

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

June 25, 2019

PRESENT: Chief Justice Scott Bales, Chair; Vice Chief Justice Robert Brutinel; Buchanan Davis; Laura Ciscomani; Matthew Contorelli; Tracy Munsil; Jerry Nabours; Jonathan Paton; Larry Suci; Kathryn Townsend; Phillip Townsend and Linley Wilson

ABSENT: Bill Gresser; William Ekstrom, Jr.; Benjamin Reeves

Chief Justice Bales called the meeting to order at 9:35 a.m. to screen applications for a vacancy on Division One of the Arizona Court of Appeals created by the reappointment of Justice James Beene to the Arizona Supreme Court. He welcomed the public present and introduced new Commission members Laura Ciscomani, Matthew Contorelli, Kathryn Townsend and Linley Wilson. He also introduced Vice Chief Justice Robert Brutinel and mentioned that he will be Chairing this Commission once he becomes Chief Justice.

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.

Mike Babicky spoke on behalf of Christopher Coury.
John Mendibles spoke against Christopher Coury.
Amy Hummell spoke on behalf of Jay Polk.
Jerome Elwell spoke on behalf of Jay Polk.
Bruce Cohen spoke on behalf of David Gass
Ijana Harris spoke on behalf of David Gass.
Daniel Schwiebert spoke on behalf of David Gass.
Tim Hyland spoke on behalf of Joshua Rogers.
Jennifer MacLennan spoke on behalf of Cynthia Bailey.
Abby Raddatz spoke on behalf of Daniel Kiley.
Nick and Carrie Davis spoke on behalf of Joseph Mikitish.
Timothy Berg spoke on behalf of Andrew Jacobs.
Peter Quinn spoke on behalf of Michael Catlett.
Don Martin spoke on behalf of Michael Catlett.

Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the March 1, 2019 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 professionally but did not actively recruit any of them for this vacancy. He also disclosed that he spoke to Andrew Jacobs and David Gass about the application process.

Matthew Contorelli disclosed that he spoke to some of the applicants about the application process but did not have any disqualifications.

Jonathan Paton disclosed that he encouraged Cynthia Bailey, Rusty Crandell and David Gass to apply and he spoke to Joseph Mikitish about the application process.

Larry Suciu disclosed that his niece was an associate in the same firm as Joshua Rogers in previous years, but he has never met him.

Jerry Nabours disclosed that he met with Christopher Coury and Joseph Mikitish regarding the application process.

Tracy Munsil disclosed that she has known Cynthia Bailey personally and professionally since the 90's and encouraged her to apply. She also disclosed that she spoke to Joseph Mikitish and Andrew Jacobs regarding the application process and encouraged them to apply.

Kathryn Townsend disclosed that she spoke to Rusty Crandell, Joseph Mikitish and Andrew Jacobs regarding the application process.

Linley Wilson disclosed that she is recused from voting on Rusty Crandell's application who works in the same office as her. She also disclosed that she spoke to Michael Catlett, Cynthia Bailey, Andrew Jacobs, Daniel Kiley, Christophe Coury and Joseph Mikitish regarding the application process.

Buchanan Davis disclosed that Rusty Crandell is distantly related to him, but they've never met and he does not believe there is any basis for disqualification.

Laura Ciscomani disclosed that she spoke to Andrew Jacobs, Joseph Mikitish and Michael Catlett regarding 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.

Phil Townsend moved to add Cynthia Bailey to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add Rusty Crandell to the tentative interview list. The motion was seconded and passed by a vote of 7-2-2 with Linley Wilson and Chief Justice Bales abstaining.

Jerry Nabours moved to add Andrew Jacobs to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add David Gass to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Buchanan Davis moved to add Joseph Mikitish to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Jay Polk to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Linley Wilson moved to add Michael Catlett to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Laura Ciscomani moved to add Christopher Coury to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Tracy Munsil moved to add Daniel Kiley to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Joshua Rogers to the tentative interview list. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

Jerry Nabours moved to close the nominations and make final the interview list consisting of **Cynthia Bailey, Michael Catlett, Christopher Coury, Rusty Crandell, David Gass, Andrew Jacobs, Daniel Kiley, Joseph Mikitish, Jay Polk** and **Joshua Rogers**. The motion was seconded and passed by a vote of 10-0-1 with Chief Justice Bales abstaining.

The Commission decided that the meeting to conduct interviews on July 17, 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 July 17th.

At 10:56 a.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.