

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

November 20, 2015

PRESENT: Chief Justice Scott Bales, Chair; Krista Carman; Joseph Cuffari; William Ekstrom, Jr.; Joshua Hall; J.W. Harris; Harry Hengl; Monica Klapper; Tracy Munsil; Jonathan Paton; Benjamin Reeves; Michael Rusing; Phillip Townsend; and, Charie Wallace

ABSENT: James Hartdegen and Joanne Keene

Chief Justice Scott Bales, Chair, called the meeting to order at 8:00 a.m.

Introductions

Chief Justice Bales introduced himself and noted a quorum of the Commission. He welcomed the Commission members and the public.

He explained the purpose of the meeting is to interview for the position created by the retirement of Justice Rebecca White Berch.

Public Comment

Chief Justice Bales asked for public comment on the candidates that will be interviewed for the Arizona Supreme Court vacancy. He explained to the speakers that each candidate is limited to five minutes of public comment and asked them not to repeat comments by previous speakers about the same candidate.

Andrew Klein spoke on behalf of Lawrence Winthrop.

Jon Kyl spoke on behalf of Clint Bolick.

Brad Astrowsky spoke on behalf of Andrew Gould.

Don Enz spoke on behalf of Daisy Flores.

Cecil Patterson spoke on behalf of Maurice Portley.

Patricia Starr spoke on behalf of Kent Cattani.

Lynda Shely spoke on behalf of Samuel Thumma.

Shawn Aiken spoke on behalf of Timothy Thomason.

David Euchner spoke on behalf of Clint Bolick.

Suzanne Blomo spoke on behalf of Kent Cattani.

Aaron Moskowitz spoke on behalf of Kent Cattani.

Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the October 19, 2015 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Disqualifications and Disclosures

Chief Justice Bales asked the Commission if there were additional disqualifications or disclosures since the screening meeting on October 19, 2015.

No additional disclosures since the October 19th meeting.

Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 8:47 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:55 a.m.

Chief Justice Bales reminded all public members to keep interview questions secret.

Candidate Interviews

From 10:03 a.m. to 10:50 a.m. the Commission interviewed Clint Bolick and Samuel Thumma.

Chief Justice Bales allowed a member of the public provide comments on a candidate.

Susan Imperatrice spoke against Daisy Flores.

From 11:00 a.m. to 11:55 a.m. the Commission interviewed Maurice Portley and Lawrence Winthrop.

The Commission recessed for lunch at 12:00 p.m.

Chief Justice Bales called the meeting back to order at 12:30 p.m.

Due Diligence Reports

Commission members delivered the due diligence reports for Clint Bolick, Michael Brown, Kent Cattani, Daisy Flores and Andrew Gould. The Commission agreed to disclose the remaining due diligence reports after the next break.

Candidate Interviews

From 12:47 p.m. to 1:30 p.m. the Commission interviewed Daisy Flores and Timothy Thomason.

Commission members delivered the due diligence reports for Maurice Portley, Timothy Thomason, Samuel Thumma and Lawrence Winthrop.

From 1:50 p.m. to 3:00 p.m. the Commission interviewed Michael Brown, Andrew Gould and Kent Cattani.

Discussion of Applicants and Interviews and Selection of Nominees

Chief Justice Bales reminded the Commission of the constitutionally required balance of political affiliations among nominees. He explained he would only vote on a candidate in the event of a tie.

Chief Justice Bales opened the floor for individual nominations to a non-binding list of nominees to be sent to the Governor.

William Ekstrom moved to add Lawrence Winthrop to the list. The motion was passed by a vote of 12-1-1 with Chief Justice Bales abstaining.

Harry Hengl moved to add Clint Bolick to the list. The motion was passed by a vote of 11-2-1 with Chief Justice Bales abstaining.

Benjamin Reeves moved to add Samuel Thumma to the list. The motion was passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Joseph Cuffari moved to add Andrew Gould to the list. The motion was passed by a vote of 11-2-1 with Chief Justice Bales abstaining.

J.W. Harris moved to add Michael Brown to the list. The motion passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add Kent Cattani to the list. The motion passed by a vote of 10-3-1 with Chief Justice Bales abstaining.

Mick Rusing moved to add Timothy Thomason to the list. The motion failed by a vote of 4-9-1 with Chief Justice Bales abstaining.

Phil Townsend moved to add Maurice Portley to the list. The motion passed by a vote of 7-6-1 with Chief Justice Bales abstaining.

There was additional discussion regarding the tentative list of nominees.

After further discussion, a motion to adopt the tentative list consisting of **Clint Bolick, Michael Brown, Kent Cattani, Andrew Gould, Maurice Portley, Samuel Thumma** and **Lawrence Winthrop** as the final nomination list for submission to Governor Ducey was made. The motion was seconded and passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Adjournment

Chief Justice Bales thanked the members for their service. At 3:18 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.

Respectfully submitted,

Charie Wallace
Commission Secretary