

## COMMISSION ON APPELLATE COURT APPOINTMENTS

### MINUTES

July 21, 2015

**PRESENT:** Chief Justice Scott Bales, Chair; Krista Carman; Doug Cole; Joseph Cuffari; William Ekstrom, Jr.; James Hartdegen; Harry Hengl; Joanne Keene; Monica Klapper; Tracy Munsil; Benjamin Reeves; Phillip Townsend; and, Charlie Wallace

**ABSENT:** J. W. Harris; Michael Rusing; and, Tom Taylor

Chief Justice Bales called the meeting to order at 10:00 a.m. to screen applications for the vacancy created on Division Two of the Arizona Court of Appeals when Judge Virginia Kelly retired. He then asked the members to introduce themselves and reviewed the procedures of the Appellate Nominating Commission for the benefit of the public.

#### Public Comment

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

John Lopez spoke on behalf of Christina Cabanillas.  
Fred Kay spoke on behalf of Judge Christopher Staring.  
Deo Maynard spoke on behalf of Christina Cabanillas.  
Glenn Bancroft spoke on behalf of Judge Sean Brearcliffe.

#### Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the July 15, 2013 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 members if there were any disqualifications and/or disclosures. He began by disclosing that, in his capacity as Chief Justice, has worked with Judges Brearcliffe, Metcalf and Staring. He added that before the application period closed, he spoke about the process to Judges Brearcliffe, Metcalf and Staring, Christina Cabanillas and David Euchner and encouraged them to apply. Finally, he explained that Cynthia Kuhn was on the Pima County Trial Court Nominating Commission when he was Chair of that Commission and that he has met Christopher Roads, Deanna Conn and David Hardy.

Doug Cole disclosed that he discussed the application process with Judge Brearcliffe and Christina Cabanillas; and, that he has met Deanna Conn and Judge Metcalf.

Charie Wallace disclosed that she discussed the application process with Christina Cabanillas.

James Hartdegen disclosed that he discussed the application process with Judge Brearcliffe.

Benjamin Reeves disclosed that he has appeared in Judge Staring's courtroom.

Krista Carman disclosed that she discussed the application process with Judge Staring.

Tracy Munsil disclosed that she discussed the application process with Judge Staring.

Monica Klapper explained that she is disqualified from voting on her coworker, Christina Cabanillas and disclosed that she spoke with Judge Staring and Cynthia Kuhn about the application process.

Joseph Cuffari disclosed that he knows Judge Brearcliffe and Christina Cabanillas. He added that he spoke with Judge Metcalf and Cynthia Kuhn about the application process.

Phillip Townsend disclosed that he has met Judge Metcalf and Deanna Conn and that he spoke to Judge Brearcliffe and Christina Cabanillas about the application process.

Judge Kathleen Quigley arrived at 10:30 and spoke on behalf of Christina Cabanillas and Judge Christopher Staring.

### **Discussion of Applicants and Interviews**

The Commission discussed the applicants' qualifications and Chief Justice Bales opened the floor to nominations to a tentative interview list.

Doug Cole moved that Judge Christopher Staring be added to the tentative interview list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Joseph Cuffari moved that Judge Douglas Metcalf be added to the tentative interview list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Bill Ekstrom moved that Christina Cabanillas be added to the tentative interview list. The motion was seconded and passed by a vote of 11-0-2 with Monica Klapper and Chief Justice Bales abstaining.

Benjamin Reeves moved that Judge Sean Brearcliffe be added to the tentative interview list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Doug Cole moved that Deanna Conn be added to the tentative interview list. The motion was seconded but failed by a vote of 3-9-1 with Chief Justice Bales abstaining.

Phillip Townsend moved that David Euchner be added to the tentative interview list. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Bales abstaining.

Charie Wallace moved that Cynthia Kuhn be added to the tentative interview list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

After some discussion, Phillip Townsend moved to reconsider the vote on Deanna Conn. The motion was seconded and she was added to the tentative interview list by a vote of 11-1-1 with Chief Justice Bales abstaining.

Doug Cole moved to close the nominations and make final the interview list consisting of **Judge Sean Brearcliffe, Christina Cabanillas, Deana Conn, David Euchner, Cynthia Kuhn, Judge Douglas Metcalf and Judge Christopher Staring**. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

The Commission decided that the meeting to conduct interviews on August 25, 2015 would begin at 9:00 a.m. and that interviews would be scheduled at 30 minute intervals. Chief Justice Bales and Doug Cole 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 prior to the interviews on August 25.

At 11:40, it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.

Respectfully Submitted,

Doug Cole  
Commission Secretary