

# PIMA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

## MINUTES

December 10, 2015

**PRESENT:** Justice Ann A. Scott Timmer, Acting Chair; Michael Boreale; Lynn Cuffari; Sherry Downer; Michael Hennessy; Marian Hill; Troy Larkin; Richard Schaefer; Gioia Sanderson; Carole Siegler and Nanette Warner

**ABSENT:** Cassia Lundin

Justice Ann A. Scott Timmer called the meeting to order at 10:33 a.m. She welcomed the Commission members and public in attendance. She explained the purpose of the meeting is to select applicants to be interviewed for a vacancy on the Pima County Superior Court created by the appointment of Judge Christopher Staring to Division Two of the Arizona Court of Appeals.

Since this is her first meeting, she asked if everyone could introduce themselves.

### Public Comment

Justice Timmer asked for public comment on the applicants. She asked the speakers to try and limit their comments to two-to-three minutes each and asked them not to repeat comments by previous speakers about the same candidate.

Harvey Moroka spoke on behalf of John Smith.  
Jason Wong spoke on behalf of Janet Calkins Bostwick.  
Craig Kercin spoke on behalf of Kellie Johnson.  
Paul Sayre spoke on behalf of Kellie Johnson.  
Michelle Guevara spoke on behalf of Cynthia Kuhn.  
Wendy Petersen spoke on behalf of Janet Calkins Bostwick.  
Ted Voat spoke on behalf of John Smith.  
Amelia Cramer spoke on behalf of Kellie Johnson.  
Stephen Portell spoke on behalf of Greg Sakall.  
Tim Struse spoke on behalf of Tad Danker.

### Approval of Minutes

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the November 9, 2015 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

### Disqualifications and Disclosures

Justice Timmer inquired about any basis for disqualification or disclosure pursuant to the commission's rules regarding conflict of interest or bias. She then read the rules referencing the need to disclose any contact with the applicants and any disqualifications if necessary.

Gioia Sanderson disclosed that she ran into Ryan Schmidt and Nanette Morrow. She only mentioned a congratulations to Ms. Morrow on her nomination and only said hello to Mr. Schmidt.

Nanette Warner disclosed that she knows Janet Calkins Bostwick, David Euchner, Peter Hochuli, Cynthia Kuhn, Robert Lewis, Nanette Morrow, Lee Ann Roads, Thomas Sanders and Ryan Schmidt from her time as a judge.

Michael Boreale disclosed that he used to work with Janet Calkins Bostwick's husband but does not know her personally. Justin Castillo is a law school classmate and a personal friend and he is his daughter's god-father. He has also worked with Tad Denker and Kellie Johnson. Daniel Jurkowitz was his first year of law school mentor and Anita Simos was his law school professor.

Troy Larkin disclosed that he has worked with Justin Castillo and has known him for several years, he worked with Thomas Denker and Daniel Jurkowitz while he was at the County Attorney's Office. He has worked with Janet Calkins Bostwick's husband but does not know her personally and he has worked with Peter Hochuli and Kellie Johnson. Ryan Schmidt worked at the County Attorney's Office while he was there but he does not know him. He is the president of the Arizona Minority Bar Association and Anita Simons is a member.

Carole Siegler disclosed that she worked on this Commission for many years with Cynthia Kuhn.

Richard Schaefer disclosed that he worked on this Commission with Cynthia Kuhn and he attends the same gym as John Smith and sees him almost on a daily basis.

Justice Timmer disclosed that she knows David Euchner from his appearance in front of the Arizona Supreme Court.

### **Discussion and Selection of Applicants for Interviews**

Justice Timmer explained the process for discussion and selection of applications. She mentioned the need of diversity on the list of interviewees and nominees. She opened the floor for discussion on all applicants.

Justice Timmer suggested a straw poll in alphabetical order to focus discussion on applicants that receive more than three votes. The Commission agreed and the results of the straw vote were:

Janet Calkins Bostwick – 10  
Justin Castillo – 2  
Thomas "Tad" Denker – 8  
David Euchner – 6  
Peter Hochuli – 10  
Kellie Johnson – 9  
Daniel Jurkowitz – 0  
Cynthia Kuhn – 9  
Reagen Kulseth – 4

Robert Lewis – 4  
Nanette Morrow – 8  
Lee Ann Roads – 2  
Daniel “Greg” Sakall – 7  
Thomas Sanders – 4  
Ryan Schmidt – 0  
Anita Simons – 10  
John Smith – 8  
Wayne Yehling – 6

The Commission took turns to discuss all applicants with more than three votes in alphabetical order. Justin Castillo, Daniel Jurkowitz, Lee Ann Roads, and Ryan Schmidt were eliminated from further discussion.

After further discussion the Commission agreed to a second straw vote to create a tentative list of applicants to be interviewed. The results of the second straw vote were:

Janet Calkins Bostwick – 10  
Thomas “Tad” Denker – 5  
David Euchner – 5  
Peter Hochuli – 10  
Kellie Johnson – 10  
Cynthia Kuhn – 10  
Reagen Kulseth – 4  
Robert Lewis – 1  
Nanette Morrow – 9  
Daniel “Greg” Sakall – 9  
Thomas Sanders – 5  
Anita Simons – 10  
John Smith – 9  
Wayne Yehling - 8

Richard Schaefer moved to interview all applicants that received more than 8 votes. The motion was seconded and passed by a vote of 8-2-1 with Justice Timmer abstaining. The interview list consists of Janet Calkins Bostwick, Peter Hochuli, Kellie Johnson, Cynthia Kuhn, Nanette Morrow, Daniel “Greg” Sakall, Anita Simons, John Smith and Wayne Yehling.

### **Interview Schedule**

The commission agreed to meet at 8:30 a.m. on January 13, 2016 for the interview meeting. Gioia Sanderson volunteered to work with Nanette Warner and Justice Timmer on the hypothetical question for the interviews. Staff was instructed to schedule the interviews at 20 minute intervals.

### **Discussion of Due Diligence Assignments**

After a brief discussion, the following due diligence assignments were agreed on.

Marian Hill, Carole Siegler and Cassia Lundin agreed to contact the non-attorney references of each candidate.

Sherry Downer, Nanette Warner, Mike Hennessy and Richard Schaefer agreed to contact judges.

Mike Boreale, Troy Larkin, Gioia Sanderson and Lynn Cuffari agreed to contact the lawyer references of each candidate.

A motion to adjourn was made. The motion was seconded and passed unanimously.

The meeting adjourned at 12:49 p.m.

Respectfully submitted,

Gioia Sanderson  
Commission Secretary