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TO: Chair Klapp and Members of the Audit Committee
FROM: Sharron Walker, City Auditor
DATE: August 8, 2013
RE: Judicial Appointments Advisory Board Sunset Review

The Judicial Appointments Advisory Board's purpose, as stated in Scottsdale Revised Code §2-347, is to recommend to the Council the best-qualified persons to become full-time city judges, to evaluate the performance of incumbent full-time city judges, and to advise the Council about retaining them in office.

Code sections 2-352 and 2-353 spell out the Board's appointment/reappointment and recommendation processes, which include soliciting public and professional input. Further, section 2-354 allows the Council to accept or reject the Board's advice and recommendations or to request further investigation.

Attached is the Judicial Appointments Advisory Board's most recent annual report, which covers calendar year 2012, along with its two previous annual reports.

The Audit Committee is to evaluate whether the board being reviewed is serving its intended purpose; whether the board should be maintained or modified; and whether the purpose of the board has been served or is no longer required.

Specifically, the Audit Committee is to recommend to the City Council whether to continue or terminate the Board.



Judicial Appointments Advisory Board Annual Report

Prepared by Valerie Wegner, HR Management Analyst on February 25, 2013

Approved by the Judicial Appointments Advisory Board on March 5, 2013

Web Site Address: www.scottsdaleaz.gov/boards/JAAB

Number of Meetings Held: 1

Public Comments: 5

Major Topics of Discussion / Action Taken:

- The JAAB convened to interview Associate City Judge candidates (for the replacement of Judge Joseph Olcavage who was appointed as Presiding City Judge effective March 2012). Ten (10) applicants, selected by the JAAB at the end of 2011, were interviewed: Charles Adornetto; Adena Astrowsky; Nicholas DiPiazza; Timothy Forshey; Statia Hendrix; Paul Katz; John Lamb; Manuel Silvas; Nancy Sorensen; and John Tutelman. The JAAB discussed the qualifications and due diligence reference checks of all applicants, heard public comments and selected four (4) finalist candidates to move forward for interviews with the City Council: Statia Hendrix; Paul Katz; Adena Astrowsky; Judge John Lamb.

Current Member Attendance:

Member Name, Title	Present	Absent	Service Dates
Donald Alvarez, Chair	1	0	From January to December
Judge Bruce Cohen, Vice-chair	1	0	From January to December
Dr. Ira Ehrlich, Member	1	0	From January to December
Ken Weingarten, Member	1	0	From January to December
Francis Scanlon, Member	1	0	From January to December
James Padish, Member	1	0	From January to December
Judge Thomas LeClaire, Member	1	0	From January to December

Subcommittees: None

Ethics Training: Yes on January 7, 2012

Selected Officers: Yes on January 7, 2012

Reviewed Bylaws/City Code: No

Additional Comments/Recommendations:



Judicial Appointments Advisory Board Annual Report

Prepared by Valerie Wegner, HR Management Analyst on January 5, 2012

Approved by the Judicial Appointments Advisory Board on January 7, 2012

Web Site Address: www.scottsdaleaz.gov/boards/JAAB

Number of Meetings Held: 7

Public Comments: 9

Major Topics of Discussion / Action Taken:

- The JAAB discussed and approved the timelines for the upcoming judicial reappointments of Judge Orest Jejna, Judge James Blake and Judge Joseph Olcavage.
- The JAAB discussed and approved the timeline for the upcoming Presiding Judge recruitment.
- In consideration of Judge Orest Jejna's application for reappointment to the bench, the JAAB discussed survey results and due diligence reference checks, convened a public hearing for public comments, interviewed Judge Jejna, and voted unanimously (5 yes votes of 5 members present) to recommend to City Council his reappointment to the City of Scottsdale Court.
- In consideration of Judge James Blake's application for reappointment to the bench, the JAAB discussed survey results and due diligence reference checks, convened a public hearing for public comments, interviewed Judge Blake, and voted unanimously to recommend to City Council his reappointment to the City of Scottsdale Court.
- The JAAB discussed the Board's general deliberative process regarding judicial appointments, the open meeting law and ethics code including the limited use of executive sessions, and the Board's practice to move into executive sessions to discuss confidential records/information related to judicial performance, and voted 6-1 to approve that when the JAAB conducts due diligence interviews on the reappointment/appointment of any judge of the court that all interview responses are presumed confidential unless the interviewee gives permission to discuss their responses in open session.
- In consideration of Judge Joseph Olcavage's application for reappointment to the bench, the JAAB discussed survey results and due diligence reference checks, convened a public hearing for public comments, interviewed Judge Olcavage, and voted unanimously to recommend to City Council his reappointment to the City of Scottsdale Court.
- The JAAB discussed qualifications of all applicants for Presiding City Judge and determined through a vote of 5-0 to interview the following candidates: Caron Close; Karl Eppich; Orest Jejna; John Lamb; Joseph Olcavage; Nancy Sorensen.
- The JAAB discussed the qualifications and due diligence reference checks of the six (6) Presiding City Judge candidates, convened a public hearing for public comments, conducted interviews, and selected the following three (3) finalist candidates to move forward for interviews with the City Council: Judge Orest Jejna; Judge John Lamb; Judge Joseph Olcavage.
- The JAAB discussed the Associate City Judge appointment timeline and the qualifications and applications of all applicants for Associate City Judge, and determined through a vote of 6-0 (Judge LeClaire was unable to participate as a voting member due to not being sworn in at the time of the meeting) to interview the following candidates: Charles Adornetto; Adena Astrowsky; Nicholas DiPiazza; Timothy Forshey; Statia Hendrix; Paul Katz; John Lamb; Manuel Silvas; Nancy Sorensen; and John Tutelman.

Current Member Attendance:

Member Name, Title	Present	Absent	Service Dates
Paul Rybarsyk, Chair	6	0	From January to September*
Donald Alvarez, Vice-Chair	7	0	From January to December
Dr. Ira Ehrlich, Member	6	1	From January to December
Ken Weingarten, Member	6	1	From January to December
Judge Jean Hoag, Member	3	1	From January to June**
Judge John Rea, Member	2	3	From January to August***
Francis Scanlon, Member	6	1	From January to December
Judge Bruce Cohen, Member	3	0	From July to December
James Padish, Member	1	0	From November to December
Judge Thomas LeClaire, Member	1	0	From December to December

*Chair Rybarsyk, the Scottsdale Bar Association's board representative, was replaced with James Padish, due to his term limit.

**Judge Jean Hoag was replaced with Judge Bruce Cohen as the AZ Superior Court's Presiding Judge designee; Judge Hoag retired one week in advance of her term limit.

***Judge John Rea resigned early from his seat, as the AZ Supreme Court's Presiding Judge designee, due to his ineligibility to continue to serve based on moving from Scottsdale to Phoenix. He was replaced with Judge Thomas LeClaire.

Subcommittees: None

Ethics Training: Yes on January 27, 2011

Selected Officers: Yes on January 27, 2011 and then on December 15, 2011 (due to the term expiration of Chair Rybarsyk).

Reviewed Bylaws/City Code: No.

Additional Comments/Recommendations: Chair Alvarez requested that the individual meetings that occurred with Terry Welker, HR Executive Director, himself, and individual council members after each judicial reappointment process be included in the annual report. In these meetings, the judicial reappointment process and the reasons for the JAAB's recommendations for reappointment of each associate city judge were explained which proved helpful (based on feedback received) for City Council members.



Judicial Appointments Advisory Board Annual Report

Prepared by Valerie Wegner, Office Coordination Manager, Human Resources, on January 24, 2011

Approved by the Judicial Appointments Advisory Board on January 27, 2011

Web Site Address:

www.ScottsdaleAZ.gov/boards/judicialappointmentsadvisoryboard

Number of Meetings Held: 3

Public Comments: 13

Major Topics of Discussion / Action Taken:

- Discussion of JAAB's role in the judicial reappointment process, including public comments, with Mayor Lane in attendance
- Discussion of and reappointment recommendation regarding Presiding Judge B. Monte Morgan to include discussion of survey results, convening of a public hearing to hear public comments on Judge Morgan's performance as a Presiding City Judge, discussion of Board's due diligence feedback in executive session, and interview of Judge Morgan / Unanimous vote (seven to zero) to recommend Judge Morgan's reappointment to a two year term.
- Discussion of judicial reappointment recommendation processes and procedures, including comments from invited justices*, judges**, and the public, with Council Woman Klapp in attendance / No action was taken.
* Chief Justice Rebecca White Berch, Arizona Supreme Court, and Justice Michael Ryan (former JAAB member)
** Judge Ronald Reinstein (former JAAB member), Judge Morgan, Judge Olcavage, and Judge Jejna
- Discussion of judicial survey instruments used by the board in reappointment considerations, regarding their form, content, collection, and dissemination, including public comment / No action was taken.
- Discussion on needed improvements in the ongoing relationship and interaction between the JAAB and City Council / No action was taken.
- Discussion of initiatives recommended by the JAAB subcommittee to the full board, for improvements to the judicial reappointment process and discussion of other possible improvements / 10 initiatives were approved to move forward with for discussion and execution once three new board members were seated.

Current Member Attendance:

<u>Member Name, Title</u>	<u>Present</u>	<u>Absent</u>	<u>Service Dates</u>
Gordon Griller, Chair	3	0	January to September*
Paul Rybarsyk, Vice Chair	3	0	January to December
Judge M. Jean Hoag, Member	2	1	January to December
Christopher Lonn, Member	1	2	January to October**
Judge John Rea, Member	2	1	January to December
Francis Scanlon, Member	3	0	January to December
Daniel Schmidt, Member	3	0	January to September***

* Chair Griller's term expired September 21, 2010; replaced by Kenneth Weingarten as a citizen member on October 23, 2011

** Board Member Lonn's term expired October 23, 2010; replaced by Donald Alvarez as the AZ State Bar nominee on October 23, 2011

*** Board Member Schmidt's term expired September 21, 2010; replaced by Dr. Ira B. Ehrlich as a citizen member on October 23, 2011

Subcommittees: At the April 14, 2010 board meeting, a JAAB Subcommittee was formed, comprised of Chair Griller, Board Member Judge Hoag and Board Member Scanlon. The purpose of the subcommittee was to meet for discussion and formulation of initiatives, based on discussions

from the April 14, 2010 meeting, to bring back to the full board for discussion and a vote regarding improvements and/or enhancements to the judicial reappointment process and improvements in the ongoing relationship and interaction between the JAAB and City Council. The subcommittee met on May 6, 2010 and formulated eleven (11) initiatives to recommend to the full board at its next meeting.

Ethics Training: Yes on January 28, 2010.

Selected Officers: Officers were elected on November 5, 2009, with the Chair's term expiring on September 21, 2010. The JAAB meets on an as-needed basis, and since the last meeting in 2010 was held on August 18, 2010, less than a year from this date, new officers were not elected in 2010. Election of officers is on the agenda for the new JAAB's first meeting, scheduled for January 27, 2011.

Reviewed Bylaws/City Code: The JAAB bylaws are the same as Scottsdale Revised Code, Chapter 2, Article V, Division 13 – Judicial Appointments Advisory Board. The JAAB members have been reviewing city code during each meeting in 2010 to formulate process improvement initiatives and recommendations to bring forward to City Council members.

Additional Comments/Recommendations: None.