

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

August 4, 2016

PRESENT: Chief Justice Scott Bales, Chair; Joseph Cuffari; Buchanan Davis; William Ekstrom, Jr.; Joshua Hall; Harry Hengl; Monica Klapper; Tracy Munsil; Jonathan Paton; Phillip Townsend; and, Charie Wallace

ABSENT: Krista Carman; Phillip Masciola; Benjamin Reeves and Mick Rusing

Chief Justice Bales called the meeting to order at 9:30 a.m. to screen applications for a vacancy on Division One of the Arizona Court of Appeals created by the retirement of Judge John C. Gemmill.

Public Comment

Chief Justice Bales called for comment from the public on the applicants. He reminded the speakers that they are limited to five minutes per candidate and asked them not to repeat comments by previous speakers about the same candidate.

William Demlong spoke on behalf of Timothy Hyland.
Patricia Starr spoke on behalf of Paul McMurdie.
Kent Cattani spoke on behalf of Paul McMurdie.
Steve McCarthy spoke on behalf of Mikel Steinfeld.
John Robert Gordon spoke on behalf of Mikel Steinfeld.
Kory Langhofer spoke on behalf of Lisa Hauser.
Howard Sukenic spoke on behalf of James Morse.
Karla Delord spoke on behalf of Cassie Bray Woo.
Thomas Judson spoke on behalf of Randall Warner.
Rob Ellman spoke on behalf of David Weinzweig.
Taylor Young spoke on behalf of Jennifer Perkins.
Michael Kielsky spoke on behalf of Jennifer Perkins.
Stephen Crawford spoke on behalf of Mikel Steinfeld.

Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the November 20, 2015 meeting. It was moved that the minutes be approved as amended. The motion was seconded and passed unanimously.

Chief Justice Bales welcomed new Commission members Buchanan Davis and Phillip Masciola, who was unable to attend the meeting.

Disqualifications and Disclosures

Chief Justice Bales asked the Commission members if there were any disqualifications and/or disclosures. He explained the conflict of interest portion of the Rules of Procedure (Rule #4) and reminded the members that he does not vote unless there is a tie.

He then disclosed that he has known James Beene professionally and socially. He has met Cassie Bray Woo and has worked with Lisa Hauser. Timothy Hyland appeared before his court, he has worked with Paul McMurdie, has met James Morse, Jr. and has known Jennifer Perkins professionally and socially. Also, Mike Steinfeld has appeared before his court, he has worked with Timothy Thomason, has known Randall Warner and David Weinzweig professionally and socially. He also disclosed that he met with Paul McMurdie, Timothy Thomason, Randall Warner and David Weinzweig and encouraged them to apply.

Jonathan Paton disclosed that he has worked with James Beene, knows Lisa Hauser professionally and has met Jennifer Perkins.

Buchanan Davis disclosed that he is acquainted with Lisa Hauser professionally.

Joseph Cuffari disclosed that he met James Beene to discuss the application process.

Phil Townsend disclosed that he met Lisa Hauser professionally.

Bill Ekstrom disclosed that he knows Lisa Hauser, Paul McMurdie and Timothy Thomason professionally.

Charie Wallace disclosed that she met with James Beene to discuss the application process and she met with Lisa Hauser years ago regarding the process.

Tracy Munsil met Lisa Hauser professionally and is distantly related, by marriage, to Jennifer Perkins and has met her professionally.

Monica Klapper disclosed that she is recused on her co-workers, Cassie Bray Woo and James Morse. She also disclosed that she has worked with James Beene, Paul McMurdie and Lisa Hauser; and she met with Jennifer Perkins regarding the application process.

Joshua Hall disclosed that he is from the same hometown as James Morse but does not know him well, he also disclosed that he worked with Lisa Hauser on the Independent Redistricting Commission.

Discussion of Applicants and Interviews

At 10:25 a.m. it was moved that the Commission go into executive session. The motion was seconded and passed unanimously.

At 11:08 a.m. the Commission returned to public session.

The Commission discussed the applicants' qualifications in alphabetical order.

After further discussion, Chief Justice Bales opened the floor to nominations to a tentative interview list.

Charie Wallace moved to add Timothy Thomason to the tentative interview list. The motion was seconded and passed by a vote of 8-2-1 with Chief Justice Bales abstaining.

Harry Hengl moved to add Randall Warner to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Bill Ekstrom moved to add Paul McMurdie to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to add James Beene to the tentative interview list. The motion was seconded and passed by a vote of 8-2-1 with Chief Justice Bales abstaining.

Phil Townsend moved to add James Morse to the tentative interview list. The motion was seconded and passed by a vote of 8-1-2 with Monica Klapper and Chief Justice Bales abstaining.

Josh Hall moved to add Lisa Hauser to the tentative interview list. The motion failed by a vote of 4-6-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add Jennifer Perkins to the tentative list. The motion was seconded and passed by a vote of 6-4-1 with Chief Justice Bales abstaining.

Charie Wallace moved to add Timothy Hyland to the tentative list. The motion was seconded and passed by a vote of 7-3-1 with Chief Justice Bales abstaining.

Tracy Munsil moved to add David Weinzweig to the tentative list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Charie Wallace moved to close the nominations and make final the interview list consisting of **James Beene, Timothy Hyland, Paul McMurdie, James Morse, Jennifer Perkins, Timothy Thomason, Randall Warner** and **David Weinzweig**. The motion was seconded and passed by a vote of 8-1-2 with Monica Klapper and Chief Justice Bales abstaining.

The Commission decided that the meeting to conduct interviews on August 26, 2016 would begin at 8:30 a.m. and that interviews would be scheduled at 30 minute intervals. Chief Justice Bales explained that each Commission member would be placed on a team to conduct due diligence on the interviewees and that they are to report their findings on the interviews on August 26th.

At 12:00 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.

Respectfully Submitted,

Charie Wallace
Commission Secretary