

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

February 6, 2019

PRESENT: Chief Justice Scott Bales, Chair; Joseph Cuffari; Buchanan Davis; Bill Gresser; Josh Hall; Monica Klapper; Phil Masciola; Tracy Munsil; Jerry Nabours; Jonathan Paton; Benjamin Reeves; Larry Suci; Phillip Townsend and Charie Wallace

ABSENT: William Ekstrom, Jr.

Chief Justice Bales called the meeting to order at 9:00 a.m. to screen applications for a vacancy on the Arizona Supreme Court created by the retirement of Justice John Pelander. He welcomed the Commission and public present.

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 per candidate and asked them not to repeat comments by previous speakers about the same candidate.

Amanda Weaver spoke on behalf of Jennifer Perkins.
Larry Hammond spoke on behalf of David Euchner.
Patti Starr spoke on behalf of James Beene.
Christopher Staring spoke on behalf of Richard Gordon.
Lisa Coulter spoke on behalf of Andrew Jacobs.
Nick Acedo spoke on behalf of Randall Howe.
Joe Mikitish spoke on behalf of Randall Howe.
Ray Arvizu spoke on behalf of Bill Montgomery.
Danny Ortega spoke on behalf of Bill Montgomery.
Ron Reinstein spoke on behalf of Kent Cattani.
Jaime Daddona spoke on behalf of Paul Avelar.

Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the December 4, 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 members if there were any disqualifications and/or disclosures. He explained the conflict of interest portion of the Rules of Procedure and reminded the members that he does not vote unless there is a tie.

Chief Justice Bales disclosed that he knows all applicants who are judges professionally. He also disclosed that he worked with Kent Cattani at the Attorney General's office, has seen his work as solicitor general, has appointed him to Supreme Court committees and has taught CLE programs

with him. He has known Maria Elena Cruz for many years and spoke to her about this vacancy and encouraged her to apply, David Euchner has appeared before the Supreme Court, he has appointed Andrew Jacobs to Supreme Court committees has participated in CLE programs with him, and he spoke to Bill Montgomery and Jennifer Perkins regarding the application process. He has also interacted with Timothy Wright as the Presiding Judge of the Superior Court in Gila County.

Joseph Cuffari disclosed that he met with James Beene, Sean Brearcliffe and Bill Montgomery about the application process, he worked with Richard Gordon at the U.S. Attorney's Office about 10 years ago and he spoke with Randall Howe about the application process and encouraged all four applicants to apply.

Phil Townsend disclosed that he spoke to James Beene and met with Sean Brearcliffe and Bill Montgomery about the application process. He also disclosed he served on committees with Maria Elena Cruz when she was the Superior Court Presiding Judge in Yuma County.

Bill Gresser disclosed that he spoke to James Beene and met with Sean Brearcliffe about the application process, and his wife and he know Maria Elena Cruz locally but have never had any contact or legal matters in front of her.

Larry Suci spoke to Bill Montgomery and James Beene and met with Sean Brearcliffe about the application process.

Phil Masciola disclosed that he spoke to Sean Brearcliffe about the application process.

Tracy Munsil disclosed that she is distantly related by marriage to Jennifer Perkins and knows her professionally, she knows Bill Montgomery professionally and spoke to him about the application process. She also spoke to James Beene, Sean Brearcliffe and Timothy Wright about the application process.

Charie Wallace disclosed that she met with Sean Brearcliffe about the application process for this vacancy and met with James Beene and Maria Elena Cruz during past application periods.

Monica Klapper disclosed that she spoke to many of the applicants about the application process and has met most of them as a member of this Commission from previous vacancies.

Jonathan Paton disclosed that he was an intern for James Beene many years ago, has previously worked with Sean Brearcliffe, met with Maria Elena Cruz about the application process, knows Bill Montgomery from his time with the legislature and knows Jennifer Perkins socially through federal society.

Ben Reeves disclosed that he met with James Beene and Sean Brearcliffe, has previously met with Maria Elena Cruz and spoke to Bill Montgomery and Jennifer Perkins about the application process. He also spoke to Andrew Jacobs and is recused from voting on his application since he is a partner at his firm.

Buchanan Davis disclosed that he spoke to Sean Brearcliffe and James Beene about the application process.

Discussion of Applicants and Interviews

The Commission discussed the applicants' qualifications.

After some discussion, Chief Justice Bales opened the floor to nominations to a tentative interview list.

Jonathan Paton moved to add Bill Montgomery to the tentative interview list. The motion was seconded and passed by a vote of 12-1-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Andrew Jacobs to the tentative interview list. The motion was seconded and passed by a vote of 11-1-2 with Ben Reeves and Chief Justice Bales abstaining.

Buchanan Davis moved to add James Beene to the tentative interview list. The motion was seconded and passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Joseph Cuffari moved to add Maria Elena Cruz to the tentative interview list. The motion was seconded and passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Monica Klapper moved to add Kent Cattani to the tentative interview list. The motion was seconded and passed by a vote of 13-0-1 with Chief Justice Bales abstaining.

Phil Townsend moved to add Sean Brearcliffe to the tentative interview list. The motion was seconded and passed by a vote of 10-3-1 with Chief Justice Bales abstaining.

Tracy Munsil moved to add Jennifer Perkins to the tentative interview list. The motion was seconded and passed by a vote of 8-5-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Richard Gordon to the tentative interview list. The motion was seconded and passed by a vote of 10-3-1 with Chief Justice Bales abstaining.

Tracy Munsil moved to add Regina Nassen to the tentative interview list. The motion was seconded and passed by a vote of 9-4-1 with Chief Justice Bales abstaining.

Joseph Cuffari moved to add David Euchner to the tentative interview list. The motion was seconded and passed by a vote of 11-2-1 with Chief Justice Bales abstaining.

Phil Townsend moved to add Timothy Wright to the tentative interview list. The motion was seconded and passed by a vote of 7-6-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to close the nominations and make final the interview list consisting of **James Beene, Sean Brearcliffe, Kent Cattani, Maria Elena Cruz, David Euchner, Richard Gordon, Andrew Jacobs, William Montgomery, Regina Nassen, Jennifer Perkins** and **Timothy Wright**. The motion was seconded and passed by a vote of 9-3-2 with Ben Reeves and Chief Justice Bales abstaining.

The Commission decided that the meeting to conduct interviews on March 1, 2019 would begin at 8:00 a.m. and that interviews would be scheduled at 30-minute intervals. Chief Justice Bales explained that staff would assign due diligence assignments and email to the Commission. The Commissioners will report their findings at the interview meeting on March 1st.

At 10:01 a.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.