

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

February 21, 2017

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

ABSENT: Buchanan Davis and Joshua Hall

Chief Justice Scott Bales, Chair, called the meeting to order at 9:58 a.m.

Introductions

Chief Justice Bales introduced himself and noted a quorum of the Commission. He welcomed the public and the Commission members.

He explained the purpose of the meeting is to interview for the vacancies on Division One of the Arizona Court of Appeals created by the retirement of Judge Patricia Orozco and the appointment of Judge Andrew Gould to the Arizona Supreme Court.

Public Comment

Chief Justice Bales asked for public comment on the candidates that will be interviewed for the Arizona Court of Appeals position. 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.

Rick Lambert spoke on behalf of Rick Williams.
Jay Bidwell spoke on behalf of Rick Williams & Kenneth Moyer.
Steve Moss spoke on behalf of Kenneth Moyer & Rick Williams.
Jon Smith spoke on behalf of Maria Elena Cruz.
Roger Nelson spoke on behalf of Maria Elena Cruz.
John Napper spoke on behalf of Jennifer Campbell.
Patricia Trebesch spoke on behalf of Jennifer Campbell.

Approval of Minutes

Chief Justice Bales asked if any members wished to submit changes or additions to the draft minutes of the January 23, 2017 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 January 23, 2017 and explained rules about what is required of Commission members in terms of disclosure and recruitment.

Tracy Munsil disclosed that she spoke to Maria Elena Cruz regarding the application process.

Joseph Cuffari disclosed that he spoke to Maria Elena Cruz and Rick Williams regarding the application process.

Jonathan Paton disclosed that he spoke to Maria Elena Cruz regarding the application process.

Bill Ekstrom disclosed that he has known Rick Williams and Kenneth Moyer for a couple of years and spoke to them regarding the application process.

Krista Carman disclosed that she met with Jennifer Campbell and encouraged her to apply.

Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 10:21 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 10:59 a.m.

Chief Justice Bales admonished public that in fairness to all candidates, not to share questions to anyone until the end of the interviews.

Due Diligence Reports

Commission members discussed the due diligence reports for Jennifer Campbell, Kenneth Moyer, Maria Elena Cruz, Mark Moran and Rick Williams.

Candidate Interviews

From 11:30 a.m. to 12:08 p.m. the Commission interviewed Kenneth Moyer and Maria Elena Cruz.

The Commission recessed for lunch at 12:09 p.m.

Chief Justice Bales called the meeting back to order at 12:45 p.m.

Candidate Interviews

From 12:45 p.m. to 1:50 p.m. the Commission interviewed Jennifer Campbell, Rick Williams and Mark Moran.

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 discussion and individual nominations to a non-binding list of nominees to be sent to the Governor.

Jonathan Paton moved to add Maria Elena Cruz to the list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Krista Carman moved to add Jennifer Campbell 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 Rick Williams to the list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Joseph Cuffari moved to add Mark Moran 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 Kenneth Moyer to the list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Bales abstaining.

Harry Hengl move finalize and submit the tentative nomination list consisting of **Jennifer Campbell, Marian Elena Cruz, Mark Moran, Kenneth Moyer** and **Rick Williams** to Governor Ducey for concurrent appointment of the two vacant positions. The motion was seconded and passed unanimously.

Adjournment

Chief Justice Bales thanked the members for their service. At 2:00 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.