

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 12:31 p.m. to screen applications for a vacancy on the Arizona Supreme Court created by the retirement of Chief Justice Scott Bales. He welcomed the Commission and public present. 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.

Dominic Draye spoke on behalf of Jennifer Perkins.

Kim Miles spoke on behalf of Randall Howe.

Karla Delord spoke on behalf of Randall Howe.

Doug Metcalf spoke on behalf of Andrew Jacobs.

Tabark Abdelhabib spoke against William Montgomery.

Lenora Reyes-Petroff spoke against William Montgomery.

Frantz Beasley spoke on behalf of William Montgomery.

Jeff Taylor spoke on behalf of William Montgomery.

Virginia Kelly spoke on behalf of Richard Gordon.

Aaron Moskowitz spoke on behalf of Kent Cattani.

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 past vacancies 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 for the past vacancy.

Matthew Contorelli disclosed that he spoke to William Montgomery about the application process and received multiple references on behalf of Jennifer Perkins and Richard Gordon.

Jonathan Paton disclosed that he has known Sean Brearcliffe, Kent Cattani, Maria Elena Cruz, David Euchner, William Montgomery and Jennifer Perkins over the years but did not speak to them about this vacancy.

Phil Townsend disclosed that he previously met with Sean Brearcliffe and Kent Cattani regarding 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.

Larry Suciu disclosed that he met with William Montgomery 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 Sean Brearcliffe, Timothy Wright and Jennifer Perkins about the application process.

Kathryn Townsend disclosed that she spoke to Jennifer Perkins and Andrew Jacobs about the application process. She is also recused from voting on Regina Nassen's application.

Linley Wilson disclosed that she met with Randall Howe, William Montgomery, Jennifer Perkins and Andrew Jacobs about the application process, she appears regularly in front of the Court of Appeals judges and Kent Cattani was her former supervisor at the Attorney General's office.

Laura Ciscomani disclosed that she spoke to Andrew Jacobs, Jennifer Perkins and William Montgomery 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.

Larry Suciu moved to add Richard Gordon 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 Randall Howe to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to add William Montgomery to the tentative interview list. The motion was seconded and passed by a vote of 8-2-1 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 10-0-1 with Chief Justice Bales abstaining.

Phil Townsend moved to add Maria Elena Cruz to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 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 8-2-1 with Chief Justice Bales abstaining.

Kathryn Townsend moved to add Sean Brearcliffe to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 with Chief Justice Bales abstaining.

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

Kathryn Townsend moved to add David Euchner to the tentative interview list. The motion was seconded and passed by a vote of 7-3-1 with Chief Justice Bales abstaining.

Jonathan Paton moved to close the nominations and make final the interview list consisting of **Sean Brearcliffe, Kent Cattani, Maria Elena Cruz, David Euchner, Randall Howe, Richard Gordon, Andrew Jacobs, William Montgomery, and Jennifer Perkins**. 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 26, 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 26th.

At 1:34 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.