



## **MINUTES**

### **City of Scottsdale JUDICIAL APPOINTMENTS ADVISORY BOARD Regular Meeting Tuesday, January 11, 2022**

#### **Virtual Public Hearing**

#### **PRESENT**

##### **Board Members:**

Susan Galpin-Tyree, Chair  
Tricia Schafer, Vice Chair  
Brian Adamovich (Arrived 5:50 p.m.)  
John Gilbert  
Laura Ingegneri  
Joseph Kiefer  
Suzanne Marwil

##### **Staff:**

Stephanie Heizer, Assistant City Attorney  
Donna Brown, Human Resources Executive Director  
Autumn Asmus, Staff Coordinator

##### **Guests:**

Heather Renschler, Executive Recruiter

#### **CALL TO ORDER**

Vice-Chair Galpin-Tyree called the meeting to order at 5:43 p.m.

#### **ROLL CALL**

Members present as listed above.

#### **POSSIBLE EXECUTIVE SESSION**

Chair Galpin-Tyree noted that the Board has the ability to go into executive session with regard to items 5 and 6, if necessary.

## **1. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

Chair Galpin-Tyree opened the floor for nominations for chairperson.

BOARD MEMBER KIEFER NOMINATED SUSAN GALPIN-TYREE FOR THE POSITION OF CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER GILBERT SECONDED THE NOMINATION, WHICH CARRIED SIX (6) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFFER, BOARD MEMBERS GILBERT, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. BOARD MEMBER ADAMOVICH WAS NOT PRESENT. THERE WERE NO DISSENTING VOTES.

Chair Galpin-Tyree opened the floor for nomination for vice chairperson.

CHAIR GALPIN-TYREE NOMINATED LAURA INGEGNERI FOR THE POSITION OF VICE CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER KIEFER SECONDED THE NOMINATION, WHICH CARRIED SIX (6) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFFER, BOARD MEMBERS GILBERT, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. BOARD MEMBER ADAMOVICH WAS NOT PRESENT. THERE WERE NO DISSENTING VOTES.

## **2. APPROVAL OF DECEMBER 14, 2021, JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES**

Board Member Gilbert noted that at one point the term “commissioners” should be changed to “Board Members.”

Board Member Schaffer suggested removing the statement following the recommendation for reappointment of Judge Hendrix, “Board Members noted that they would not have voted positively for the motion if the recommendation for training were not included” be removed, because the statement does not reflect the opinion of every board member.

BOARD MEMBER SCHAFFER MOVED TO APPROVE THE DECEMBER 14, 2021 JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES AS AMENDED. CHAIR GALPIN-TYREE SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0) BY ROLL CALL VOTE. BOARD MEMBER ADAMOVICH WAS NOT PRESENT. THERE WERE NO DISSENTING VOTES.

## **3. APPROVAL OF 2021 JAAB ANNUAL REPORT**

Ms. Asmus noted that a few minor changes were made to the draft annual report since the last meeting. The updated draft was provided to Board Members ahead of this meeting.

BOARD MEMBER GILBERT MOVED TO APPROVE THE 2021 JAAB ANNUAL REPORT. BOARD MEMBER INGEGNERI SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0) BY ROLL CALL VOTE. THERE WERE NO DISSENTING VOTES.

## **4. PUBLIC COMMENT**

There were no comments submitted from members of the public.

## **CLOSE PUBLIC COMMENT**

### **5. DISCUSSION OF PRESIDING JUDGE CANDIDATES APPLICATION MATERIALS AND SURVEY DATA (IN ALPHABETICAL ORDER) AND VOTE ON CANDIDATES TO ADVANCE TO INTERVIEW**

Chair Galpin-Tyree asked the Board Members to note their preference proceeding with the discussion. She reminded the Board that they are required to choose a minimum of six candidates to interview and from those interviews, will recommend three candidates to City Council.

Board Member Marwil suggested that each Board Member talk about candidates that they feel stand out as a front runner.

Ms. Brown clarified that the City Charter residency requirement is for all charter officers, and stipulates a requirement to relocate to the City of Scottsdale within six months of appointment. The Presiding Judge is not defined as a charter officer. Therefore, as the charter is currently written, the presiding judge is not required to live in Scottsdale. City Council does have the option to include a residency requirement in the presiding judge employment contract. Heather Renschler from Ralph Anderson and Associates, is confident that the posted requirement to live in Scottsdale within six months of employment does not hinder the process, nor deter viable candidates from applying.

Chair Galpin-Tyree asked that each Board Member review information on the candidate they did due diligence on.

#### **a. Frankie Adamo**

Vice-Chair Schafer reviewed Frankie Adamo's application, noting that he has no sanctions or licensing issues in any state and that his background was verified by Heather Renschler. She said that his references had favorable comments. She noted his education and experience as follows:

- Earned JD from Florida A&M with honors
- BS in Computer Science from University of Central Florida, Orlando
- 2008 practiced in Florida
- 2009 moved to Phoenix, Arizona
- Has practiced both Civil and Criminal law
- General counsel at Ivan and Associates, 2020 to present
- Trial attorney with Law Office of Frank Adamo 2010 to 2020
- Arbitrator
- Judge pro tem with Maricopa County Superior Court
- Settlement conference judge – Texas
- Founder Mumford Realty Investments, LLC – California

Board Members had no questions.

### **b. William Baker**

Vice-Chair Schafer reviewed William Baker's application, noting that he has no sanctions or licensing issues in any state and that his background was verified by Heather Renschler. She said that the three references he offered had favorable comments. He listed raising guide dogs as a hobby. She noted his education and experience as follows:

- Earned his JD from University of Arizona
- May of 1988 admitted to Arizona Bar Association – also admitted to bar in Texas, California, and New York, as well as associated federal courts in those jurisdictions
- Moved to Munich, Germany in 2013 for four years
- 2009 to 2013 practiced domestic relations – Skaneateles, New York
- Practiced in California
- Civil practice – Texas
- Assistant City Attorney – Austin, Texas
- 2000 to 2002 Private practice, specializing in traffic and personal injury – Texas
- Private practice with public defender contract – Glendale, Arizona City Court
- 1990s – judge pro tem – City of Tempe, Arizona
- 1989 to 1997 prosecutor Maricopa County Attorney's Office – vehicular crimes
- 1980s prosecutor for City of Prescott, Arizona

Board Member Gilbert asked about Mr. Baker's move to Germany in 2013. Ms. Renschler said that he spent time in Germany because his wife had a high-level executive position that took them there. He is now living in Mesa, Arizona and has not practiced law for a period of time, but remains member in good standing of the Arizona Bar Association.

### **c. Marianne Bayardi**

Chair Galpin-Tyree reviewed Marianne Bayardi's application. She noted her education and experience as follows:

- Currently Assistant Presiding Judge with Phoenix Municipal Court
- Appointed member of the Arizona Supreme Court's Standing Committee on Limited Jurisdiction Courts – which focuses on quality of justice, efficiency of court operations, and access to courts
- Experience with Veterans Court, which is based on restorative justice
- Led the effort to establish a process within Phoenix Municipal Court by which defendants who are prohibited to own and carry firearms must show compliance (a program other communities are interested in instituting)

Chair Galpin-Tyree noted that Ms. Bayardi's references expressed their respect, trust, admiration and support for her. She cited comments that she feels illustrate her strong character as a public servant, a citizen, an educator and a friend. Comments she mentioned were as follows:

- Encourages collaboration and has the ability to engage others and enroll them while transferring a sense that their viewpoint matters, even through compromise and that agreement is a necessary ingredient to most complex issues

- Tenaciously and deeply committed to fairness, which serves as a backbone to her leadership
- Straightforward, honest, and reliable
- Creative, a diligent problem solver, intuitive
- Significant diverse and directly relatable judicial experience
- Has the capacity to control the courtroom
- She has the bench
- Has an excellent judicial temperament and maintains the respect of the court
- Bright, fair-minded, and sincere individual
- Enjoys a great reputation around the city courts
- Can get coalesced into a good working group – noted especially when she is acting as an educator of other judges
- Even-tempered
- Positive and effective demeanor and an excellent work ethic, proving that she's proven to effectively manage a large innovative complex and successful municipal court and staff
- Personally handles the calendaring of all jury cases, settlement conferences, and jury trials
- Efficiently directs weekly assignments for all judicial officers
- Has a key knowledge of the municipal court processes
- Strong leadership, balances out leadership with a good balancing force
- Conducts herself with humility and high regard for humanity; respectful of everyone
- Sees all sides of an argument
- Sharp legal mind, razor intellect, analytic in thought process
- Persuasive in her support of criminal justice innovation
- Has an ever-present commitment to treating everyone with courtesy, respect, and dignity, that goes hand-in-hand with her personal attributes of the highest character
- Does not lose sight of people
- All people are heard in her court (cumulative sentiment from all of the references)

Board Member Kiefer asked if Chair Galpin-Tyree heard anything through her due diligence that was not as stellar as she reflected. Chair Galpin-Tyree said that she did not hear anything contrary to what she has mentioned. She said that people were quick to return her calls and were delighted to talk with her.

#### **d. William Horne**

Board Member Adamovich reviewed William Horne's application. He noted his education and experience as follows:

- Currently attorney at Wilenchik & Bartness Law Office and serving as an Assistant Attorney General, representing the department safety hearing trials and other matters related to juvenile dependencies
- Previously had his own law practice in Scottsdale
- Deputy Attorney General in Indianapolis
- Started his career path as a journalist and realized he was interested in being an attorney

Board Member Adamovich noted that Mr. Horne's former superior spoke highly of him and how he handled his transition from being a news reporter to a law student, to an attorney and beyond. A judge in Indiana spoke highly about Mr. Horne, commenting how lucky Arizona is to have him. Another judge touched on Mr. Horne's ability beyond cut and dried being an attorney, his management skills, demeanor, and professionalism. Both references used the term "invaluable asset."

Board Member Adamovich added that he felt that Scottsdale would be in great hands with someone like William Horne.

Board Members had no questions.

#### **e. Orest Jejna**

Board Member Kiefer reviewed Orest Jejna's application. He noted his education and experience as follows:

- Started career with a solo law practice
- Maricopa County Public Defender's Office
- Associate at a law firm
- Private practice for approximately 16 years
- 2001 to present City of Scottsdale Associate Judge

Board Member Kiefer recalled that the Board was impressed with the survey results and other information presented during Judge Jejna's reappointment in 2021. He was recommended for reappointment by unanimous vote. He commented that his reappointment stood out from the other reappointments done in the past year.

Board Member Kiefer noted that he talked to approximately 15 people. He focused on asking them how they perceive Judge Jejna in an administrative role. Responses were as follows:

- Outstanding innovator
- Great administrator
- Tech savvy
- Fantastic with people including members of the public, litigants, witnesses, staff, prosecution and defense attorneys
- Able to work with both sides of the courtroom

He said that he found nothing negative during his review.

Board Member Marwil said that she had several people from Superior Court offer glowing comments about Judge Jejna. She added that during a judicial conference, he made a point of introducing himself and keeping connections. He seemed comfortable interfacing with people.

Board Member Gilbert said that he had a similar experience with people making unsolicited recommendations about Judge Jejna as a candidate.

**f. John Lamb**

Board Member Marwil reviewed John Lamb's application. She noted his education and experience as follows:

- Master's in public administration
- Various judicial jobs over approximately 26 years in a variety of jurisdictions, including small counties and tribal
- Presiding magistrate for Tolleson City Court

Board Member Marwil said that he seemed to move seamlessly from one jurisdiction to another. She noted that she was not successful in reaching all of Mr. Lamb's references, because email addresses were incorrect. A couple of the people she spoke to had nice things to say, but were not aware that they had been listed as a reference on his application, which she found odd.

As a follow-up, she contacted colleagues of Mr. Lamb and was informed about a 2010 judicial complaint under the canon of ethics, which states that "You are a judge 24/7." The public complaint was provided to JAAB members as part of the package. He never had another complaint. Upon further investigation, people commented that they were confident that he would not find himself in that situation again.

Many people thought that he had done a lot of things to help relationships between the tribe and some of the people not in the tribe in the community where he lived and opened communication with people who did not trust the court system.

Board Member Marwil noted that she reached out to some people who were not listed as references and not everyone returned her call. She also found it strange that Mr. Lamb said that he would only leave his current job to come to the City of Scottsdale Presiding Judge position, because it was the one he felt worthwhile.

She said she finds him to have a very interesting and varied career.

Board Members had no questions.

**g. Pierce Sargeant**

Board Member Ingegneri reviewed Pierce Sargeant's application. She said that he has no sanctions or licensing issues and that his background was verified. She noted his education and experience as follows:

- Received his JD at Loyola
- MBA as well as his undergraduate degree from ASU
- Has worked for the past year as an attorney for Quintairos, Prieto, Wood & Boyer
- Previously as partner in other firms
- Was an assistant attorney general

Board Member Ingegneri was able to reach two of the three references listed on his application, both of whom gave positive comments about his character, temperament and competency.

Board Members had no questions.

#### **h. Victoria Torrilhon**

Board Member Gilbert reviewed Victoria Torrilhon's application. He noted that he reviewed her application and was impressed with the information provided.

He said that Ms. Torrilhon was in business for a number of years before going to law school. He opined that business experience is good to the extent that as a presiding judge she would not only be a judge, but would also be handling people.

References he spoke to had glowing comments and talked about her skills and work ethic. Comments he mentioned receiving from references were as follows:

- Hardest working associate
- Extremely detailed
- Excellent writer
- Spot-on in legal analysis
- Very smart
- Detail oriented
- Excellent personality that can be firm, measured, and diplomatic
- Easy to work with
- Works great with legal assistants
- Very pleasant
- Judicial nature
- Good at listening
- Has a quick smile
- Delight to work with
- Reacts in a measured way and is willing to see issues from both sides

Board Member Gilbert commented that all comments were positive and he thinks Ms. Torrilhon is an excellent candidate.

**BOARD MEMBER KIEFER MOVED TO GO INTO EXECUTIVE SESSION. BOARD MEMBER GILBERT SECONDED THE MOTION.**

Board Member Kiefer noted that during Executive Session he would like to share information that was provided to him and discuss whether or not this information should be shared on the public record.

**THE MOTION CARRIED SEVEN (7) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFER, BOARD MEMBERS ADAMOVICH, GILBERT, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.**

**EXECUTIVE SESSION 6:35 – 6:55 P.M.**

Discussion ensued regarding which candidates to interview. Consensus of the Board was to interview only the required six candidates, eliminating two. Chair Galpin said the two she was least impressed by were John Lamb and William Baker.

BOARD MEMBER MARWIL MOVED THAT THE BOARD INVITE FRANKIE ADAMO, MARIANNE BAYARDI, WILLIAM HORNE, OREST JEJNA, PIERCE SARGEANT, AND VICTORIA TORRILHON TO BE INTERVIEWED ON JANUARY 29, 2022. VICE-CHAIR SCHAFFER SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFFER, BOARD MEMBERS ADAMOVICH, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. BOARD MEMBER GILBERT DISSENTED.

Board Member Gilbert explained that he can identify five candidates that he would be interested in interviewing. He would have supported interviewing Marianne Bayardi, William Horne, Orest Jejna, John Lamb, Pierce Sargeant, and Victoria Torrilhon.

## **6. DISCUSSION OF PRESIDING JUDGE APPOINTMENT AND INTERVIEW PROCESS**

Board Members made suggestions, discussed questions that would be asked, and length of time for each interview. Board Member Adamovich noted that he would not be able to attend the meeting on January 29th. Board Member Schaffer said that due to COVID concerns, she would not be able to attend in person. Ms. Asmus confirmed that the meeting could be made available as a hybrid, so ZOOM will be available for those who wish to attend remotely.

Ms. Renschler noted that candidates were informed that in-person interviews would be the preference of the Board.

Chair Galpin-Tyree closed the discussion.

## **7. FUTURE AGENDA ITEMS**

No additional items were suggested.

CHAIR GALPIN-TYREE MOVED TO REOPEN THE DISCUSSION OF THE PRESIDING JUDGE APPOINTMENT PROCESS REGARDING LENGTH OF TIME ALLOTTED FOR EACH INTERVIEW. BOARD MEMBER GILBERT SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFFER, BOARD MEMBERS ADAMOVICH, GILBERT, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Discussion ensued regarding time allotment for each interview. It was the consensus of the Board Members to schedule 30 minutes for each interview.

## **ADJOURNMENT**

There was no motion made for adjournment.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 7:30 p.m.

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