

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

August 26, 2016

PRESENT: Chief Justice Scott Bales, Chair; Krista Carman; Joseph Cuffari; Buchanan Davis; William Ekstrom, Jr.; Joshua Hall; Harry Hengl; Monica Klapper; Phil Masciola; Tracy Munsil; Jonathan Paton; Mick Rusing and Charie Wallace

ABSENT: Benjamin Reeves and Phil Townsend

Chief Justice Scott Bales, Chair, called the meeting to order at 8:30 a.m.

Introductions

Chief Justice Bales introduced himself and noted a quorum of the Commission. He welcomed the Commission, the public and introduced new Commission member Phil Masciola.

He explained the purpose of the meeting is to interview for the position created by the retirement of Judge John Gemmill.

Public Comment

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

Brad Astrowsky spoke on behalf of James Beene.
Jessica Sanchez spoke on behalf of James Beene.
Andrew Klein spoke on behalf of Timothy Thomason.
Suzanne Cohen spoke on behalf of Paul McMurdie.
Tim Keller spoke on behalf of Jennifer Perkins.
Jo Ellen McBride spoke on behalf of Timothy Hyland.
Janna Day spoke on behalf of James Morse
Mike Tryon spoke on behalf of David Weinzweig.

Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the August 4, 2016 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 August 4, 2016.

Mick Rusing disclosed that he knows Timothy Hyland and Timothy Thomason professionally and has had a case with Randall Warner.

Krista Carman disclosed that she encouraged Timothy Thomason to apply and she has an appeal against Timothy Hyland but has not met him in person.

Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 8:56 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 10:14 a.m.

Due Diligence Reports

Commission members delivered the due diligence reports for Tim Hyland, Timothy Thomason, James Beene, Randall Warner and Jennifer Perkins. The Commission agreed to discuss the remaining due diligence reports after the following break.

Chief Justice Bales reminded all members of the public not to disclose interview questions to candidates before their interview.

Candidate Interviews

From 10:30 a.m. to 11:50 a.m. the Commission interviewed James Morse, Jennifer Perkins and Timothy Thomason.

Commission members delivered the due diligence report for James Morse, David Weinzweig and Paul McMurdie.

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

Chief Justice Bales called the meeting back to order at 12:40 p.m.

Candidate Interviews

From 12:45 p.m. to 1:48 p.m. the Commission interviewed Paul McMurdie, Timothy Hyland and David Weinzweig.

From 2:00 p.m. to 2:20 p.m. the Commission interviewed Randall Warner.

A motion to go into executive session was made at 2:37 p.m., the motion was seconded and passed unanimously.

The Commission returned to public session at 2:44 p.m.

From 2:45 p.m. to 3:16 p.m. the Commission interviewed James Beene.

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.

Bill Ekstrom moved to add James Beene to the list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Harry Hengl moved to add Timothy Thomason to the list. The motion was seconded and passed by a vote of 8-4-1 with Chief Justice Bales abstaining.

Monica Klapper moved to add Paul McMurdie to the list. The motion was seconded and passed by a vote of 11-1-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to add Randall Warner to the list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Mick Rusing moved to add Timothy Hyland to the list. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Bales abstaining.

After further discussion, a motion to adopt the tentative list consisting of **James Beene, Timothy Hyland, Paul McMurdie, Timothy Thomason** and **Randall Warner** as the final nomination list for submission to Governor Ducey was made. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Bales abstaining.

Adjournment

Chief Justice Bales thanked the members for their service. At 3:22 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.

Respectfully submitted,

Charie Wallace
Commission Secretary