

AGENDA MATERIAL

DATE 12-6-22 ITEM NO. CC 42

Corrie Cotugno

From: Bergin, Jeffrey <jbergin@sc.pima.gov>
Sent: Monday, December 5, 2022 2:49 PM
To: John Peck
Cc: District1; DIST2; District3; District4; District5; Jan Leshar; viroberts@sc.pima.gov;
COB_mail
Subject: Re: 12.6.2022 Agenda item

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Supervisors and Ms. Leshar,

I am currently out of town and will not be able to attend tomorrow's board meeting.

I would like to clarify some points from Judge Peck's December 5, 2022 memorandum.

It was my decision alone not to put Judges Peck and Bacal forward. It was not the result of any "backroom deal."

When the original list was reviewed by the existing JP Bench, there was an objection shared by one judge to both Judge Peck and Judge Bacal.

Later, I was informed that more than one member of the Board of Supervisors may have concerns approving Judge Peck and Judge Bacal.

Considering the objection from a sitting judge and the possible concerns of the board, I chose to remove the names of Judge Peck and Judge Bacal from the list rather than put them to a vote.

I understand the frustration and concern Judge Peck and Judge Bacal have in this circumstance but that frustration should be directed to me alone.

Very Truly Yours,

Presiding Judge

Jeff Bergin

On Dec 5, 2022, at 12:44, John Peck [REDACTED] wrote:

To: Chair Sharon Bronson, Pima County Board of Supervisors
December 2022
Supervisor Adelita Grijalva
Supervisor Steve Christie
Supervisor Rex Scott

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DEC 05 2022 12:52:40 PM
CL

Supervisor Matt Heinz

From: Judge John Peck

On your agenda for tomorrow's scheduled Board of Supervisor's meeting you will find, amongst many other more weighty items, a recommended list of judges *pro tem* for your approval. Traditionally, sitting judges have been approved to be judges *pro tem* when their terms end, should they desire to continue the work and the need exists, and this because of their experience and commitment.

You will not find on that list before you two current judges who wished to continue their service to our community. They were on the original list prepared by the presiding judge of the Pima County Superior Court but were removed as a result of the lobbying efforts of a Pima County Consolidated Justice Court judge. That judge took it upon herself to politically engage in discussions with board members to persuade a majority to withhold their confirmation of these two judges. That canvassing, in turn, persuaded the Pima County Administrator to advise the Presiding Judge/Pima County Superior Court to remove those names from the list.

The two judges not on the list are Susan Bacal and John Peck.

Judge Bacal has been on the Pima County bench as a Tucson city magistrate and a Pima County justice of the peace for more than three decades. She is the longest-serving member of the Pima County Consolidated Justice Court, has acted as its associate presiding officer as needed, and has been honored by her peers throughout the state. She has been a mentor to dozens of new judges, is a valued resource to all levels of the court structure, and is widely respected for her judicial demeanor, both by colleagues and community members she has dealt with – in court and otherwise.

Judge Peck has been with the Ajo Justice Court for 10 years, as a judge *pro tem* appointed by the Board of Supervisors, and as presiding judge for the past eight years. As presiding judge of an independent (non-PCCJC) court he has also been responsible for budgets, personnel, and all courthouse functions. This October, Arizona Supreme Court Chief Justice Robert Brutinel presented him the singular award for promoting confidence and trust in the state's justice system. In September he was re-elected president of the statewide justice of the peace association by his peers.

The majority votes have been apparently been discussed and determined, and the decisions have been made. I am ashamed, not for Judge Bacal or myself but for a process that values backroom political maneuvering over proven judicial commitment, demeanor, experience, and accomplishment. Isn't the latter what we hope for in our judges?

No doubt the County Administrator and the Presiding Judge/Superior Court chose this route as a way to placate some of the involved parties, but it doesn't make the actions less shameful or less of a disservice to the communities you represent. We – and Judge Bacal has read this memo and concurs with it - would have preferred to have had a full, open discussion rather than a backroom conclusion if there were concerns about our candidacies.

Thank you for your attention.

cc: Jan Leshar, Pima County Administrator
Hon. Jeffrey Bergin, Presiding Judge, Pima County Superior Court
Hon. Vince Roberts, Presiding Judge, Pima County Consolidated Justice Court
Clerk of the Board, Pima County Board of Supervisors