

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

August 17, 2017

PRESENT: Chief Justice Scott Bales, Chair; Joseph Cuffari; Buchanan Davis; Bill Gresser; Joshua Hall; Monica Klapper; Tracy Munsil; Jerry Nabours; Jonathan Paton; Benjamin Reeves; Larry Suciu and Charie Wallace

ABSENT: William Ekstrom, Jr.; Phil Masciola and Phil Townsend

Chief Justice Scott Bales, Chair, called the meeting to order at 8:03 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 Judges Donn Kessler and Patricia Norris.

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 five minutes of public comment and asked them not to repeat comments by previous speakers about the same candidate.

Marc Lamber spoke on behalf of Jan Weinstein.
Karen Pugh spoke on behalf of David Gass.
Beth Alexander spoke on behalf of David Gass.
Rob Ellmay spoke on behalf of David Weinzweig.
Warren Wong spoke on behalf of James Morse.
Howard Sukenic spoke on behalf of James Morse.
Dominic Draye spoke on behalf of Jennifer Perkins.
James Beene spoke on behalf of Patricia Starr.
Paul McMurdie spoke on behalf of Patricia Starr.
Mike Plati spoke on behalf of Timothy Thomason.
Andy Halaby spoke on behalf of Adele Ponce.
Kent Cattani spoke on behalf of Adele Ponce.
Maria Elena Cruz spoke on behalf of Rick Williams and David Gass.
Michael Morrissey spoke on behalf of Cassie Bray Woo.
Harriet Galbreath spoke on behalf of David Gass.

Approval of Minutes

Chief Justice Bales asked if any members wished to submit changes or additions to the draft minutes of the July 31, 2017 meeting. It was moved that the minutes be approved as corrected. 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 July 18, 2017 and explained rules about what is required of Commission members in terms of disclosure and recruitment.

Buchanan Davis disclosed that some of his colleagues have had interactions with Jennifer Perkins but he has not met her.

Monica Klapper reminded the Commission she is recused on Cassie Bray Woo and James Morse's applications.

Chief Justice Bales gave a brief explanation of the current makeup of the Division One bench and the demographics.

Interview Questions

A motion to go to executive session for the purpose of selecting interview questions was made at 9:05 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:53 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.

Candidate Interviews

From 10:11 a.m. to 11:23 a.m. the Commission interviewed Patricia Starr, David Gass, James Morse and Jennifer Perkins.

Due Diligence Reports

Commission members discussed the due diligence reports for Cassie Bray Woo, David Gass, Adele Grignon Ponce, James Morse, Jennifer Perkins, Patricia Starr, Timothy Thomason and Randall Warner. They agreed they would continue due diligence reports after the interviews.

From 12:23 p.m. to 1:24 p.m. the Commission interviewed David Weinzwieg, Cassie Bray Woo, Rick Williams and Janet Weinstein.

The Commission finished the due diligence reports for Janet Weinstein, David Weinzwieg and Rick Williams.

From 1:58 p.m. to 3:08 p.m. the Commission interviewed Timothy Thomason, Adele Grignon Ponce and Randall Warner.

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. He also explained the process of discussion and nominations for benefit of new members.

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

Josh Hall moved to add James Morse to the list. The motion was seconded and passed by a vote of 10-0-2 with Monica Klapper and Chief Justice Bales abstaining.

Joe Cuffari moved to add Jennifer Perkins to the list. The motion was seconded and passed by a vote of 8-3-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Randall Warner to the list. The motion was seconded and passed by a vote of 11-0-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add Adele Grignon Ponce to the list. The motion failed by a vote of 4-7-1 with Chief Justice Bales abstaining.

Jerry Nabours moved to add David Weinzweig to the list. The motion was seconded and passed by a vote of 10-1-1 with Chief Justice Bales abstaining.

Buchanan Davis moved to add Timothy Thomason to the list. The motion was seconded and passed by a vote of 9-2-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Janet Weinstein to the list. The motion was seconded and passed by a vote of 6-5-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add David Gass to the list. The motion was seconded and passed by a vote of 8-3-1 with Chief Justice Bales abstaining.

Monica Klapper moved to add Patricia Starr to the list. The motion was seconded and passed by a vote of 7-4-1 with Chief Justice Bales abstaining.

Ben Reeves moved to add Cassie Bray Woo to the list. The motion was seconded and passed by a vote of 6-4-2 with Monica Klapper and Chief Justice Bales abstaining.

Joe Cuffari moved to close nominations and finalize the tentative list consisting of **Cassie Bray Woo, David Gass, James Morse, Jennifer Perkins, Patricia Starr, Timothy Thomason, Randall Warner, Janet Weinstein** and **David Weinzweig** and submit to Governor Ducey. The motion was seconded and passed by a vote of 7-3-2 with Monica Klapper and Chief Justice Bales abstaining.

Chief Justice Bales mentioned to the Commission that Judge Downie will be retiring soon which will create a new vacancy on Division One. He directed staff to provide more information and possible meeting dates to the Commission.

Adjournment

Chief Justice Bales thanked the members for their service. At 3:42 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.