

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

July 26, 2019

PRESENT: Chief Justice Robert Brutinel, Chair; Laura Ciscomani; Matthew Contorelli; Buchanan Davis; William Ekstrom, Jr.; Bill Gresser; Tracy Munsil; Jerry Nabours; Jonathan Paton; Larry Suci; Kathryn Townsend; Phil Townsend and Linley Wilson

ABSENT: Benjamin Reeves

Chief Justice Robert Brutinel, Chair, called the meeting to order at 8:01 a.m.

Introductions

Chief Justice Brutinel 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 the Arizona Supreme Court created by the retirement of Justice Scott Bales.

Public Comment

Chief Justice Brutinel asked for public comment on the candidates that will be interviewed for the Arizona Supreme Court 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.

John Kitagawa spoke on behalf of Richard Gordon.

Bruce Skolnik spoke on behalf of Richard Gordon.

Manuel Cairo spoke on behalf of Randall Howe.

Stephen Grams spoke on behalf of Bill Montgomery.

Peter Gentala spoke on behalf of Bill Montgomery.

Richard Walker spoke on behalf of Bill Montgomery.

Khalil Rushdan spoke against Bill Montgomery.

Jannah Scott spoke regarding the letter sent to the Commission regarding Bill Montgomery.

Rob Ellman spoke on behalf of Kent Cattani.

Anne Phillips spoke on behalf of Randall Howe.

Michael O'Connor spoke on behalf of Andrew Jacobs.

Andrew Halaby spoke on behalf of Jennifer Perkins.

Philip Espinosa spoke on behalf of Sean Brearcliffe.

Jesus Romero spoke on behalf of Maria Elena Cruz.

Approval of Minutes

Chief Justice Brutinel asked if any members wished to submit changes or additions to the draft minutes of the June 25, 2019 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Disqualifications and Disclosures

Chief Justice Brutinel asked the Commission if there were additional disqualifications or disclosures since the screening meeting on June 25th and explained rules about what is required of Commission members in terms of disclosure and recruitment.

Linley Wilson disclosed that she was at an event where Kent Cattani and Randall Howe were present and said hello.

Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 8:47 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:42 a.m.

Due Diligence Reports

Commission members discussed the due diligence findings for Maria Elena Cruz, David Euchner and Kent Cattani. The Commission agreed to disclose the remainder of the reports after lunch and throughout the day.

Candidate Interviews

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

From 10:00 a.m. to 10:15 a.m. the Commission interviewed Maria Elena Cruz.

Commission members discussed the due diligence findings for Andrew Jacobs, Randall Howe, Richard Gordon and Sean Brearcliffe.

From 10:28 a.m. to 10:51 a.m. the Commission interviewed David Euchner.

Commission members discussed part of the due diligence findings for Bill Montgomery.

From 11: 02 a.m. to 11:19 a.m. the Commission interviewed Kent Cattani.

The Commission members continued to discuss the due diligence findings for Bill Montgomery and Jennifer Perkins

From 11:30 a.m. to 11:48 a.m. the Commission interviewed Andrew Jacobs

The Commission recessed for lunch at 11:50 a.m.

Chief Justice Brutinel called the meeting back to order at 1:00 p.m.

Candidate Interviews

From 1:00 p.m. to 3:11 p.m. the Commission interviewed Randall Howe, Richard Gordon, Sean Brearcliffe, Bill Montgomery and Jennifer Perkins.

Discussion of Applicants and Interviews and Selection of Nominees

Chief Justice Brutinel reminded the Commission of the mandate the constitution requires of the members when selecting nominations and the requirement of balance of political affiliations among nominees. He explained he would only vote on a candidate in the event of a tie.

The Commission discussed the interviews and the qualifications of the candidates in order of interviews.

Chief Justice Brutinel opened the floor for individual nominations to a non-binding list of nominees to be sent to the Governor.

Jonathan Paton moved to add Bill Montgomery to the tentative list. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Brutinel abstaining.

Matthew Contorelli moved to add Maria Elena Cruz to the tentative list. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Brutinel abstaining.

Tracy Munsil moved to add Jennifer Perkins to the tentative list. The motion failed by a vote of 4-8-1 with Chief Justice Brutinel abstaining.

Buchanan Davis moved to add Kent Cattani to the tentative list. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Brutinel abstaining.

Larry Suciu moved to add Andrew Jacobs to the tentative list. The motion was seconded and passed by a vote of 11-1-1 with Chief Justice Brutinel abstaining.

Kathryn Townsend moved to add David Euchner to the tentative list. The motion was seconded and passed by a vote of 11-1-1 with Chief Justice Brutinel abstaining.

Laura Ciscomani moved to add Sean Brearcliffe to the tentative list. The motion was seconded and passed by a vote of 10-2-1 with Chief Justice Brutinel abstaining.

Linley Wilson moved to add Richard Gordon to the tentative list. The motion was seconded and passed by a vote of 7-5-1 with Chief Justice Brutinel abstaining.

Laura Ciscomani moved to add Randall Howe to the tentative list. The motion was seconded and passed by a vote of 9-3-1 with Chief Justice Brutinel abstaining.

After further review of the tentative list, Chief Justice Brutinel explained that the Commission would not be able to forward all candidates that received a majority of vote because it is not constitutionally balanced on political affiliations. He suggested a new vote or a closer look at the current list.

Jerry Nabours moved that Richard Gordon be removed from the tentative list. The motion was seconded and passed by a vote of 8-4-1 with Chief Justice Brutinel abstaining.

Jonathan Paton moved to close nominations and finalize the tentative list consisting of **Sean Brearcliffe, Kent Cattani, Maria Elena Cruz, David Euchner, Randall Howe, Andrew Jacobs** and **Bill Montgomery** and submit to Governor Ducey. The motion was seconded and passed by a vote of 12-0-1 with Chief Justice Brutinel abstaining.

Adjournment

Chief Justice Brutinel thanked the members for their hard work. At 3:53 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.