

PIMA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

April 22, 2016

PRESENT: Justice Ann A. Scott Timmer, Acting Chair; John Barry; Lynn Cuffari; Sherry Downer; Michael Hennessy; Marian Hill; Cassie Lundin; Richard Schaefer; Gioia Sanderson and Nanette Warner

ABSENT: Michael Boreale, Carole Siegler

Justice Ann A. Scott Timmer called the meeting to order at 10:00 a.m. She welcomed the Commission members, the public in attendance and new Commission member John Barry. 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 retirement of Judge Stephen Villarreal.

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.

Amelia Cramer spoke on behalf of Kellie Johnson.
Julius Parker spoke on behalf of Linda Penn.
Sonya Brenton spoke on behalf of Ryan Schmidt.
Charlotte Harris spoke on behalf of Linda Penn.
Rodney Keeling spoke on behalf of John Smith.
Trisa Schorr spoke on behalf of Janet Calkins Bostwick.
R. Tonny Penn spoke on behalf of Linda Penn.
Barbara Peck spoke on behalf of Linda Penn.
Hank Peck spoke on behalf of Linda Penn.
Jonelle Vold spoke on behalf of Daniel "Greg" Sakall.
Mike Varney spoke on behalf of Linda Penn.
Howard Stewart spoke on behalf of Linda Penn.
Sal Nuccio spoke on behalf of Ken Sanders.

Approval of Minutes

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the January 13, 2016 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 explained the rules referencing the need to disclose any contact with the applicants and any disqualifications if necessary.

Sherry Downer disclosed that she met with Daniel Jurkowitz and Nanette Morrow regarding the process. She also served on a board with Tony Penn who is Linda Penn's husband.

Mike Hennessy disclosed that Daniel Jurkowitz contacted him to discuss the process.

Cassie Lundin disclosed that she served on the Youth on the Rise Committee and knows Tony Penn, Linda Penn's husband, through this Committee.

Justice Timmer disclosed that she served on a committee with David Euchner and she encouraged him to apply.

Marian Hill disclosed that she met with Nanette Morrow and talked to Daniel Jurkowitz regarding the process.

Richard Schaefer disclosed that he encouraged John Smith to apply. He also mentioned that he has a working relationship with Linda Penn and considers her and her husband close friends. He recused himself from voting on Linda's application.

Lynn Cuffari disclosed that she ran into Linda Penn and her husband at a school function but only said hello. She also disclosed that she met with Nanette Morrow to discuss the process.

Gioia Sanderson disclosed that she talked to Nanette Morrow regarding the process.

Nanette Warner disclosed that she knows Janet Calkins Bostwick, David Euchner, Robert Lewis, Nanette Morrow, and Ryan Schmidt from her time as a judge. She knows Ken Sanders and has worked on settlement conferences with Reagen Kulseth.

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.

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 – 9
David Euchner – 6
Kellie Johnson – 9
Daniel Jurkowitz – 5
Reagen Kulseth – 3
Robert Lewis – 3
Nanette Morrow – 6

Linda Penn - 8
Daniel "Greg" Sakall – 7
Ken Sanders – 6
Ryan Schmidt – 3
John Smith – 3
Wayne Yehling – 7

The Commission took turns to discuss all applicants with more than three votes in alphabetical order.

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 – 9
David Euchner – 6
Kellie Johnson – 9
Daniel Jurkowitz - 3
Reagen Kulseth – 0
Robert Lewis – 1
Nanette Morrow – 7
Linda Penn - 6
Daniel "Greg" Sakall – 8
Ken Sanders – 6
Ryan Schmidt – 0
John Smith – 2
Wayne Yehling - 8

Cassie Lundin moved to interview all applicants that received 6 or more votes. The motion was seconded and passed by a vote of 8-0-2 with Richard Schaefer and Justice Timmer abstaining. The interview list consists of Janet Calkins Bostwick, David Euchner, Kellie Johnson, Nanette Morrow, Linda Penn, Greg Sakall, Ken Sanders and Wayne Yehling.

Interview Schedule

The commission agreed to meet at 8:30 a.m. on May 17, 2016 for the interview meeting. Staff was instructed to schedule the interviews at 25 minute intervals.

Discussion of Due Diligence Assignments

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

Mike Hennessy, Richard Schaefer, Marian Hill and Carole Siegler agreed to contact the non-attorney references of each candidate.

Sherry Downer, Nanette Warner, Gioia Sanderson and John Barry agreed to contact judges.

Lynn Cuffari, Cassie Lundin and Mike Boreale 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 12:09 p.m.

Respectfully submitted,

Gioia Sanderson
Commission Secretary