



## MINUTES

### City of Scottsdale JUDICIAL APPOINTMENTS ADVISORY BOARD Regular Meeting

Thursday, February 13, 2025

North Corporation Yard – Wrangler Conference Room  
9191 E. San Salvador Drive  
Scottsdale, AZ 85258

### **PRESENT**

**Board Members:** John Gilbert, Chair  
Judge Joseph Kiefer, Vice-Chair  
Judge Suzanne Marwil  
Tricia Schafer  
Carol Ann Petren  
Helene Weitzenkorn

**Staff:** Stephanie Heizer, Senior Assistant City Attorney  
Monica Boyd, Human Resources Executive Director  
Sue Sola, Human Resources Manager

### **Call to Order**

Chair Gilbert called the meeting to order at 6:03 p.m.

### **Roll Call**

Members present as listed above.

### **Possible Executive Session**

#### **1. INTRODUCTION OF NEW BOARD MEMBERS**

Chair Gilbert welcomed new Board Members Carol Ann Petren and Helene Weitzenkorn to the Board.

## **2. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

JUDGE KIEFER NOMINATED JOHN GILBERT TO CONTINUE IN THE POSITION OF CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER PETREN SECONDED THE NOMINATION, WHICH CARRIED SIX (6) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, PETREN, SCHAFFER, AND WEITZENKORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

CHAIR GILBERT NOMINATED JOSEPH KIEFER TO CONTINUE IN THE POSITION OF VICE-CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER MARWIL SECONDED THE NOMINATION, WHICH CARRIED SIX (6) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, PETREN, SCHAFFER, AND WEITZENKORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

## **3. APPROVAL OF FEBRUARY 6, 2024 JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES**

VICE-CHAIR KIEFER MOVED TO APPROVE THE FEBRUARY 6, 2024, JUDICIAL APPOINTMENTS ADVISORY BOARD MEETING MINUTES. BOARD MEMBER MARWIL SECONDED THE MOTION, WHICH CARRIED FOUR (4) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, AND SCHAFFER VOTED IN THE AFFIRMATIVE. BOARD MEMBERS PETREN AND WEITZENKORN ABSTAINED. THERE WERE NO DISSENTING VOTES.

## **4. APPROVAL OF 2024 JAAB ANNUAL REPORT**

Board Member Marwil noted that her first name was spelled wrong in the document.

BOARD MEMBER MARWIL MOVED TO APPROVE THE 2024 JUDICIAL APPOINTMENTS ADVISORY BOARD ANNUAL REPORT AS AMENDED. BOARD MEMBER PETREN SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, PETREN, SCHAFFER, AND WEITZENKORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

## **5. PUBLIC COMMENT**

Judge James Blake spoke in support of the reappointment of Judge Orest Jejna. He gave an overview of his 24-year background with Judge Jejna and spoke positively about Judge Jejna's ethics, compassion, and patience.

Chris Phelps, Court Administrator, spoke on behalf of the court administrative leadership team and staff in support of the reappointment of Judge Jejna. He spoke positively about Judge Jejna's temperament and effectiveness when interacting with staff, litigants, lawyers, defendants, and prosecutors. He noted that he has received no complaints about Judge Jejna during the judge's tenure with the court.

Presiding Judge Marianne Bayardi spoke in support of the reappointment of Judge Orest Jejna. She spoke positively about his character, work ethics, and his respect for the rule of law and justice.

## **CLOSE PUBLIC COMMENT**

Chair Gilbert closed public comment.

### **6. DISCUSSION OF JUDICIAL SURVEY RESULTS ON ASSOCIATE CITY JUDGE ORESTE JEJNA**

Board Members asked clarifying questions about the survey process and how the results are calculated.

Board Member Marwil said that it is important to look at the survey net response rate, noting that it only gives a picture of people at one point in time. She opined that it was remarkable for someone that has been on the bench as long as Judge Jejna to have very few attorneys say anything negative. Statistically, over time, he has gotten consistently positive results.

Chair Gilbert noted that he puts a lot of value in the fact that the highest numbers in the statistical survey were from court staff. He said that litigants are going to be on one side or the other and have brief interactions with the judge, while staff interact with him all the time and are the most objective.

Board Member Weitzenkorn noted that every score was between very good and superior, and Judge Jejna did not get any aggregate scores.

Vice-Chair Kiefer explained how the process works, noting that people are taking the survey just after the judge makes a ruling, which can influence answers as to the judge's performance. It provides value to focus on the individual responses. He said that from his perspective, even though there were a few negative responses, on the whole Judge Jejna's responses were outstanding.

Board Member Petren noted that the instructions say that when a source provides a negative opinion about an applicant, they should be asked for a detailed basis for that opinion. Stephanie Heizer, Assistant City Attorney, explained that the Judicial Appointments Advisory Board does not have its own rules to follow, so the Supreme Court rules for boards and commissions are generally followed. That portion of the rule is difficult to follow, because much of the feedback is subjective, and it's not always possible to follow up with the people who responded to the survey. Board Member Marwil added that attorneys in small courts particularly do not want to participate in surveys, because they don't want to be identified.

Ms. Heizer clarified that she was referencing Supreme Court Rule 7, screening applications and selection of numbers. She said that the applicable rules were provided to Board Members when they joined the Board but were not included in tonight's packet.

**7. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE JEJNA'S PERFORMANCE OR REAPPOINTMENT**

Chair Gilbert said that all the responses he received were outstanding, with comments about Judge Jejna's great demeanor. One attorney did indicate that on one occasion Judge Jejna was a little impatient with a scheduling issue but clarified that the judge was making an effort to implement a progressive case management strategy and trying to get cases processed quickly and efficiently.

Board Member Schafer commented that the opportunity to email people as opposed to calling was beneficial in that it allowed other people in the office to also submit a comment.

Board Member Petren said that she was assigned 16 people and got responses from seven. The responses she received were that Judge Jejna was superlative and showed fairness, empathy, and consideration toward attorneys, defendants, and litigants, and that he ran a very good court. There were no negative comments.

Board Member Weitzenkorn stated one respondent said he does not typically respond to surveys but felt compelled to speak positively for Judge Jejna. He commented that he always felt heard, and that he had a fair trial in Judge Jejna's court. The only negative responses she had were from defendants.

Chair Gilbert said he received no negative responses.

**8. DISCUSS QUESTIONS FOR INTERVIEW OF JUDGE JEJNA**

Board members made suggestions and discussed questions that would be asked.

**9. INTERVIEW OF JUDGE JEJNA**

Chair Gilbert invited Judge Jejna to make an opening statement.

Judge Jejna said that he has been on the bench for 24 years and in the legal system for 45 years, primarily in the area of criminal law. He said that working in the Scottsdale Community has been a rewarding process where he feels he can do well for the community and treat individuals accordingly in the justice system. He commented that by some accounts the judicial system is under attack and that by giving his support to the judicial system, he is helping to preserve its sanctity and the Constitution.

Board Member Petren asked if Judge Jejna had any specific goals that he would like to work towards. Judge Jejna said Scottsdale Court is a high-volume court, and judges are not out making any particular impacts on the community separate from their regular duties. He said that his goal is to maintain what he has done for the past 24 years. He said every day is a learning experience, and when it ceases to be a learning experience, he will be ready to step away. He said that rather than goals, he has taken on a specific interest in gaining knowledge in other areas such as artificial intelligence (AI), mentioning his recent participation in an intensive four-day AI program. Judge Jejna said that in terms of Scottsdale Courts, technology is the wave of the future. He talked about the opportunities he was given to use technology

when the court went into COVID protocol, noting that since that time he has worked to advance that particular aspect of his practice and hopes to learn more so technology can continue to be expanded in the court system.

Board Member Petren asked Judge Jejna to clarify his statement that the court is under attack. Judge Jejna said that he meant that nationwide courts are under attack, because there has been a deterioration of the rule of law. He noted that many individuals are non-represented and are ill-advised as to what happens in the court itself. Judges find themselves having to educate individuals who have consulted social media and have an incorrect understanding of how things are done.

Board Member Petren asked about the most challenging legal, ethical, or other issues that Judge Jejna and his colleagues face on the bench. Judge Jejna said that Scottsdale's Court deals with a very narrow subject matter, primarily domestic violence, drug issues, and DUI. They do not encounter ethical issues on a regular basis unless there is a conflict of interest. Legal issues are handled by stare decisis case law. He said that most of the issues that are encountered are repetitive.

Board Member Kiefer asked Judge Jejna how long he plans to stay working as a Judge. Judge Jejna indicated that he plans to continue as a judge as long as he still has the desire. He said that he has always had a purpose in life and he is not sure he would have a focus if he retired.

Board Member Schafer asked if he has experienced attorneys getting in the way with the people who are not represented. Judge Jejna said that in many cases he prefers lawyer interjection, because it helps to maintain organization in the court. The defendant typically gets a more stable answer to questions from the lawyers, and it eliminates the court having to make sure constitutional provisions are being upheld in a respective fashion.

Board Member Petren asked if anything at work keeps him up at night. Judge Jejna said that it happens less as time goes on. Sleepless nights typically occur when he has made a decision that he feels might be incorrect and needs to be corrected, or he is second guessing himself. He feels reassured knowing that mistakes can always be corrected and that he will not make the same mistake a second time.

Judge Jejna thanked the Board members for doing a good job. He said he feels fortunate to work in the City of Scottsdale, noting that he and his colleagues commiserate on a daily basis, and it is a great place to be.

#### **10. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE JEJNA**

BOARD MEMBER MARWIL MOVED TO RECOMMEND THAT CITY COUNCIL REAPPOINT JUDGE JEJNA. BOARD MEMBER PETREN SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, PETREN, SCHAFFER, AND WEITZENKORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Brief discussion was held about drafting a letter to City Council with the Board's recommendation. Chair Gilbert noted that either he or Vice-Chair Kiefer will be present at the Council meeting to answer questions.

#### **11. FUTURE AGENDA ITEMS**

Sue Sola, Human Resources Manager, noted that Judge Blake's review will be in July of 2025. Board Members suggested that the due diligence begin in May, because it may be difficult to get responses in the summer months.

#### **ADJOURNMENT**

BOARD MEMBER MARWIL MOVED TO ADJOURN THE MEETING. BOARD MEMBER PETREN SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0). VICE-CHAIR KIEFER, CHAIR GILBERT, BOARD MEMBERS MARWIL, PETREN, SCHAFFER, AND WEITZENKORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 7:13 p.m.

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