

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

DEPARTMENT: Municipal Clerk
AGENDA DATE: Tuesday, December 20, 2011
CONTACT PERSON/PHONE: Richarda Duffy Momsen, (915) 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.

A) The City Council will consider the appointment of one temporary municipal court associate judge to preside over the temporary court, 5-T that will handle primarily traffic violations while Court 1 concentrates exclusively on environmental cases such as zoning, building code, junked vehicle, littering and dumping, vacant building, animal violations.

B) The City Council also will consider the appointment of three on-call, part-time Associate Municipal Court Judges from among the resumes received. These positions serve as substitutes for the elected municipal court trial judges at trial and court hearings; they preside over arraignments; they serve as magistrates on weekends and graveyard shifts.

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?

A) Council will appoint one candidate from the résumés received to serve as Associate Municipal Court Judge presiding over Municipal Court 5-T, the temporary court. Ordinance 016274 provides for the selection process. All resumes are being forwarded to the City Council for consideration. In addition, the City Manager solicited the recommendation of Presiding Municipal Court Judge Robledo, forwarding the resumes to him for review. The ordinance does not require this inclusion of the Presiding Judge, but the City Manager reasons that since Presiding Judge is more familiar with the legal community and since he will supervise the associates selected, his input is valuable. Presiding Judge Robledo formed an interview panel of three municipal court judges and the panel interviewed all applicants on December 7, 2011. Council is not bound by the Presiding Judge's recommendation. The recommendation of the Presiding Judge is to appoint current Associate Municipal Court Judge Cheryl Lay as the associate judge for Court 5-T.

B) Council will appoint three candidates from the resumes received to serve as on-call, part-time associate municipal court judges. Ms. Wilson also sought the input of Presiding Judge Robledo on these appointments. The panel of municipal judges interviewed all qualified and available candidates for these positions on December 7, 2011. One qualified candidate declined the interview, citing she had accepted another job. The Judges are recommending the appointment of Marina Chavez, Luis Labrado and Victor Salas as on-call associate municipal court judges.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, it is City Council who appoints part-time Associate Municipal Court Judges, in accordance with Ordinance 016274 and the City Charter.

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?

A) The \$48,369 salary/fringes of the associate municipal court judge will be paid through a budget transfer from Environmental Services to Municipal Clerk to allow the elected judge of Court 1 to concentrate exclusively on adjudicating environmental cases.

B) On-call, part-time associate judges are paid only for the court or magistrate sessions they work. The City also pays for travel to and from the statutorily required 12 hour Texas Municipal Court Education Center annual training. In June, 2012 the mandatory training will be held in El Paso, reducing travel costs.

Fund: 01101 (General Fund)
Department: 11010332 (Municipal Clerk)
Account: 501000 (Salaries – Judiciary)

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: _____

1111 - Associate Municipal Judge - Temporary Court

Contact Information -- Person ID: 8487220

Name: Marina Chavez Address:
 Email:
 Notification Preference: Email
 Home Phone: Alternate Phone:
 Person ID: Former Last Name:
 Month and Day of Birth:

Personal Information

Driver's License: Yes
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Doctorate

Preferences

Preferred Salary:
 Are you willing to relocate?
 Types of positions you will accept: Regular , Temporary
 Types of work you will accept: Full Time , Part Time , Per Diem
 Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

I believe that I am qualified to be a part time municipal judge as I have extensive experience in the area.

Education

Graduate School
 St. Mary's School of Law
 8/1995 - 5/1998
 San Antonio, Texas
 Did you graduate: Yes
 College Major/Minor: Jurisdoctor
 Degree Received: Doctorate

College
 University of Texas at El Paso
 8/1990 - 5/1995
 El Paso, Texas
 Did you graduate: Yes
 College Major/Minor: Accounting
 Units Completed: 10 Semester
 Degree Received: Bachelor's

Work Experience

Owner
 6/1999 - 1/2011
 Law Office of Marina Chavez
 P.O. Box 71116
 El Paso, Texas 79917
 (915) 838-7600
 Hours worked per week: 55
 Monthly Salary: \$5,000.00
 # of Employees Supervised: 1
 Name of Supervisor: None - None
 May we contact this employer? Yes

Duties

Represented clients in private practice consisting of criminal law both federal and in the state jurisdiction, family law, children welfare law, and probate.
 Court appearances in all jurisdictions including municipal court, state court, federal court and courts of appeal.

Managed a small private practice.

Reason for Leaving
Will continue with private practice

Part-Time Prosecutor
12/2002 - 1/2005

City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901
(915) 541-4000

Hours worked per week: 15
Monthly Salary: \$0.00
Name of Supervisor: Al Avila
May we contact this employer? Yes

Duties
Represented the City of el Paso in prosecution of misdemeanor cases.

Reason for Leaving
Position was eliminated

Assistant County Attorney
6/1998 - 6/1999

El Paso County Attorney's Office
500 E. San Antonio
El Paso, Texas 79901
(915) 546-2050

Hours worked per week: 40
Monthly Salary: \$3,500.00
of Employees Supervised: 1
Name of Supervisor: Jose Gonzalez - Supervising Attorney
May we contact this employer? Yes

Duties
Represented the Texas Department of Family and Protective Service in cases involving child abuse and neglect

Reason for Leaving
Opening private practice

Student Accountant
1/1992 - 5/1995

El Paso Natural Gas
El Paso, Texas

Hours worked per week: 20
Monthly Salary: \$0.00
May we contact this employer? No

Duties
Prepared retirement of fixed assets.

Reason for Leaving
Left so that I could continue my education in law school.

Certificates and Licenses

Type: State Bar of Texas
Number:
Issued by: State Bar of Texas
Date Issued: 5 /1998 Date Expires: 6 /2020

Skills

Office Skills
Typing:
Data Entry:

Additional Information

Interests & Activities

Reading, writing, singing

Professional Memberships

Member of the State Bar of Texas
 Member of the Criminal Law Section of the State Bar of Texas.
 Member of the Family Law Section of the State Bar of Texas.

References

Professional
Ramirez, Maria
 Municipal Court Judge
 1119 E. San Antonio
 El Paso, Texas 79901
 (915) 544-6115

Professional
Gabaldon, Oscar
 Judge
 500 E. San Antonio
 El Paso, Texas 79901
 (915) 546-2147

Professional
Melendez, Alex
 Attorney
 1119 E. San Antonio
 El Paso, Texas 79901
 (915) 838-7000

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Resume	REsume	Other	Job Seeker

1111 - Associate Municipal Judge - Temporary Court.

Contact Information -- Person ID: 10760246

Name: Cheryl S Davis (formerly Lay) Address:
 Email:
 Notification Preference: Email
 Home Phone: Alternate Phone:
 Person ID: Former Last Name: Lay
 Month and Day of Birth:

Personal Information

Driver's License: Yes,
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Doctorate

Preferences

Preferred Salary:
 Are you willing to relocate?
 Types of positions you will accept:
 Types of work you will accept:
 Types of shifts you will accept:

Objective

Education

Graduate School Did you graduate: Yes
Texas Tech School of Law College Major/Minor: Law
 8/1994 - 5/1997 Degree Received: Doctorate
 Lubbock, Texas

College Did you graduate: Yes
University of Texas at El Paso College Major/Minor: Criminal Justice
 [Unspecified Start] - 5/1994 Degree Received: Bachelor's
 El Paso, Texas

High School Did you graduate: Yes
Coronado High School Degree Received: High School Diploma
 9/1974 - 5/1977
 El Paso, Texas

Work Experience

Associate Municipal Court Judge Hours worked per week: 8
 8/2002 - Present Monthly Salary: \$1,200.00
 Name of Supervisor: Daniel Robledo - Presiding Judge
 City of El Paso May we contact this employer? Yes
 1 Civic Center Plaza
 El Paso, Texas 79901

Duties

Substituting for elected Judges for traffic courts, weekend and night magistrate duties including signing

warrants upon a finding of probable cause, protective orders, emergency detention orders, search warrants, conducting indigency hearings.

Reason for Leaving
I am still employed.

Attorney
8/1999 - Present

The Law Offices of Cheryl Davis PC
(formerly Leslie & Lay, PC)
1522 Montana Ave., Suite 103
El Paso, Texas 79902
(915) 565-9000

Hours worked per week: 50
Monthly Salary: \$6,000.00
of Employees Supervised: 3
Name of Supervisor: None
May we contact this employer? Yes

Duties

Meet with clients regarding various issues, evaluate facts and potential resolutions, draft pleadings, attend hearings, trial preparation, legal research.

Law Clerk
8/1997 - 8/1999

8th Court of Appeals
547 E. San Antonio
El Paso, Texas 79901
(915) 546-2240

Hours worked per week: 40
Monthly Salary: \$3,000.00
of Employees Supervised: 0
Name of Supervisor: Justice Ann C. McClure -
Chief Justice
May we contact this employer? Yes

Duties

Legal research regarding appellate issues, both civil and criminal, and preparation and presentation of legal memos to Justices.

Reason for Leaving

Clerkship Ended. Originally for one year but Justice McClure requested that I stay an additional year.

Certificates and Licenses

Type: Law License

Number:

Issued by: State of Texas

Date Issued: 11 /1997 Date Expires:

Type: Law License

Number:

Issued by: State of New Mexico

Date Issued: 2 /2000 Date Expires:

Type: Board Certification, Consumer Bankruptcy
Law

Number:

Issued by: State of Texas

Date Issued: 12 /2004 Date Expires:

Skills

Office Skills

Typing:

Data Entry:

Additional Information

Additional Information

I have been an Associate Municipal Court Judge for almost 10 years. I am familiar with the system, the clerks, and the law relating specifically to this court. I understand the court sessions are 9:30 and 10:30 a.m. and am available at these times.

References

Resume

Text Resume

Attachments

1111 - Associate Municipal Judge - Temporary Court**Contact Information -- Person ID: 10814999**

Name: Frank L. Hart Address:
 Email:
 Notification Preference: Paper
 Home Phone: Alternate Phone:
 Person ID: Former Last Name:
 Month and Day of Birth:

Personal Information

Driver's License: Yes,
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Doctorate

Preferences

Preferred Salary:
 Are you willing to relocate?

Types of positions you will accept:

Types of work you will accept:

Types of shifts you will accept:

Objective**Education**

FH verified no education history.

Work Experience

FH verified no work experience.

Certificates and Licenses**Skills**

Office Skills

Typing:

Data Entry:

Additional Information**References****Resume**

Text Resume
 FRANK L. HART
 ATTORNEY AT LAW
 2517 MONTANA AVE.
 EL PASO, TEXAS 79903
 TEL: (915) 532-3647

FAX: (915) 532-1873

November 22, 2011

RE: Application for Appointment to Associate Municipal Judge - Temporary Court

To Whom It May Concern:

Please accept this application for consideration for appointment to the position of Associate Municipal Judge- Temporary Court.

With the exception of the Appellate Court, I have served as Judge in all the Municipal Courts whenever called upon to do so. I was appointed an Associate Municipal Judge in late 2003 and have been reappointed at least one time since then and I am currently an Associate Municipal Judge. Attached is my resume that lists my education and professional qualifications.

I am in good standing with the State Bar of Texas. I have extensive knowledge of Texas criminal and civil law and the El Paso City ordinances governing misdemeanor offenses including juvenile offenses. When I am sitting as Judge, I do move the docket even though I take the time to listen to the evidence and render a fair and impartial decision. I am very familiar with all the duties that are required for this position as they have been the guidelines which I have followed for the past eight years.

Please advise me if further information is required.

Sincerely,

FRANK L. HART

FRANK L. HART

WORK EXPERIENCE

2003 to present El Paso Municipal Court Associate Judge/ Magistrate

1980 to present Self-Employed Practicing Attorney in General Practice of Law, 2517 Montana Ave., El Paso, TX

1959-1980 Law office of Hart and Moss; El Paso, Texas

1954-1957 Martin Veterinary Products
Austin, TX Company Chemist
Part-time employment as enrolled in law school and graduate school full time.

September 1951- August 1954 Commissioned Officer, United States Army (2nd Lieutenant and 1st Lieutenant) on active duty. Honorably Discharged from active duty and continued on reserve duty until January 1958.

EDUCATION

June 1955 - January 1958 University of Texas School of Law

- Doctor of Jurisprudence Degree

September 1954 - May 1955 University of Texas
Department of Chemistry

- Graduate studies towards a Ph D Degree in Chemistry

September 1948 - August 1951 Started at College of Mines and Metallurgy, name changed to Texas
Western College

- Bachelor of Arts Degree

September 1947 - January 1948 University of Wurtzburg
Wurtzburg, Germany

Completed one semester

Learned to speak German prior to attending as all classes were given in the German language.

ACCOMPLISHMENTS

Received a licensed to practice law from the Supreme Court of the State of Texas on December 5,
1957.

Admitted to practice law in the Federal Court Western District of Texas on August 8, 1962.

PROFESSIONAL ACTIVITIES AND SERVICE

Texas State Bar Association - Member since 1958 to present with a 50 Year Service Award in 2007.

Attachments

FRANK L. HART
ATTORNEY AT LAW

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PROFESSIONAL ACTIVITIES AND SERVICE

Texas State Bar Association - Member since 1958 to present with a 50 Year Service Award in 2007.

1111 - Associate Municipal Judge - Temporary Court**Contact Information -- Person ID: 10816947**

Name: John A Needham Address:
 Email:
 Notification Preference: Email
 Home Phone: Alternate Phone:
 Person ID: Former Last Name:
 Month and Day of Birth:

Personal Information

Driver's License: Yes
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Doctorate

Preferences

Preferred Salary:
 Are you willing to relocate?
 Types of positions you will accept: Regular , Temporary
 Types of work you will accept: Full Time , Part Time , Per Diem
 Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

Continue with my work as a judge.

Education

Graduate School
University of Texas at El Paso
 1998 - 2002
 El Paso, Texas
 Did you graduate: Yes
 College Major/Minor: Economics
 Degree Received: Master's

Professional
University of Houston Law Center
 8/1991 - 12/1993
 Houston, Texas
 Did you graduate: Yes
 College Major/Minor: Law
 Units Completed: 92 Semester
 Degree Received: Professional

College
Lamar University
 9/1990 - 5/1991
 Beaumont, Texas
 Did you graduate: Yes
 College Major/Minor: Political Science/Economics
 Units Completed: 40 Semester
 Degree Received: Bachelor's

Work Experience

Substitute Associate Municipal Court Judge
 12/1999 - Present
 El Paso Municipal Court
 El Paso, Texas 79901
 Hours worked per week: 10
 Monthly Salary: \$0.00
 Name of Supervisor: Daniel Robledo - Presiding Judge
 May we contact this employer? Yes

Duties

Work as municipal judge/magistrate as assigned.

Reason for Leaving
Not leaving

Attorney
6/1995 - Present

John Needham, Attorney at Law
1002 Magoffin
El Paso, Texas 79901

Hours worked per week: 25
Monthly Salary: \$0.00
Name of Supervisor: Self
May we contact this employer? Yes

Duties
Private practice attorney. Criminal, civil, family and business law.

Reason for Leaving
Not leaving

Certificates and Licenses

Type: Law
Number:
Issued by: Texas State bar
Date Issued: 5 /1994 Date Expires:

Skills

Office Skills
Typing:
Data Entry:

Languages
Spanish - Speak, Read, Write

Additional Information

References

Resume

Text Resume

Attachments