



**City of Scottsdale  
JUDICIAL APPOINTMENTS ADVISORY BOARD  
Regular Meeting Minutes  
(Presiding Judge Interviews)**

**Saturday, January 29, 2022**

**City Hall, Kiva Forum  
3939 N. Drinkwater Blvd  
Scottsdale, AZ 85251**

**PRESENT**

**Board Members:**

Susan Galpin-Tyree, Chair  
Tricia Schafer, Vice Chair  
John Gilbert  
Laura Ingegneri  
Joseph Kiefer  
Suzanne Marwil

**Absent:**

Brian Adamovich

**Staff:**

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

**CALL TO ORDER**

Vice-Chair Galpin-Tyree called the meeting to order at 9:04 a.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 4 and 6 if necessary.

### **1. APPROVAL OF EXECUTIVE MEETING MINUTES OF DECEMBER 14, 2021**

BOARD MEMBER GILBERT MOVED TO APPROVE THE DECEMBER 14, 2021 JUDICIAL APPOINTMENTS ADVISORY BOARD EXECUTIVE MEETING MINUTES. BOARD MEMBER KIEFER SECONDED THE MOTION, 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. THERE WERE NO DISSENTING VOTES.

### **2. APPROVAL OF JANUARY 11, 2022 JUDICIAL APPOINTMENTS ADVISORY BOARD DRAFT MEETING MINUTES AND EXECUTIVE MEETING MINUTES**

BOARD MEMBER GILBERT MOVED TO APPROVE THE JANUARY 11, 2022 JUDICIAL APPOINTMENTS ADVISORY BOARD DRAFT MEETING MINUTES AND EXECUTIVE MEETING MINUTES. BOARD MEMBER KIEFER SECONDED THE MOTION, 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. THERE WERE NO DISSENTING VOTES.

### **3. PUBLIC COMMENT**

There were no comments submitted from members of the public.

### **CLOSE PUBLIC COMMENT**

### **4. DISCUSSION OF ADDITIONAL REFERENCE CHECKS OR ADDITIONAL INFORMATION RECEIVED RELATED TO THE SIX CANDIDATES BEING CONSIDERED**

There was no additional information discussed.

Chair Galpin closed the item.

### **5. INTERVIEWS OF JUDGE CANDIDATES**

Interviews of each candidate are summarized as follows:

- a. Frankie Adamo                      called at approximately 9:11 a.m.**

Chair Galpin-Tyree gave Mr. Adamo a brief overview of the interview process.

Board Member Ingegneri asked Mr. Adamo besides what was provided in his application materials, what else he would like to share regarding his qualifications, accomplishments, or

desire for appointment. She also asked if there was anything he wished the Board to be aware of that might impact his appointment, relative to his standing with the Arizona Bar.

Mr. Adamo responded that his standing with the Arizona Bar is impeccable. He asked if that was the answer that she was looking for. Board Member Ingegneri said that it is a standard question the Board is asking all applicants.

Mr. Adamo said that over time he has had some client complaints, but they never came to any fruition and mostly had to do with the clients being dissatisfied with the outcome of the case. He said typically it is not within his control as a lawyer how the outcome comes out. That's really the outcome of the judge. You never know what the judge is going to decide. It never went any further than that. Other than that, there is nothing else; no other infractions.

He said that as far as his qualifications, he has never been a judge, but he has been a settlement judge and worked pro tem, because he desires to be a judge. He's been a lawyer for about ten years and realized that he may serve better as something else. He said that he enjoys the adversarial aspect of lawyering, but feels like he is more even headed and more reasonable and is testing that in his pro tem work. Recently, he has been doing settlement conference work and has had three so far and has settled every one of them. When he approaches a case, he has on his mind how the judge will view the case. A lot of times, he has two different issues to consider and puts the issue he feels the judge will be interested in first. He said that he realizes that other applicants may have been judges and he is a lawyer, but it has been a goal of his. If he does not get this job, he will continue to seek out other appointments and feels that somehow it will happen.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Mr. Adamo would take to accommodate defendants who have limited English speaking skills or other special needs.

Mr. Adamo said that he would without question accommodate those with language issues. He mentioned that a few years ago he had an experience where a pro tem judge handled the case and adjudicated it even though the person had a problem communicating clearly with the court. He said it struck him as very strange, because people are coming to the court and asking a judge to decide something for them and the judge has to be able to listen to the defendant or litigant to understand the issues. If someone has a problem with communications, he would take painstaking measures to make sure that he could understand them and get to the bottom of what the dispute is.

Chair Galpin-Tyree asked what he would do about other special needs.

Mr. Adamo said someone could be deaf/blind and he would make accommodations to make sure that they could communicate their case and understand what is going on around them. He commented that it could be financial disability as well; some people may not be able to afford representation or the ability to come forward. He thinks it is important for the court to provide that kind of assistance for people that qualify, to accommodate them with some kind of representation. He noted that the State of Arizona allows for people who are not lawyers to offer representation in certain cases, including court cases.

Board Member Marwil asked if Mr. Adamo is selected for the position of Presiding Judge how would he assess the efficiency of the court and what can be expected from him in his first 90 days.

Mr. Adamo said that within the first 90 days his priorities would include learning everything that he's required to learn to perform the task, because there will be a learning curve, especially because he has not been a judge before. Secondly, he would like to get to know the staff who would be working for him and would like to talk to them and establish a rapport. Because the judge is the boss usually in the courtroom, he has to establish relationships and working relationships and have respect for everyone.

Within the first 90 days he would hope to get into some cases, maybe orders of protection or DUI's or different cases and just start working on those cases. He would consider the efficiency of the court, such as how many times cases are being continued, whether cases are progressing in a timely manner, is justice being served, have there been a lot of delays, what are attorneys doing to sort of push cases out and expand the time. He would be cognitive of those things and try to judiciously carry the case. He commented that in Superior Court the rule number one is the rules are interpreted to carry out an efficient justice, so that's the rule number one, to be efficient.

Board Member Gilbert asked Mr. Adamo what tone he would want to set among the leadership team; what the culture of Scottsdale Courts would be under his leadership.

Mr. Adamo said that oftentimes as a lawyer he has to call the judicial assistant, because he has to get something done or has a holdup on a motion. One of the things he appreciates is when they are friendly and courteous and willing to help. So that would be one of the tones he would instill. He would make sure that staff treats everyone with respect and courtesy. He said another thing is that some people can start out being very respectful and then they are pushed. One of the things he has taught at the State Bar is that no matter how much someone pushes, you stay on the high road and stay professional. That would be another aspect he would instill, that everyone would be professional.

He said that the clerk will be his favorite person, they are his savior, taking care of stuff so that he doesn't have to worry about it. He said he doesn't know what kind of staff he would have, how many people would be working for him, but he would like to establish a relationship with the other judges, because they are the ones that will help him moving forward and becoming all he can be.

Board Member Gilbert asked how Mr. Adamo would describe his judicial demeanor.

Mr. Adamo said he considers judicial demeanor as judicial temperament. He said that he expects that he would be patient, courteous, show humility, and be dignified. He would expect the same in return from jurors, witnesses, lawyers, and staff.

He commented that he remembers Brett Kavanaugh was disrespectful to senators. He would never be disrespectful regardless of how he felt about someone. He would maintain professionalism, knowing that he has a job to do, because people are coming because they are not able to resolve a dispute. As a lawyer, he tries to keep people away from the judge and

tries to settle the dispute. He tells clients that they do not want the judge to decide their case, because then they don't have any control of the outcome. He knows that they are relying on him to make the right decision for them.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Mr. Adamo what has been the most innovative change that he has made that increased efficiency of any process, particularly related to the use of technology.

Mr. Adamo said he can describe it in one word, his iPad. He said that he uses the iPad and can put things on the screen so he can do all these things. He was in a case where he had video depositions and was able to put on the screen video depositions for the jury. Smaller devices like iPads and the court having facilities that allow that to occur really helps. The court is trying to get to the bottom of a dispute, what are the facts, and that type of technology really helps to present the facts that are needed to make a decision.

Board Member Kiefer asked if there was anything more of an institutional implementation, beyond his personal use of a device or technology, but one that he has been able to more broadly institute in any organization.

Mr. Adamo said that the term institution was too broad. He asked if Board Member Kiefer was referring to things that would be used to try a case. He suggested that that might be a question to ask a judge, because a judge has already had that experience and he has not been a judge yet. Being a lawyer, he is looking at it from a different perspective.

Board Member Kiefer suggested he include something in his law firm or from another employment experience that is not judicially focused; any time that he has instituted innovation or change and in particular if it involved a technology component.

Mr. Adamo said that lawyering was not his first career. His first career was as a computer system analyst. He embraces technology and knows the limits and dangers of technology. He has always been keen to use technology and if needed would do a video deposition, for example. He said the best answer he can give is that he's aware of technology, keeps up with technology, understands technology based on his background and understands its limits and powers and will use whatever capabilities are available.

He mentioned that recently he has been using ZOOM to conduct hearings. He has not been in a courtroom for a long time, because most of his hearings have been ZOOM hearings. He said he is impressed with the technology. He recently did a settlement conference with ZOOM and was able to have two parties and use the rooms. He thinks ZOOM technology may have changed our lives and we don't even know it, because there is going to be a lot of opportunities to come into a courtroom and do it through ZOOM.

Chair Galpin-Tyree offered Mr. Adamo an opportunity to provide a closing comment.

Mr. Adamo said in preparation for his interview, he watched the January 11, 2022 JAAB meeting video on YouTube, so he got to meet the Board Members before the interview. He knows that there are applicants who have stronger qualifications, so he appreciates that and

understands that he is not the strongest candidate. He mentioned that Board Member Adamovich said that you never know how somebody is until you get to meet them hear them and see them and hear what they have to say. He said that his career can't fit on one piece of paper, he would have to provide a book of everything that he knows, all the cases he has done, and accomplishments that he has made. He said the best he could do is come and show the Board who he is and what kind of person he is.

He said he has been recently doing the pro tem conferences. His first pro tem conference was in September. He was nervous because he's never done settlement before and he was able to settle that case and also settled the next two cases. In order to settle cases he has to have an idea of how to resolve disputes, which is what a judge does. It takes a lot of listening, a lot of fact finding, and following rules and the law and applying the facts to the law. A judge applies the law. He said oftentimes he finds that people aren't in the legal field, they see things in a certain way and it may not be the legal way, so it is the reality and the legality and oftentimes it helps them when a judge can explain that clearly.

**b. Marianne Bayardi called at approximately 9:54 a.m.**

Chair Galpin-Tyree gave Ms. Bayardi a brief overview of the interview process.

Board Member Ingegneri asked besides information provided in her application materials, what additional information Ms. Bayardi would like to share regarding her qualifications, accomplishments or desires for appointment. Also is there anything that might impact her appointment relative to her good standing with the Arizona Bar?

Ms. Bayardi said there is nothing that would impact her standing with the state bar or with the Judicial Commission.

She said that her career has been primarily in public service. She believes the judicial system works when people are willing to come into it and give it their best and be honest and ethical and reasonable. Certainly, it's the court's responsibility to provide due process but also equal access to the law. She has spent her career doing those things.

Ms. Bayardi said that during her time at the City of Phoenix, she has enjoyed being on the bench immensely. She enjoys the relationship she has with her colleagues and working with stakeholders when there's an issue that comes up that needs some sort of consensus or input. As the assistant presiding judge for the past three years, she has had that role to a greater extent. She thinks it's always important to engage people, whether it's staff or stakeholders, because oftentimes when you make a decision in a vacuum there are all sorts of unintended consequences that can't be anticipated. When you engage the group you can ferret out most of those things. It's a collaborative effort most of the time. There are times that a leader has to lead and make a tough decision and she is prepared to do that as well.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Ms. Bayardi would take to accommodate defendants who have limited English speaking skills or other special needs.

Ms. Bayardi said that in order for people to do things knowingly, intelligently, voluntarily, which is what's required when someone is entering a change of plea or waiving the right to counsel or waiving the right to a jury trial for example, it's important that those people understand what they are doing. With that in mind, it's imperative that interpretation services, whether Spanish or other languages, are made available. City of Phoenix has Spanish interpreters on staff and when there is someone who needs an interpreter of a different language, the court does their best to find someone who fits that role and to schedule the court dockets accordingly so they can have that person. As a backup, the language line is used, which is a phone service that offers whatever language might be needed. They are able to get someone in the moment. Ms. Bayardi noted that it is a little more difficult on the phone having the translation services and easier when it can be in person. It all comes down to making sure people are in a position to understand what's happening, make informed decisions, and when they finish with the court, that they know that they have been heard and that they've understood and been understood. She said that it's vital that when people come to the court, that they know they can be heard and understood and that they also have the opportunity to understand.

She feels it is very important whether its somebody that's using a language assistance person or someone who may be of somewhat diminished capacity, not so much that they would be Rule 11, which means that they would be not competent to stand trial. It is important that steps are taken to explain the proceedings. It is also true in cases of defendants who are not represented by counsel. They do not have an attorney to explain it to them, so it is incumbent on the court to make sure they understand what's happening. She said that she thinks of all of those things and those are the methods that she would use and steps that she would use as well of priorities in making sure someone has the assistance they need.

With regard to access to the court for people with disabilities or special needs, the court has obligations under the Americans with Disabilities Act (ADA). She is certain that the City of Scottsdale and all of its buildings have met those design requirements so there is physical access. It's also important to have an inviting environment for people, so that if there is somebody who has for example diminished capacity, but not so much that they would be Rule 11, that extra time is taken to make sure to explain what's happening and not rush through things.

Municipal courts have busy dockets and sometimes it's hard to remember, for example, that for the person in front of you this is their only driving on a suspended license case, even though it is the tenth one on the docket for the day. It is important to keep that in mind and give each person the time, attention, and dignity that's needed. That's not to say everyone can have an unlimited amount of time while being mindful of the docket. She said it is a balance of those things that is critical in the courts.

Board Member Marwil asked if Ms. Bayardi is selected for the position of Presiding Judge how would she assess the efficiency of the court and what can be expected from her in her first 90 days.

Ms. Bayardi said in terms of the efficiencies it's important to look at the courts. She said she understands that each division does its own scheduling and makes its own calendars, but it's important to make sure those are balanced so that someone coming into the court doesn't have a substantially different experience based on which courtroom they are assigned to. Certain

things in the court should be uniform without taking away the ability for judges to make their own decisions. She would take a look at that and at the time people are spending in custody. She would look at jail court operations, with the understanding that a new jail court project is underway. She has experience with the county when they put together the new jail and with Phoenix's contribution to that project. What is the court doing to try and help people to come to court and be successful in paying the fines and fees that they have assessed against them. She would look at all of those things and determine where the court stands with regard to efficiencies and what are the things that can be done to improve those areas. She would look to the judges, the staff, the stakeholders, the prosecution, the defense attorneys to form a collaborative effort to determine how the court is doing and where things can be improved.

In the first 90 days she would assess the culture of the court and the ways the court is working well. Her understanding of the reputation of the Scottsdale City Court is that there are many things that are happening well with regard to technology, innovation, with respect to having people come to court and have their cases adjudicated fairly and quickly. But she would want to meet with all of the players and have those meetings to determine what can be improved on, because even the best operations can be improved. She would spend a lot of time listening and then figure out where to go from there.

With regard to the jail court operations, she reiterated that she has experience with the Intake Transfer and Release facility. When she came on as assistant presiding judge in Phoenix, the project was under way, but there were things that needed to be changed about the way the operation was going and the courtroom setup. She worked with Superior Court, the contractors, and stakeholders to determine how it should be set up so that operations are smooth and safe. She believes she could bring those experiences to creating a jail court in Scottsdale.

Ms. Bayardi said she knows that Scottsdale City Court has several treatment courts. She has a great deal of experience with that, having presided over Veterans Court for four years in Phoenix. She knows that it is an integrative experience and takes everyone cooperating for that to work properly. That would be her way of working as well.

In her first 90 days, she would want to listen a lot, assess where the court stands, and then pick a few areas where improvements can be made, not just making a decision, but having more input and figuring out the best way to move things forward. She would want to take what is a fantastic court and take it to the next level with the help of all involved.

Board Member Gilbert asked Ms. Bayardi what tone she would want to set among the leadership team; what the culture of Scottsdale Courts would be under her leadership.

Ms. Bayardi said when she first started as the assistant presiding judge three years ago, she had one of those page-a-day calendars that was quotes and just about the first day there was a quote from Catherine the Great that said "I like to praise loudly and blame quietly." That's the approach she takes. She thinks it is important to be collaborative and thinks when there is an issue its important to address it at the quietest level possible.

When there is a particular situation, she will not send out an email to everybody, because everybody is not doing it. She thinks that when you take that broad approach, what happens is the people who need to hear the message probably don't, and the people who don't need to



hear the message think, well why am I being told that? I'm not doing that. She feels it is important to approach things on an individual basis as much as possible. She gave examples of times where she has approached things in a collaborative manner.

Ms. Bayardi said the culture that she has is an open door, she is always happy to hear from people and collaborate. At the end of the day, though, there are some decisions that fall to one person and for those she would be willing and able to make that decision, even if it's a hard decision.

A lot of those hard decisions were made during the last two years during COVID and she was an integral part of the team making those decisions. The last two years of COVID has been a tremendous training ground in leadership and she feels like it has given her a great edge going forward, having been through all of those things, being part of decisions relating to how the court would be run, and implementing those things.

Board Member Gilbert asked how Ms. Bayardi would describe her judicial demeanor.

Ms. Bayardi said before she got to the bench in the City of Phoenix, she was an administrative law judge and in that capacity she had a room and a recording device and it was just her and the parties. She said that was good training for becoming a judge, because she had to engage people, make sure things were going in the right order, and make sure people were given their due process. She learned how to speak to people in a way that would help them follow the rules. She brought that experience with her to the bench.

She believes all people deserve the court's attention, transparency, and to be treated with dignity. She said it is also important to keep track so that people know when it will be their turn to tell their story. Treating people with dignity, reminding them of the process so they know that they're going to have a fair chance to give their point, all of those things are really important. She tries to treat everybody whether on the bench or off the bench with dignity and courtesy, because at the end of the day we are all people and deserve that respect.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Ms. Bayardi what has been the most innovative change that she has made that increased efficiency of any process, particularly related to the use of technology.

Ms. Bayardi agreed that Scottsdale does have a reputation for being progressive, innovative, advanced technologically and she said she knows Scottsdale city court is paperless and has been for ten years, which is remarkable and something she would embrace wholeheartedly.

With regard to best practices and increasing efficiency and technology, she said before COVID, the way the process worked in the City of Phoenix was if someone was sentenced and they had something they needed to do as follow-up, a sentence review hearing would be set and that person would have to come to court and maybe it was just to say they completed 15 of their domestic violence classes or community restitution or whatever it may be. The judge would set another meeting again for a future date. During COVID they realized they needed to keep as many people out of the courthouse as was reasonable, so all the people who were coming in with sentence review hearings were moved to the telephonic system. They could send in their

materials to the court beforehand so the judge would have the opportunity to say okay, I see that you've done this, so we're going to continue your court case, but you don't have to come to court.

When there were questions, instead of having people come down to the courthouse, those could be addressed by telephone. The system was a challenge at first, but now has a good success rate. The system is better than people coming into the courthouse, in part because people who previously would have to take a whole day off of work because they had a job that doesn't allow them to take a half a day and navigate transportation to the court, just to be there for five minutes. Now those people have been able to stay in their communities, they are not missing time from work, they're not having to try to get transportation downtown, and more people are complying with the terms of their sentence. The system will be kept in place, because it is so much more efficient and effective and better serves the community. The ITR has improved the way they work and is always looking for ways to improve, not just for the sake of improvement, but because they want to serve the community, and at the end of the day that's the highest calling of the court is to serve the community

Board Member Kiefer asked her with respect to the telephonic review hearings, did she have a role in that that was more of a leadership driver of the process, a user of the process, and if it was more of a leadership role, can you describe that?

Ms. Bayardi said when COVID hit and they realized they were going to have to make modifications to the processes, the presiding judge called on her to lead that effort. She put together a team that included court staff, judges, members of the prosecutor's office, and members of the court-appointed defense attorneys and they got together and talked about what processes needed to be changed and how they were going to change those. In addition to the telephonic review, another thing that came out was a change to the way they see cases. They developed a system where at the first pretrial conference the defendant is expected to be present, and if they are represented by counsel they don't need to attend the next ones. They need to stay in contact with their lawyer to make sure they are going to be engaged and then they don't need to come back to the courthouse unless there's going to be a trial or a change of plea. That was another measure put in place as a means to try and make the courthouse safe, continue justice moving forward and make the process more efficient and effective

Chair Galpin-Tyree offered Ms. Bayardi an opportunity to provide a closing comment.

Ms. Bayardi said that the presiding judge position is really two jobs, one being an administrator and the other being a judge on the bench in the courtroom every day. She has spent the last three years in a similar role, on the bench every day hearing from lawyers, deciding issues, moving justice forward as well as working on administrative issues every single day. Before she became the assistant presiding judge, she sat on the bench for 12 years and had a busy calendar, a busy docket, looking for solutions, involved in committee work both at the court level and at the state level, always trying to improve the justice system individually and globally. She feels as though she is in a position to have done both jobs at once and to do both jobs at once successfully.

**c. William Horne called at approximately 10:52 a.m.**

Chair Galpin-Tyree gave Mr. Horne a brief overview of the interview process.

Board Member Ingegneri asked besides information provided in his application materials, what additional information Mr. Horne would like to share regarding his qualifications, accomplishments or desires for appointment. Also is there anything that might impact his appointment relative to his good standing with the Arizona Bar?

Mr. Horne said there is nothing that would impact his qualifications or eligibility to sit or affect him in any way, no ethical issues with being a judge or that would affect his impartiality. He feels that with his legal career and perhaps with his reporting career as well, he has been preparing for this position, not realizing it at the time. He noted that in his application he mentioned that he has had lots of contact with judges, mostly good, occasionally he ran into judges who modeled conduct he would not want to follow. At one time had a story published that ended with a public reprimand of the judge. Most of the judges he has had contact with, he has had wonderful relationships; it was a judge who persuaded him to go to law school. He went to law school with the intent to teach First Amendment law, but found that he loved law. he feels that being a judge is the best form of giving back to the community, being able to make a positive impact, and to leave this world in some measure a better place for having been in it.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Mr. Horne would take to accommodate defendants who have limited English speaking skills or other special needs.

Mr. Horne said he thinks a lot of the steps that are important to take have already been outlined in the Supreme Court report that was published a few years ago. He mentioned that the Scottsdale presiding judge has implemented some of those recommendations, including things like ankle bracelets that allow people to continue working. He believes it is important to continue implementing those recommendations. Examples would be offering videos and programs in Spanish, having programs that assess bail, whether the person goes to jail on a risk assessment not a schedule, those sorts of things that allow the judge to try to have a positive impact not only on the defendant, but on the community. He feels that it is also important to go slowly with implementations, and to get buy-in from all the stakeholders.

He said that Scottsdale already has an excellent reputation among municipal courts. There are lots of ways to improve and the court should always try to improve access to everyone regardless of their gender, diversity, socioeconomic status, race, religion or what have you.

Board Member Marwil asked if Mr. Horne is selected for the position of Presiding Judge how would he assess the efficiency of the court and what can be expected from him in his first 90 days.

Mr. Horne said as an attorney who has not been practicing in Scottsdale municipal court, it would be presumptuous of him to say these are the things that the Scottsdale municipal court should do. He thinks that the first 90 days would be to spend a lot of time assessing and talking to people. He believes that one of the most important functions of impartiality as a judge is being able to listen to people; in terms of being an administrator the same is equally true. When

he was an editor he had a team of reporters underneath him and he always believed that his task as their manager was to make it possible for them to demonstrate their best. In the first 90 days, a lot of his time would be spent listening to people, hearing what they had to say and trying to find ways that would allow them to do their best; that would apply to everyone from the bailiff to other judges.

Board Member Gilbert asked Mr. Horne what tone he would want to set among the leadership team; what the culture of Scottsdale Courts would be under his leadership.

Mr. Horne said the culture should be one of service. He believes the court should endeavor to find ways to allow people to bring out their best. At the same time, he would want the Scottsdale city courts to continue being a place where if a defendant comes to court, he knows at least somebody is going to listen to him. He thinks it is extremely important in terms of maintaining the integrity of the court and maintaining that as an institution that helps Scottsdale grow as a community. It is important that Scottsdale courts are seen as places where justice is administered and an important part of justice. He believes there is a procedural component, but there's also the component of did I have the opportunity to have my say, was somebody actually listening to me? When that happens, regardless of the outcome most of the time, parties leave feeling at least that they had their day in court.

Board Member Gilbert asked Mr. Horne to describe what he anticipates would be his judicial demeanor.

Mr. Horne said that when his stepdaughter first met him she said "You should be a judge." He is hoping that that meant he has the sort of a demeanor that is patient, respectful, and listening to people. He doesn't believe that judging, per se, is about judging. It is more about listening and hearing what people have to say, applying the law to the facts, facts to the law, and trying to be as impartial and dispassionate about it as possible, while weighing in the defendant's ability to be rehabilitated or reformed or whether the sentence will have some sort of deterrent effect. Also to consider does the community need to be protected in some fashion, could community service be a viable option. Community service was one of the recommendations that there should be more attention to community restitution, community service, and the fair justice for all of the Arizona Supreme Court.

He hopes his demeanor is one that is respectful and listens to people and is patient and perhaps people say well, you know he measured out some measure of wisdom in his approach.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Mr. Horne what has been the most innovative change that he has made that increased efficiency of any process, particularly related to the use of technology.

Mr. Horne said technology is very important. He has been involved in trying to understand ESI and other forms of discovery and so forth. He hasn't been involved in actually adopting or trying to promote some sort of technological innovation in his law practice. He is aware that Scottsdale has a great reputation in terms of technology and thinks that needs to continue. He would do his best to try to promote technology and continue to study municipal courts. He noted that Harvard Law Review just came out with a wonderful study of municipal courts last

year that outlined lots of areas in which improvements could be made. He thinks it is always important to stay abreast of what other municipalities are doing and try and continue Scottsdale being a progressive court where people know they can come in and will be treated fairly.

Board Member Kiefer asked Mr. Horne to consider his entire work history, any types of innovation or change that he's implemented that's improved efficiency of an organization.

Mr. Horne said when he started out as an investigative reporter for the Indianapolis Star, they started out with older computers that could hold very little data and used an analytical study in their investigation of political corruption in the department of correction in Indiana. At that time that was very innovative and they thought it was incredibly a lot of fun to be able to enter all these records and analyze them through a database that no longer exists.

Chair Galpin-Tyree offered Mr. Horne an opportunity to provide a closing comment.

Mr. Horne said municipal courts are not courts of record and they are courts that are part of the state judicial system, but obviously to some extent answer to the City of Scottsdale as well. He believes very strongly that a quote from an Alabama judge is true and they are sort of the "front porch of the judicial system." They are the place where most people may have their first experience with the law. He believes the municipal court can make a positive impact for their community and for the defendant.

He noted that there is a theory about broken windows of policing and he thinks municipal courts are sort of the area where small problems can be addressed before they become big problems, which is important. It can be a turnaround for many persons who come before the court. It is an opportunity to do some justice.

Mr. Horne said there are lots of ways courts can improve and Scottsdale has already undertaken many of them. For example they are having specialty courts such as mental health courts, veterans' courts, drug courts. He will try to promote of Scottsdale municipal courts in working with those courts. He thinks there are lots of ways in which municipal courts interact with citizens which really affects the quality of life in Scottsdale for citizens and people who work in Scottsdale and tourists who come to Scottsdale.

Board member Marwil said that the presiding judge's job is really two jobs in one, one being an administrator and the other to be a judge. She asked Mr. Horne how he would balance the learning curve of transitioning from lawyer to judge while having to oversee an administrative role at the same time.

Mr. Horne said that the balance of that is the way he has approached anytime he's undertaken a new position, and that is to listen to people, talk to people, gather information, and try to do that as efficiently as possible. He said that there is obviously a huge learning curve, but there is always a learning curve anytime you take on a new role. As far as being the presiding judge, he does have experience as an observer, as a newspaper reporter, when he covered city government and state legislatures. He had good interactions with the city officials that he's met in the past. He is familiar with the role, but it is still a new role and would be one in terms of learning to maintain those relations to the benefit of the municipal court. He said he would listen and learn. It is a transition but he has no doubt that he could accomplish it well and efficiently.

**d. Orest Jejna**

**called at approximately 11:18 a.m.**

Chair Galpin-Tyree gave Mr. Jejna a brief overview of the interview process.

Board Member Ingegneri asked besides information provided in his application materials, what additional information Mr. Jejna would like to share regarding his qualifications, accomplishments or desires for appointment. Also is there anything that might impact his appointment relative to his good standing with the Arizona Bar?

Mr. Jejna said he has an excellent standing with the bar. He has never had any issues with the bar.

He said his qualifications to some degree might be repetitive. He has been in the criminal justice system for over 40 years. He graduated in 1979 and has been in the criminal realm ever since, primarily in Arizona since 1981. He spent 20 years in Maricopa County Superior Court as a practicing lawyer, primarily practicing in Arizona as well as Maricopa County, but has practiced in federal courts throughout the country. He has tried cases in the State of Iowa on some complex drug cases where he was representing individuals. He was a defense lawyer for that 20-year time period. During that time, he developed a reputation in the legal community which carries with him to this day. In 1999, Judge Morgan, the Presiding Judge at the time, brought him in as a pro tem. It was a part-time position that developed into substantially more than that, when he took over Division three. He was appointed as associate judge in 2001.

Mr. Jejna said he has spent his career at a court and has learned the ways of the court within the system itself. He has been at Scottsdale City Court for over 21 years and has been the second ranking member for the last 11 years. In that time, he has performed duties as the associate judge as well as administrative duties. He works with other administrators in terms of infrastructure issues, procedural issues, and mechanical things, such as bringing in juries for jury trials. There isn't anything in the City of Scottsdale court system that he has not done as a judge, including assisting the Presiding Judge in an administrative capacity.

The Presiding Judge In Scottsdale is an active judge with an active calendar, doing cases Monday through Friday. Mr. Jejna characterized the position as 80 percent a practicing judge on the bench and 20 to 25 percent handling administrative matters. He said he has the qualifications and has a proven track record for the last 21 plus years of being in the courtroom doing the job the same as a presiding judge would be doing. During the 20 years that he was a practicing lawyer, he was also a businessman.

The court has been run the last 11 years as a business. There are constituents that the court has to abide by, providing them with services. They have worked to enhance those services over the years with innovation, being the first leader in many categories.

An example of his business experience was in the late 1980s he worked with his family to open a business in the former Soviet Union. He noted that his family is Ukrainian and he was the first person in his family born in the United States. When Ukraine became independent, he ventured out with his father and a partner in a joint venture on a business prospect to open a pizza

restaurant in western Ukraine. He was responsible for coordinating shipping equipment from the United States through Moscow. This was a passion for him for many years and the business still exists, although he is not an active partner.

From the business perspective he has managerial experience in dealing with budgets, employees and infrastructure issues. Especially starting a business in a former Soviet republic was a challenge.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Mr. Jejna would take to accommodate defendants who have limited English speaking skills or other special needs.

Mr. Jejna said the city court has a Spanish interpreter on staff. The jurisdiction attracts people from all over the country and the world, especially during season and so they could have a number of different dialects. If it's identified early on, sometimes in arraignment court, they typically stop the proceeding, postpone it and obtain through services an appropriate interpreter. If it is an arraignment type issue or an initial appearance issue in jail court they can also accommodate that with a special telephonic line. There is a service that's available that will provide a language interpreter where you can at least get the basics done. He has used that line on a number of occasions, although it is not his preferred method, because many times these individuals are more conversational speakers than they are technical legal speakers and a lot of times when they are doing, for example an initial appearance in the jail court, they have to provide things like constitutional rights, providing them with all of those issues regarding reasonable doubt, and so on and are using legal terminology that the linguist on the other end is typically not that familiar with. So they get the basics done in terms of release conditions and so on and then would formally obtain the services of an interpreter who would come to the courthouse.

Mr. Jejna said there are other needs that come into play, special needs issues, whether it be a wheelchair that might be requirement or any other type of services that might be necessary, including American Sign Language issues that are provided for. Providing accessibility services is part and parcel of the procedures that are in place at the courthouse.

Sometimes the court will have individuals with mental health problems. Usually if that's a situation where they've been brought in, there are services for mental health issues where orders are provided in terms of a mental health hospital for a 48- or 72- hour period for them to be taken care of, and that is typically done hand in hand with the detention staff once an issue has been identified. The court is keenly aware of special needs, whether it be linguistic, physical issues, or mental health issues and has accommodations for all.

Board Member Marwil asked if Mr. Jejna is selected for the position of Presiding Judge how would he assess the efficiency of the court and what can be expected from him in his first 90 days in this new position.

Mr. Jejna said the court is ever changing and everyone has been challenged during this time period both in the judiciary, but business overall. In the first 90 days, he thinks some infrastructure issues that could be attended to. This is something he has kept an eye on for several years. One in particular is the jury assembly room. In the past, it was sufficient, but

during COVID it has proven to be rather small and unaccommodating under the AOC regulations. The full group cannot be accommodated in that room, so they have to be separated, which is not ideal because they are required to go through an indoctrination before the jury trial process starts.

One of the first things Mr. Jejna would conduct a thorough review of the infrastructure issues. He noted that he has already started the process. He has talked to the Presiding Judge and indicated what the issues are and he has been given the green light to go forward on these issues. Mr. Jejna further explained the problem and solution with the jury assembly room. He said the process of making the room more user friendly has begun and the next thing will be to bring in furnishings. In the future infrastructure issues will have to be discussed.

Mr. Jejna gave some history of the courthouse, dating back to the intergovernmental agreement with the County Justice Court, which has since moved out. From an infrastructure perspective, the building is a labyrinth of hallways. He believes there should be a much smoother operation from that perspective. The building is essentially split in two, one side is customer service along with two courtrooms and some of the civil courtrooms. The other side has three courtrooms. From a perspective of feng shui mechanics, it is not ideal and could be better. In his first 90 days, he would like to see an assessment to find out what can be done to enhance operations.

He also spearheaded the innovative portion of the court in terms of not only innovation from text messaging and assisting individuals to making their court dates, but also utilizing Teams or Zoom type capability. Judge Olcavage gave him the go-ahead approximately 18 months ago and he and his staff made it happen. Mr. Jejna noted that he has a young staff that understands electronics, media and everything involved in IT. They are his heroes, because they put Scottsdale city courts on the map.

He gave an example of innovations that they have implemented to replace the iPad use in the jail court. He said to picture he is sitting in his chambers at his computer and they are utilizing the iPad in jail court where his face comes up on the iPad. That iPad was held approximately 15 to 20 feet away from the defendant. He could tell that a lot of times the defendant had a hard time hearing, so he had the staff place the iPad in a chair directly in front of the defendant. That system worked for a while, but he remembered several years ago he and his wife and family were at Stanford at Palo Alto and were walking on the street, when all of a sudden a vacuum cleaner with a computer monitor on top comes up and began speaking to them and rolling along with them. It was a person somewhere in Texas speaking to them in the monitor as they walked down the street. He thought to himself, why can't that be done in the jail court? Why can't we get a rolling monitor like that? The court did not do a requisition for something like that because it was probably too expensive, but he did talk to the IT people and asked if they could make this better and they came up with a television monitor mounted on a platform that is movable by staff. His staff was able to put together a 55" television monitor on a rolling stand that can be placed in a position in front of the defendant that makes communication between them and the judge more efficient. He is also excited about this technology, because he is able to conduct court from anyplace. He thinks the court needs to continue to develop the process and is extremely excited about this vision that he has been given to continue with this process. It comes in handy not only in jail court, but in other areas. For example, one time he was on vacation in New York and jail court staff forgot he was on vacation. At 11:30 New York time, he got a text message saying he was needed in jail court. Luckily he had his equipment set up and



was able to log in and was ready to go. He conducted the proceedings of the jail court from 3,000 miles away.

He said that he thinks technology that is now available is going to get better and it is something that Scottsdale City Courts can lead the country in terms of providing those capabilities. Within his first 90 days, he would like to initiate further advancements in being able to take technology to the next level.

Board Member Gilbert asked how Mr. Jejna would describe his judicial demeanor.

Mr. Jejna said he's worked on his judicial demeanor from day one. He said that he is humbled by things people say about him. He has worked long and hard on his integrity. As a lawyer, integrity is what they have that's their basis. When he walked into the courtroom as a litigator that was his home, that's where he felt comfortable and he loved his job, but he knew that at some point in time those days of litigation would be over. His goal was to become a judge. He knew that to be a judge he would need to have integrity, have heart, to listen to people, and he tried at an early part of his career to do just that and it carried with him. People remember him. He hopes to take it to the next level. He said his judicial demeanor is one of listening and providing guidance. He said sometimes as a judge you have to be judicial, sometimes you have to be a counselor, and sometimes you just have to be a friend, it depends on who is in front of you. His judicial demeanor is that he has been able to read people and he tries to address that individual with what they need and it is different for everybody.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Mr. Jejna what has been the most innovative change that she has made that increased efficiency of any process, particularly related to the use of technology.

Mr. Jejna said in February of 2020 he had a hip replacement, likely brought on from playing amateur soccer until he was 50. When he came back in March of 2020, just before COVID hit, they received a letter from the AOC announcing that part of the plan from the Supreme Court was to separate judges in preparation for the pandemic, to get them separated so if some staff get sick those judges can come back. On March 15, 2020, at 10:30 a.m. the court administrator entered his office and told him to pack his things and get out as soon as he could. He was assigned as the judge to be out of the court in case something happens. There was no plan, and his objective at that time was to figure out something as far as how to run his court from home. That is where the iPad idea came in. Since the court is paperless, he did not have to have files transported each day, everything was available to him on the computer. Together with the help of his staff, a program was put together initially using an iPad. The court continued with the exception of jury trials. Litigants were sent a minute entry with the telephone number to call and a conference ID. He took five at a time and announced the last four digits of their phone numbers to discuss the case. Simply getting a bare-bones process in place kept the court going and they were able to maintain that throughout the course of COVID. The court is still doing it, while continuing to increase efficiencies. Mr. Jejna said he hopes he can continue to be able to work on increasing efficiencies in the court.

Chair Galpin-Tyree offered Mr. Jejna an opportunity to provide a closing comment.

Mr. Jejna said he would tell the Board a little bit about himself, starting with personal questions that he often gets. He said that yes, this is his real hair. He has a little bit of a Western New York accent, but does not have an European accent. His family came to the country in 1949 and he was the first born of his family in the United States. His mother and father were displaced persons for a number of years following the war and settled in Austria, but he is of Ukrainian background. He told a story about not being able to find a bicycle name plate with his name on it when he was a child. He also was required to attend Saturday school for 11 years when he was a child, learning Ukrainian culture, geography, language and anything relevant to Ukraine. He has always had a passion for soccer but was not good enough to play professionally. He learned guitar as a kid and still plays. He was at the soccer club for 12 years as a trainer and a coach when his kids were young. A couple of his players have moved on to play higher level soccer.

Other than playing guitar and having a passion for soccer and just being a regular person, he has a passion for human rights. He told a story about a time in 1985 when he became a plaintiff against the U.S. government for violating his rights to speak with a potential client, when a Ukrainian sailor jumped a Soviet ship in Belle Chasse, Louisiana and was seeking asylum.

Mr. Jejna thanked the Board for giving him the opportunity and the leeway to speak as he has spoken. He takes the honor dearly and hopes to be able to lead the court to the next level of performance.

**e. Pierce Sargeant                      called at approximately 12:55 p.m. (appeared virtually)**

Chair Galpin-Tyree gave Mr. Sargeant a brief overview of the interview process.

Board Member Ingegneri asked besides information provided in her application materials, what additional information Mr. Sargeant would like to share regarding his qualifications, accomplishments or desires for appointment. Also is there anything that might impact his appointment relative to his good standing with the Arizona Bar?

Mr. Sargeant said he got his bachelors and MBA from Arizona State University and attended Marymount Law School. All of those were great ways to develop and get a bigger and broader understanding of the different issues that impact both society and also the judicial system in general. Throughout his career, he has focused exclusively on trying to better his community. He has focused on trying to pursue opportunities that help him develop and also that help him develop the community. Those are things that are important to him.

He said he was born in Phoenix, grew up in Paradise Valley and purchased his first home in Scottsdale. Scottsdale has been a special place in his heart and is a unique place in the things that it offers, but also is going to face challenges in the future. He said he has a lot of diverse knowledge as it relates to the City of Scottsdale and the issues that are ongoing in the city.

Mr. Sargeant said there is nothing in his background that would have any impact with his standing with the Arizona bar. He noted that he recently went through the character and fitness process to be admitted to the Colorado bar.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Mr. Sargeant would take to accommodate defendants who have limited English speaking skills or other special needs.

Mr. Sargeant said there are a number of resources that are available to the courts and the judicial system in general, call-in opportunities to call in to different interpreters in different dialects and there are different ways to accommodate those people either through interpreter services or other software and other services that are out there. He thinks those are very important in providing access to everyone and to the court system. There are different software and different modes that are available for people that need other accommodations, whether it be visual or hearing impaired. There are different ways to accommodate those, it just depends on what the issue is and what would be the best alternative for accommodating that specific need. A number of fairly inexpensive resources are available that are very efficient in the way they can be used in the court system.

Board Member Marwil asked if Mr. Sargeant is selected for the position of Presiding Judge how would he assess the efficiency of the court and what can be expected from him in his first 90 days.

Mr. Sargeant said with regard to assessing the efficiency, that he would be looking at how people come through the process and how they are able to make it from the first moment they interact with the court until the time that they are finalizing and getting a resolution to their matter. He would be looking at the steps and the time of getting someone through that process from when they check in until the time that they check out, and also looking at the ways that people interact with the court's office and the efficiencies as it relates to there. He said there are a number of different tools that the city uses both online and over the phone and some of those are creating efficiencies, but some of those may also have an impact on the efficiency. Looking at each one of those as it relates to the people who are coming into the court is really the way to evaluate the efficiency.

He said within his first 90 days, he would be trying to look at what are those sorts of bottlenecks, the areas that are having the biggest problems, trying to see if there is efficiencies that could be implemented as it relates to those bottlenecks, or if the bottleneck is the real issue in that that's as fast as things are going to process and then work around that and understand how to implement a process around that specific issue. He said it is really identifying where the weak point is and then looking at the options and then doing a feasibility analysis of that in terms of what is the benefit, what is the cost, what is the ability to get funding, what are the budgetary restrictions as it relates to that. There are a number of ways to just look at customer service in general as it relates to the people in the city and the people who interact with the court system.

Board Member Gilbert asked Mr. Sargeant what tone he would want to set among the leadership team; what the culture of Scottsdale Courts would be under his leadership.

Mr. Sargeant said it would be about collaboration and respect. He believes that if you found everything around respect and mutual understanding, you can then work through issues, work productively, and start to address things in a constructive manner. The most important thing is that everyone feels like they have been heard, that they feel like they have an opportunity to weigh in. He said that's not to say that they make the decision or the ultimate final result will be

in line with what their sentiments may have been, it's that they are at least weighed in terms of evaluating that part of it and trying to understand where that is coming from, what is the motivation for that person to bring that about and then trying to address it head-on. He thinks that the more you let things go, if you don't let everyone know that these issues need to be addressed directly and head-on, those are the things that tend to pile up and become unmanageable. Therefore, it is really important that everyone understand that they have at least an opportunity to be heard.

Board Member Gilbert asked Mr. Sargeant to describe what he anticipates would be his judicial demeanor.

Mr. Sargeant said in general he is a calm person and he thinks it is very important not to get emotional about things. He wants people to understand that he also cares not just about me or what's going on; it is also about them and what issues are being faced and what issues are being addressed. He would also effectuate a strong, but understanding leadership style.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Mr. Sargeant what has been the most innovative change that he has made that increased efficiency of any process, particularly related to the use of technology.

Mr. Sargeant said that at his previous job they implemented new software in order to automate and effectuate certain processes that were taking up a lot of people's time. They were something that has an already simple software in place, that are inexpensive and efficient. A number of CRM automated emails will respond and let people know that there is someone that is going to get back to them and when they can expect that call. Those are the sorts of things that are important, especially for the city, in that people in the city want to know that they can get a response and that they are being heard. It is important to provide good customer service, the better and the best way to do that is to create efficiencies, identifying the areas that are taking up time and trying to automate or otherwise bring in some sort of software or other technologies that would help in cutting down the time that people are wasting in mundane or more administrative tasks. Everyone wants to focus on the important issues, which is the people who live in Scottsdale, everyone who works in the courts and the people who work for city hall and the other government entities that support all aspects of the city.

Board Member Kiefer asked with respect to the software system, did Mr. Sargeant have some type of leadership or management role in bringing that online or did he just end up being a user of the system.

Mr. Sargeant said he was the one who identified the system itself and was also the person who was kind of forefront in bringing it to the management team. He was not the person who made the ultimate decision, it was just one of those opportunities where he saw significant issues and understood what the issue was and the potential for solutions.

Chair Galpin-Tyree offered Mr. Sargeant an opportunity to provide a closing comment.

Mr. Sargeant reiterated that he is a native of Phoenix and lives in Scottsdale, which was the first place he ever purchased a home. He has always found Scottsdale to be near and dear to his

heart. It's a place that embodies everything about who he is in many ways as it relates to setting goals and accomplishing tasks, while preserving the brand. Doing everything in a way that continually shows what you are about and who you are is important to him and he feels like the City of Scottsdale knows who they are, knows what they are about and they know what their brand is. The city stays on brand, which is really what he sees as the big reason why he wants to be involved in the city and wants to take on the position of presiding judge, because he has the same mentality and ideas as it relates to the way to keep the city in its same values and keep the city growing in the way that it has been, in the way that it wants to, because growth is great if you do it productively and meaningfully. Growth that is wild and without any sort of thought can be unwieldy and can go haywire if it is allowed to go away from who you are and what you're about. So as it relates to what the city is about, he has been here all his life and seen how the city has grown, seen the challenges related to tourism and the benefits the city gets from tourism, and also the unfortunate consequences.

He said there is a very unique dynamic that the City of Scottsdale is dealing with in terms of the way it is growing, but also the way that it is holding on to its culture and the things that it holds near and dear. Those are the things that he has always found to be very important and he has found that to be a big part of his life and those values are the things that he really espouses and he admires and appreciates about the city.

**f. Victoria Torrilhon called at approximately 12:27 p.m.**

Chair Galpin-Tyree gave Ms. Torrilhon a brief overview of the interview process.

Board Member Ingegneri asked besides information provided in her application materials, what additional information Ms. Torrilhon would like to share regarding her qualifications, accomplishments or desires for appointment. Also is there anything that might impact her appointment relative to her good standing with the Arizona Bar?

Torrilhon said she is in good standing with the Arizona Bar.

She said that she is extremely interested in the position of presiding judge. She thinks it is the perfect marriage of the skills and abilities she has gained over her career, including both in management and in her legal career. She said when she was in management in human resources she focused on process improvement and organizational development. As a leader she thinks the skills and abilities she acquired during that time and strove to excel at would serve the City of Scottsdale and the court well. In her legal career, although she never practiced in a municipal court, she has demonstrated that she can master an area of expertise and master the area of law just by virtue of her record, having do so in different types of law and having also succeeded in school. She has been fortunate to be able to master the jobs she has had in the past and to continue to grow throughout. She said she would very much appreciate the opportunity to serve the City of Scottsdale.

Chair Galpin-Tyree noted that the City of Scottsdale is committed to equity in all of its government operations. She asked what steps Ms. Torrilhon would take to accommodate defendants who have limited English speaking skills or other special needs.

Ms. Torrilhon said access to the court would be essentially to do what is needed to do to make sure the people who are appearing in court had the ability to understand what is going on and to

be informed about what is going on and to have no hurdles as to access to the court. For example, people who do not speak English as their first language, she said that she noticed there is a staff interpreter in the court's budget. Other services could be used that are readily available through phone connections. She said that she assumes that there is a contract with the city to accommodate people. She said that certainly a person's language or physical abilities should not prohibit them in any way from having access to the courts.

Board Member Marwil asked if Ms. Torrilhon is selected for the position of Presiding Judge how would she assess the efficiency of the court and what can be expected from her in her first 90 days.

Ms. Torrilhon said there would be several different ways that efficiency of the court could be measured and analyzed. One is the time it takes to resolve a case. There would be statistics that could be collected to see how quickly people are receiving their decisions and that data could be broken down to a lot of different levels. She gave the example of the court has a lot of different constituents that it needs to take into account, such as juries. She believes they should be asking jurors and victims about the court's efficiency in taking care of them, their perception about how the court functioned and whether the court was resolving their concerns in a timely and efficient matter. The feedback could be used to overcome hurdles if some were identified or if there was a slowdown, then it could be looked at from a quality improvement perspective. She made up an example, noting that she is sure it is not something the city court is experiencing, but what if the court heard from its constituents that being a juror was difficult because of the way jurors were being processed when they were coming in. the court would have to look at that issue and see if there were ways to resolve it or improve it. Some situations might be easy to do and the sooner it happens, the better.

She said she does not know all of the measurements that are currently in place, but is confident that there are measurements in place that need to be paid attention to. She thinks once data is focused on, it often improves, because once you are aware of something you can use your energies to improve it. She mentioned that there would be the financial component too, to the court and making sure that the financial, the fines or fees that are assessed, that those are coming in in a timely manner. There are many different aspects and she would not want to focus on just one.

She said in her experience starting a new position and meeting new people there is a time period where one needs to listen a lot and ask people whether formally or informally what they need from the world. That is what she would focus on in her first 90 days.

Board Member Gilbert asked Ms. Torrilhon what tone she would want to set among the leadership team; what the culture of Scottsdale Courts would be under her leadership.

Ms. Torrilhon said she would want the team to be very collaborative and would want people to feel comfortable bringing ideas and thoughts forward. She would want a team that felt comfortable working together, relying on one another's strengths, and helping one another out. She said that can be created by modeling it, and by listening and responding to input, and by allowing people to try things and allowing people to contribute their ideas and if they want to take something on, let them take it on and supporting them through that. It is important to set things up so they can be successful in implementing their ideas. She said that collaboration is

so important. She finds it more rewarding to work in a collaborative environment. She feels that in a team, everybody knows their own job best and it gets tricky when someone who may not know the intricacies of what somebody is responsible for, has strong opinions without that listening component to it.

Board Member Gilbert asked Ms. Torrilhon to describe what she anticipates would be her judicial demeanor.

Ms. Torrilhon said she would want to be thoughtful and respectful. She said she is thoughtful and respectful in her current role; it would be her nature. She would want to give people the opportunity to be heard. She noted that when she works with pro se litigants, she likes to try to have open communication with them and explain what she is doing. She would not want anyone to feel rushed and would provide them the opportunity to ask questions if appropriate. With her pro se litigants she tries to communicate with them over the phone when possible and follows up in writing to make sure there are no misunderstandings.

Board Member Kiefer noted that Scottsdale City Court is known to be a progressive system that incorporates best practices. He asked Ms. Torrilhon what has been the most innovative change that she has made that increased efficiency of any process, particularly related to the use of technology.

Ms. Torrilhon said that going back a little way, because she has not been in a role where she could influence technology systems since she started working for the City of Phoenix. She said when she was director of human resources, she went through a process where they were moving to a system for performance evaluations. They looked at a lot of different systems and had demonstrations by different companies and looked at the financial commitment they would make and tried to match what was needed to help their employees develop their careers.

She said in her current role she came to an inhouse position from private practice, so one of the things she has tried to do is talk about things that have worked well and that she has noticed from her prior experience and to implement those best practices.

Chair Galpin-Tyree offered Ms. Torrilhon an opportunity to provide a closing comment.

Ms. Torrilhon said that she believes that the Scottsdale municipal court is a truly excellent court and has high standards. She noticed that the employee satisfaction ratings are high. She said that is not to say that anybody should rest on their laurels, but it appears to be the kind of environment that she would like to work in. She thinks employee satisfaction is terribly important and oftentimes it can be what makes an enterprise successful versus not successful. Sometimes, the feelings of the employees can be lost in trying to get something accomplished and she believes in her heart of hearts that the employees are what make it work.

She feels that she would bring to the table an understanding of that and an understanding that decisions can be made that are legal and are smart business decisions and that there is a way to do it to include the employees and there is a way to do it to make it everyone's success instead of just a siloed success.

She said she would really like the opportunity and thinks it would be a wonderful way to marry the different parts of her career. She would bring that bundle of skills and abilities to the job to

serve the city well. She said that she has throughout her career always focused on excellence and always focused on trying to do a good job, doing the best job that she can and trying to be fully present when working and she would do that for the City.

## **6. DETERMINE CANDIDATES TO RECOMMEND TO CITY COUNCIL**

Chair Galpin-Tyree asked if any of the Board Members wished to go into executive session.

BOARD MEMBER KIEFER MOVED TO GO INTO EXECUTIVE SESSION. BOARD MEMBER GILBERT SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0) BY ROLL CALL VOTE. CHAIR GALPIN-TYREE, VICE-CHAIR SCHAFER, BOARD MEMBERS GILBERT, INGEGNERI, KIEFER, AND MARWIL VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

### **THE BOARD WAS IN EXECUTIVE SESSION FROM 1:14 P.M. TO 2:21 P.M.**

Chair Galpin-Tyree asked that Board Member Kiefer to begin the discussion regarding recommending candidates to City Council.

Board Member Kiefer said that his understanding is that the Board's charge is to send a list of at least three names forward to City Council. He noted that the role of presiding judge is dual hatted, requiring acting as a trial judge with a regular calendar as well as handling significant administrative responsibilities. He opined that there were at least three qualified candidates for the position of presiding judge, with two candidates that are particularly well suited for the role. Both Orest Jejna and Marianne Bayardi have the background and experience to take on the duties of the Scottsdale Presiding Judge. Victoria Torrilhon has professional experience outside the law, in human resources and management, that could provide value. She lacks specific judicial experience, which would be a steep learning curve. Board Member Kiefer would support recommending these three candidates.

Board Member Schafer echoed Board Member Kiefer's comments.

Board Member Marwil agreed with Board Member Kiefer's comments. She noted that there appear to be two candidates that are well suited to hit the ground running tomorrow if they were selected as the presiding judge of the City of Scottsdale. The third candidate, although having an interesting human resource background, would need a significant amount of time to learn how to be a judge in order to learn how most effectively to lead the court into the future. She noted that the two candidates with judge experience are both skilled administrators. She opined that the choice for City Council to make is whether they want to keep going forward under Judge Olcavage's vision for the court, which Mr. Jejna would move forward or if they want a significantly different personality, which would be Ms. Bayardi. The City of Scottsdale is in the happy position of being able to choose from at least two and maybe three highly qualified candidates.

Board Member Ingegneri agreed with everything said to this point. She said that all of those who were interviewed are qualified in their own way and she appreciates that the Board was able to interview these individuals. She thinks there are the top three, maybe four, that should



be considered including in the list to City Council. She suggested that a fourth candidate to include on the list could be William Horne.

Board Member Gilbert said the City of Scottsdale is fortunate to have so many qualified candidates. All six candidates are outstanding people and the City is glad they applied for the position. He agreed with other Board Members' comments, noting that his top three choices would be Orest Jejna, Marianne Bayardi, and Victoria Torrillon.

Chair Galpin-Tyree echoed comments of the Board Members. She noted appreciation for the interest and energy that the candidates brought and that they took the time to meet with the Board.

BOARD MEMBER KIEFER MOVED TO RECOMMEND MARIANNE BAYARDI, OREST JEJNA, AND VICTORIA TORRILHON TO CITY COUNCIL FOR CONSIDERATION. BOARD MEMBER GILBERT SECONDED THE MOTION, 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. THERE WERE NO DISSENTING VOTES.

Ms. Heizer asked how the Board wished to proceed with presenting the selected names to City Council.

Board Member Kiefer volunteered to draft a letter with the assistance of Human Resources and staff. He suggested that the letter include a little information about each of the recommended candidates.

Board Member Marwil volunteered to represent the Board in the event Council has questions.

## **7. FUTURE AGENDA ITEMS**

No additional items were suggested.

Chair Galpin-Tyree thanked staff, board, and candidates and public for their time.

## **ADJOURNMENT**

No motion was made.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 2:32 p.m.

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