

ARIZONA JUDICIAL COUNCIL (TELEPHONIC MEETING)

Arizona State Courts Building
1501 W. Washington Street, Suite 119
Phoenix, Arizona 85007

April 7, 2011

DRAFT Meeting Minutes

Council Members Present:

Chief Justice Rebecca White Berch (in person)	Judge Joseph Howard
Judge Louraine Arkfeld (<i>retired</i>)	Yvonne R. Hunter
Alan Bayham	Michael Jeanes
Jim Bruner	Judge Jan Kearney
David Byers (in person)	William J. Mangold, M.D., J.D.
Jose A. Cardenas, Esq.	Judge Robert Carter Olson (in person)
Judge Norman Davis	Janet Regner
Karen D. Ferrara	Judge James Soto
Athia Hardt	Judge Ann A. Scott Timmer (in person)
Mike Hellon	George Weisz
Judge Douglas Holt	Judge David Widmaier

Council Members Absent:

Judge Rachel Torres Carrillo
Emily Johnston
Judge Antonio Riojas, Jr.

Administrative Office of the Courts (AOC) Staff Present:

Jennifer Liewer
Lorraine Smith

Presenters and Guests Present:

Vice Chief Justice Andrew Hurwitz
Gary Grado, Arizona Capitol Times

Chief Justice Rebecca White Berch, Chair, called the meeting to order at 4:00 p.m. p.m., at the State Courts Building, 1501 W. Washington, Room 230, Phoenix, Arizona. The Chair welcomed those attending in person and telephonically.

Consideration and Action on Legislation

The Chair called for discussion regarding the proposed changes to the judicial merit system as referenced in the House of Representatives' amendments to SCR 1001.

The Chair provided a brief summary of the provisions to include:

- Instead of the State Bar being removed from the nominating process of the attorney members of the Nominating Commissions, the President of the State Bar will appoint the sixth attorney member of the Nominating Commissions, and the State Bar will solicit applicants for the other positions and send all names to the Governor with recommendations. Attorney members of the Commissions must have ten years of practice (instead of five), be members in good standing of the Bar, and have no formal sanctions pending or imposed;
- The proposal contemplates eight judicial applicant names going to the Governor with the ability of the Commissions to send fewer than eight names upon a two-thirds vote, and all judicial applicants who receive a majority vote from the Commissions will be sent to the Governor;
- Per the suggestion of the Governor's Office and the EORP Administrator, the mandatory retirement age for judges is raised to 75;
- The Joint Legislative Committee hearings regarding JPR which in the earlier version "shall" be held are now "may" be held;
- Eight-year terms for all judges will begin with terms of office beginning on or after 1/1/2013; and
- Provisions for publication on the Supreme Court websites of judicial decisions.

The Chair noted the proposal is an alternative to SB 1040, which in effect eliminates the merit system, and requires confirmation, reappointment, and reconfirmation of judges. The Chair stated the Council must vote to support this amendment in order to reach a settlement with the bill sponsors.

Mr. Bayham stated the State Bar does not like the diminished role that SCR 1001 offers, but they will support this version, as the State Bar continues to have a role and can intervene.

Judge Soto asked if there are multiple vacancies, and the Governor receives two separate lists, can she select from both lists for either vacancy. The Chair confirmed that the Governor could do this.

Ms. Hunter asked if the issues with SCR 1002 were resolved. Mr. Byers noted staff is still working on this bill, and it will be separate from any motion made today.

The Chair called for further discussion. A motion was made and seconded to support SCR 1001 as presented.

MOTION: To support House of Representatives' amendments to SCR 1001 as presented. Motion was seconded and passed (one opposed). AJC 2011-16.

Judge Davis noted the Maricopa County bench was nearly unanimous in their support. Judge Kearney stated the Pima Bench received no opposition.

Call to the Public/Adjourn

The Chair made a call to the public; there was none.

A motion was made to adjourn the meeting.

The meeting adjourned at 4:21 p.m.