2014-000261

Case Title:

In the Matter of Marisa Robles

(1) Probate Settlement Conference held March 18, 2015

(2)	Hillary P. Gagnon, Esq. Attorney for the Ward Jennings Haug and Cunningham 2800 North Central Avenue, Ste 1800 Phoenix, AZ 85004 hpg@jhc-law.com 602-234-7844	Gary T. Doyle, Esq. Guardian ad Litem Attorney Baumann Doyle Paytas and Bernstein 2929 North 44 th Street, Ste 120 Phoenix, AZ 85018 gdoyle@bkdpblaw.com 602-952-8500
	Judie M. Rettelle, Esq. Attorney for Cross Petitioner Rettelle Law PLC 5045 East Broadway Road Mesa, AZ 85206 judie@rettellelaw.com 480-325-1288	Susan B. Court, Esq. Attorney for Petitioner Jackson White, PC 40 North Center Street, Ste200 Mesa, AZ 85201 scourt@jacksonwitelaw.com 480-464-1111

(3) Summary: The Petitioner is the daughter of ward and alleged that the Ward's son, Cross Petitioner, had violated his fiduciary duties as Power of Attorney for their elderly mother. Daughter presented testimony at an emergency hearing indicating that the son had written at least one check to himself from the Ward's account and had moved the Ward out of her bedroom to house his mistress. The Petitioner was seeking both Guardian and Conservator authority. Son indicated that he wanted to at least have visits with his mother and an ability to take her to his home and to protect her condominium and banking. He had concerns that the Petitioner, the adopted daughter of the Ward, would not comply with the Ward's desire to see her son as the siblings' relation had been combative and violent as children. The parties reached an agreement that Petitioner would be Guardian and Conservator so long as she posted a \$35,000.00 bond and agreed to a negotiated visitation plan for the Ward and her son.

(4) Significance: Often, contested Adult Guardianship matters involve issues that mirror those in Family Court. Here the parties had long standing communication issues and deep rooted dysfunctional family problems. It was a success for all the parties to reach a systematic approach to providing for the ward, as well as having those that she values

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have contact with her for the rest of her life.

#2 CR# 2013-03488-001DT/ 2013-432584-001DT/ 2011-152427-001DT

Case Title:

State of Arizona v. Dale Duane England JR.

(1) Criminal Settlement Conference held February 21, 2014

Sentencing held March 21, 2014

(2) Jordyn Raimondo, Esq.	Steve W. McCarthy, Esq.
Deputy County Attorney	Deputy Public Defender Capital Unit
Maricopa County Attorney	Maricopa Public Defender
301 W Jefferson Street	620 W Jackson Street
Phoenix, AZ 85003-2143	Phoenix, AZ 85003-2423
<u>raimondj@mcao.maricopa.gov</u>	<u>McCarthyS@mail.maricopa.gov</u>
602-506-7577	602-506-7711 ext 38331

(3) Summary: Defendant Dale England had a history of mental health and behavioral issues. He lacked an ability to concentrate on and discuss the legal issues involved in his three pending matters, and struggled to appreciate the impact that each case had on the other.

At the conference, Mr. England was a difficult personality, and his matter required a methodical approach in the simplest terms. It entailed forty-five minutes of collective court room discussion, then time for independent consult with his attorney and an extended change of plea proceeding. Ultimately the Defendant agreed to five years in prison in the resolution of his matters.

(4) Significance: Settlement Conferences in Criminal are useful for one of two reasons: 1) to raise a different perspective on the legal opinions of the case for the attorneys in chambers and 2) to assist Defense Counsel's client hear and understand the legal realities of their case both at trial and after a plea. This case highlights my ability to take the time to let a challenging litigant have his voice heard and valued and then give him the tools to make a rational decision in his matters.

#3 CR# 2012-120944-001DT

Case Title:

State of Arizona v. Erika Yvonne Gulley

(1) Criminal Settlement Conference held August 28, 2012

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(2) **Michelle Arino, Esq.**
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301 W Jefferson Street
Phoenix, AZ 85003-2143
arinom@mcao.maricopa.gov
602-506-5999

Lindsay Abramson, Esq.
Deputy Public Defender
Maricopa Public Defender
620 W Jackson St Suite 4015
Phoenix, AZ 85003-2143
abramsonl@mail.maricopa.gov
602-694-4802

(3) **Summary:** Ms. Gulley had an unrealistic expectation as to dismissal or success at trial. She had trouble initially accepting that her charges lacked jury appeal and that her admitted actions warranted consequence. I answered her questions and discussed the options that the plea offer provided her. At hearing, Ms. Gulley was very emotional which made it difficult for her to have a rational conversation about the risks at trial and the benefits of plea for her and her family.

However, she was able to understand what would be the mandatory consequences at a sentencing after trial and the lasting effect it would have on her family. She agreed to consider the plea and the prosecutor agreed to keep the plea open until the next scheduled setting. It was that extra time and distance from her emotion that provided for Ms. Gulley to take a plea that gave her some control on how to put this matter behind her.

(4) **Significance:** On September 17, 2014, I received an email from Ms. Gulley's attorney with an update from her client. Ms. Gulley successfully completed probation. In August of this year, Misdemeanor designation was granted which allowed her to obtain a fulltime job at the Department of Education and to purchase a new house. Her new insurance coverage has allowed her son (the victim) to receive proper medications for his mental health issues, which provided him an ability to make the football team. Furthermore, the health insurance provided much needed family therapy.

25. Have you represented clients in litigation in Federal or Arizona trial courts? **Yes**

The approximate number of cases in which you appeared before:

Federal Courts:	-
State Courts of Record:	160
Municipal/Justice Courts:	100

The approximate percentage of those cases which have been:

Civil:	4
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Criminal: 96

The approximate number of those cases in which you were:

Sole Counsel: 250

Chief Counsel: 5

Associate Counsel: 5

The approximate percentage of those cases in which:

You conducted extensive discovery¹: 25

You wrote and filed a motion for summary judgment: 2

You wrote and filed a motion to dismiss: 2

You argued a wholly or partially dispositive pre-trial, trial or post-trial motion (e.g., motion for summary judgment, motion for a directed verdict, motion for judgment notwithstanding the verdict): -

You made a contested court appearance (other than as set forth in above response) 45

You negotiated a settlement: 65

The court rendered judgment after trial: 40

A jury rendered verdict: 5

Disposition occurred prior to any verdict: -

The approximate number of cases you have taken to trial:

Court 160 (approximately)*

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible. Jury 10 (approximately)*

***These numbers are approximate as I did not keep detailed records.**

¹Extensive discovery is defined as discovery beyond standard interrogatories and depositions of the opposing party.

26. Have you practiced in the Federal or Arizona appellate courts? **Yes**

The approximate number of your appeals which have been:

Civil: **3 – 4 (provided assistance in the appeal)**

Criminal: **4 – 5 (provided assistance in the appeal)**

The approximate number of matters in which you appeared:

As counsel of record on the brief: AZ **None**
U.S. **None**

Personally in oral argument: AZ **None**
U.S. **None**

27. Have you served as a judicial law clerk or staff attorney to a court? **No** If so, state the name of the court and dates of service, and describe your experience.

28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

#1 Docket # G-01551A-02-0425
Application Title:
In the Matter of the Application of Southwest Gas Corporation For Approval of Acquisition Plan and if Appropriate, Waiver of the Affiliate Rules

(1) **Application – June 6, 2002**
Decision #66101 issued July 25, 2003

(2) **Arizona Corporation Commission**
Administrative Law Judge Jane Rodda

(3) **Andrew Bettwy, Esq.** **Lisa Vandenberg, Esq.**
(Now Deceased) **Arizona Corp. Commission**
Southwest Gas Corporation **1200 West Washington**

P.O. Box 89510
Las Vegas, NV 89193

Second Floor, Legal Division
Phoenix, AZ 85007
(Applicant)

Timothy Berg, Esq.
Fennemore Craig, P.C.
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602-916-5421

Nicholas Enoch, Esq.
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349 N. Fourth Avenue
Phoenix, AZ 85003
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602-234-0008

Scott S. Wakefield, Esq.
(Former Chief Counsel of RUCO)
Hienton & Curry PLLC
5045 N 12th Street, Ste 110
Phoenix, AZ 85014
swakefield@hclawgroup.com
602-254-8670

Walter Meek (Rep. for AUIA)
(retired)
Arizona Utility Investors Assoc.
2100 N. Central Avenue, Ste 210
Phoenix, AZ 85004
(Mr. Meek's Contact unknown)

(4) **Summary:** Applicant Southwest Gas Corporation ("SWG") sought approval to purchase a small local natural gas provider, Black Mountain Gas ("BMG"). Because both entities are regulated by the Arizona Corporation Commission, the Applicant was required to receive approval prior to the merger's completion. Once the Application was filed, specialized professionals on the Commission Staff were assigned to review the matter and submit a recommendation. I aided my client in formulating and synthesizing Staff's position. This was accomplished through both pre-filed written expert testimony as well as expert testimony presented at hearing. At the conclusion of the evidentiary hearing, the parties were directed to file initial and responsive simultaneous briefs. Exhibit#69 to this Application contains Staff's Closing Brief - a responsive brief which reiterates Staff's position on the requested merger approval. After the close of all authorized brief submissions, the Administrative Law Judge filed a proposed order and the Arizona Corporation Commission concluded the matter with a final order.

(5) **Significance:** This case was one of first impression. Not only did the Arizona Corporation Commission have to determine whether the purchase by SWG was in the public interest, but it also had to determine what the authorized rate for services in the BMG territory should be. Usually, the current authorized rate remains after a purchase until the next rate case application. However, in this case, the Commission was faced with an unusual situation in that BMG's authorized rate was substantially higher than the purchaser's rate. BMG's rates were set higher because the small company did not enjoy the economies of scale that SWG did. Considering that SWG's testimony clearly indicated that the merger should be approved because BMG customers would then see the benefits of SWG

economies, it seemed that there was little basis for maintaining the higher rates for services if the merger were approved. Such a result would seemingly allow SWG a great windfall until rates were changed in the usual course of regulation. Given these circumstances, I was able to further a theory that ultimately led to the Commission requiring that the customers in BMG's current area receive a rate reduction to SWG's rate at the time of purchase.

#2 Docket # SW 03575A-01-0672 and W 03575A-01-0672

Application Title:

In the Matter of the Application of Palo Verde Utilities Company for Extension of its Existing Certificate of Convenience and Necessity
In the Matter of the Application of Santa Cruz Water Company for an Extension of its Existing Certificate of Convenience and Necessity

(1) Application – August 23, 2001
Decision #65817 issued April 15, 2003

(2) Arizona Corporation Commission
Administrative Law Judge Dwight Nodes

(3) Jay L. Shapiro, Esq. Shapiro Law Firm PC 1819 East Morten Avenue, Ste 280 Phoenix, AZ 85020 jay@shapslawaz.com 602-954-9084	Lisa Vandenberg, Esq. Arizona Corp. Commission 1200 West Washington Second Floor, Legal Division Phoenix, AZ 85007 (Applicant)
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Richard Sallquist, Esq.
(retired)
Sallquist Drummond & O'Connor
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(4) Summary: The Applicant wanted to expand the area of its authorized service. The service area at issue is located at or near the towns of Maricopa and Casa Grande. This area is experiencing rapid growth at the border of two counties. The Commission had to determine whether the Applicant was a fit and proper entity to serve the requested area. While the rapid growth and the type of water facilities the company proposed did cause additional analysis, Staff ultimately recommended approval at hearing. A recommended Opinion and Order was then adopted at Open Meeting on April 15, 2003.

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5) **Significance:** Because of the rapid growth in the requested area, there were parties that wanted to add their developing property to the certificate without benefit of a separate application being filed by the utility.

As well, a portion of the requested area was alleged to be already served by a municipal service. The sub-contractor of that municipality wanted to participate in the Commission matter in an attempt to prevent certification in the area supposedly in the municipality's service area. This issue is neither relevant nor appropriate for the Commission to consider and could have caused an appearance that the Commission was over-reaching.

I was able to effectively raise and resolve this procedural issue before the Administrative Law Judge.

#3 Docket # L00000B-03-0124

Application Title:

In the Matter of the Application of Salt River Project Agricultural Improvement and Power District for Certificate of Environmental Compatibility Authorizing Construction of Palo Verde to Pinal West Project

(1) Application – December 16, 2003
Decision #67012 issued May 24, 2004

(2) Arizona Power Plant and Transmission Line-Siting Committee
Chairwoman Laurie A. Woodall

(3) Kenneth C. Sundlof Jr, Esq. Jennings Strouss and Salmon, PC One E Washington St Suite 1900 Phoenix, AZ 85004 <u>Sundlof@jsslaw.com</u> 602-262-5946	Lisa Vandenberg, Esq. Arizona Corp. Commission 1200 West Washington Second Floor, Legal Division Phoenix, AZ 85007 (Applicant)
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602-262-5723

Laura Raffaelli, Esq.
In-House Counsel for SRP
(currently inactive status)
(Ms. Raffaelli's contact
information is unknown)

Kay Bigelow, Esq.
(Represented Casa Grande City)
Bigelow Law Offices
1009 E Shadow Ridge Rd

Walter Meek (Rep. for AUIA)
(now retired)
Arizona Utility Investors Assoc.
2100 N. Central Avenue, Ste 210

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Casa Grande, AZ 85122-1709
Unknown
602-527-1629

Phoenix, AZ 85004
(Mr. Meek's Contact unknown)

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Steven Hirsch, Esq.
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steven.hirsch@quarles.com
602-229-5514

(4) Summary: A Certificate of Environmental Compatibility ("CEC") is required when a utility plans to construct a 500 KV transmission line and a 500 KV substation. The Application is first vetted through a series of lengthy hearings before the Arizona Power Plant and Transmission Line-Siting Committee. Once the Committee has closed the record and agreed upon a proposed CEC, it is filed with the Arizona Corporation Commission. The Commission reviews the CEC at Open Meeting. In this matter, the Commission ultimately accepted and adopted the proposed order.

5) Significance: A line-siting matter is an extremely lengthy process. In this case, Commission Staff met with the Applicant close to a year before the actual filing of the application. For Commission Staff, there were numerous concerns with regard to this structure and its role in the overall development of the electrical power grid throughout the State. To effectively represent not only Staff (my immediate client) but also the Commission, I had to do a great deal of self-education on electric transmission. Also, during the Committee hearings, I was responsible both for maintaining a good record as well as applying the regulations properly. The line-siting process is unique and important and challenged me to further hone my legal skills.

#5 JV # 141884 and F# 497187
Charging Document Title:
In the Matter of Adam S.

(1) Charges filed September 18, 1999
Hearing held in November 1999

(2) Superior Court of Arizona, Juvenile Division
Honorable George Foster
(Currently serving on the Criminal Court Bench)

(3) Catherine Parker-Williams, Esq. Lisa (Nelson) VandenBerg, Esq.

Deputy Public Defender
Maricopa Public Defender
620 W Jackson St Suite 4015
Phoenix, AZ 85003
parker@maricopa.gov
602-506-7711

Deputy County Attorney
Maricopa County Attorney's Office
3501 West Osborn Road
Phoenix, AZ 85019
(Applicant)

(4) **Summary:** A criminal matter resolved in the Superior Court Juvenile Division – Durango Court Facility before the Honorable George Foster. Two separate citations: Curfew and Driving While Under the Influence of an Intoxicating Liquor or Drug complaint. During the preliminary proceedings, the Juvenile's counsel raised a number of issues and moved for dismissal. However, once the parties submitted briefs, the Court denied the request and proceeded with trial and a conviction.

(5) **Significance:** In Juvenile Court, it is rare that you are given an opportunity to apply your motion craft. In this matter, I was able to effectively use such skills to avoid a premature conclusion. I recognize that my success was in part, due to the Judge's willingness to learn, and his ability to educate and challenge the skills of the young attorneys that appeared before him. This is something that I have incorporated into my own presence on the bench.

29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

COMMISSIONER/ JUDGE PRO-TEM FEBRUARY 14, 2005 UNTIL CURRENT
State of Arizona Superior Court, Maricopa County
Appointed by Superior Court Presiding Judge Colin Campbell

CRIMINAL- February 14, 2005 to June 29, 2014.

Assigned to Calendars- Master Calendar	2011- 2014
1West Madison	2009- 2011
NGA/ Bond Forfeiture/ FOJ	2006, 2007-2009
Glendale RCC	2007
Initial Appearance/ NGA	2005

Master Calendar entailed –
Pre-Trial hearings: Initial Pre-Trial Conferences, Comprehensive Pre-Trial

Conferences, Motions to Modify Release.
Jury Trials: 50* including 2 co-Defendant Armed Robbery; 15 Aggravated Assaults, 12 Aggravated DUI, 1 Arson, 1 White Collar Theft, 1 Taking ID, 10 Drug Possession/ Misconduct with Weapons, 1 Sale of Methamphetamines.
Settlement Conferences: 250+ matters ranging from Possession of Marijuana, Dangerous Crimes Against Children and Murder.
Bench Trials: 10+
Domestic Violence Court: Orientations monthly, Steering Committee Meetings quarterly, 12* Defendant hearings weekly.
*approximately

1 West Madison entailed-

Jury/ Bench Trials and Settlement Conferences included above
Driving Under the Influence Court: Orientations monthly, Steering Committee Meetings quarterly, 30* Defendant hearings weekly.

Not Guilty Arraignment/ Bond Forfeiture/ Fugitive of Justice entailed-

Not Guilty Arraignments: appearance hearing after Probable Cause, setting release conditions, appointing counsel and determination of indigence. Varies 100 – 400 weekly
Bond Forfeiture: after issuance of warrant, evidentiary hearings. 10 weekly
Fugitive of Justice: Determination on out of state warrants and effectuating Governor's Warrants. 10 weekly

Glendale Regional Court Center entailed-

Initial proceedings: initial appearance, appointment of counsel, setting of release conditions, preliminary hearings - 30 various weekly
Changes of Pleas: 25 weekly
Sentencings: 18 weekly
Family/ Civil matters: Order of Protection and Injunction Against Harassment proceedings: 10 weekly

Initial Appearance/ Not Guilty Arraignment –

Advisement of rights, appointment of counsel, determination of probable cause, issuance of warrants. Varied 80 – 150 weekly

PROBATE- June 30, 2014 to Current.

Presiding Commissioner of the Department – October 2015 to current.

Probate entails-

Guardianships and or Conservatorships of Adults: Court determination after evidentiary hearing that the adult is either incapacitated and in need of care and supervision or unable to manage his or her property and affairs. 8 weekly

Conservatorships of Minors: Court determination after evidentiary hearing a minor owns money or property that cannot otherwise be effectively managed or protected. The Court may also make findings with regard to any settlement that provides said money or property.10 weekly

Civil matters: Collateral matters to a Probate matter. Court determination consistent with finds in probate matter. 2 weekly

Estate Probate Matters: Court determination after contested evidentiary hearing a personal representative or estate document is rejected and findings directing the progression of the matter.8 weekly

Release of Funds: Court determination after evidentiary hearing the former minor is qualified to receive custody and control of funds previously held for the minor's benefit.10 weekly

Miscellaneous : Unique issues dealing with settlement conferences, trusts, accountings or compliance matters. 10 weekly

Over-flow Court to Probate Associate Presiding Judge Edward Bassett's Mental Health and Court Compliance Calendars. 16 weekly

30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

**#1 PB# 2015-003728
In the Matter of Perla Denise Acosta Perez (Temporary Restraining)**

(1) **Emergency Contested Evidentiary Proceedings held
October 28, 2015 and November 3, 2015**

(2) **Superior Court of Arizona– Maricopa County
Probate Division- Old Court House**

(3) **Jerry Steele, Esq.
Attorney for Petitioner
Law Office of Jerry Steele
316 West Ocotillo Road
Phoenix, AZ 85013
jsteele@jerrysteelaw.com
602-281-1858**

**Janice Dinner, Esq.
Attorney for Banner Health
Banner Health
1441 N 12th St
Phoenix, AZ 85006
janice.dinner@bannerhealth.com
602-747-4131**

Gregory Y. Harris, Esq.
Co-Counsel for Donor Network
Lewis Roca Rothgerber LLP
201 East Washington, Ste 1200
Phoenix, AZ 85004
gharris@lrrlaw.com
602-262-0218

Foster Robberson, Esq.
Co-Counsel for Donor Network
Lewis Roca Rothgerber LLP
201 East Washington, Ste 1200
Phoenix, AZ 85004
frobberson@lrrlaw.com
602-262-5795

(4) **Summary:** Petitioner had received a Temporary Restraining Order from a Judge Pro-Tem in the Criminal Court preventing the Hospital and the Donor Network of Arizona from proceeding with the extraction of donated organs from the body of his wife Perla Perez. Hospital and Donor Network brought the matter before this Court to challenge the Order. At the Evidentiary Hearing on October 28, the Petitioner described that his wife, a mother of nine, was hospitalized for headaches and was unexpectedly pronounced dead. He described observing his wife cry when her youngest children were brought into her room and her toes move after he tickled her foot well after the death pronouncement. As well, two doctors testified on behalf of Petitioner challenging the brain dead determination by hospital professionals. At the conclusion of this six hour impromptu hearing, the Court determined that the Hospital had failed to demonstrate by clear and convincing evidence that Perla Perez was dead but recognized that a new treating physician and facility would be needed. The Petitioner failed to locate a willing treating physician or facility and another evidentiary hearing was heard on November 3. At that hearing, treating physicians and an independent physician describe the tests conducted on Mrs. Perez body during their examinations. The Independent witness informed the record that Petitioner's observations were possible even if his wife was brain dead. He went on to clarify that the deceased was dead when removed from a CT scan machine and was intubated only due to her election for organ donation on her state identification. At the conclusion of this proceeding, the Court issued a written opinion finding that Perla Perez was dead pursuant to Arizona law and that her remains shall be processed for donation.

(5) **Significance:** The facts were unique, having not been encountered previously in the country. A Petitioner grieving and actively fighting medical providers pursuit of organ donation via civil proceedings; a hospital with a statutory obligation to pursue organ donation given the deceased's stated gift; the Donor Network need to execute donation expeditiously in order to save other lives. This case took a great deal of preparation as there was very little legal authority and the consequences of the Court's decision final. The case was emotionally difficult, as appellate review would have no practical benefit. Given such, an immediate, well-reasoned and compassionate ruling was essential in this matter for all the parties.

#2 CR# 2009-122982-001DT
State v. Austin Bonfiglio (Criminal Jury Trial)

(1) Pre-Trial Conference held on November 23, 2009
Jury Selection held on November 23, 2009
Jury Trial held November 24 -25, 2009
Trial on Priors held on December 10, 2009
Sentencing held on January 7, 2010

(2) Superior Court of Arizona– Maricopa County
1West Madison Calendar

(3) Thomas Kohler, Esq. (Deputy Maricopa County Attorney) Pinal County Attorney's Office PO Box 887 Florence, AZ 85132 <u>Thomas.Kohler@pinalcountyz.gov</u> 520-270-9217	Bruce Walker, Esq. Deputy Legal Defender Maricopa Legal Defender 222 N Central Ave, Ste 8100 Phoenix, AZ 85004 <u>Bruce.Walker@old.maricopa.gov</u> 602-506-8800
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(4) Summary: The Defendant was charged with Aggravated Assault with a deadly weapon (knife), a Class 3 Dangerous felony. I resolved all remaining pre-trial matters and then proceeded with jury selection on November 23, 2009. At trial, testimony described the Defendant Austin Bonfiglio as having stabbed the victim, a twenty-four year-old male, multiple times in the chest while the victim lay on the ground in a fetal position.

After trial, the jury found the Defendant guilty and then found one aggravating factor based on the Defendant's ability to leave prior to stabbing the victim. The parties then stipulated to the Defendant's having two prior felony convictions in exchange for the State withdrawing the Dangerous allegation for sentencing range purposes.

At sentencing, I considered all of the evidence presented and found that based on the Defendant's criminal history, and the jury-found aggravator, that an aggravated sentence was appropriate.

(5) Significance: The matter was appealed to the Court of Appeals Division One and the sentence was affirmed. see 228 Ariz. 349, 266 P.3d 375 (App. 2011). The matter was then appealed to the Arizona Supreme Court and the sentence was affirmed in a published opinion. see 231 Ariz. 371, 295 P.3d 948 (Ariz., March 6, 2013).

#3 CR# 2009-170285-001DT
State v. Maria Ramirez (Criminal Bench Trial)

(1) Bench Trial held July 13, 2010

(2) Superior Court of Arizona– Maricopa County
1 West Madison Calendar

(3) John Walker, Administrative Law Judge (Previously Deputy County Attorney) Arizona Department of Transportation Executive Hearing Office 3737 N. 7th St., Suite 160 Phoenix, AZ 85014 <u>JWalker4@azdot.gov</u> 602-712-7737	Melinda Kovacs, Esq. Attorney for Defendant Alcock & Associates 2 N Central Ave, Flr 26 Phoenix, AZ 85004 <u>mjkovacs@gmail.com</u> 602-404-6000
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(4) Summary: This matter was a bench trial.

The Defendant Maria Ramirez was charged with Aggravated Assault, a Class 6 felony (reduced by State for bench trial to Class 1 misdemeanor).

At trial, the State presented three witnesses. The case went forward after Rule 20 motion and the Defense presented an additional five witnesses. The State then presented rebuttal testimony from one witness. At the conclusion of the case the Court found the Defendant not guilty.

(5) Significance: This was a thoroughly litigated case by two Attorneys who excel at their craft. The independent, measured review of facts as a trier of fact is an important role absorbed by the Judge in a bench trial. Particularly in a victim related matter the path of least resistance is conviction.

This case is one that shows my willingness to listen, apply the law, and make uncomfortable decisions.

#4 CC# 2007074208000
Vicki Jones v. James Grunert

(1) May 2, 2007

(2) Northeast Regional Court Center
Moon Valley Justice Court – Maricopa County
Injunction Against Harassment Trial

- (3) A. Melvin McDonald, Esq. James Grunert (pro se)
Jones, Skelton & Hochuli, PLC
40 North Central Avenue, Ste 2700
Phoenix, AZ 85012
melmcdonald2@gmail.com (Mr. Grunert's Contact unknown)
480-926-0357

(4) Summary: On April 18, 2007, Plaintiff Vickie Jones filed an *Ex parte* Request for an Injunction Against Harassment to prohibit certain conduct on the part of a residential neighbor, James Grunert. The Moon Valley Justice Court granted the Request and issued the Injunction. Thereafter, the Defendant James Grunert filed a request for hearing on the matter and filed his own *Ex parte* Request for a competing Injunction. The matter was set for bench trial on May 2, 2007 before this court. In addition to the issued Injunction and the counter request, five related matters were set for hearing on the same date. At hearing, all matters were consolidated for purposes of trial. The matter was taken under advisement to provide an opportunity to thoughtfully consider the material presented. On May 4, 2007, the court issued a Ruling Order resolving the matters, which addressed numerous matters at issue, and clarified the record for possible Appellate review.

(5) Significance: I was relatively new to my assignment assisting the Northeast Justice Courts. This was an introduction to some of the reoccurring issues and challenges of this case type. This matter was a highly contentious matter among neighbors with significant limitations on the Court's ability to provide redress. Additionally, with one party appearing pro se, there were added challenges in maintaining balance and control of the courtroom. On January 23, 2008, a lengthy Ruling was issued by the Lower Court Appeals Division of the Superior Court, Judge Pro Tem William Schafer affirming my rulings.

#5 PB# 2014-003104
In the Estate of James Carter (Personal Representative)
PB# 2015-003791
In the Matter of Jordan Carter (Minor Conservatorship)

- (1) Evidentiary Hearing held on December 9, 2015
- (2) Superior Court of Arizona– Maricopa County
Probate Division- Old Court House
- (3) Rick Kilfoy, Esq. Gary Strickland, Esq.
Guardian ad Litem Attorney Attorney for Heirs of the Estate

Sole Practitioner

1518 East Villa Maria Drive
Phoenix, AZ 85022
kilfoyr@yahoo.com
602-667-6934

Charles M. Dyer, Esq.
Attorney for Private Fiduciary
Dyer Bregman & Ferris, LLC
3411 North 5th Avenue, Ste 300
Phoenix, AZ 85013
cmdyer@dyerferris.com
602-254-6008

Warner Angle Hallam Jackson
And Formanek, PC
2555 East Camelback, Ste 800
Phoenix, AZ 85016
gstrickland@warnerangle.com
602-264-7101

Dana Heckler- Pro Per
Personal Representative
Current Address Unknown
(Previously Represented by
Attorney Joshua Moya of
Frazer Ryan Goldberg and Arnold)
602-277-2010

(4) Summary: Two of James Carter's children brought a claim of Exploitation of a Vulnerable Adult against Dana Heckler. Mr. Carter passed away before the Court could act. The case then proceeded to a settlement conference with the Probate Presiding Judge. As a result, Dana Heckler was appointed personal representative of James Carter's estate. In a subsequent hearing it was determined that Ms. Heckler had lied during settlement negotiations and had secreted estate money for the benefit of her minor son Jordan Carter, a James Carter heir. Due to such, Guardian ad Litem Kilfoy filed a petition for appointment of a Minor Conservator for Jordan Carter. At an initial hearing on October 29, 2015, Attorney Strickland objected to appointment of Dana Heckler as Conservator and indicated issues with Ms. Heckler's role as Personal Representative. On December 9, 2015, Dana Heckler admitted to secreting additional monies into her home safe while Personal Representative. The Court removed her as Personal Representative and found her unfit to serve as Conservator and appointed a private fiduciary for both roles.

(5) Significance: In matters where financial fraud or manipulation occurs, the facts tend to become complex and convoluted. It is essential that the trier of fact provide undivided attention to these matters and an ability to remember the issues overtime as the matters can become protracted over multiple months or years, as the facts may change.

31. Describe any additional professional experience you would like to bring to the commission's attention.

Arizona Superior Court of Maricopa County – Juvenile Division Drug Court

**Served as representative for Maricopa County Attorney's Office in:
The Honorable John Foreman's Drug Court (the first juvenile drug court in the State) between 1999 – 2001. Attended the National Drug Court**

Convention sponsored by the National Association of Drug Court Professionals (“NADCP”).

The Honorable Pamela Franks’ Drug Court (created in 1999 - 2000) between 1999 – 2001. Attended Formation Training Conference designed by NADCP.

The Juvenile Drug Court Program is designed to use a team approach of the prosecutor, defense attorney, probation officer, treatment provider and Judge in the rehabilitation of juvenile addicts. The program challenged my skills as a prosecutor. It involved weekly staffing of 50 - 100 cases. Meeting with the juveniles on a weekly basis, I saw the destruction that drug addiction can cause as well as the freedom attached to conquering addiction. But it was the close personal interaction with the two Presiding Judges, the Honorable John Foreman and Pamela Franks, that was the most impressive. Through this program, I saw the personal struggle involved in being a judicial officer and the need for not only good judgment, but also well placed words. I can confidently say that these two judges changed lives in how they handled these calendars. The program was demanding on us all. It required a great deal of preparatory work, team sessions and graduation events on the weekends, but it was all well worth it.

Since coming to the bench, it was this experience that led me to be identified as a qualified back-up to another Commissioner handling the Adult Drug Court. From there, I was given the opportunity to preside over the Driving Under the Influence Court for adult probationers from 2009-11. When I then transferred to the Master Calendar assignment, DUI Court was replaced with Domestic Violence Court and was quickly identified as emergency back-up for the Drug Court as well. During my service in Domestic Violence Court from 2011-2014, the Probation Department identified a trend of reduction of 10 percent or more in recidivism in the short term and completion of treatment. While I don’t take credit for such a trend, I do share in the acknowledgement that I led a team of professionals that continued to improve their craft.

BUSINESS AND FINANCIAL INFORMATION

32. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question #14? **Yes** If so, give details, including dates.

I was a non-managing member of a family held Limited Liability Company named From the Mountain Productions, LLC. 2006-2009

33. Are you now an officer, director or majority stockholder, or otherwise engaged in

the management, of any business enterprise? **No** If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? **N/A** If not, give reasons.

34. Have you filed your state or federal income tax returns for all years you were legally required to file them? **Yes** If not, explain.
35. Have you paid all state, federal and local taxes when due? **Yes** If not, explain.
36. Are there currently any judgments or tax liens outstanding against you? **No**
37. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? **No** If so, explain.
38. Have you ever been a party to a lawsuit, excluding divorce? **Yes** If so, indicate nature of lawsuit, whether you were a plaintiff or defendant, disposition of case and location of lawsuit.

#1 Personal Injury Claim- My husband and I were Plaintiffs.

In November of 2011, I was injured in a rear-end car collision. Litigation was initiated after negotiations pre-litigation failed, eventually being resolved via binding arbitration in September of 2013. Filed in Maricopa County Superior Court Civil Division and immediately assigned to Pinal County Judge by Maricopa County Presiding Judge Norman Davis.

#2 Personal Bankruptcy- I was the Petitioner.

In September of 2009 I was forced to file after the economy crashed in 2008-2009. I was unable to sell my home or work out a revised payment plan on my real estate when my husband was unexpectedly and permanently laid off and unable to find immediate employment. I made my last payment on my five year plan on October 18, 2014. This was a very painful event in my life that I am confident I will not repeat.

However, I believe that it has made me a better judicial officer. Through these proceedings, despite my legal training I felt helpless at times and relied on my attorney to navigate my matter. The emotion was difficult to

detach from the process and my attorney had to actually remind me (as I have so many Criminal Defendants) that the Court's role was not to make a determination on my value or character as a human being. Filed in District of Arizona, U.S. Bankruptcy Court.

39. Do you have any financial interests, investments or retainers that might conflict with the performance of your judicial duties? **No** If so, explain.

CONDUCT AND ETHICS

40. Have you ever been expelled, terminated, or suspended from employment, or any school or course of learning on account of plagiarism, cheating or any other "cause" that might reflect in any way on your integrity? **No** If so, give details.

41. Are you currently charged with or have you ever been arrested for or convicted of any felony, misdemeanor, including minor traffic offenses in the last five years, or violation of the Uniform Code of Military Justice? **No** If so, give details.

42. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.

Not Applicable

43. List and describe any litigation (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) concerning your practice of law.

None

44. List and describe any litigation involving an allegation of fraud in which you were or are a defendant.

None

45. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure, or for any other professional impropriety.

None

46. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? **No** If so, when? How was it resolved?
47. Have you received a notice of formal charges, cautionary letter, private admonition or other conditional sanction from the Commission on Judicial Conduct or any other official judicial disciplinary body in any jurisdiction? **No** If so, in each case, state in detail the circumstances and the outcome.
48. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? **No** If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)
49. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? **No** If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
50. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? **No** If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the back ground and resolution of such action.
51. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? **No** If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).
52. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? **No** If so, state the date you were requested to submit to such a test, type of test

requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

53. Within the last five years, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with the substantive requirements of any business or contractual arrangement? **No**
If so, explain in full.
54. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? **No**
If so, explain in full.

PROFESSIONAL AND PUBLIC SERVICE

55. Have you published any legal or non-legal books or articles? **No**
If so, list with the citations and dates.
56. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? **Yes**
If not, explain.
57. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? **Yes**
If so, describe.

**Maricopa County Bar Association- Estate Planning, Probate & Trust Section
Lead CLE Presenter with Court Administration and Clerk of Court
Maricopa County Bar Association Office
(scheduled to occur) December 8, 2016
CLE entitled, "Top Things That Irritate JAs and Clerks"
A ninety minute talk with Attorneys and Paralegals in the Probate**

**Maricopa County Superior Court- Probate and Mental Health Department
Co-Instructor with Panel of Stake Holders in Mental Health Court
Old Court House, 6th Floor main conference room
September 27, 2016
CLE entitled "Title 36 Training for Pro-Tems"
3 hour CLE/ training for Pro-tems for presiding at Desert Vista**

**State Bar of Arizona- Professional Development
Moderator and Presenter with Panel of Probate attorneys from across AZ
State Bar Office in Phoenix and via Webcast across the State**

September 20, 2016

**CLE/ Mandatory Training entitled “Probate Court-Appointed Attorney
and Guardian Ad Litem Training”**

**3 hour CLE/ training on the expectations/ best practices of Court
Appointed Attorneys and Guardian ad Litem in Probate**

**2016 Arizona Judicial Conference
Faculty Speaker with Probate Section
Tucson, Arizona**

June 23, 2016

CoJET presentation – “Probate Advance Topics”

**Maricopa County Bar Association- Estate Planning, Probate & Trust Section
Coordinator/ CLE Presenter with the rest of the Superior Probate Bench
Maricopa County Bar Association Office**

April 14, 2016

Judicial CLE and Reception

**A presentation designed to introduce the Probate Bench and provide
updates on court policies and procedures with a Panel Discussion.**

**Probate Department Brown Bag Presentation
Coordinator (on behalf of Probate Presiding Judge Klein)/ Presenter
Maricopa County Superior Court Old Court House, 6th Floor
February 2016 (next scheduled June 10, 2016)**

**Maricopa County Bar Association- Estate Planning, Probate & Trust Section
Lead CLE Presenter with Court Administration and Clerk of Court
Maricopa County Bar Association Office**

November 12, 2015

CLE entitled, “Top Things That Irritate JAs and Clerks”

A ninety minute talk with Attorneys and Paralegals in the Probate

**Arizona Women Lawyers Association- Maricopa County Monthly Luncheon
Judicial Officer Participant**

The University Club in Phoenix, Arizona

December 2, 2015

CLE luncheon to connect Judiciary with young lawyers

**Maricopa County Bar Association- Bench and Bar Committee
Judicial Officer Participant**

Sheraton Convention Center in Downtown Phoenix

October 9, 2015

Bench and Bar Second Annual Conference

Filing Deadline: November 21, 2016

Pge 32

An afternoon designed for judicial officers and practitioners to learn best practices from each other

**Maricopa County Superior Court – Continuing Judicial Education Training
Lecturer and Courtroom Commissioner**

**Commissioner Vandenberg’s Courtroom- Old Court House Courtroom 108
March and April 2016, February, April and June 2015**

COJET Courtroom Observation in Probate

**Two hours of observing my courtroom activities with intermittent
lecture on the basic principles of a Probate Calendar**

**Maricopa County Bar Association- Estate Planning, Probate & Trust Section
Coordinator/ CLE Presenter with the rest of the Superior Probate Bench
Maricopa County Bar Association Office**

April 23, 2015

Judicial CLE and Reception

**A presentation designed to introduce the Probate Bench and provide
updates on court policies and procedures**

Intro to Criminal Justice- CRJ 100 - Guest Lecturer

Professor Police Lieutenant Harold Rankin

Arizona State University School of Criminology and Criminal Justice

October 22, 2014

Lecture entitled, “Maricopa County Bench: A Female’s Experience”

A brief history of women on the Maricopa County Superior Court

Criminal Brown Bag Critical Calendars Coverage

Presentation by Criminal Presiding Joseph Welty

Maricopa County Superior Court

January 2013

**Informational Commissioner Panel on the processing of Grand Jury
Returns.**

Bond Forfeiture Proceedings

Criminal Department New Judges Training

Maricopa County Superior Court

**I discussed the relevant statutes and case law. I answered questions
as to case-flow and processing of bonds and issuance of warrants.**

Legal Procedures II Oral Argument – Judged and Critique

Professor Diana Lopez Jones

Phoenix School of Law (now AZ Summit Law School)

May 21, 2012

Presided over “appellate-styled” oral argument for the Spring Final.

**Criminology Course and Juvenile Justice Procedure Course- Guest Instructor
Adjunct Professor Raymundo Cruz
Estrella Community College
October 27, 2012**

Instructor led discussion on the benefits and weakness of the juvenile and adult probation approach.

**Juvenile Department Brown Bag Presentation
Presentation by the Honorable George Foster
Judge Foster's Jury Room
April 15, 2005**

Best practices presentation tips for young lawyers in the Juvenile Court.

**Juvenile Law in a Nutshell- Speaker and Panelist
Coordinated by Deputy County Attorney Juli Warzynski
Sponsored by the Arizona State Bar
February 26, 1999**

"Processing a Juvenile Complaint" presentation, as well as a member of the follow-up informational panel. For first time practitioners in Juvenile Law.

58. List memberships and activities in professional organizations, including offices held and dates.

**Arizona State Bar Association
Arizona Judges Association
Maricopa County Bar Association
Leadership West (inactive currently)**

Chair of the Maricopa County Superior Court Domestic Violence Court Steering Committee 2011-2014

Chair of the Maricopa County Superior Court Drug Court Steering Committee 2009-2011

Judicial Liaison for the Probate Division of Maricopa County Bar Association 2015 to current

Acting Judicial Liaison for the Elder Law Section of Arizona State Bar Association in late 2016

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? **Yes**

Committee Member of the Judicial Education Committee for Maricopa County Superior Court Bench – Chair: Honorable Samuel Thumma

Committee Member of the Bench Bar Committee for the Maricopa County Bar Association – Judicial Chair: Honorable Aryeh Schwartz (and previously the Honorable Christopher Whitten)

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

**Adoption Day Proceedings at Maricopa County Superior Court- Volunteer Judicial Officer
November (Saturday before Thanksgiving) 2011 to Current**

**Arizona Foundation for Legal Service and Education- Mock Trial Coach
South Mountain High School
September 2009 – Current**

**South Mountain High School Trial Methods Class- Volunteer Teacher
September 2009 – Current**

**Law Magnet Informal Mentor for South High School Student- Alex Carter
Fall of 2012 – May 2014**

**Phoenix Union School District Mock Trial Scrimmage- Co-Founder
Founded in May of 2013 with Inaugural Scrimmage scheduled:
February 4, 2015 between South Mountain and Metro Tech**

**Maricopa County Juvenile Teen Court held at South Mountain High School-
Administered the oath and Key Note Speaker
September 2012, 2013, 2014, 2015**

**We the People State Constitutional Competition – Competition Judge
January 11, 2008**

**Fugitive Safe Surrender Program – Judge Pro Tem/Commissioner
November 18, 2006**

**State Mock Trial Competitions – Volunteer Competition Judge
March 25, 2006, March 24, 2007, and April 5, 2008**

**Regional Mock Trial Competitions - Volunteer Competition Judge
March 4, 2006**

**Brown Bag Presentation by the Honorable George Foster on Juvenile Law – Presente
April 2005**

**Juvenile Law in a Nutshell, Sponsored by the Arizona State Bar - Presenter
February 26, 1999**

59. Describe the nature and dates of any community or public service you have performed that you consider relevant.

**Law Day 2016 : Miranda presentation, Court Observation and Tour –
Seventh Grade Class of Saint Thomas the Apostle Catholic School.
May 10, 2016**

**Guest Speaker for Unique Women of Grace, Christian Women’s Group
Spoke on the need for Community engagement with the Bench and what it
is like to serve Maricopa County as a Judicial Officer in Phoenix, Arizona
March 12, 2016**

**Maricopa County Superior Court Speaker’s Bureau
Special Speaker for Ms. Nicole Cullen’s High School Class at Perry High
School in Gilbert, Arizona
January 26, 2016**

**Phoenix Christian Prep. Courtroom Tour and Observation – Fifth Grade
Class came and observed a portion of my morning calendar and received a
tour of chambers and jury room. I and my staff answered questions from
the students.
April 8, 2014**

**Phoenix Union School District Metro Tech- High School Mock Trial Club
came for a tour and question and answer session in my Probate courtroom.
Escorted by Attorney Stephanie Erhbright their coach.
December 2014, February 2016**

**Foster Care Family Carnival at Enchanted Island Amusement Park
Sponsored Grace Walk Church (GWC) -Volunteer. This program has
received city, county and statewide attention. It is designed to give foster
families a day of relaxation.
March 2010, 2011, 2012, 2014, 2015, 2016**

**National Multiple Sclerosis Society- Bike MS: Sam’s Round-up Ride. Rode
118 miles in a two day charity event with four college friends to raise
awareness of a disease that struck one of us almost ten years ago.
May 1-2, 2015**

Dominican Advance Mission- My husband and I traveled with other Phoenicians to the City of Sosua, Dominican Republic to assist in improving/ expanding the charity's educational opportunities.

March 2013, October 2015

Dominican Advance Shoe Drive- I was the shipping coordinator for a project to provide shoes to the two elementary schools managed by Dominican Advance.

December 2013

City of Phoenix and Maricopa County Annual Bike to Work Day- Annual event promoting and celebrating the use of bicycles as a commuting option and healthy exercise.

April 2012, 2013, 2014, 2016

Estrella Mountain Precinct of Phoenix Police Appreciation Day- Annual celebration by community members/ families. Breakfast at 5 a.m. and lunch throughout the day for Officers during shift change. My husband and I lived in the community for several years before the precinct was open and this is a chance to acknowledge how appreciative we are to have a police presence.

August 2010, 2011, 2012, 2013 and 2015.

Federal Courthouse Tour for South Mountain High School Students Coordinator- With the help of the Honorable Lawrence Anderson the students were given a private tour and elected to observe court throughout Spring Break.

April 16, 2013

**Maricopa County Superior Court Speaker's Bureau
Special Speaker for Ms. Valerie Ziegrowsky's Fourth Grade Classes at Hartford Elementary School in Gilbert, Arizona – I taught 75-100 students about the process of becoming a Commissioner and Judge on the Superior Court bench and conducted a quiz which allowed three students to try on robes and gavels.**

April 25, 2013

Kids in Court Program – Judicial Officer Volunteer. In this program child witnesses or victims are brought into the courtroom for a private session where they can acclimate to the setting and ask a judicial officer questions.

2012-2014

Growth Group Book Club Host/ Facilitator- Sponsored by GWC- My husband and I facilitate discussions of a number of books, each lasting at least 6 weeks with a weekly meeting. Books such as Think and Grow Rich

by Napoleon Hill, 7 Pillars to Great Health by Dr. Colbert, The Total Money Makeover by Dave Ramsey, and Rich Dad Poor Dad by Robert Kiyosaki.
July of 2012 – Current

MSCO Deputy John Kerr-Mellott's Boy Scout Troop Courtroom Tour and Observation- 18 Eagle Scouts came and observed court and asked questions thereafter in an effort to earn the Citizenship in the Community Merit Badge
August 1, 2011

American Friend Program with the International Rescue Committee- Participated in training and a number of IRC events. Experience as American Friends to Somali refugee Mariama Mogee and her two grandchildren Hanna and Fuad for 6 months in late 2011 and early 2012.
July of 2011- Current Supporter but inactive volunteer

"Let's Talk Civics" Presenter – A community presentation held on the basics of voter registration, checks and balances, electoral college, and procedure for enacting a proposition as a law.
September 11, 2008

GraceWalk Church Council Member
Since November 2006
Recording Secretary – Since February 2007

301 Leadership Class Instructor – GWC class and community service program designed to impart members' skills on organization and leadership.
August 2005 – July 2007

Maricopa County Superior Court Speaker's Bureau
Special Speaker for Mr. James Epley's Advanced Placement Government/ Economics class at Mountain View High School in Mesa, Arizona – I provided a discussion on the basics of criminal legal process with senior advanced placement students.
December 7, 2006 and December 11, 2007

View from the Bench Participant – This program is designed to educate both judicial officers and state congressional officials as to the work that the other conducts on a daily basis. Shadowed Representative Albert Tom.
March 4, 2008

Resume and Academic Advisor – For at-risk teens and low-income adults; intended to educate and encourage them to plan for higher education and obtain summer employment that would enhance their college portfolios.
2001- 2003

**United Blood Drive Donor Coordinator – Leadership West requires members of their education program to work in small groups to provide community service events for the West Valley Community, and I was the Donor contact for the United Blood Drive presented by my small group.
April 2004**

**GWC Children’s Craft Camp Coordinator – A summer program for children under 12. The Camp met twice a month and provided a class prepared snack and craft centered on a specific theme. I coordinated the calendar of events as well as child enrollment and class presentation along with fellow GraceWalk Church member Lola Orozco.
Summer 2004**

60. List any professional or civic honors, prizes, awards or other forms of recognition you have received.

**Regional Mock Trial Competition Second Place for Team Red of South Mountain High School
February 2016**

**Phoenix Union High School Governing Board Special Meeting Recognition for Myself and Co- Coaches Attorney Jason Gellman and Teacher Matthew Smith and Team Red of South Mountain High School for winning Third Place in Regionals and an Invitation to State Mock Trial Competition for 2014
May 1, 2014**

**Regional Mock Trial Competition Third Place for Team Red of South Mountain High School
February 2014**

**Regional Mock Trial Competition Championship for Team Red of South Mountain High School
February 2013**

**Certificate of Appreciation and Honorary Membership into Law Magnet Club at South Mountain High School
April 2013**

61. List any elected or appointed offices you have held and/or for which you have been a candidate, and the dates.

Commissioner of Arizona Superior Court of Maricopa County – appointed February 2005.

Have you been registered to vote for the last 10 years? **Yes**

Have you voted in all general elections held during those years? **I believe so***
If not, explain.

***I have moved a number of times since living in Arizona and there were at least two instances where there was confusion as to my correct polling location, though I believe these only involved primaries.**

62. Describe any interests outside the practice of law that you would like to bring to the commission's attention.

I am most motivated by opportunities to serve our youth. The majority of my professional and community volunteer work centers around young people.

My experience as both a counselor and director of a children's camp in Northern Michigan during my college and law school years effectively piqued my interest in working for, and with, youth. It was the experience I had as a child in this camp that caused me to return as a young adult in an effort to give back to the next generation what I had been given. I learned that one can have a lasting influence on a child in even brief associations because of this camp experience.

As a County Attorney, I was assigned to the West Valley and was involved in Juvenile Drug Courts at the Durango Court facility, Speaker's Bureau presentations for middle school aged children and community service projects like school supply drives and water safety awareness campaigns dedicated to at-risk children.

In addition to the community volunteer information listed in Answers #58 and #59, I have invested in serving the West Valley where I lived for over 13 years, as a Sunday school teacher, a mentor for a teen group, and participated in my church council's plan to build a Youth Center dedicated to providing activities to help reduce juvenile crime in my community.

Undoubtedly, our placement via the International Rescue Committee American Friend program with nine year old Hanna and eight year old Fuad Moge Somali refugees cemented my dedication to children. They demonstrated not only the impressionable nature of youth, but the amazing ability to absorb information that comes with youth. When my husband and I met them they had just arrived from a Kenyan refugee camp, illiterate and unable to speak English. But within five months, they could read at an age appropriate level and act as translators for their Somalian grandmother.

As a Commissioner, I have consistently supported the Arizona Foundation for Legal Services and Education programs (Mock Trial and We the People Competitions) in large part due to the formative impact it had on me as a teenager. Whether it is at a Mock Trial event or after a speech at a local high school, I am amazed at the encouragement young people seem to get from interacting on a personal level with a judicial officer. Given my youthful appearance, I think that my interaction with youth, especially

teens, is valuable in demonstrating to them that one really can achieve anything she sets her mind to, in spite of what obstacles she may face.

I am especially proud of my growing involvement at South Mountain High School and the school's Law Magnet. This will be my eighth year instructing and coaching with Attorney Jason Gellman for the Mock Trial Team and Trial Methods Class, and I can clearly see how our presence, as judicial officer and attorney, have encouraged more students to join the program. As an example of this, a young student came into our class three years ago as a recent transfer from Chicago. She was uncertain of herself and awkward in social settings, but she had a drive to not only master law but do something great. She was the first to accept my invitation to come during school breaks and observe court and learn from me. In those three years, I repeated often a phrase my father gave me "You can do anything you put your mind to." She credits this encouragement as one of the forces that led her to not only apply but successfully push for a full tuition waiver at Reed College where she now attends.

HEALTH

63. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying? **Yes**

ADDITIONAL INFORMATION

64. The Arizona Constitution requires that the commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.

The youngest of three children, I was the first to go to college, let alone, graduate and go on to law school. In fact, I am the first in three generations not to work on the line in the field of automobile manufacturing. My experience as a "first-generation" lawyer and judicial officer has caused me to appreciate the unique perspective it has given me. I am keenly aware of the benefits and privileges I have been afforded due to my higher education, as well as the additional access and authority it has given me within our judicial system. This awareness fuels my desire to become a Superior Court Judge, but it was my parents' emphasis on public service that brought me to the field of law and the bench.

My parents taught me that public service bears great intrinsic rewards and is expected of a responsible citizen. My parents instilled this value not merely through words, but through steady and consistent action.

It was common for my father to take me with him on trips to local government offices where he volunteered to register voters, sat on planning and zoning commissions, served as an elected Township Trustee, and campaigned tirelessly for projects and people he believed in. My mother often had me help her in after-school programs including her work as an English as a Second Language Teacher and leader of my Brownie and Girl Scout Troops. Volunteer outings through the local Methodist Church led us to serve in places such as shelters and food pantries. Additionally, they were active in local and state courts. As a child, I recall being introduced to Michigan Supreme Court Justices, Governors and Congressmen and Presidential candidates, as well as taking regular trips to our Nation's capital. It was this well-rounded service, more than any words, that shaped my desire to touch my community in the most effective way possible – which I believe is through the practice of law.

65. Provide any additional information relative to your application or qualifications you would like to bring to the commission's attention at this time.

I am a candidate who has proudly served not just my immediate community/neighborhood but all of Maricopa County through both my work on the Bench and my community service.

My experience is varied and my disposition, legal aptitude and personal perspective are well suited for a position as a Superior Court Judge.

My experience demonstrates I have a background in legislation; criminal law; administrative/regulatory law; and, from the bench, experience presiding over a broad range of topics (as described in Answers #16- 17). My legislative experience includes service as a college intern for Congressman Bart Gordon in Washington, D.C. during my sophomore year of college, work on the drafting of and lobbying for the Pennsylvania Address Confidentiality Program through my law school's Public Interest Clinic and my Certificate of Achievement in legislative drafting.

My experience in criminal prosecution spans three different states: Arkansas (as a college intern for Independence County Prosecutor T.J. Hively and his firm, Hively and Ketz), Pennsylvania (as a law school intern for Lebanon County District Attorney's Office), and Arizona (as a Deputy County Attorney for Maricopa County Attorney's Office). Additionally, as a prosecutor, I had a varied experience in adult and juvenile prosecution, including my work in Juvenile Drug Court (as described in Answer #31).

My experience in administrative/regulatory law is varied, including work on line-siting and electric generation matters, rate base regulation of utilities, safety regulation of natural gas and railroads, general water regulation as well as employment and human resource legal representation in arbitration and grievance matters. For me, the Commission provided in-

depth experience on the nature of business and the delicate balance between equities and public good.

Throughout my life, those who I have worked with through my career, community and church can attest, I have been described as being tough but fair, overly prepared, honest, ethical, balanced and hard working. Since coming to the Bench, I have pursued opportunities to continue to hone and expand my craft. In the past two years, I have made a concerted effort to improve my communication with and support of the legal community. I have pursued various methods to not only improve and strength my skills in this area but to obtain objective feedback regarding my efforts. I have worked to become more involved with practitioners through County Bar liaison work, inviting feedback from the Probate Bar at brown bags, participation in more CLE presentations and social events; professional courtroom observation and psychological consultation to enhance mirroring between verbal and body language; participating in educational opportunities in advanced evidence based practices and settlement conference techniques; and peer consultation and review. Attached as Exhibit 65 are sets of survey results I have received over the past two years from MCBA, State Bar, AJC Presentations and Maricopa County Superior Court Judicial Education and Training Courtroom Observation by varied court professionals of my Probate Calendar in 2016 and 2015. I am a lifelong student and am committed to continuing to obtain additional tools to advance in my role as a judicial officer.

I look forward to applying all of my skills, talents and experience to greater use as a Superior Court Judge.

66. If you were selected by this commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term? **No** If so, explain.
67. If selected for this position, do you intend to serve fully, including acceptance of rotation to areas outside your areas of practice or interest? **Yes** If not, explain.
68. Attach a brief statement explaining why you are seeking this position.

Please see Exhibit #68

69. Attach a professional writing sample, which you personally drafted (e.g., brief or motion). The sample should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Please see Exhibit #69 – Staff’s Closing Brief, In the Matter of the Application of Southwest Gas Corporation for Approval of Acquisition Plan and, if Appropriate, Waiver of Selected Provision of Affiliate Rules, Arizona Corporation Commission Docket No. G-01551A-02-0425

70. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. The writing sample(s) should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission’s website.

**Please see Exhibit #70 -
State v. Jon Michael Gross, LC 2005-000900-001DT – Ruling Minute Entry on Witness Hearing / Oral Argument regarding a Petition for Clearance of Arrest Record**

State v. Doru Scurtescu, LC 2006-000116-001DT – Ruling Minute Entry on Lower Court Appeal regarding Arizona Traffic Ticket and Complaint

71. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last two performance reviews.

Please see Exhibit #71

**EXHIBIT
#15
JUDGES AND
COMMISSIONERS
MARICOPA
COUNTY**

Filing Deadline: November 21, 2016

Judge	Phone	Location	Judge	Phone	Location
ADLEMAN, Jay Criminal	602.372.5497	Central Court Building12E/1204	COOPER, Katherine Family	602.506.8311	Central Court Building-5A/501
ANDERSON, Aimee Civil	602.506.0055	Northeast Court-H/108	COURY, Christopher Criminal	602.372.3876	Central Court Building-8C/803
ANDERSON, Arthur Juvenile	602.506.0341	Southeast Juvenile-1079	CRAWFORD, Janice Juvenile	602.372.0844	Southeast Juvenile-1090-1092
ASTROWSKY, Bradley Criminal	602.372.2048	Central Court Building13D/1303	CULBERTSON, Kristin Family	602.372.4762	Southeast Facility-4C/403
BACHUS, Alison Juvenile	602.506.7569	Durango Facility-2290/2	CUNANAN, David O. Criminal	602.372.1710	South Court Tower-13115/8C
BAILEY, Cynthia Family	602.506.5121	Northeast Court-F	DITSWORTH, John Juvenile	602.506.8288	Durango Facility-2285/3
BARTON, Janet Presiding Judge	602.506.5340	Old Court House-5	DUNCAN, Sally Schneider Juvenile	602.506.9042	Durango Facility-3285
BASSETT, Edward Probate Associate Presiding Judge	602.372.3003	Old Court House-102	FENZEL, Alfred Criminal	602.506.7080	Central Court Building-11C
BEENE, James Criminal	602.372.7382	Central Court Building-9A/901	FINK, Dean M. Criminal	602.506.3776	Central Court Building-12D
BERGIN, Dawn Civil	602.372.2961	East Court Building-713	FISH, Geoffrey Family	602.372.1771	Central Court Building-4B
BLAIR, Michael Family	602.372.0305	Central Court Building-7A/701	FLORES, Lisa Juvenile	602.372.0825	Old Court House-202
BLOMO, James T. Civil	602.372.4537	East Court Building-411	FOSTER, George H. Criminal	602.506.3892	Central Court Building-9D/904
BRAIN, Mark H. Criminal	602.372.1141	Central Court Building12A/1201	FOX, Dewain D. Family	602.372.2260	Central Court Building-6D/604
BRNOVICH, Susan Civil	602.372.2020	Northeast Court-L/1112	GARCIA, Jeanne Juvenile	602.372.0610	Old Court House-302
BRODMAN, Roger Civil	602.372.2943	East Court Building-413	GASS, David Civil	602.372.3592	East Court Building-514
BROTHERTON, William Family	602.372.2024	Central Court Building-6C	GATES, Pamela Criminal Associate Presiding Judge	602.506.6391	South Court Tower-13400/5B
BUSTAMANTE, Lori Civil	602.506.0423	East Court Building-811	GENTRY, Jo Lynn Civil	602.372.3091	East Court Building-414
CAMPAGNOLO, Theodore Family	602.372.0537	Southeast Facility-3A/301	GERLACH, Douglas Civil	602.372.5851	East Court Building-513
COFFEY, Rodrick Juvenile	602.372.1783	Southeast Juvenile-1103	GORDON, Michael Criminal	602.372.0762	South Court Tower-13110/7B
COHEN, Bruce Juvenile	602.372.0686	Durango Facility-2250/5	GRANVILLE, Warren J. Criminal	602.506.0434	South Court Tower-13103
COHEN, Suzanne Family Presiding	602.372.1916	Central Court Building-7C	GREEN, Jennifer E. Family	602.506.0438	Southeast Facility-4A/401
COMO, Gregory Criminal	602.372.0754	Central Court Building-8A/801	HANNAH, John Civil	602.372.0759	Northeast Court-G
CONTES, Connie Juvenile	602.506.7768	Durango Facility-2280	HARRISON, Cari A. Juvenile	602.506.0967	Old Court House-301
			HEGYI, Hugh Civil	602.506.3963	East Court Building-714
			HERROD, Michael Family	602.372.0359	Central Court Building-6F

HOPKINS, Stephen Family	602.372.5561	Southeast Facility-4E	PINEDA, Susanna Juvenile	602.372.2958	Durango Facility-2245
KEMP, Michael Criminal	602.372.0608	Central Court Building13E/1304	POLK, Jay Family	602.372.0879	Northeast Court-D
KILEY, Daniel Civil	602.372.3839	East Court Building-511	REA, John Criminal	602.372.0382	South Court Tower-13102/6B
KLEIN, Andrew Probate Presiding Judge	602.506.4645	Old Court House-101	RECKART, Laura Family	602.506.5861	Southeast Facility-4B/402
KORBIN STEINER, Ronee Family 602.506.1927 Central Court Building-6E/606			REINSTEIN, Peter Spec Assign Criminal	602.506.6368	Central Court Building-4C
KREAMER, Joseph Northeast Presiding/Family	602.372.1764	Northeast Court-K/110	ROGERS, Joshua Civil	602.506.1603	East Court Building-712
LANG, Todd Family	602.372.2322	Northwest Regional Center 122	RUETER, Jeffrey Family	602.372.5465	Southeast Facility-2C/203
LEMAIRE, Kerstin Civil	602.506.8245	East Court Building-711	RYAN, Timothy J. Juvenile Associate Presiding Judge	602.372.3081	Southeast Juvenile-1076-8/3
MAHONEY, Margaret R. Criminal	602.506.0387	South Court Tower-13114	RYAN-TOUHILL, Jennifer Family	602.372.0920	Northeast Court-I/106
MARTIN, Daniel Civil	602.372.2925	East Court Building-412	SANDERS, Teresa A. Criminal	602.506.4791	South Court Tower-13111
MCCOY, Scott Criminal	602.372.3603	South Court Tower-13104	SINCLAIR, Joan Criminal	602.372.4553	Central Court Building-9C/903
MCMURDIE, Paul Family Presiding Judge	602.372.0765	Central Court Building-7C	SMITH, James D. Family	602.372.5945	Southeast Facility-SEF4D/404
MCNALLY, Colleen Juvenile Presiding Judge	602.506.5961	Durango Facility-C2C 132A	STARR, Patricia LCA	602.506.4164	Old Court House-309
MEAD, Kathleen Family	602.506.2500	Northwest Regional Center-A	STEPHENS, Sherry K. Criminal	602.506.4818	South Court Tower-13105
MIKITISH, Joseph Criminal	602.372.1547	Central Court Building13A/1301	SUKENIC, Howard Family	602.506.8214	Central Court Building-6A/601
MOSKOWITZ, Frank Family	602.506.7140	Northwest Regional Center 124	SVOBODA, Pamela Family	602.372.1983	Central Court Building-7B/702
MROZ, Rosa Criminal	602.372.0384	South Court Tower-13109	TALAMANTE, David M. Civil	602.506.6251	Southeast Facility-2G
MULLINS, Karen Civil	602.372.1160	East Court Building-814	THOMASON, Timothy Family	602.506.0573	Central Court Building-7D/704
MYERS, Sam Criminal Presiding Judge	602.372.2940	South Court Tower-13200/5A	THOMPSON, Peter Family	602.372.3579	Southeast Facility-2D
O'CONNOR, Karen L. Juvenile	602.506.0428	Southeast Juvenile-1114	UDALL, David K. Civil	602.506.5514	Southeast Facility-2E
OBERBILLIG, Robert Presiding Southeast Judge/Civil	602.506.2194	Southeast Facility-2F/206	VIOLA, Danielle Criminal	602.506.3442	South Court Tower-13108
OTIS, Erin Criminal/MCC	602.506.4185	South Court Tower-13302/6D	WARNER, Randall Civil Presiding Judge	602.372.2966	East Court Building-512
PADILLA, Jose Criminal	602.372.0901	Central Court Building-11A	WELTY, Joseph C. Associate Presiding Judge/Juvenile	602.372.2537	Durango Facility-3245/12
PALMER, David Juvenile	602.372.3980	Southeast Juvenile-1093 8	WHITEHEAD, Chuck Family	602.372.8496	Northeast Court-104
			WHITTEN, Christopher Tax Presiding Judge/Civil	602.372.1164	Old Court House-201

Commissioner	Phone	Location		
			HOSKINS, Nicolas Juvenile	602.506.5624 Durango Facility-11/3250
ABE, Alysson Juvenile	602.372.3135	Durango Juvenile-3290/8	IRELAND, Jacki Criminal	602.372.2322 Central Court Building11D/1102
ALBRECHT, Richard Family	602.506.7822	Northeast Court-A	KAIPIO, Thomas Family	602.372.3707 Central Court Building-Suite 5G
ALLEN, Glenn Juvenile	602.506.2040	Durango Facility-1219/A1215	KAISER, Brian Criminal	602.506.0616 Southeast Facility-2B/202
ASH, Lori Criminal	602.876.8200	4th Ave. Jail	LABIANCA, Margaret Probate	602.506.3381 Old Court House-205
BARTH, Michael Civil	602.506.3857	East Court Building-812	LAFAVE, Julie Criminal/RCC	602.372.1878 South Court Tower-13305
BENNY, Margaret Civil	602.506.3915	Southeast Facility-3C	LAING, Utiki Spurling Juvenile	602.506.6081 Durango Facility-3280
BERESKY, Justin Special Assignment	602.506.0306	Central Court Building11E/1104	LYNCH, Steven Juvenile	602.372.0778 Southeast Juvenile-1068
BERNSTEIN, Jerry Family	602.506.1190	Southeast Facility-3D/304	MANDELL, Michael Family	602.506.3366 Central Court Building-5E
BODOW, Keelan Family	602.372.3021	Central Court Building-5D/503	MATA, Julie Criminal	602.506.0059 South Court Tower-13309/3C
BRAME, Veronica Juvenile	602.372.0268	Southeast Juvenile-1064/1	MCGUIRE, J. Justin FC/PB	602.506.3809 Northwest Regional Center-C
BRICKNER, Nicole Criminal/Mental Health	602.372.0969	South Court Tower-2D/13314	MCLAUGHLIN, Jane Criminal	602.876.8200 4th Ave. Jail
CLARKE, Terri Civil/Probate	602.372.0425	Southeast Facility-3B	MILLER, Phemonia Family	602.506.4067 Central Court Building-5B/504
DONOFRIO III, Charles Criminal/DUI	602.506.1767	Central Court Building-LL201/2	MORTON, Wendy Mental Health	602.506.0959 South Court Tower-13315/2B
DOODY, John Criminal	602.506.5349	Central Court Building-LL 200/3	MULLENEAUX, Christine Criminal	602.506.3151 South Court Tower-13303/6C
FRENCH, Colleen L. Special Assignment/Juvenile	602.372.1979	Durango Facility-7/3295	NEWCOMB, Casey Criminal	602.506.1746 South Court Tower-13310/2A
GARBARINO, David Civil	602.372.2403	East Court Building-813	NOTHWEHR, Richard L. (Rick) Criminal	602.372.0001 Central Court Building-10A
GARFINKEL, Monica Juvenile	602.372.2053	Old Court House-001	OWENS, Bernard C. Family	602.372.2490 Central Court Building-5C
GIALKETSIS, Cynthia Criminal/RCC	602.506.1117	Southeast Facility-2A	PASSAMONTE, Carolyn K. (ProTem/Jd. Steidle)Family	602.506.0221 Central Court Building-6B/602
GIAQUINTO, Laura Criminal/RCC	602.372.0740	South Court Tower-13308/3A	POPKO, Sigmund Criminal	602.876.8200 4th Ave. Jail
HARRIS, Myra Lower Court Appeals	602.506.4164	Old Court House-309	REES, Brian Civil	602.372.3131 Northeast Court-C
HARRIS, Susan General Stream Adjudication	602.372.4115	Central Court Building-3A	RICHTER, Virginia Criminal/MCC	602.372.2017 Central Court Building10E/1004
HARTSELL, Roger Family	602.506.0862	Central Court Building-5F	ROBERTS, Lisa M. Criminal	602.876.8200 4th Ave. Jail
HINZ, Richard Family	602.506.4203	Southeast Facility-3E	RUMMAGE, James Criminal	602.372.4516 Central Court Building-1003/C
HOLDING, Steven Family	602.506.7860	Northeast Court-B	RUSSELL, Andrew Probate	602.506.6086 Northeast Court-E/109

SCHWARTZ, Aryeh Probate	602.372.0756	Old Court House-209
SEYER, David Criminal/DUI	602.372.0555	Central Court Building-8B/802
SMITH, Shellie Juvenile	602.372.1232	Southeast Juvenile-5/1105
SPENCER, Barbara L. Presiding Commissioner/Criminal	602.372.0987	Central Court Building10D/1002
VAN WIE, Annielaurie Criminal DUI	602.372.0986	Central Court Building-8D/804
VIGIL, Julia Mental Health	480.344.2006	Desert Vista
WASHINGTON, Eartha K. Criminal	602.876.8200	4th Ave. Jail
WEIN, Kevin Criminal	602.506.4527	South Court Tower-3D/13304
WHITE, Susan Criminal/PV/Drug	602.372.3192	Central Court Building13C/1302
WILLIAMS, Paula Criminal	602.876.8200	4th Ave. Jail
WINGARD, William Juvenile	602.506.6452	Durango Juvenile-2295
WOODBURN, R. Jeffrey Criminal	602.506.4572	South Court Tower-13311
WOODSON, Lauren Criminal	602.506.4185	South Court Tower-13302/6D

**EXHIBIT
#65
SURVEY
RESULTS**



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Scott Bales
Chief Justice

David K. Byers
Administrative Director
of the Courts

July 11, 2016

Honorable Lisa Vandenberg
Superior Court in Maricopa County
125 W. Washington
Suite 106/Courtroom 108
Phoenix, AZ 85003

Dear Judge Vandenberg:

On behalf of the participants, planning committee and staff, thank you for serving as faculty for the 2016 Judicial Conference held June 22-24, 2016 in Tucson, Arizona. Your contribution as faculty was instrumental in the overall success of this program.

Enclosed is a compilation of the evaluation from your session(s) for your reference. Also enclosed is an evaluation of your overall experience as a faculty member. Please complete and return to by August 1, 2016 in the enclosed envelope. Please feel free to contact me at 602.452.3002 or jbruno@courts.az.gov if you have any questions.

For faculty who are members of the Arizona judicial branch, I have also enclosed a COJET "faculty certification" certificate to submit toward your annual continuing education credits.

Again, thank you for sharing your time, knowledge and expertise with Arizona's judges.

Sincerely,

Handwritten signature of Julee Ewy Bruno in cursive.

Julee Ewy Bruno
Education Operations Manager
Education Services Division

Handwritten signature of Gabriel Goltz in cursive.

Gabriel Goltz
EPU Program Manager
Education Services Division

Enclosures

2016 ARIZONA JUDICIAL CONFERENCE
Probate, An In-Depth Discussion on Current Issues
Thursday, June 23, 2016

Number Registered	Number Attended	Number of Evaluations Received	Number Evaluations with Comments	Rate for this session
52	38	25	3	4.40

FACULTY: Edward Bassett, Charles Harrington, Margaret LaBianca, Andrew Russell, Lisa Vandenberg

Did any aspect of the facility or accommodations detract from the learning environment?

- No comments submitted.

What aspect of the program do you think could have used more time?

- No comments submitted.

What aspect of the program do you think could have used less time?

- No comments submitted.

What additional courses or topics would you like to see offered in the future?

- Review of accounting and fees.

Additional Comments:

- Fantastic session! The presenters were very engaging. Good material. I liked the many videos.
- Thank you all for the effort made and the time you took to prepare this session. I found it entertaining and informative.

2016 ARIZONA JUDICIAL CONFERENCE
Probate, An In-Depth Discussion on Current Issues
Thursday, June 23, 2016

Response Key: 5 = Excellent 4 = Very Good; 3 = Good 2 = Fair; 1 = Poor

How would you rate the content of this session?	4.42
How would you rate the presenter of this session?	4.46
How would you rate the delivery format of this session?	4.38
How would you rate the logistics (registration, parking, signage)?	4.13
How would you rate the materials for this session?	4.52
How would you rate the staff support for this session?	4.60
To what degree do you believe the session learning objectives were met?	4.48
Please indicate how likely you are to apply the information presented into your job?	4.16
How would you rate this session overall?	4.40

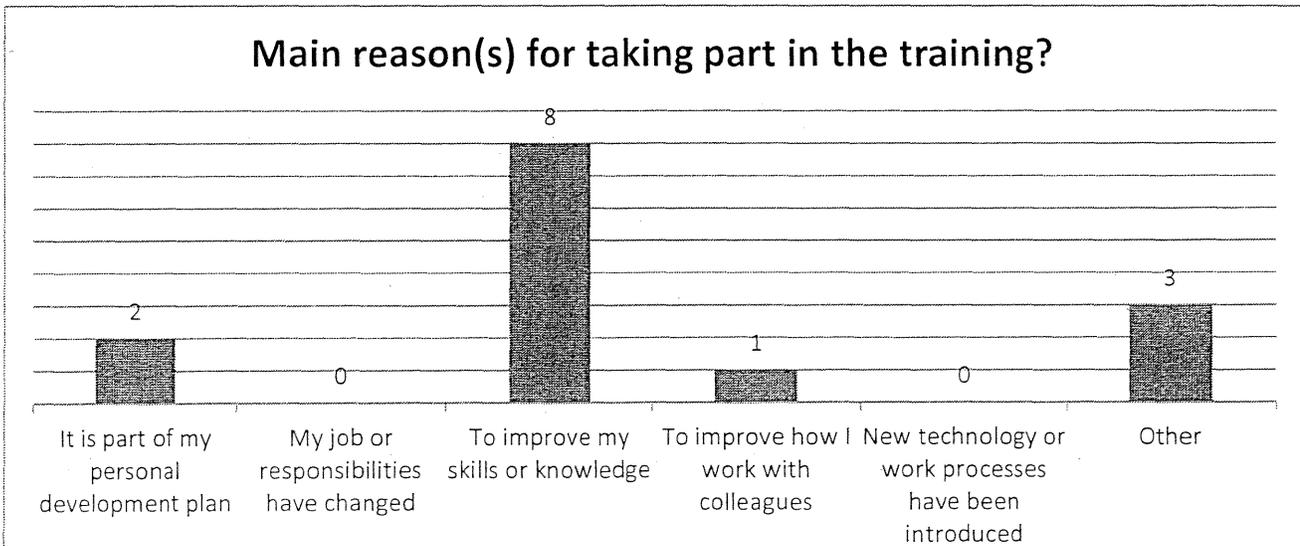
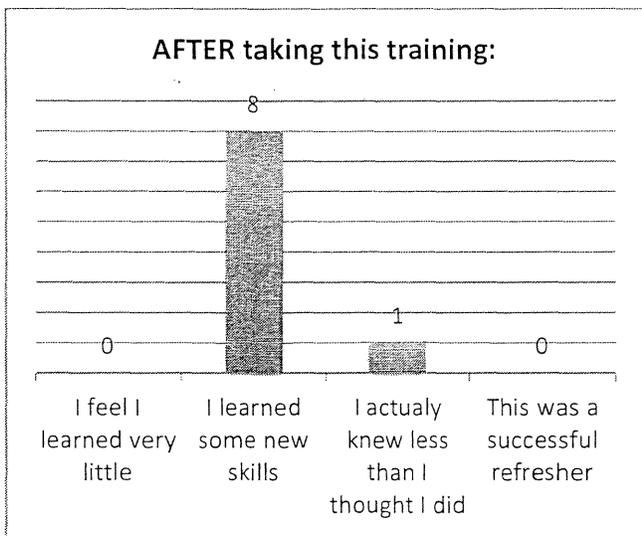
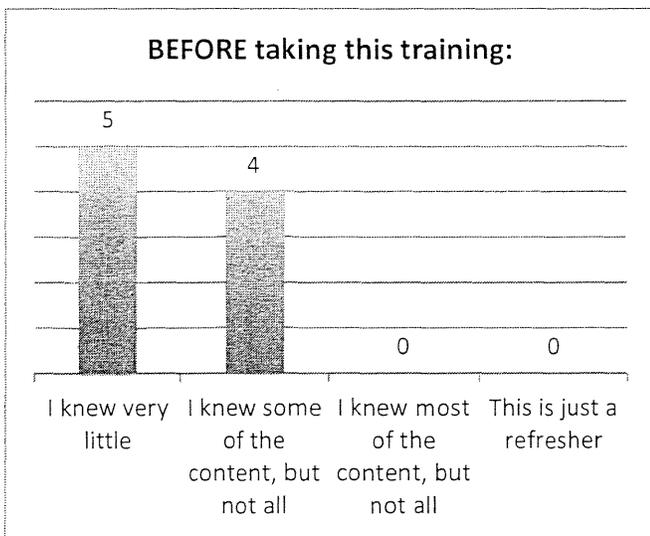
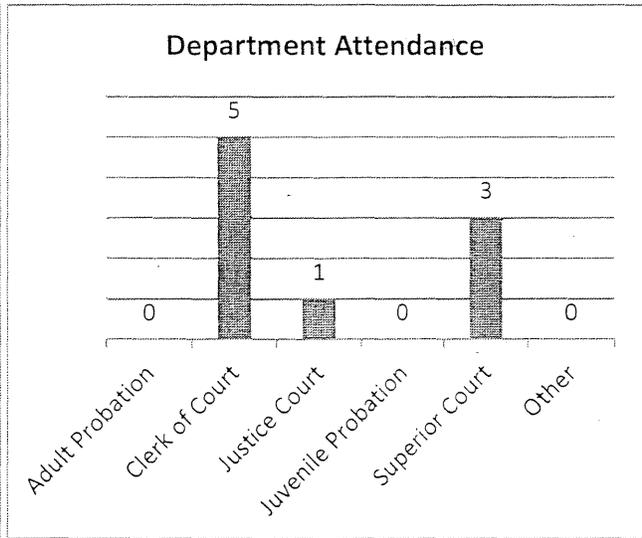
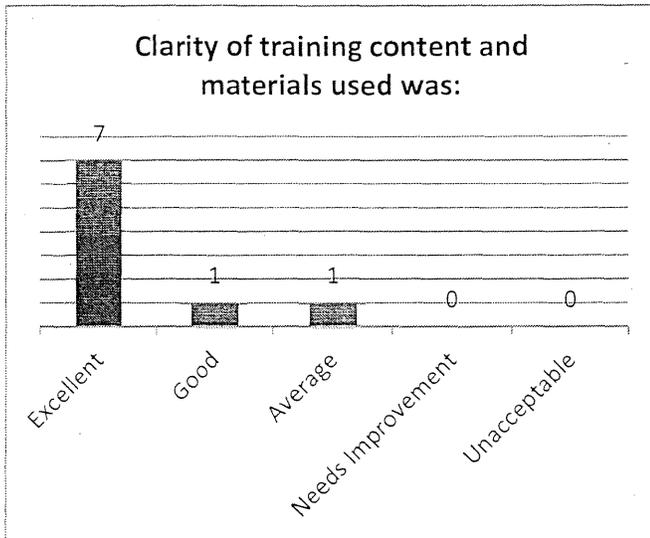
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How would you rate this session overall?	4.40

Course Evaluations For

Courtroom Observation With Commissioner Vandenberg Of Probate Court
 Evaluations based on 9 responses from 9 participants



Open Ended Questions/Additional Comments

Which aspects of this training do you think will prove to be of most value to you in your work?

to see where the paper work gets started and we see the finished product.

Keeping knowledgeable of legal procedures.

It was very interesting to see how Probate court works and Comm. Vandenberg was an excellent 'instructor'. She stopped court to talk to us and explain the proceedings. She had handouts for us to explain different Probate court matters.

Knowledge of what consist of a Probate Court Calendar in one day, as in how many hearings are scheduled in one day. I'm currently working as a Civil Arbitration Clerk, and took this CoJet Class in order to familiarize myself with Probate.

In my department we do sort probate paperwork so now, in the class I have the opportunity to see a how the paperwork start.

Being that I only seeing the paper side of the issues, it was good to see how final processes were done in the courtroom.

n/a

Better understanding the work I do in criminal mental health.

UNDERSTANDING PROBATED RULES OF PROCEDURE.

How will you be able to apply the knowledge / skills gained from this training to your current position?

to know how important the process of getting the work done.

Creating a professional workplace environment and use effective communication.

It's good to have a better understanding of how the probate hearings work and it may help me when scheduling our interpreters for those hearings.

N/A

I'm able to apply the knowledge to my current position in all do sort the we do

It gives clarity to documents I process and the phone calls I receive regarding the probate cases.

n/a

Able to figure out and better word what is happening in court on criminal mental health when probate mental health is an issue.

UNDERSTANDING MENTAL HEALTH COURT ORDERED PROCEDURES. ADULT CONSERVATORSHIPS, RULE 11 IN JUSTICE COURTS.

Additional comments or suggestions for future training?

none

I enjoyed this overview of how the probate court system works.

n/a

[No Answer Entered]

the Commissioner she was great, she took sometime to talk to us in her busy schedule.

[No Answer Entered]

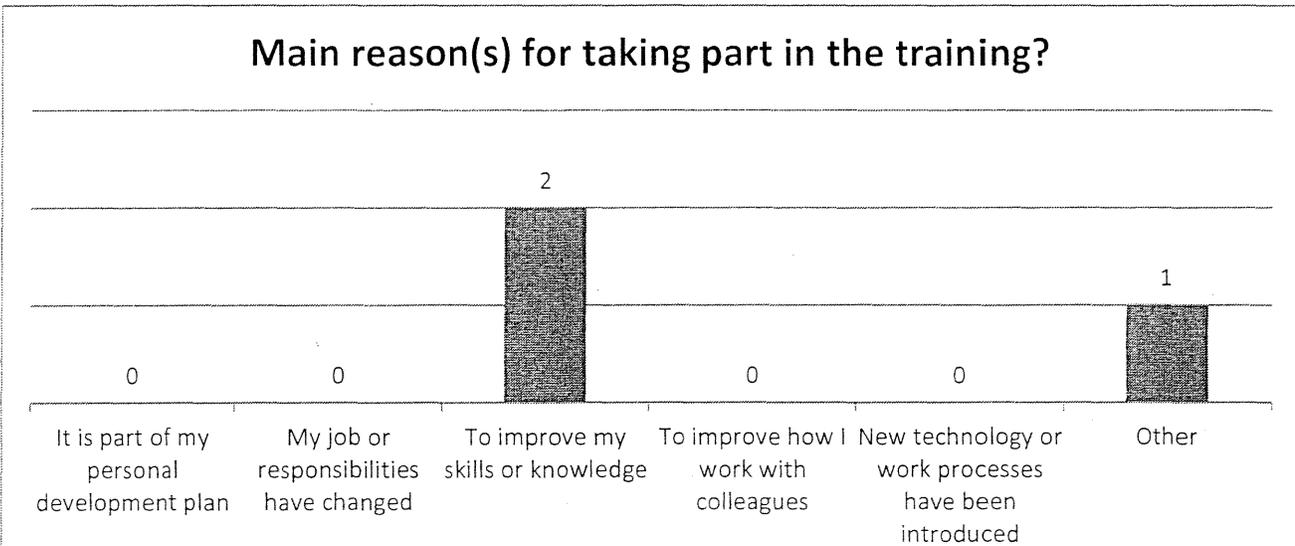
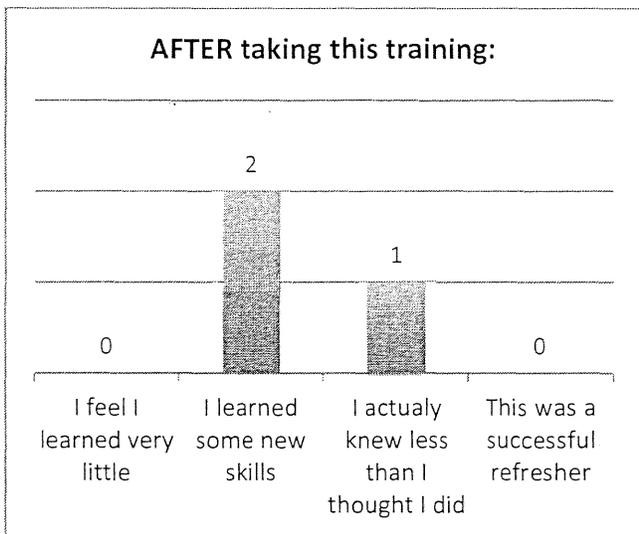
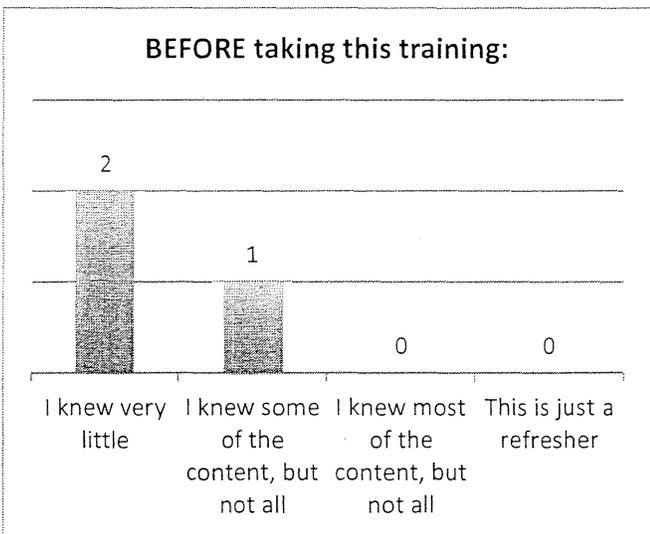
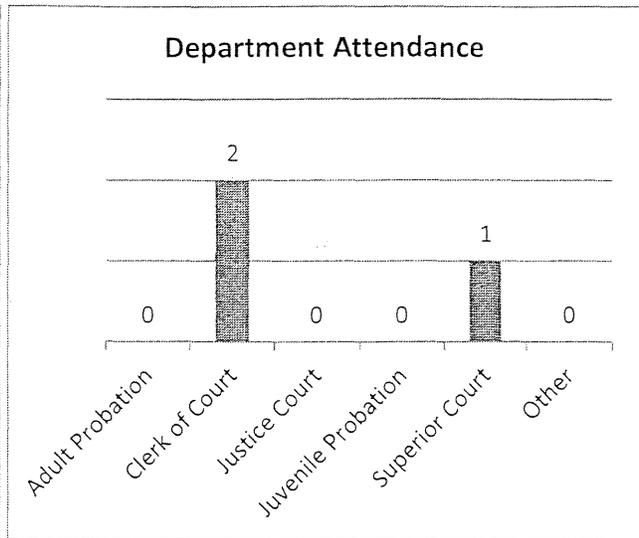
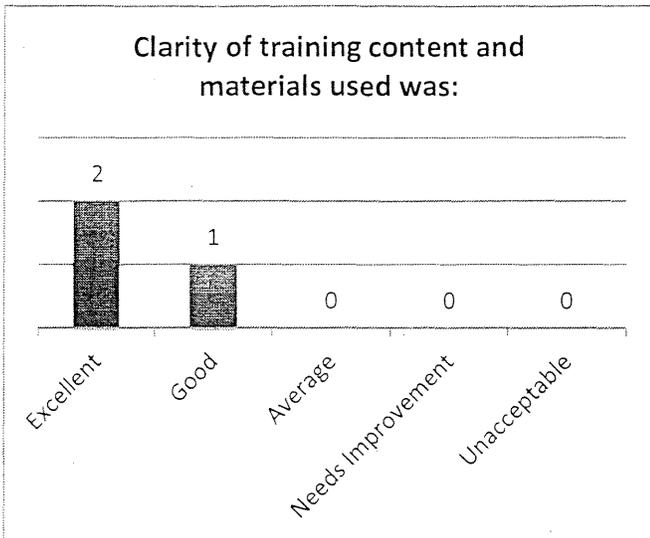
n/a

[No Answer Entered]

VERY INFORMATIVE IN THE ROLE OF PROBATE COURT.

Course Evaluations For

Courtroom Observation With Commissioner Vandenberg Of Probate Court
 Evaluations based on 3 responses from 3 participants



Open Ended Questions/Additional Comments

Which aspects of this training do you think will prove to be of most value to you in your work?

Helps to understand probate court

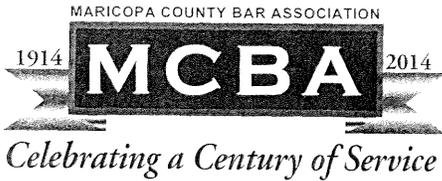
I, very little deal with Probate cases

How will you be able to apply the knowledge / skills gained from this training to your current position?

Will help with projects

The class was very interesting

Additional comments or suggestions for future training?



November 30, 2015

Commissioner Lisa VandenBerg
Maricopa County Superior Court
125 W. Washington, Suite 106
Phoenix, Arizona 85003

Dear Commissioner VandenBerg:

The Maricopa County Bar Association (the "MCBA") appreciates your participation in the "Top Things That Irritate JAs and Clerks" seminar on November 12, 2015. We thank you for the time you took from your busy schedule to participate in the program.

The MCBA provides evaluation forms to the seminar attendees in an effort to improve our programs. I have enclosed a summary of seminar evaluations for your reference. The program was well received and the audience enjoyed the candid feedback.

I have also enclosed an evaluation form for your completion. Please take some time over the next few weeks to provide feedback to the MCBA on your experience. We are interested in ways to improve the delivery of our programs.

I would like to personally thank you for your support of our Continuing Legal Education Program, and for your generous contribution to this seminar, the Estate Planning Probate and Trust section and your continued contribution to the MCBA activities.

With thanks and appreciation,



Kelly L. Braniger, C.P.
Continuing Legal Education Program Coordinator

Enclosure: As Stated

MCBA Evaluation Summary report

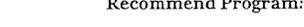
Program: Top Things That Irritate JAs and Clerks

Date: 11/12/2015

Total number of respondents: **21** Overall Avg Rating: **4.55**

Categories:	Ratings					Total	Category avg.
	1	2	3	4	5		
Content	0	0	0	8	13	21	4.61905
Handouts/ Material/ AV	0	0	3	8	10	21	4.33333
Accuracy of advertisement	0	1	2	5	13	21	4.42857
facilities	0	0	1	3	17	21	4.7619
Overall	0	0	0	8	13	21	4.61905
	0.00%	0.42%	3.77%	26.78%	69.04%	100.00%	4.552381

Category Ratings Proportional View

Speakers:	Ratings					Total	Category avg.
	1	2	3	4	5		
Commissioner VanDenberg	0	0	0	2	19	21	4.90476
	0.00%	0.00%	0.00%	7.77%	92.23%	100.00%	
Brittaney Chipley	0	0	0	7	14	21	4.66667
	0.00%	0.00%	0.00%	28.57%	71.43%	100.00%	
Angela Kinkead	0	0	1	7	13	21	4.57143
	0.00%	0.00%	3.13%	29.17%	67.71%	100.00%	
Samuel Pena	0	0	1	5	15	21	4.66667
	0.00%	0.00%	3.06%	20.41%	76.53%	100.00%	
	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0
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	0.00%	0.00%	1.52%	21.27%	77.22%	100.00%	

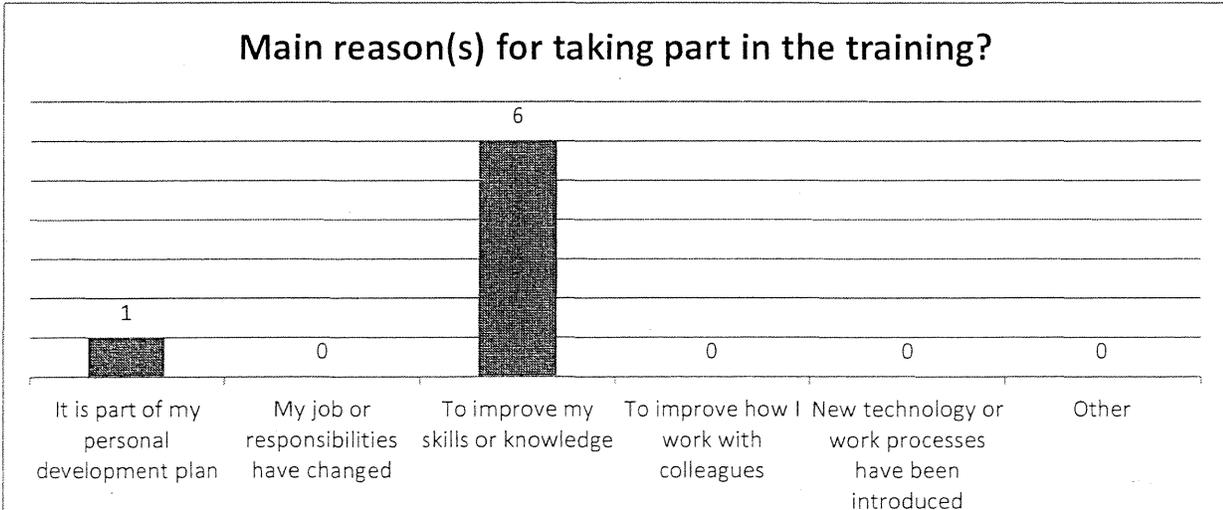
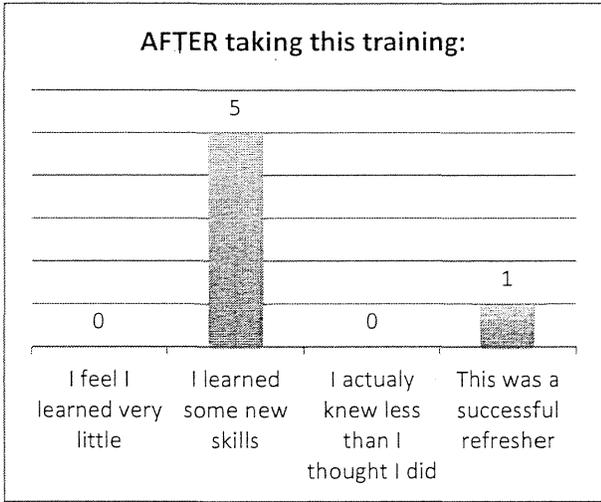
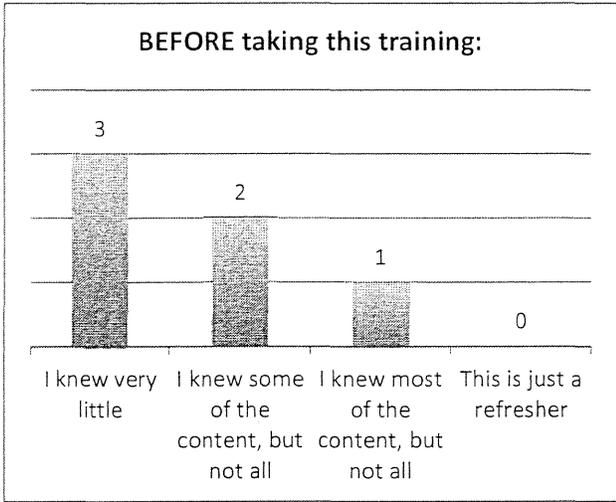
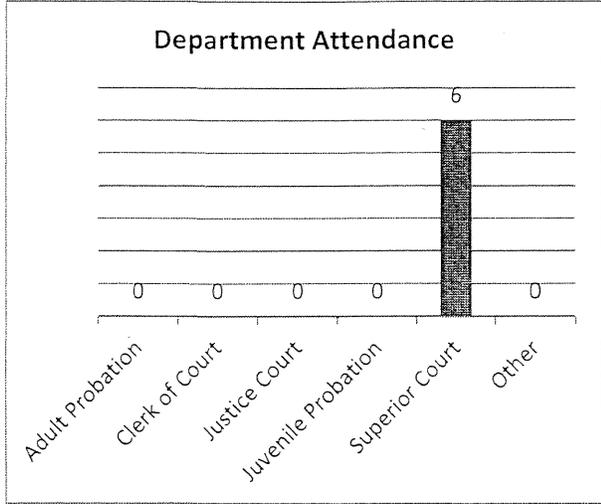
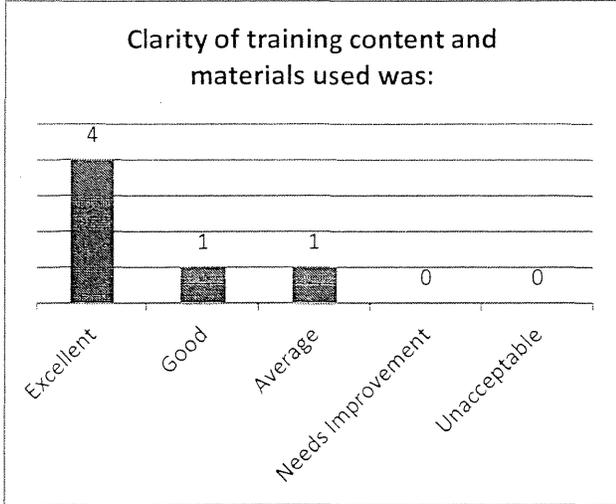
Overall Speaker Ratings Proportional View

Recommend Program: Yes: 21 No:

Comments: This program is always helpful in keeping up to date on current practical issues in the Probate Court

Course Evaluations For

Courtroom Observation: Commissioner Vandenberg With Probate/Mental Health Court
Evaluations based on 6 responses from 6 participants



Open Ended Questions/Additional Comments

Which aspects of this training do you think will prove to be of most value to you in your work?

dose not apply to my work, but it was a good cojet class to take.

Better understanding of what Mental Health and Probate courts do.

To remember the complexity within Probate Court

If I were to transfer to a probate position I would understand the context better

just information in general, probate seems so complicated and listening to cases, yes, very complicated

It helped to see the packets my department sales in use in the courtroom and also to experience the steps the litigants go through. The procedure has been clarified in my mind.

0

How will you be able to apply the knowledge / skills gained from this training to your current position?

I will not be able to.

Better understanding of reporting

not in my current position, but personal information.

I will be able to better guide litigants in reviewing forms. I will request my supervisor have one of our probate packets reviewed for the possible addition of a form, based upon statements made by the Judge, as to requirements for annual guardian accounting.

0

Additional comments or suggestions for future training?

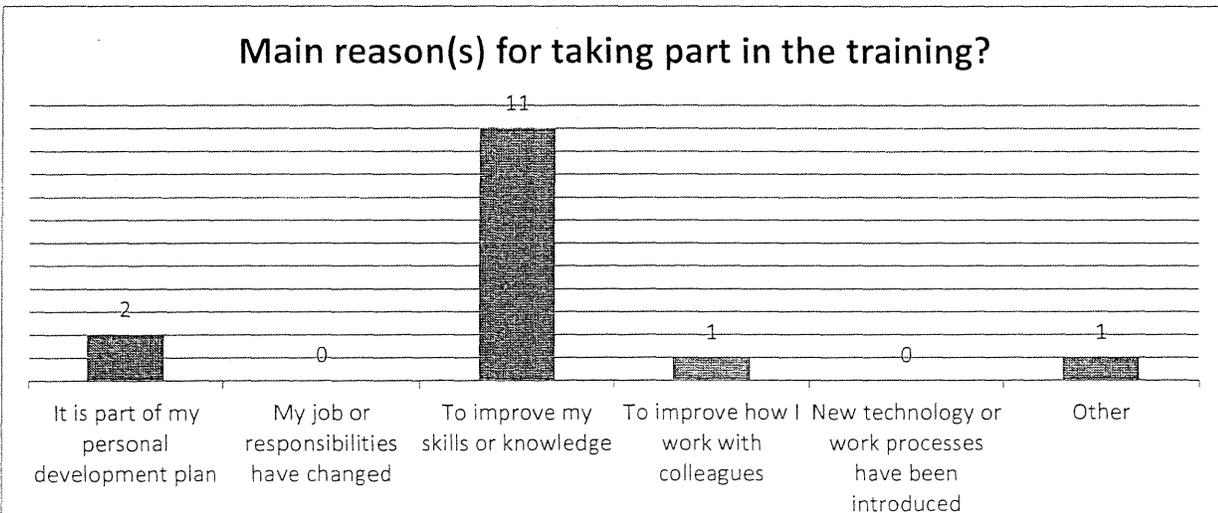
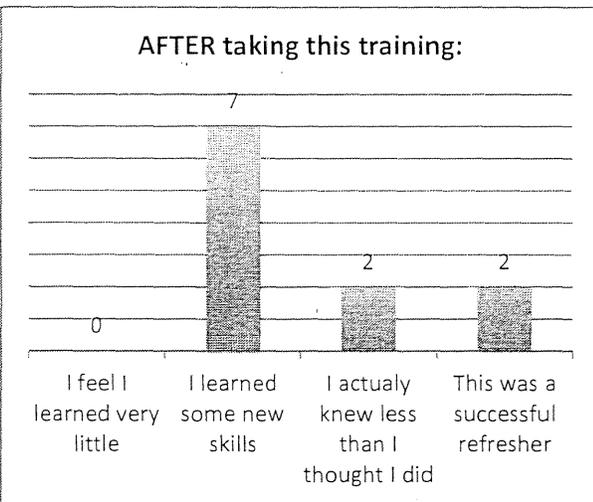
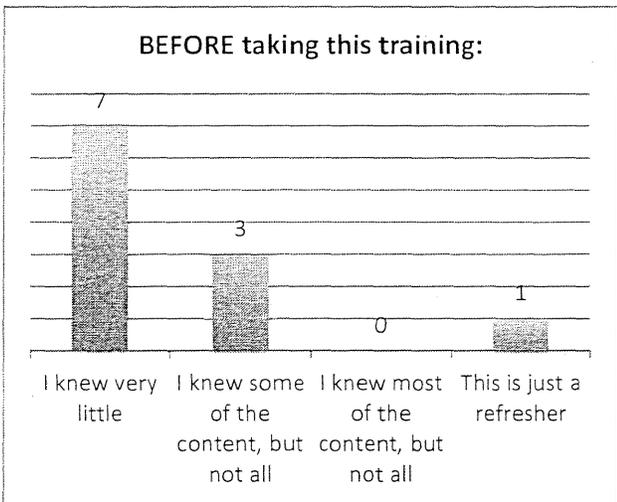
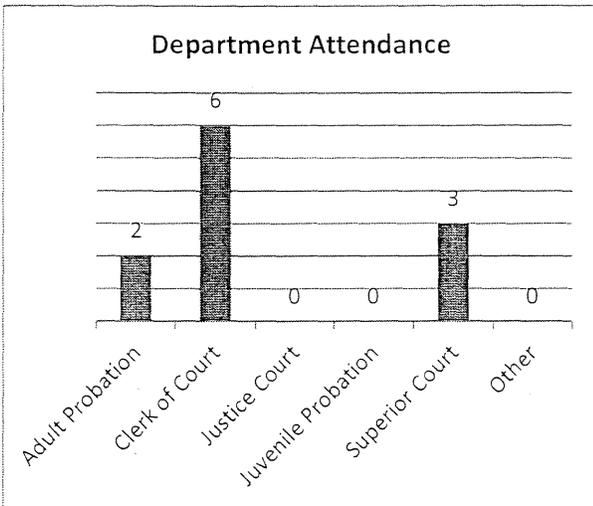
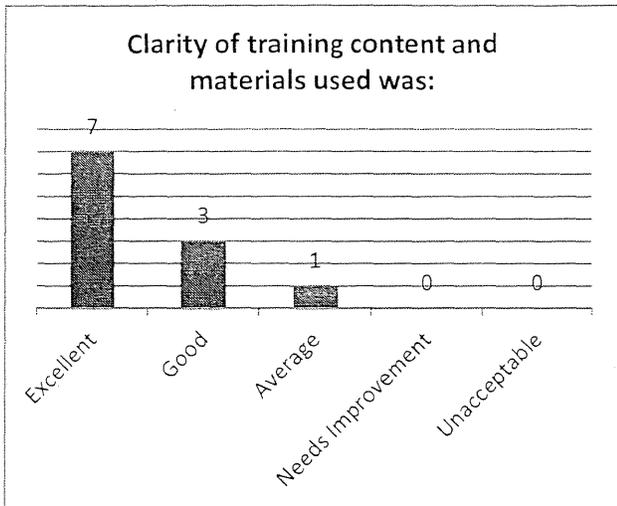
Judge, was very knowledgeable on the information, and was very patient and kind to the litigants.

Commissioner Vandenberg was very patient and respectful with all those that came before her and it was a good example of the probate workflow.

more cojects re: probate

Course Evaluations For

Courtroom Observation: Commissioner Vandenberg With Probate/Mental Health Court
 Evaluations based on 11 responses from 13 participants



Open Ended Questions/Additional Comments

Which aspects of this training do you think will prove to be of most value to you in your work?

Handouts explaining some of the basic court actions.

Commissioner Vandenberg gave a very detailed overview of her work before beginning her hearings. Although she had very little that actually showed up, from the ones that did appear we were able to see a myriad amount of things. What I will value most of this training is the fact that both adults and juveniles can have a probate case when all this time I was under the impression that probate was only for the deceased or elderly.

Having a better understanding of what the Probate Court and how it functions.

Commissioner Vandenberg, was very helpful. She spoke to us between case calendar events and we a great

I work for Family Court so it doesn't really have anything to do w/ my work but it did give me some information on a personal issue.

THIS TRAINING CLASS WAS VERY INFORMATIVE WHILE THIS CLASS DOESN'T APPLY TO MY CURRENT POSITION I LEARNED A LOT OF INFORMATION PERTAINING TO THE PROBATE COURT PROCESS

being able to distinguish between conservatorship and guardianship

Not applicable I work in juvenile court and the observation I attended was for probate/mental health.

Give me an idea what the Probate Court entails

How will you be able to apply the knowledge / skills gained from this training to your current position?

Refer clients who are in the position of needing a guardianship.

Periodically, I receive incoming calls that I have to transfer over to probate. Before taking this class I had no idea what probate really was, after taking this class I know now and will be able to further explain to my callers the reasons why probate court benefits them and not juvenile.

I periodically work with Defendants involved in a case in the Probate Court and it will be helpful to have a better understanding of what they do and how it functions.

I do deal with PB cases in my department and it was just helpful to see how it all works in real time.

In Family Court we receive phone calls that does not have anything to do w/ Family Court. Going to this cojet gave me a better idea on what probate is about so then I can give that information to some of the calls we get in regards to probate.

I ENJOYED THE SUBJECT OF THIS CLASS, IF I AM A PARTY TO PROBATE MATTERS SOMETIME IN THE FUTURE, I WILL USE WHAT I LEARNED TODAY.

Because I work in Public Records and although I will not distribute legal advice, I now know the difference between conservatorship and guardianship and I can assist the customer when they come to Public Records to obtain copies/answer questions about documents.

Not applicable I work in juvenile court and the observation I attended was for probate/mental health.

Get a perspective of people going through the probate process

Additional comments or suggestions for future training?

Comm Vandenberg's knowledge, honesty, and openness to questions was refreshing. The format allowed for interaction while providing insight into a Court for which many of us do not often interact with. I appreciated this opportunity.

I thought Commissioner Vandenberg presented a unique perspective, being relatively new to the Probate Court Bench and would strongly recommend that she present future sessions.

The hearings that I got to watch were very interesting and gave me really good information to how Probate works.

It was great to observe Commissioner Vanderberg in her courtroom; a real eye-opening experience.

**EXHIBIT
#68
ESSAY
ATTACHMENT**

Filing Deadline: November 21, 2016

Title has value in the currency of effecting people's lives. I first learned this at the age of seven when I was invited to eat Neapolitan ice cream at a table shared by Michigan State Supreme Court Justices. I recall offering them my views and opinions on various topics, and their amused attention. For many years afterward—even up through today—my parents would share the story of how I sat with those Justices, ate ice cream, and expressed my opinions. Looking back at that experience, I can see that time as the genesis of my deep respect for the Bench, and, though the Justices treated me kindly, I understand that it was a matter of their position, that caused my parents to find such pride in sharing the story, and caused me, though I couldn't appreciate this then, to be drawn to them.

A number of years later I began competing in Mock Trial competitions. I was recognized by the Maury County Judges as a superlative advocate in each of the three years I competed, and was further encouraged by more than a few of those same judges to contact them for assistance in locating legal employment once I had finished law school. Their affirmations helped to carry me not only through college, but through the many trials of law school. That encouragement from the Bench was pushing me forward.

By the time I came to the Maricopa County Bench in February 2005 I had learned more than a few lessons on the power of not just a Judge's decision on a specific matter but the perception of its intent. A Judge should provide a forum for fair and impartial redress of claims. This is established not only by disposition of litigants' claims but through the reputation of character and integrity members of the judiciary build within the community. Due to this understanding I immediately began to take advantage of opportunities where I could provide positive reinforcement in the lives of future lawyers, and the public at large. Examples of such begin with simple gestures; allowing my Judicial Assistant's son to wear my gown and carry my gavel, to more time intensive pursuits; coaching a mock trial team at South Mountain High School, and numerous things between; educating the community through classes at my church. My ability to listen to individual cases and make measured decisions has been proven time and again. As you will see throughout my application, I have performed my duties as Commissioner diligently, ethically and with excellence—in almost ten years as a Commissioner I have been overturned once, and that case is currently subject to further appellate review.

From the bench, I have made decisions that strive to balance the needs of each party, the community and demands of the law. Three examples of this balanced application are from my Criminal rotation, where the court must work diligently to ensure that law enforcement, victims and defendants leave knowing that they have been heard. In the case of Haobo Huang CR 2009131552-001DT, the jury convicted the Defendant of Aggravated Assault, finding it to be a Dangerous Offense. During the sentencing phase, once the Chinese Business community (including the victim) realized that the offense carried a mandatory minimum sentence of 7 years they hired new defense counsel, who was the first to place on the record that the State's only eye witness was not given a proper interpreter and that given the nuance in dialects her testimony could have differed substantially. Despite obvious issues during testimony with the provided

Mandarin interpreter, the State did not concede that a re-trial was necessary. After much deliberation and consult with experienced Judges, I set aside the verdict and eventually the parties entered in to a compromise. In the case of Richard Lindwall CR 2011-007382-001DT, I ordered the Defendant to serve jail time in California, rather than prison time here in Arizona, so that he could use his full-tuition scholarship and pursue his MBA, which he completed in January of this year. Mr. Lindwall sent me a letter as part of a filing almost a year after sentencing, he reminded the court of its stated charge that he give back to the community with his degree. The power of my title reinforced the power of my words and allowed me to encourage this young man to do better. Another example: In the matter of Colin Eppoletto Pscheidt CR 2013-004406 and CR 2013-004330, who initially appeared before me high on heroin. I persuaded the Prosecutor to keep the plea offer available, which allowed Pscheidt to detox and make a sober, rational decision regarding his case. Had his matter gone to trial, conviction would have resulted in a significant prison term.

As evidenced in my Judicial Application, my life has been dedicated to public service which includes work on the Maricopa County Bench as a Commissioner. In every aspect of my life I have endeavored to not only keep the value of this Bench in mind, but to protect its value, and elevate its reputation within the community. As a Maricopa County Superior Court Judge I will be honored to continue to: apply the rule of law accurately and without bias; expand my record of public engagement; and investment in our community.

EXHIBIT
#68
ESSAY
ATTACHMENT
Lindwall letter

Filed in Docket on 5/10/13

The Honorable Judge Vandenberg,

Thank you again for being so accommodating with my work-release hours. I would also like to once again extend my sincerely humbled gratitude that you have been so thoughtful in my case's proceedings; your kind consideration has not gone unnoticed by my family, my scholastic advisors, and, most of all, myself. The class that you let me stay out until 10:00 PM on Mondays has proven to be one of my favorites so far in my MBA program, and will prove vastly useful regardless of what sub-field of business my endeavors take me to. As I reach the closing of another successful semester, I must ask you once again to mildly alter my hours of release. My master's program requires that I take an elective during the summer, for which I have chosen a course in market research- I recently declared my emphasis in marketing, and I'm looking forward to adding on to my recently-built knowledge base in this area of study. Unfortunately, I only have a small period of time between my finals for this semester and the commencement of the new term, so I won't be able to wait until I receive a formal grade report to show you before requesting this change from you. If you'd like, however, I would be more than happy to have my attorney, Ms. Ehrbright, submit a copy of my grades to you when they are available, but I can assure you right now that they will definitely fall in the A/B range.

My new semester begins on the 28th of May, less than a month's time from now. Starting on that week, I will have class until 10 PM on both Tuesdays and Thursdays. I've already spoken with my academic advisor, Debra Gonda (who sent you the original letter stating that I had informed her of my situation and that she had hired me in the admissions office as a data analyst), and she does not foresee any problem with my leaving class a half hour early to return to the detention facility at the hour of 10 PM, which, as I mentioned in my previous correspondence, is the latest time at which they will allow me to return. As a reminder, my current schedule is Mon: 6:30 AM – 10:00 PM and Tues-Sat: 6:30 AM – 8:00 PM. Thus, given the timing of my new class, I request that you alter my hours to-

Monday – 6:30 AM – 8:00 PM

Tuesday- 6:30 AM – 10:00 PM

Wednesday- 6:30 AM – 8:00 PM

Thursday- 6:30 AM – 10:00 PM

Friday- 6:30 AM – 8:00 PM

Saturday – 6:30 AM – 8:00 PM

Since the new course is a four-credit elective and takes up eight hours of lecture time per week, the workload is still considered a full-time schedule, and Ms. Gonda has informed me that the class is quite labor-intensive, demanding more out-of-class study time per week than one of the normal courses, which are only about three hours lecture per week. On top of this, I am currently in my second round of interviews with a company called WirelessWerx for a digital marketing position that would last through the summer, and ostensibly as a part-time position later on during the fall semester. The interviewer for my first meeting told me that he hopes that it could lead into a full-time permanent position following my graduation, should I prove myself a worthwhile asset to the company, which I would quite strive to do. In an effort to avoid putting my eggs into one basket, I am also currently in correspondence with a number of other firms who are seeking out MBA interns, and my career advisor in the program (who also knows about my legal predicament) has high hopes that all students in the program who are seeking internships should almost definitely find one within the next few weeks. Finally, Ms. Gonda has assured me that whatever free time I may find during this summer term may be taken up at my current position in the admissions office so that I may continue to earn the necessary funds to pay back my parents for their help with my detention expenditures. Since I got the position at the office, my efficient analytical abilities and work ethic have led them to give me more responsibilities than they have, in their own words, ever given to someone else in my position. I'm actually in charge of tracking their scholarship offer amounts to new students, effectively managing dollar amounts in the millions, whereby they now make decisions for incoming applicants partially based on my computations. In addition, I've taken on such a workload that they ended up moving someone else who I shared the position with to another line of work. I hope that my steadfast efforts reassure you that you have not misplaced your trust in me and that your decision to allow me to serve my time in California was a well-advised one.

Since the new academic term starts in less than a month's time, I ask that you please be as expeditious in your response as you were to my last request, which I greatly appreciated. I have heard borderline horror stories from other inmates regarding the judges that they have been faced with for their crimes, and I feel rather blessed to have someone as compassionate and understanding as you are overseeing my trial. In closing, I'd like to again inform you that I have not forgotten your charge to find a way to give back to my community when the time comes. Thank you very much for your time.

-Richard Lindwall III

**EXHIBIT
#69
PROFESSIONAL
WRITING
SAMPLE**

STATEMENT OF FACTS

1
2 Black Mountain Gas Company is a public service corporation that provides retail natural gas
3 and propane service within the State of Arizona. ("Exhibit" A-2(A) at 3.) Nearly surrounded by
4 Southwest's service area, BMG's Cave Creek natural gas division serves approximately 7,260
5 customers in a rapidly growing service territory in and around Cave Creek, Carefree, Phoenix, and
6 Scottsdale, Arizona. (Exhibit S-2 (A) at 3) BMG's Page propane gas division serves approximately
7 2,400 customers in Page, Arizona. (Ex. A-2 (A) at 4)

8 Xcel Energy Inc., a Minnesota corporation, owns one hundred percent (100%) of the
9 outstanding shares of BMG. (Exhibit A-2(A) at 3)

10 Southwest Gas Corporation, a public service corporation, is engaged in the business of
11 purchasing, transporting, and distributing natural gas in portions of Arizona, Nevada and California.
12 SWG is the largest natural gas distributor in Arizona, selling and transporting natural gas in most of
13 central and southern Arizona including the Phoenix and Tucson metropolitan areas. (Exhibit S-1(A)
14 at 2) Southwest serves over 800,000 customers in a rapidly growing and expanding service territory,
15 and adds approximately 30,000 new customers per year in Arizona. (Exhibit A-2(A) at 5) SWG is
16 also engaged in construction services. In 2001, SWG had total assets of \$2.3 billion, generated
17 revenues of \$1.4 billion and earned a net income of \$37 million. (Exhibit S-1(A) at 2)

18 Southwest applied for approval of the acquisition of the common stock of Black Mountain;
19 the subsequent transfer of assets of Black Mountain to Southwest, including the Certificate of
20 Convenience and Necessity ("CC&N") granted to Black Mountain; and the dissolution of Black
21 Mountain within 12 months of the acquisition. (Exhibit A-1) Southwest intends to dispose of all of
22 the propane facilities in the Page, Arizona area, including both the Commission-jurisdictional
23 facilities, as well as the non-utility facilities within 12 months of the acquisition. (Exhibit A-1,
24 Exhibit A-2 at 3- 4)

25 The addition of the approximate 7,900 new customers from the Cave Creek division territory
26 proposed in this transaction is akin to what Southwest currently adds to its Arizona customer base
27 every 90 days. (Exhibit A-2(A) at 4) According to Southwest, this transaction is best viewed as a
28 strategic acquisition of an existing customer base with related infrastructure and a service territory,

1 essentially already served by Southwest. By its analogy, this transaction is similar to Southwest
2 extending service to a new subdivision or development. (Exhibit A-2(A) at 5)

3
4 ARGUMENT

5 There are four areas which Staff will address in order to clarify the disputed issues in this
6 matter.

- 7 1) The Applicant failed to demonstrate that the merger is in
8 the public interest.
9 2) Due to that failure and identified potential dangers, the
10 transaction must demonstrate a substantial immediate
11 benefit as counter-balance in the public interest.
12 3) Staff has recommended conditions to ensure a substantial
13 immediate benefit and protect against potential dangers.
14 4) There is no legal impediment to adoption of Staff's
15 recommendations.

13 **I. The Applicant has failed to demonstrate that the merger will be in the public interest.**

14 The proposed purchase of BMG stock requires approval by the Commission under ARS § 40-
15 285 (D). The request to acquire the assets and eventual dissolution of BMG requires authorization
16 from the Commission pursuant to ARS § 40-285 (A). The proposed creation of a holding company
17 and / or a subsidiary until the dissolution of BMG, and requested waiver of affiliated interest rules
18 requires a Commission finding that the waiver is in the public interest under A.A.C. R14-2-806 (A).
19 The request to transfer BMG's CC&N is controlled by the public interest per ARS § 40-282. *See*
20 James P. Paul Water Co. v. Arizona Corporation Commission, 137 Ariz. 426, 671 P.2d 404 (1983).
21 Inherent in the Commission's evaluation of each one of these requests is a public interest
22 determination.

23 SWG elected not to provide supporting testimony at the time of its filing of the Application.
24 (Exhibit A-1) Instead, a letter authored by Mr. Edward S. Zub was included in the filing. While Mr.
25 Zub's letter describes SWG's requests for approval and refers to various statutes and administrative
26 rules that may apply, it fails to provide a compelling basis for Commission approval of the
27 Application. Staff was the first party to provide pre-filed direct testimony. Despite Staff's testimony
28 clearly indicating that Staff was unable to find that the Application, as proposed, was in the public

1 interest (Exhibit S-1(A) at 13, lines 14-15), SWG's rebuttal testimony did nothing to clarify or
2 support any claims to the contrary.

3 For example, with regard to the rate making treatment of the acquisition premium, Staff
4 pointed out that there is a potential harm to ratepayers in the form of millions of dollars of increase in
5 rate base if the availability of an acquisition adjustment is not addressed in this current docket.
6 (Exhibit S-1(A) at 11, lines 25-26) Despite Staff's concerns, the only response that SWG witness,
7 Mr. Janov provided was: "It's difficult for Southwest Gas to understand why there has to be 14
8 conditions on such a small transaction." (T. at 30, lines 5-8) "I think if you were to walk through each
9 one of these conditions, either the wording of the conditions or the conditions themselves would give
10 me trouble." (T. at 31, lines 8-10)

11 While SWG witness Mr. Giesking provided testimony with regard to an acquisition
12 adjustment, he failed to respond to Staff's stated concerns of possible harm to customers. Rather, he
13 merely stated that the decision on an acquisition adjustment should take into account savings and
14 benefits associated with this transaction. (Exhibit A-1 (C)) at 3, lines 25-27) Although Mr. Giesking
15 went on to suggest that waiting until the next rate case would give some certainty to the savings and
16 benefits, Staff's testimony clarified that regardless of the timing of the presentation of savings and
17 benefits, they would still be only estimates and not any more reliable later in a rate case.¹ (T. at 382-
18 384)

19 Similarly, Staff raised concerns about the potential for increased gas costs to Cave Creek
20 customers if they become SWG customers given the currently planned changes on capacity
21 reallocation by the Federal Energy Regulatory Commission ("FERC") as of May 1, 2003. (Exhibit S-
22 5 at 12-13) However, instead of responding to such concerns, Mr. Giesking continued to describe
23 SWG's procurement policies and practices as a benefit to the Cave Creek customers until cross-
24 examined by Staff's counsel. (T. at 174, line 15 and 177, line 8)

25
26 _____
27 ¹ Staff's position is in accord with previous Commission Decisions. Decision No. 57647 (Nov. 26, 1991) recognizes on page 8 that "it
28 will be difficult with the passage of time to determine whether ratepayers have truly benefited from the transaction." Decision No.
57647 noted that once time has passed, the purchasing company will argue that resulting higher costs would have resulted regardless of
the ownership, where resulting lower costs were the direct result of the new ownership. However, the Commission did allow
consideration of the acquisition adjustment in the next rate case due to the nature of the acquisition, ie. the acquired system was in need
of repair that the acquiring system was capable of providing.

1 In addition, SWG failed to provide any evidence of alleged Cave Creek customer benefits;
2 operating efficiencies; higher levels of customer service, operations and pipeline safety. SWG
3 performed no studies measuring possible operational efficiencies, nor has it finalized any plans on
4 changes to the existing operating structure of the BMG system. SWG did not quantify any of the
5 potential savings to ratepayers from cost of capital, operations, or economies of scale. SWG did not
6 conduct any comparisons between it and BMG in the areas of pipeline safety, customer service/
7 satisfaction or operation quality.²

8 **II. Due to SWG's failure and Staff's identified potential dangers, a showing of a substantial**
9 **immediate benefit is needed to counter-balance the transaction in the public interest.**

10 Staff identified several areas of potential harm from the transaction as purposed by the
11 Applicant.

12 **Pipeline Safety**

13 Staff witness Mr. Miller testified as to a concern with SWG's desire to be able to change the
14 emergency isolation plan of the current BMG system without any physical changes to the system that
15 might necessitate (or typically permit) such an alteration of the plan. (T. at 300-303) He indicated
16 concerns about potential reductions in staff and office locations and the effect on safety to the
17 community and institutional knowledge of the area. (T. at 304-305, 309) He also highlighted
18 concerns about SWG's suggestion that it should be able to maintain only those valves that it deems
19 appropriate, indicating that once a valve is designated for an emergency purpose it must be
20 maintained under federal safety regulations. (T. at 303) He went on to point out the dangers in
21 SWG's desire to use contract personnel to conduct line locating activities with incomplete BMG
22 maps. (T. at 308-310) Further, Mr. Miller stated that SWG's request to allow the BMG mapping to
23 remain incomplete for an additional 18 months would be a detriment to the Cave Creek community
24 because it unnecessarily exposes the area to continued potential harm. (T. at 306-310)

25 ...

26
27 ² Given the transfer of CC&N request, a comparison of capabilities and qualification of the two current competitors is especially
28 desirable given the public interest analysis discussed in James P. Paul Water Co., 137 Ariz. at 430, 671 P.2d at 408 (citing Arizona
Corporation Commission v. Arizona Water Co., 111 Ariz. 74,77, 523 P.2d 505, 508 (1974), which indicated that such a comparison
was needed to assess the primary determinants of the public interest: the amounts of time and money competitors must spend (at the
consumers' ultimate expense).

1 Financial Risks

2 Staff witness Mr. Reiker pointed out risks associated with allowing consideration of an
3 acquisition adjustment request in the next rate case. (T. at 382-384) (Exhibit S-1(A) at 11-12) He
4 further made the observation that according to Value Line, SWG's common stock is riskier than
5 Xcel's in terms of market risk. (Exhibit S-1(A) at 9, lines 4-6) Mr. Reiker also indicated that it is
6 difficult (if not impossible) to determine what the long-term financial effect of the acquisition will
7 have on BMG. (Exhibit S-1(A) at 10, lines 10-15)

8 Rates

9 Staff witness Mr. Gray pointed out that SWG's request to continue to charge BMG's
10 authorized margin rates after BMG is dissolved would inequitably burden the Cave Creek customers.
11 As a result, almost 8,000 (former BMG) customers will be paying substantially higher rates than
12 nearby otherwise identical SWG customers. (See Exhibit A-5 Margin Comparison, demonstrating
13 that substantial difference to be over one million dollars a year; and Exhibit R-1 at 15-16/ T. at 219,
14 line 22 for RUCO's finding of a 12.61 percent difference between SWG and BMG rates) The
15 continuation of BMG's margin rates after BMG ceases to exist could cause unnecessary confusion
16 among SWG customers, as neighbors would receive SWG bills with significantly different rates. (S-5
17 at 4, line 25 - 5, line 3) Mr. Gray also indicated that given the unknown result pending at the FERC,
18 it is difficult to determine if Cave Creek customers will be harmed as far as the future cost to
19 purchase their gas due this merger.³ (Exhibit S-5 at 12-13)

20 Given all of these potential harms to customers or the public, coupled with the unknowns
21 created by SWG's lack of evidence that there would be operational efficiencies, economies of scale
22 and maintained BMG level of safety/service for Cave Creek customers, it would be impossible to
23 find that this merger is clearly in the public interest without something more. The determination of
24 what is in the public interest should be viewed much like a scale that is used to strike a balance
25 between the known benefits and potential harms/ unknowns. In this case, Staff has found numerous
26 items that weigh on the side of potential harms/ unknowns. Thus, to strike the balance needed to find

27
28 ³ If SWG acquires BMG, BMG customers may lose the benefit of any special consideration FERC will provide to small capacity shippers (FT2) on El Paso's natural gas pipeline.

1 this transaction as in the public interest, a counter weight of a current, absolute and substantial benefit
2 is needed. Staff's recommendations provide that counter balance.

3 **III. Staff's recommended conditions act to ensure an absolute public benefit or protection of**
4 **the public.**

5 Staff has proposed fourteen recommended conditions to provide a significant, immediate
6 (absolute) benefit to consumers or act to protect against the possible detriments that may arise from
7 this merger. Staff is not suggesting that in every case a significant immediate consumer benefit is
8 required in order to find it in the public interest. However in this case because there are so many
9 unknowns that may become detriments it is difficult (if not impossible) to find the merger in the
10 public interest without significant, identifiable benefits. The future holds many unknowns and thus it
11 is important to know that at least currently the merger is in the public interest.

12 **Significant immediate benefit**

13 Mr. Reiker highlighted Staff's Recommendation No. 5 as a specific significant immediate
14 consumer benefit. (Exhibit S-1(A) at 13, lines 15-17) Staff's fifth recommendation states that BMG
15 shall dissolve as a corporate entity on or before July 1, 2004⁴ and at that point SWG would file a
16 notice of the dissolution and begin charging its own authorized rates and charges. However, in the
17 event that BMG is not dissolved by July 1, 2004, then BMG shall file a rate application. This
18 recommendation is explained in Mr. Gray's testimony. (Exhibit S-5) It is designed to protect
19 customers from paying substantially higher rates than nearby, otherwise identical SWG customers. If
20 BMG dissolves, this protection is accomplished by the mandatory transition to SWG's authorized
21 rates and charges. If BMG fails to be dissolved, as Mr. Gray testified (T. at 248, lines 13-20) this is a
22 protection against over-earning being the motivation behind failure to adhere to the deadline stated in
23 the SWG Application.

24 SWG opposes Staff's recommendation, and instead requests that BMG's current margin rates
25 be kept in place until SWG's next general rate case. However, SWG has not provided any
26 compelling evidence why the new SWG customers (from BMG) should not pay the same rates as
27 existing SWG customers. Such a showing is essential, considering this is the one clear area where
28

⁴ The dissolution deadline was created by SWG Application's (Exhibit A-1) item 8 of Mr. Zub's letter.

1 SWG stands to reap a windfall at its new customer's expense. Exhibit A-5 indicates over a million
2 dollars a year difference between BMG's authorized rates and SWG's authorized rates.

3 It is telling that SWG mentioned numerous times, without evidentiary support, that there will
4 be economies of scale benefits and operational efficiencies from SWG taking over the BMG system
5 and service duties. SWG discussed the blending of the companies as soon as the Application is
6 approved and the acquisition is complete. Yet, SWG opposes such alleged cost advantages being
7 immediately passed on to consumers.

8 SWG also implied that if BMG's rates were not kept in place at the time of the dissolution,
9 SWG would suffer by not reaping an adequate rate of return. There is simply a disconnect in this
10 argument. At the beginning of SWG's pre-filed testimony, it indicates how small this merger is for
11 SWG. SWG analogizes it to an extension of service into a new subdivision. SWG points out that the
12 Cave Creek division currently only has as many customers as SWG adds to its Arizona customer-
13 base every 90 days. Yet, SWG has not been in for a rate increase since Decision No. 64172,
14 docketed on October 30, 2001... which means it has added over 5 times as many customers (as it will
15 from this merger) since establishing its latest revenue requirements.

16 **Protections against potential harms/ unknown**

17 Staff Recommendation No. 1 and 2 seek to protect rate payers from a potential harm in the
18 form of millions of dollars in unnecessary increase to rate base.

19 Staff Recommendation No. 3, 9, 10, 11, 12, 13, and 14 act to protect the Cave Creek
20 community and customers from a possible decline in the quality of service and safety that the area
21 currently enjoys.

22 Staff Recommendation No. 4 acts to protect the integrity of the public utility's books and
23 records by requiring maintenance of appropriate books and records of unregulated activities and to
24 maintain the Commission's convenient access of those records.

25 Staff Recommendation No. 6 prevents piecemeal rate making by coordinating the transition to
26 SWG's margin and gas base cost rates simultaneously. As discussed in Mr. Gray's testimony,
27 SWG's request to change the gas base cost at the time of the acquisition (prior to dissolution) and
28 retain the old margin rate until the next rate case ignores the integral nature of the gas base cost in

1 setting rates. (T. at 281, line 12 and 283, line 12) To change the base cost without changing the
2 margin rate smacks of piecemeal rate making and causes the margin rate to lose some of its integrity.
3 By applying Staff's recommendations, all rates and charges transition to the only existing authorized
4 rates and charges.

5 Recommendation No. 7 and 8 provide protection to BMG's propane division customers in the
6 event SWG fails to sell the division within the deadline stated in the Application (Exhibit A-1 item
7 15 in Mr. Zub's letter).

8 **IV. SWG's rates may be lawfully charged within the Cave Creek territory once Black**
9 **Mountain dissolves.**

10 The acquired (i.e. seller) company in this case is BMG, which is a substantially smaller
11 company, consisting of only as many customers as the SWG Arizona division receives as new
12 customers every 90 days. BMG's authorized margin rate is substantially higher than the current
13 authorized margin rate of the acquiring (i.e. buyer) company, SWG. As part of this application, SWG
14 has requested that the Commission approve the transfer of the CC&N currently held by BMG. This
15 scenario is similar to the circumstances among the companies merging in Pueblo Del Sol Water
16 Company v. Arizona Corporation Commission, 160 Ariz. 285, 772 P.2d 1138 (App. 1988).

17 In Pueblo Del Sol, the Court of Appeals affirmed the trial court's granting of summary
18 judgment affirming the decision of the Commission. In its decision, the Court of Appeals noted that
19 the parties request for transfer of the CC&N required a showing that such an action would serve the
20 public interest. Id. at 286, 772 P.2d at 1139, *citing* James P. Water Co. v. Arizona Corporation
21 Commission, 137 Ariz. 426, 671 P.2d 404 (1983) and Smith & Smith, Inc. v. South Carolina Public
22 Service Commission, 271 S.C.405, 247 S.E.2d 677 (1978). The Court of Appeals went on to point
23 out the extensive record the Commission considered in its finding that the approval of the parties'
24 request must be conditioned upon the buyer charging the seller's rates on an interim basis. Id.

25 Implicit in this decision is the finding that the Commission determined that the continuation
26 of the seller's authorized rate was necessary for serving the public interest and thus the Commission
27 made a specific finding that such a rate must be kept in place at the time of transferring the CC&N.

28

1 In the case at hand, the very same analysis that was upheld in Pueblo Del Sol should be
2 applied. The distinction is merely that Staff has been unable to find that the seller's (BMG)
3 authorized margin rate is necessary to the public interest. Thus, Staff believes that it is in the public
4 interest not to impose the higher margin rate to Cave Creek customers.

5 The Applicant suggests that if the higher seller margin rate is not kept in place the
6 Commission's ruling would be illegal because it would not meet the just and reasonable rate
7 requirement of Arizona Constitution, Article 15 § 3. This argument is clearly erroneous given the
8 ruling in Pueblo Del Sol, *supra*. at 9. The Court of Appeals in Residential Utility Consumer Office
9 v. Arizona Corporation Commission, 199 Ariz. 588, 20 P.3d 1169 (App. 2001), went on to point out
10 that in Pueblo Del Sol the Commission did nothing more than give "approval of the continued use of
11 a previously authorized rate." *Id.* at 592, 20 P.3d at 1173.

12 In this instance, Staff's proposal would apply the previously authorized rate of the buyer,
13 SWG. The most appropriate rate for the public interest. To suggest that the Commission cannot
14 approve use of the Applicant's previously authorized rate in a CC&N matter, would bring a ludicrous
15 and arduous result not only for the Commission but for Applicants. It would mean that any time a
16 public utility company needed to expand its territory to provide service to small outlying pockets of
17 growth, the company and the Commission would need to expend the time and cost of conducting a
18 full rate case. Such a result would encourage companies to forgo the process of extending their
19 CC&Ns, resulting in at least one of two unpleasant results: 1) the company refusing to provide
20 service to the new outlying consumers or 2) the company providing service without Commission
21 approval or public safeguards.

22 SWG has characterized this as a mere extension of SWG's CC&N territory to contiguous
23 property. SWG intimated that they may not receive a reasonable rate of return if they were forced to
24 charge SWG authorized rate in the Cave Creek territory. However, this argument is clearly flawed
25 considering SWG testimony that this group of customers only equals the amount of customers SWG
26 adds every 90 days to its Arizona customer base. Taking this argument to its logical conclusion, the
27 only way the Commission could maintain a reasonable rate of return for SWG would be to conduct a
28 full rate case every 90 days. By SWG's logic, Southwest would not be able to absorb the previously

1 stated annual growth of 30,000 Arizona customers, aside from any merger. Clearly, that is not the
2 case.

3 In this case, the Cave Creek consumers have the opportunity to save approximately one
4 million dollars a year through Staff's recommendations and no party has demonstrated that such a
5 condition on the transfer of BMG's CC&N would be detrimental to the public interest. Thus, there is
6 no legal prohibition to the Commission approving the Application subject to Staff's recommended
7 conditions, for these conditions are in the public interest.

8 CONCLUSION

9 It is for the above stated reasons, that Staff's fourteen recommended conditions are essential
10 to a finding that this transaction is in the public interest and should be adopted as part of the
11 recommended opinion and order.

12 RESPECTFULLY SUBMITTED this 4th day of April, 2003.

13
14
15 _____
16 Lisa A. Vandenberg
17 Attorney, Legal Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007
21 (602) 542-3402

18 Original and fifteen (15) copies of
19 the foregoing was filed this 4th day of
20 April, 2003, with:

20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, Arizona 85007

23 Copies of the foregoing was mailed
24 this 4th day of April, 2003 to:

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**EXHIBIT
#70
JUDICIAL
WRITING
SAMPLES**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2005-000900-001 DT

01/23/2006

COMM. LISA ANN VANDENBERG

CLERK OF THE COURT
P. M. Espinoza
Deputy

FILED: JAN 25 2006

STATE OF ARIZONA

JOHN L BELATTI

v.

JON MICHAEL GROSS (001)

ROBERT L BAUMANN

DISPOSITION CLERK-CSC
SCOTTSDALE CITY COURT

RULING

A hearing on Defendant's Petition for Hearing to enter Clearance on the Criminal Records and to Expunge Criminal Record pursuant to ARS 13-4051(B) was held on January 19, 2006. State represented by the Scottsdale City Prosecutor's Office waived appearance, as well as indicated that it takes no position with regard to the Defendant's request. The Defendant appeared telephonically for the hearing due to the fact the Defendant currently resides in the State of Florida. Counsel for the Defendant, Robert Baumann, appeared in person for the scheduled hearing.

At hearing, the Court received argument, testimony, and evidence (Exhibit 1 was admitted and accepted into record) presented on the Defendant's behalf.

Having considered the record in this matter, the Court finds the following facts:

1. Amanda L. Spears alleged to City of Scottsdale law enforcement that the Defendant, Jon Michael Gross, had conducted certain criminal acts against her in Scottsdale, Arizona on or about September 3, 1997.
2. Based on Ms. Spears statements, the Defendant was thereafter arrested for the alleged crimes on Assault and Unlawful Imprisonment (also referred to as Kidnapping) with regard to the alleged incident of September 3, 1997.

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MARICOPA COUNTY

LC2005-000900-001 DT

01/23/2006

3. The Defendant throughout the investigation (and court proceedings) denied the allegations. At hearing, the Defendant indicated that Ms. Spears had in fact inflicted the alleged wounds upon herself and that he was the one who had sought immediate medical treatment for Ms. Spears' injuries.
4. Complaint No. 1377020 alleging that on or about September 3, 1997, the Defendant committed the crime of Assault in violation of ARS 13- 1203(A)(1) and the crime of Unlawful Imprisonment in violation of ARS 13-1303(A) was filed in the Scottsdale City Court.
5. At hearing, Michael L. Sherry testified under oath that he witnessed the alleged victim, Amanda L. Spears, confess to the Defendant that she had falsified the allegations against him with regard to the incident on September 3, 1997. Mr. Sherry also verified that a copy of his sworn affidavit of the same information was included in Exhibit 1.
6. At the Scottsdale City Court trial on May 29, 1998, the Defendant offered as evidence an audio taped copy of the alleged victim's confession that Mr. Sherry witnessed. Following the trial, the Scottsdale City Court found the Defendant not guilty with regard to all charges arising out of Complaint No. 1377020, Scottsdale City Court Case No.CR97-17286.
7. Since the event, the Defendant has been a law abiding citizen, as of the hearing date (January 19, 2006).
8. The mere presence of these false allegations on the Defendant's record has caused Mr. Gross embarrassment and additional scrutiny among his professional peers.
9. On December 9, 2005, this Court received the Defendant's petition requesting that the charges arising out of the falsely alleged incident on September 3, 1997 be cleared and expunged pursuant to ARS 13-4051.
10. A hearing was held on the Defendant's petition on January 19, 2006 at 1:30 p.m. before this Court.

Based on these uncontested facts, this Court finds that the Defendant was wrongfully charged in the incident that allegedly occurred on September 3, 1997 in Scottsdale, Arizona and that justice will be served by granting the Defendant's request to the extent provided for by ARS 13-4051.

IT IS THEREFORE ORDERED that entries be immediately made in all court and police records stating that the Defendant, Jon Michael Gross (D.O.B. 7/21/1977) has been "cleared" of any wrongdoing arising out of the arrest on September 3, 1997 in Scottsdale, Arizona.

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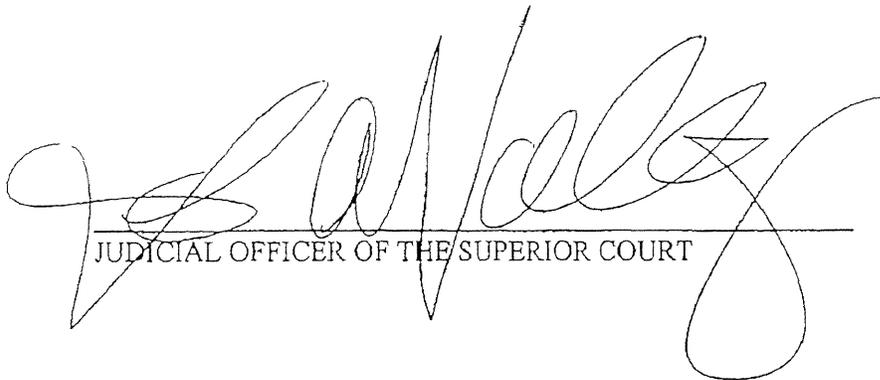
01/23/2006

IT IS FURTHER ORDERED that the Arizona Department of Public Safety, Scottsdale City Police Department, Tempe City Police Department, Scottsdale City Court, State of Arizona Superior Court, and any other agency or court maintaining records concerning the charges and court proceedings described here in (see finding paragraphs 2,3,6) shall not release any such court record or police record to any one except by order of the Court. A.R.S. § 13-4051(B).

IT IS FURTHER ORDERED placing Exhibit 1 under seal, not to be opened until further order of this Court.

SEALED: Exhibit #1

IT IS FURTHER ORDERED the Clerk of the Arizona Superior Court, Maricopa County shall deliver a certified copy of this final order to the following necessary entities: Arizona Department of Public Safety, Scottsdale City Police Department, Tempe City Police Department and Scottsdale City Court.



JUDICIAL OFFICER OF THE SUPERIOR COURT

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2006-000116-001 DT

05/01/2006

COMM. LISA ANN VANDENBERG

CLERK OF THE COURT
L. Rasmussen
Deputy

FILED: 05/02/2006

STATE OF ARIZONA

JAMES D NEUGEBAUER

v.

DORU SCURTESCU (001)

DORU SCURTESCU
7125 E MCDONALD DR
PARADISE VALLEY AZ 85253

REMAND DESK-LCA-CCC
SCOTTSDALE CITY COURT

LOWER COURT REVERSED / REMAND

Lower Court Case No. PR200538582

This appeal, previously assigned to Judge Margaret H. Downie, was reassigned to Commissioner Lisa Ann Vandenberg for determination.

This Court has jurisdiction over this appeal pursuant to the Arizona Constitution, Article VI, section 16, and A.R.S. § 12-124 (A). The court has considered the records from the trial court and the memoranda submitted.

On December 1, 2005, the Scottsdale Municipal Court issued a Default Judgment against Doru Scurtescu ("Defendant") in the amount of \$256.00. This judgment arises out of an Arizona Traffic Ticket and Complaint, no. 05049988, with regard to an incident alleged to have occurred on August 8, 2006. This matter had originally been scheduled to be heard on September 21, 2005. When the Defendant failed to appear, personal service of the summons was requested. The Arraignment was then scheduled for November 28, 2005. When the Defendant failed to appear on the date of hearing, the trial court assumed the allegations of the complaint were deemed admitted, and the court entered a judgment for the State and imposed a civil sanction.¹

¹ see Arizona Rules of Civil Traffic Procedure, Rule 22(a).
Docket Code 512

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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05/01/2006

On January 6, 2005, the Defendant filed a Motion to Set Aside Default pursuant to Arizona Rules of Civil Traffic Procedure ("Ariz.R.Civ.T.P."), Rule 23. On that same day, the trial court held a hearing on the Motion. After the hearing, the trial court affirmed the Default Judgment in the amount of \$332.80. The Defendant, having filed a notice of appeal, now brings this matter before this court.

Rule 23 of Ariz.R.Civ.T.P. states, "Upon written motion, for good cause or any other reason necessary to prevent a manifest injustice, the court may set aside a judgment entered upon a failure to appear."

In effect, the Defendant argues in his appeal that the trial court erred in failing to find his circumstance met the criteria of this Rule. This court looks to the Supreme Court of Arizona's guidance for the appropriate standard of review with regard to a trial court's denial of a motion to set aside default judgment. The Court in *Hirsh v. National Van Lines, Inc.* stated:

At the outset we note that it is a highly desirable legal objective that cases be decided on their merits and that any doubts should be resolved in favor of the party seeking to set aside the default judgment. *Richas v. Superior Court*, 133 Ariz. 512, 652 P.2d 1035 (1982); *Union Oil Co. v. Hudson Oil Co.*, 131 Ariz. 285, 640 P.2d 847 (1982). These matters, however, rest entirely within the trial court's discretion and will not be overturned on appeal unless a clear abuse of discretion has been shown. *Richas, supra*, *Union Oil, supra*.

Hirsh v. National Van Lines, Inc., 136 Ariz. 304, 666 P.2d 49 (1983).

In the matter at hand, the court first considers whether good cause was presented. At hearing, the Defendant indicated to the trial court on January 6, 2006, that he just returned that day from a two-month trip out of the country. This court notes that the alleged service of process; the November 28, 2005 hearing; as well as the entry of the Default judgment all took place within the two months immediately preceding the Motion to Set Aside hearing held on January 6, 2006. It would appear that the Defendant's absence from the country during the entire formal proceedings should qualify as good cause for a setting aside the default pursuant to Rule 23.

As well, this court considers whether reasons were presented that would require the setting aside in order to prevent a manifest injustice. At hearing, the Defendant offered evidence and testimony that he was traveling via an airplane at the time of the alleged offense. As well, the State points out² that after review of the photo radar picture and the Defendant, it does not

² Appellee Brief, pg. 3, ln. 3 - 4 1/2.
Docket Code 512

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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05/01/2006

appear that they are one and the same person. This court finds that given this uncontroverted information to leave the Default judgment in place would cause a manifest injustice.

IT IS THEREFORE ORDERED reversing the decision of the Scottsdale Municipal Court.

IT IS FURTHER ORDERED remanding this matter to the Scottsdale Municipal Court for the Default Judgment to be vacated in its entirety and such proceedings as may be consistent with this opinion.

**EXHIBIT
#71
JUDICIAL
PERFORMANCE
REVIEWS
2016 and
2014**

2016 Review

Commissioner:	Vandenberg, L
Appointment Date:	February 2005
Assignment:	Probate

Results of 51 surveys received from Litigants, Witnesses & Jurors

	<u>Jurors</u> <u>Superior, Very</u> <u>Good &</u> <u>Satisfactory</u>	<u>Litigants/ Witnesses</u> <u>Superior, Very</u> <u>Good &</u> <u>Satisfactory</u>
<u>Litigant Survey Questions</u>		
Section I: Legal Ability		
<i>Basic fairness and impartiality.</i>	NR	100%
<i>Equal treatment regardless of race.</i>	NR	100%
<i>Equal treatment regardless of gender.</i>	NR	100%
<i>Equal treatment regardless of religion.</i>	NR	100%
<i>Equal treatment regardless of national origin.</i>	NR	100%
<i>Equal treatment regardless of disability.</i>	NR	100%
<i>Equal treatment regardless of age.</i>	NR	100%
<i>Equal treatment regardless of sexual orientation.</i>	NR	100%
<i>Equal treatment regardless of economic status.</i>	NR	100%
Section II: Communication Skills		
<i>Explained proceedings.</i>	NR	100%
<i>Explained reasons for delays.</i>	NR	100%
<i>If a juror, clearly explained juror's responsibilities.</i>	NR	100%
Section III: Judicial Temperament		
<i>Understanding and compassion.</i>	NR	100%
<i>Dignified.</i>	NR	100%
<i>Courteous.</i>	NR	100%
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	NR	100%
<i>Patient.</i>	NR	99%
Section IV: Administrative Performance		
<i>Punctual in conducting proceedings.</i>	NR	100%
<i>Maintained proper control in courtroom.</i>	NR	100%
<i>Was prepared for the proceedings.</i>	NR	100%

2016 Review

Results of 34 surveys received from Attorneys

<u>Attorney Survey Questions</u>	<u>Attorney Responses</u>
Section I: Legal Ability	
<i>Legal reasoning ability.</i>	94%
<i>Knowledge of substantive law.</i>	94%
<i>Knowledge of rules of evidence.</i>	100%
<i>Knowledge of rules of procedure.</i>	100%
Section II: Integrity	
<i>Basic fairness and impartiality.</i>	100%
<i>Equal treatment regardless of race.</i>	100%
<i>Equal treatment regardless of gender.</i>	100%
<i>Equal treatment regardless of religion.</i>	100%
<i>Equal treatment regardless of national origin.</i>	100%
<i>Equal treatment regardless of disability.</i>	100%
<i>Equal treatment regardless of age.</i>	100%
<i>Equal treatment regardless of sexual orientation.</i>	100%
<i>Equal treatment regardless of economic status.</i>	100%
Section III: Communication Skills	
<i>Clear and logical oral communication and directions.</i>	100%
<i>Clear and logical written decisions.</i>	100%
<i>Gave all parties an adequate opportunity to be heard.</i>	100%
Section IV: Judicial Temperament	
<i>Understanding and compassion.</i>	100%
<i>Dignified.</i>	100%
<i>Courteous.</i>	100%
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	100%
<i>Patient.</i>	100%
Section V: Administrative Performance	
<i>Punctual in conducting proceedings.</i>	94%
<i>Maintained proper control in courtroom.</i>	100%
<i>Prompt in making rulings and rendering decisions.</i>	100%
<i>Was prepared for the proceedings.</i>	100%
<i>Efficient management of the calendar.</i>	94%
Section VI: Settlement Activities	
<i>Appropriately conducted or promoted settlement.</i>	100%

2014 Review

Commissioner : Vandenberg, Lisa Ann

Appointment Date : February, 2005

Assignment : Criminal

Results of 85 surveys received from Litigants and Witnesses

Litigant & Witness Survey Questions

Superior/
Very Good/
Satisfactory

Section I : Integrity

1. Basic fairness and impartiality	94%
2. Equal treatment regardless of race	95%
3. Equal treatment regardless of gender	99%
4. Equal treatment regardless of religion	99%
5. Equal treatment regardless of national origin	99%
6. Equal treatment regardless of disability	96%
7. Equal treatment regardless of age	98%
8. Equal treatment regardless of sexual orientation	99%
9. Equal treatment regardless of economic status	92%

Section II : Communication Skills

10. Explained Proceedings	96%
11. Explained reasons for delays	95%
12. JURORS ONLY : Clearly explained the juror's responsibility	N.A.

Section III : Judicial Temperamental

13. Understanding and compassion	94%
14. Dignified	96%
15. Courteous	95%
16. Conduct that promotes public confidence in the court and commissioner's ability	96%
17. Patient	95%

Section IV : Administrative Performance

18. Punctual in conducting proceedings	95%
19. Maintained proper control in courtroom	98%
20. Was prepared for the proceedings	99%

2014 Review

Commissioner : Vandenberg, Lisa Ann

Appointment Date : February, 2005

Assignment : Criminal

Results of N.A. surveys received from Jurors

Juror Survey Questions

Superior/
Very Good/
Satisfactory

Section I : Integrity

- | | |
|-----------------------------------------------------|-------------|
| 1. Basic fairness and impartiality | <u>N.A.</u> |
| 2. Equal treatment regardless of race | <u>N.A.</u> |
| 3. Equal treatment regardless of gender | <u>N.A.</u> |
| 4. Equal treatment regardless of religion | <u>N.A.</u> |
| 5. Equal treatment regardless of national origin | <u>N.A.</u> |
| 6. Equal treatment regardless of disability | <u>N.A.</u> |
| 7. Equal treatment regardless of age | <u>N.A.</u> |
| 8. Equal treatment regardless of sexual orientation | <u>N.A.</u> |
| 9. Equal treatment regardless of economic status | <u>N.A.</u> |

Section II : Communication Skills

- | | |
|----------------------------------------------------------------|-------------|
| 10. Explained Proceedings | <u>N.A.</u> |
| 11. Explained reasons for delays | <u>N.A.</u> |
| 12. JURORS ONLY : Clearly explained the juror's responsibility | <u>N.A.</u> |

Section III : Judicial Temperamental

- | | |
|-------------------------------------------------------------------------------------|-------------|
| 13. Understanding and compassion | <u>N.A.</u> |
| 14. Dignified | <u>N.A.</u> |
| 15. Courteous | <u>N.A.</u> |
| 16. Conduct that promotes public confidence in the court and commissioner's ability | <u>N.A.</u> |
| 17. Patient | <u>N.A.</u> |

Section IV : Administrative Performance

- | | |
|--------------------------------------------|-------------|
| 18. Punctual in conducting proceedings | <u>N.A.</u> |
| 19. Maintained proper control in courtroom | <u>N.A.</u> |
| 20. Was prepared for the proceedings | <u>N.A.</u> |

2014 Review

Commissioner : Vandenberg, Lisa Ann

Appointment Date : February, 2005

Assignment : Criminal

Results of 21 surveys received from Attorney

Attorney Survey Questions

Superior/ Very Good/ Satisfactory

Section I : Legal Ability

1. Legal reasoning ability	48%
2. Knowledge of substantive law	63%
3. Knowledge of rules of evidence	65%
4. Knowledge of rules of procedure	83%

Section II : Integrity

5. Basic fairness and impartiality	38%
6. Equal treatment regardless of race	86%
7. Equal treatment regardless of gender	81%
8. Equal treatment regardless of religion	100%
9. Equal treatment regardless of national origin	100%
10. Equal treatment regardless of disability	100%
11. Equal treatment regardless of age	85%
12. Equal treatment regardless of sexual orientation	100%
13. Equal treatment regardless of economic status	88%

Section III : Communication Skills

14. Clear and logical communications and directions	62%
15. Clear and logical written decisions	77%
16. Gave all parties an adequate opportunity to be heard	52%

Section IV : Judicial Temperamental

17. Understanding and compassion	33%
18. Dignified	60%
19. Courteous	48%
20. Conduct that promotes public confidence in the court and commissioner's ability	47%
21. Patient	33%

Section V : Administrative Performance

22. Punctual in conducting proceedings	85%
23. Maintained proper control in courtroom	76%
24. Prompt in making rulings and rendering decisions	94%
25. Was prepared for the proceedings	83%
26. Efficient management of calendar	75%

Section VI : Settlement Activities

27. Appropriately conducted or promoted settlement	69%
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