CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Municipal Clerk**

AGENDA DATE: **Feb 26, 2008**

CONTACT PERSON/PHONE: **Richarda Duffy Momsen, Municipal Clerk 541-4127**

DISTRICT(S) AFFECTED: All

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

Appoint six additional associate municipal court judges who will serve part-time, on call as needed.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Due to attrition among the on-call, part-time associate judges, there is a need to appoint additional associate judges to serve as substitutes for the elected judges at trial and hearings, to serve at arraignment and to serve as magistrates at night, on the weekend and at the jail. It is necessary to have a pool of associates adequate to cover the various sessions to compensate for scheduling conflicts.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes, City Council appoints the associate judges.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

The associate judges are paid only for sessions worked when they are called to serve. The City does pay for their airfare and hotel at their statutorily annually required Texas Municipal Court Education Center training. However, this year the training will be held in El Paso, so there will be no travel/training impact of these additional associate judges on the FY08 budget.
The salaries for the sessions worked by the associate judges are budgeted under the following accounts:
Fund 01101 General Fund
Dept 11010332 Municipal Clerk - Judiciary
Acct 501011 Part-time Temporary

********************REQUIRED AUTHORIZATION**********************

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. 16274

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.44 (COURTS); OF THE CITY CODE BY AMENDING SECTION 2.44.030 (JUDGES); RELATING TO THE TERMS OF OFFICE FOR THE SUBSTITUTE ASSOCIATE MUNICIPAL JUDGES AND THE SELECTION OF APPOINTED JUDGES; AND REPEALING ORDINANCE NO. 12403, WHICH PREVIOUSLY SET FORTH THE SELECTION PROCEDURE; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, Section 30.00006, Texas Government Code, provides that a City shall establish the terms of office for its Municipal Judges; and

WHEREAS, the City Charter establishes the terms of office for the elected Judges; and

WHEREAS, it is necessary to designate the terms of office for the substitute associate judges that are appointed by the Council in accordance with Section 30.00008, Texas Government Code; and

WHEREAS, the Council last appointed substitute associate municipal judges in 2003 for two year terms ending June 2005; and

WHEREAS, since more than ninety days have passed since the expiration of the original term of these judges who have remained in office, by operation of law, they have automatically been reappointed for a term of the same length, which will expire in June 2007, which makes it unnecessary for the City Council to reappoint those judges at this time; and

WHEREAS, this ordinance replaces the procedure for the nomination and selection of appointed municipal judges contained in Ordinance no. 12403, thus making it appropriate for the Council to repeal that ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Section 2.44.030 (Judges) of the El Paso City Code is amended as follows:

Section 2.44.030 Judges.

A. In addition to the qualifications prescribed in the city Charter, the presiding municipal judge shall be a licensed attorney at law who has practiced law in Texas at least five years prior to his or her election by a majority of the municipal judges.

B. The term of office for the elected judges shall be as provided in the city Charter.

C. The city council may appoint one or more substitute associate municipal judges to sit for the regular judge of any municipal court when such regular judge is temporarily unable to act for any reason. Such substitute associate municipal judge shall possess the same qualifications required of the regular municipal judges and shall have all the powers and duties of the judge for whom such substitute associate municipal judge is sitting while so acting.

D. The term of office for the substitute associate municipal judges is four years. The term of office for any substitute associate municipal judge appointed by the Council for a term beginning in June 2003, and who was automatically reappointed in 2005 by operation of law, shall expire in June 2007. Thereafter, appointments to the positions with terms expiring in June 2007 shall be for four year terms. The term of office for substitute associate municipal judges appointed by the Council for a term beginning in June 2005 shall be for four years.

E. When a vacancy arises in a position of municipal court judge or substitute associate municipal court judge, or new appointments of judges are necessary, the following selection process will be utilized.

1. The Municipal Clerk will notify the City Manager of the vacancy or need for the Council to make appointments.
2. The City Manager will post a public notice in the same manner as City Council agendas are posted, announcing the acceptance of resumes of interested candidates requesting to be considered in the selection process and will set a deadline for candidates to submit those resumes to the members of the City Council.
3. Each member of the City Council may submit the names of one or more candidates to the City Manager for consideration in the selection process no later than ten days after the deadline set for the submission of resumes.
4. The City Manager will compile a list of the candidates and as soon as practicable, place an appropriate item on the City Council agenda to enable the City Council to make the appropriate appointments.

F. Any substitute associate municipal judge appointed pursuant to subsection C of this section may be assigned to serve as night magistrate under the supervision of the presiding municipal judge. The duties of the night magistrate shall be those prescribed by the laws of the state, particularly the Code of Criminal Procedure, at the discretion of the presiding judge.

G. A vacancy in the office of elected judge is filled by appointment by the city council and the person appointed serves until the next regular municipal election, at which time his successor shall be elected. An appointee may succeed himself or herself.

H. A vacancy in the office of substitute associate judge is filled by appointment by the city council and the person appointed serves the remainder of the expired term.

Section 2. That Ordinance no. 12403, An Ordinance Establishing a Procedure for the Appointment of Municipal Court Judges, is repealed.

Section 3. Except has herein amended, Title 2 (Administration and Personnel) shall remain in full force and effect.

ADOPTED this 7th day of February 2006.

CITY OF EL PASO

BETO O'ROURKE
MAYOR PRO TEMPORE

for: John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Laura P. Gordon
Deputy City Attorney

16272 #19409

FEDERICO SOFORO

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Attorney at Law
SoforoLaw@aol.com

RESUME
GENERAL INFORMATION

- Place of Birth : El Paso, Texas
- Business Address : 1418 Montana Ave.
  El Paso, Texas 79902
- Email Address : SoforoLaw@AOL.com

EDUCATION

- High School: Jesuit High School
  El Paso, Texas

- College: University of Texas El Paso (1970)
  Degree: Major – Political Science
  Minor – English/Spanish

- Post Graduate: Doctor of Jurisprudence
  St. Mary's School of Law, San Antonio, Texas (1973)

ORGANIZATIONS - MEMBERSHIP AND LICENSING

- Texas Bar Association (Lic. 1974)
- License with United States District Court
- Texas Trial lawyers Association
- El Paso Bar Association
- Mexican American Bar Association
- El Paso Labor Lawyers Association
- El Paso Boxing Hall of Fame
- Past Member Ducks Unlimited
- Past Member LULAC (Council 32)

WORK EXPERIENCE

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- Practicing Attorney in El Paso since 1974 in the following areas;
  - Personal Injury/Litigation
    - I. Initial opening of cases; obtaining facts, witness statements, video scenes all in preparation for lawsuit;
    - II. Filing all pleadings including but not limited to Original petition, amended pleadings, discovery (interrogatories, production) deposition of witnesses, parties and experts. All preparations is done in lieu of Trial.
    - III. Trial includes Voir Dire of prospective jurors, initial opening statement, testimony of witnesses, closing arguments.
  - Worker's Compensation (prior to 1991 revision)
    - I. Initial notice of Worker's Compensation Claim;
    - II. Obtaining and exchanging medical evidence.
    - III. Representation of claimant at final administrative hearing;
    - IV. Trial de Novo
  - Business Law Consultant
    - I. Advise on safe business practices and formulation of diverse business entities;
  - Prosecution and Defense regarding construction contracts
    - I. Lawsuits filed against building contractors and defense building contractors;
  - Criminal Law
    - I. Interviewing criminal defendants with Pre Trial and Trial activities
  - Labor Law
    - I. Advise and representation of clients that were wrongfully terminated by private and State employers;
  - Social Security
    - I. Representation of clients having been denied SS benefits at the administrative level and thereafter appellate procedure in Federal Court;
  - Family Law
    - I. Advise – representation of clients in divorce, child support and custody cases;
- Certified Mediator and Arbitrator
  - I. Attendance at accredited mediation school in New Mexico.
- Associated Professor - El Paso Community College
  Business Law

1418 Montana Avenue, El Paso, Texas 79902
(915) 532-4949/Facsimile (915) 532-4962

References

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- References will be provided upon request

1418 Montana Avenue, El Paso, Texas 79902
(915) 532-4949/Facsimile (915) 532-4962

Michele Locke

El Paso, TX 79932
Phone:
Fax:
michele@michelelocke.com

MAJOR ACCOMPLISHMENTS:

Texas Super Lawyer Rising Star 2006

PROFESSIONAL EXPERIENCE:

August 2006 to Present — **Michele Locke P.C.** — **El Paso, TX**
Solo Practioner

General Practice Law Firm. Practice general civil and criminal litigation.

July 2005 to July 2006 — **Elizondo, Hayes, & Locke P.C.** — **El Paso, TX**
Shareholder

General Practice Law Firm. Practiced general civil litigation and criminal litigation.

March 2004 to July 2005 — **El Paso City Attorney** — **El Paso, TX**
Assistant City Attorney

Defended the City of El Paso in 42 U.S.C. § 1983 litigation, Texas Tort Claims Act litigation, and land annexation disputes. Also, worked with the El Paso Police Department in discipline of its employees, including suspensions, demotions, and terminations of police officers. Assigned to Municipal Court as a Municipal Prosecutor.

August 2002 to March 2004 — **Kemp Smith P.C.** — **El Paso, TX**
Associate

Litigation associate in the Insurance Defense Department of Law Firm. The sole associate assigned to the department for a period of time.

EDUCATION:

2002 — **Texas Tech University** — **Lubbock , TX**
Doctorate of Jurisprudence

1999 — **University of Texas at Austin** — **Austin, TX**
Bachelor in Business Administration — Finance

CERTIFICATIONS:

Licensed to Practice in the State of Texas, Western District of Texas, and the 5th Circuit Court of Appeals

VICTOR R. PARRA, R.N., J.D.

Attorney At Law

Objective

Work part-time as a Night Magistrate

Experience

2003–Present Attorney - Self Employed El Paso, TX
- Areas of practice include criminal law, family law and personal injury
- Have tried six criminal cases as first chair and three as second chair

2002-2003 Attorney - Kemp Smith, LLP El Paso, TX
- Employed as a defense attorney for the Employment Law department

1999-2002 Registered Nurse San Antonio, TX
- Employed part-time as a registered nurse for a contracting agency and a nursing home

1994–1999 Registered Nurse El Paso, TX
- Worked for numerous home health agencies throughout El Paso

1989-1995 Air National Guard El Paso, TX
- Was a security specialist for the Air National Guard
- Assignments included deployments to Panama and Germany

Education

1999-2002 St. Mary's University San Antonio, TX
- Completed JD degree in December of 2001
- Licensed to practice law in Texas in May of 2002
  Admitted to the Texas Western District Court in December of 2002

1997-1999 University of Phoenix El Paso, TX
- M.B.A., Masters of Business Administration

1990–1994 UTEP El Paso, TX
- B.S.N., Bachelors of Science in Nursing

1017 MONTANA • EL PASO, TEXAS 79902 • TEL (915) 592-9999 • FAX (915) 313-0091

REGINA B. ARDITTI

Attorney and Counselor at Law

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1011 N. Mesa
El Paso, Texas 79902
(915) 351-7037
(915) 533-4863 fax

JUDICIAL EXPERIENCE

- **Presiding Judge. City of El Paso Municipal Courts.** El Paso, Texas. (September 2003 – January 2, 2008) Preside over Elected Five (5) Municipal Trial Courts, 1 Appellate Court; Supervise Four (4) Associate Judges in the Arraignment and Night Magistrate Courts, 13 Substitute Associate Judges in the Temporary Appointed Courts. Exclusively Handled Right of Possession Hearings, Appeals for Civil Red Light and Parking Violations. Implemented the following services: The Environmental Courts for Municipal Code Violations, Adult and Juvenile Community Service, Scofflaw Program, Judges Training, Credit for Time Served Forms, Online Services for: English and Spanish Court Procedures, Citation Search, Court Forms, Court Dockets and Payments.

- **Judge, Municipal Court No. 4.** El Paso, Texas (November 2001 – January 2, 2008)
  November 2001: Appointed by City Council, Ran Unopposed in nonpartisan Citywide Elections: May 7, 2003 and May 7, 2005. Preside over 750 Municipal Court contested trial court cases per week, indigency hearings, juvenile hearings, municipal code violations, pretrial hearings, Jury Trials, Magisterial duties.

- **Judge, Clint Municipal Court.** Clint, Texas. (May 1998 to May 2003) Appointed by Town of Clint Council. Handled all Municipal Court Duties.

- **Associate Judge, Municipal Court, MC4B.** El Paso, Texas. (March 1996 - November 2001)
  Appointed by El Paso City Council. Weekend Night Magistrate handled warrants in felony and misdemeanor cases, warned defendants of their constitutional rights, determined indigency warrants and Substituted for Elected Judges as needed.

ATTORNEY

EXPERIENCE

- **Regina Arditti, Attorney and Counselor at Law.**
  1011 N. Mesa, El Paso, Texas 79902. (915) 351-7037
  Fax (915) 533-4368 (August 2004 – Present)
  Federal and State: Civil Plaintiff and Defense, and Criminal Defense. General Corporate Counsel: Employment - Labor Law, Contracts, Business, Real Estate, Construction, Civil Litigation and Insurance Defense. Probate, Personal Injury, Family Law, Child Protective Services, Criminal Defense: Felony, Misdemeanors and Appeals.

- **Supervising Attorney. Mental Health Unit, El Paso County Public Defender's Office**, El Paso, Texas.
  (May 2004 – August 2004)
  Structured, coordinated and implemented pilot program with area agencies to defend indigent persons with mental disabilities accused of criminal offenses, supervised two social workers and assisted in grant proposals for the Mental Health Program.

- **Attorney-Advisor. United States Department of Defense, Office of the Staff Judge Advocate General**, United States Army, Fort Bliss, Texas.
  (November 1999 – May 2004)
  In-Court Representation for the Probate Program and Divorce Programs, Prepared and Published Preventative Legal Articles for the Monitor Newspaper, Prepared Military Administrative Appeals, Implemented and Prepared the Divorce Program, Advised, Researched and Prepared Documents in Family Law, Child and Adult Protective Services, Criminal Law, Estate Planning, Wills, Probate, Consumer Protection, Landlord – Tenant, Real Estate and Military Regulations. Assisted other legal departments with State In-Court Representation.

- **Regina Arditti, Attorney and Counselor at Law.**
  El Paso, Texas 79902. (February 1996 – November 1999), (January1993 - September 1993)
  Civil Litigation, Family Law, Employment and Labor Law: Employer and Labor Unions, Contracts, Business Law, Insurance Defense, Personal Injury, Real Estate, and Construction, Federal and State Criminal Law Defense, Felony, Misdemeanors and Appeals. (Capital Murder and Murder Lists, approved by the Council of Judges).

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ATTORNEY EXPERIENCE

- **Associate Attorney. Dudley, Dudley, Windle and Stevens Law Firm.** El Paso, Texas.
  (September 1993 – February 1996)
  Insurance Defense and Civil Litigation: Business, Labor and Employment Law, Personal Injury, Medical and Legal Malpractice, Wrongful Death, Insurance Bad Faith, Products Liability, Construction and Environmental Law, DTPA, Wrongful Termination, ADA, Discrimination, Commercial Litigation, Plaintiff's Litigation, Family Law, Criminal Defense.

- **Assistant City Prosecutor.** City of El Paso, Texas.
  (February 1993 – September 1993)
  Municipal Prosecutions.

- **Assistant District Attorney.** 34th Judicial District Attorney's Office, El Paso, Texas.
  (February 1989– December 1992)
  Felony Prosecutions; Chief of Appellate Unit; Chief of Jail Magistrate & Screening Unit; Section Trial Team Chief; Rape & Child Abuse Attorney.
  (Felony Jury Trials; Appeals to the Texas 8th Court of Appeals and the Texas Court of Criminal Appeals; Westlaw Computer Research; Supervisory positions for the Attorneys in the appellate, trial, and screening sections).

- **Assistant County Attorney.** El Paso County Attorney's Office.
  (October 1988 – January 1989)
  Child Protective Services Prosecutor; Juvenile Prosecutor and Legal Advisor to the Juvenile Probation Department, Jury and Bench Trials.

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LEGAL LICENSES

- United States Supreme Court, 1992
- United States Fifth Circuit Court of Appeals, 1990
- United States District Court, Western District of Texas, 1989
- The State of Texas, 1988
- Texas Notary Public

EDUCATION

- Texas Tech University School of Law. Lubbock, Texas
  Doctor of Jurisprudence (J.D.) 1988
  Who's Who in American Law Schools, 1987 and 1988; Published article: "U. S. Constitution" (in collaboration with the Law Professors) 1987; Phi Delta Phi Law Fraternity
- Southwestern Paralegal Institute. Houston, Texas
  Certificate, 1981
- University of Texas at El Paso. El Paso, Texas.
  Bachelor of Arts, Philosophy, 1980
- Loretto Academy. El Paso, Texas, 1975
- St. Patrick's Elementary School, 1971

LANGUAGES/SKILLS

- **Bilingual:** English and Spanish
- Computer Literate
- Westlaw and NexisLexis Legal Research

PROFESSIONAL ASSOCIATIONS

- Texas State Bar Association
- Texas State Bar College
- Texas Pro Bono College (1998, 1999)
- Fifth Circuit Court of Appeals Bar Association
- Federal Bar Association
- El Paso Federal Bar Association
- Texas Municipal Courts Education Center, Austin, TX. (District V. Director, Board of Directors, 2007)
- Texas Municipal Courts Association, Austin, TX. (District V. Director, Board of Directors, 2007)
- Association of Trial Lawyers of America (1998, 1999)
- El Paso Bar Association (Board of Directors, 2007-2010)
- El Paso Mexican American Bar Association (MABA Board of Directors, 2002-2003, 2003-2004)
- Equal Access for El Paso, (Board of Directors, MABA Representative, 2003-2004)
- El Paso Women's Bar Association
- Texas Criminal Defense Lawyers Association
- El Paso Criminal Defense Lawyers Association
- El Paso Probate Bar Association
- El Paso Family Law Bar Association

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LECTOR/ SPEAKER

- **El Paso Community College.** (1994, 1990) Courses taught: Legal Research & Writing; Introduction to Civil Litigation.
- **University of Texas at El Paso.** (1990, 1991) Courses taught: Introduction to Criminal Justice; Juvenile Procedure.
- **El Paso County Sheriffs Academy.** (1990-1992) Speaker on Rape, Child Abuse, Criminal Prosecutions, Trial Preparation and Litigation for the District Attorney's Office.
- **Texas Municipal Courts Education Center.** Judges Seminar, Austin, Texas (July 1998 & July 1999) Contempt.
- **Federal Bureau of Prisons.** (March 23, 1999) Women in Criminal Justice.
- **Texas State Bar Seminar.** (February 27, 2003) Family Law and the Military Seminar, Legal Assistance.
- **El Paso Municipal Courts Judges' Training.** (December 2003 – January 2, 2008) Magistrate and Substitute Associate Judges' Training Sessions.
- **League of United Latin American Citizens (LULAC) Women's Conference.** Speaker, Women in Government.
- **El Paso Community College.** (October 21, 2005) Swear in Student Government Officers and Speaker for Student Government Association Induction Ceremony.
- **Bowie High School.** Speaker for the Theater Arts Department.
- **Lafarelle Alternative School.** Speaker for Graduation Commencement Ceremony.
- **El Paso Conference For Women.** (February 8-9, 2008) Speaker on Violence against Women.

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COMMUNITY SERVICE / ASSOCIATIONS

- El Paso League of Women Voters
- El Paso County Juvenile Administration (Board of Directors, 2003-present)
- County of El Paso Bail Bonds Administration (Board of Directors, 2003 - present)
- El Paso Central Business Association (Board of Directors, 2005 - present)
- DWI Reduction Task Force, El Paso, Texas

COMMUNITY
SERVICE / ASSOCIATIONS

- St. Patrick's Cathedral Church member
- El Paso Bar Foundation
- League of United Latin American Citizens, LULAC Council No. 335, Civil Rights Committee Member (2003-2005), District IV Representative (2005), District IV Parliamentarian (2005), District IV Civil Rights Committee Chairperson (2005), District IV Awards Committee Chairperson (2005)
- Judge and Master of Ceremony, 2007 Fiesta De Las Flores Queen Pageant, League of United Latin American Citizens (LULAC)
- Latinas 100
- El Paso Boxing Hall of Fame, Honorary Member (Legal Counsel, Board of Directors, 2004 – present)
- Italian American Culture Society of El Paso (Vice-President, 1995)
- Loretto Academy Alumnae Association
- El Paso Star Keeper
- Border Fair Housing and Justice Center (Board of Directors, 2008)
- Spanish Legal Program Host, Radio KAMA, El Paso, Texas (1996)
- Bridge Mentor Program Volunteer (for At Risk Children, 1997, 1998, 1999)
- Parent-Teacher Association, El Paso High School
- El Paso High School Band Booster
- Judge, El Paso Young Lawyers High School Mock Trial Competition (2007)
- Judge, performed all marriages on a volunteer basis without compensation and the first marriage by satellite at Fort Bliss, Texas by proxy with deployed soldiers in Iraq.

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