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# Board of Supervisors Memorandum

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May 17, 2022

## Appointment of Justin Cluck as Pima County Public Fiduciary

### Background

Following receipt of the resignation of Pima County Public Fiduciary Peter Santini, a process was developed to evaluate potential candidates and recommend the most qualified which has been outlined in the May 9, 2022 memorandum from Public Defense Services Director, Dean Brault. (Attachment 1)

The Evaluation Committee interviewed five highly qualified applicants and following those interviews, the committee unanimously recommended Justin Cluck to be presented to the Pima County Board of Supervisors for appointment as the Pima County Public Fiduciary.

Enclosed is Mr. Cluck's resume for your information and review. (Attachment 2)

### Recommendation

I recommend Mr. Cluck's appointment as Pima County Public Fiduciary on the May 17, 2022 Addendum for Board of Supervisors with an annual salary of \$109,990.40.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Lesher", with a long horizontal flourish extending to the right.

Jan Lesher  
County Administrator

JKL/dym – May 9, 2022

Attachment

c: Dean Brault, Director, Public Defense Services

# ATTACHMENT 1



PUBLIC DEFENSE SERVICES

# MEMORANDUM

To: Jan Lesher  
County Administrator

Date: May 9, 2022

From: Dean Brault  
PDS Director

Subject: Recommendation for Pima County Public Fiduciary appointment

Following the announced resignation of Pima County Public Fiduciary, Peter Santini, a committee was formed to select a recommended replacement. Two rounds of interviews were conducted. The last committee was composed of Belvet Elsouhag, Cochise County Public Fiduciary, Leigh Bernstein, practicing elder law attorney, Ann Bowerman, Bureau Chief of Pima County Mental Health Defense, Amy Hubbel, attorney at Pima County Public Fiduciary, and myself. The position was posted on the Pima County website and was open to the public. We received five applicants in total, all five of which were interviewed. Following those interviews, the committee unanimously recommended Justin Cluck to be presented to the Pima County Board of Supervisors for appointment as the Pima County Public Fiduciary.

Mr. Cluck received his Bachelors of Arts in history from the University of Central Oklahoma in 1999. He received his Juris Doctor from the University Of Mississippi School Of Law in 2002 and received the Award for Outstanding Public Interest Law Student. He started in the private sector in 2003 and became a partner in a firm that handled a wide array of matters including criminal defense, civil and commercial litigation, state agency law, social security, wills and estates, personal injury, and complex civil litigation. His practice often involved injured clients for whom he arranged services necessary for their care and wellbeing.

Mr. Cluck was hired by the Pima County Public Defender as an Assistant Public Defender in 2017 as a felony trial attorney, handling a full caseload that included all types of cases including homicides and sexual assaults.

His resume is attached for your review.

Should the Board of Supervisors appoint him as the Pima County Public Fiduciary, I am recommending a salary of \$109,990.40 per year, which is the equivalent of the starting salary for a Bureau Chief. This would be consistent with managers of other divisions within Public Defense Services.

# ATTACHMENT 2

## Justin S. Cluck

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### Professional Experience

- Held Marshall County, Mississippi Indigent Defense Contract serving as part time Public Defender from 2004-2017 and full time Assistant Public Defender in Pima County since 2017
- 15 years of private practice experience litigating guardianships, wills, estates and probate claims
- Proficiency in drafting wills, codicils, powers of attorney and health care directives
- Administration of estates in settlement of civil claims including wrongful death and mass tort claims
- Litigated claims against long term care insurance companies for improper denial of claims
- Obtained approval for Medicare set-aside arrangements and opened trusts to administer the set aside arrangement
- Negotiated settlement of liens ranging from a few thousand dollars to millions of dollars with the Centers for Medicare and Medicaid Services and the Department of Human Services
- Represented physically and mentally disabled clients before the Social Security Administration to obtain SSDI and SSI benefits
- Advised clients on compliance with Medicare Secondary Payer reimbursement rules and regulations
- Coordinated community services for indigent clients, including residential treatment and transitional housing while an assistant public defender
- Administration of multimillion dollar claim and settlement program in connection with BP Deepwater Horizon Oil Spill Litigation
- Maintained accounting of client trust accounts in private law firm
- Appointed special counsel to pursue recovery of assets on behalf of bankruptcy estates
- Recruited, trained and supervised attorneys, staff and law clerks as member of private law firm
- Developed annual budgets for private law firm operations, expert expenses and case planning
- Oversaw modernization efforts for private law firm to increase efficiency and decrease costs by utilizing electronic case management systems
- Extensive trial experience, having tried approximately 50 trials in both state and federal court
- Board Attorney for Marshall County Board of Supervisors, Economic Development Authority and Low Income Housing Authority

**Work History:** **Assistant Public Defender II**, Pima County Public Defender's Office  
February 2017 – Present

**Partner**, Smith Whaley, PLLC  
February 2004 – January 2017

**Associate**, Smith, Phillips, Mitchell and Scott, LLP  
January 2003 - February 2004

**Legal Intern** to the Honorable Michael P. Mills, United States District Court for the  
Northern District of Mississippi  
January 2002 – May 2002

**Education:** **University of Mississippi School of Law**, Juris Doctor, 2002  
Recipient of Award for Outstanding Public Interest Law Student

**University of Central Oklahoma**, Bachelor of Arts in History, 1999  
Dean's List

**Publications:** Justin S. Cluck, *Green Tree Financial Corp. v. Bazzle: The Supreme Court Decides the  
Future of Class Arbitration*, 13 Class Actions and Derivative Suits (newsletter of the ABA  
Sec. Litig.) 4 (Fall 2003).

**Admissions:** **State Bar of Arizona**, 2017  
**State Bar of Mississippi**, 2002  
**The United States Fifth Circuit Court of Appeals**, 2002  
**The United States District Court for the Northern District of Mississippi**, 2002  
**The United States District Court for the Southern District of Mississippi**, 2002  
**Tribal Court of the Mississippi Band of Choctaw Indians**, 2006

**Awards:** **Super Lawyers Magazine, Mid-South**, Rising Star, 2014, 2015 and 2016,  
**National Trial Lawyers**, Top 100 Trial Lawyers, 2014,  
Top 40 Under 40 Trial Lawyers 2016

**Organizations:** **American Association for Justice**, Legal Affairs Committee, Elections Committee