

## COMMISSION ON APPELLATE COURT APPOINTMENTS

### MINUTES

May 30, 2017

**PRESENT:** Chief Justice Scott Bales, Chair; Joseph Cuffari; William Ekstrom, Jr.; Joshua Hall; Harry Hengl; Monica Klapper; Tracy Munsil; Larry Suci; Phil Townsend and Charie Wallace

**ABSENT:** Buchanan Davis; Phil Masciola; Benjamin Reeves and Jonathan Paton

Chief Justice Scott Bales, Chair, called the meeting to order at 9:02 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 vacancy on Division Two of the Arizona Court of Appeals created by the retirement of Judge Joseph Howard.

#### 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.

Daisy Flores spoke on behalf of Timothy Wright.  
Rachel Mitchell spoke on behalf of Jason Holmberg.

#### Approval of Minutes

Chief Justice Bales asked if any members wished to submit changes or additions to the draft minutes of the May 1, 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 May 1, 2017 and explained rules about what is required of Commission members in terms of disclosure and recruitment.

Charie Wallace disclosed that her son encouraged Karl Eppich to apply.

#### Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 9:14 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:42 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 Laura Cardinal, Timothy Wright, Jason Holmberg and Karl Eppich.

### **Candidate Interviews**

From 10:02 a.m. to 10:58 a.m. the Commission interviewed Karl Eppich, and Laura Cardinal.

From 10:59 a.m. to 12:04 p.m. the Commission interviewed Timothy Wright and Jason Holmberg.

### **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.

Harry Hengl moved to add Timothy Wright to the list. The motion was seconded and passed by a vote of 9-0-1 with Chief Justice Bales abstaining.

Bill Ekstrom moved to add Karl Eppich to the list. The motion was seconded and passed by a vote of 9-0-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to add Laura Cardinal to the list. The motion was seconded and passed by a vote of 8-1-1 with Chief Justice Bales abstaining.

Charie Wallace moved to add Jason Holmberg to the list. The motion failed by a vote of 2-7-1 with Chief Justice Bales abstaining.

Joe Cuffari move finalize and submit the tentative nomination list consisting of **Laura Cardinal**, **Karl Eppich** and **Timothy Wright** to Governor Ducey. The motion was seconded and passed unanimously.

### **Adjournment**

Chief Justice Bales thanked the members for their service. At 12:11 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.