

## COMMISSION ON APPELLATE COURT APPOINTMENTS

### MINUTES

June 29, 2017

**PRESENT:** Chief Justice Scott Bales, Chair; Joseph Cuffari; Buchanan Davis; Josh Hall; Phillip Masciola; Larry Suci; Phillip Townsend and Charie Wallace

**ABSENT:** William Ekstrom, Jr.; Harry Hengl; Monica Klapper; Tracy Munsil; Jonathan Paton and Benjamin Reeves

Chief Justice Bales called the meeting to order at 9:02 a.m. to screen applications for a vacancy on Division Two of the Arizona Court of Appeals created by the retirement of Judge Michael Miller. He welcomed the Commission members and the 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 five minutes per candidate and asked them not to repeat comments by previous speakers about the same candidate.

Timothy Berg spoke on behalf of George Krauja.

Tim Pickrell spoke on behalf of Regina Nassen.

Sharon Foltz spoke on behalf of George Krauja.

John Hinderaker spoke on behalf of D. Douglas Metcalf.

Edward Labor spoke on behalf of Jonathan Reich and against David Euchner.

#### Approval of Minutes

Chief Justice Bales asked if any member wished to submit changes or additions to the draft minutes of the May 30, 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 (Rule #4) and reminded the members that he does not vote unless there is a tie.

Chief Justice Bales disclosed that he knows Sean Brearcliffe, David Euchner, George Krauja and Regina Nassen professionally. He also disclosed that Jacob Lines was one of his students and D. Douglas Metcalf serves on Supreme Court Committees and he worked with him briefly in the past.

Buchanan Davis disclosed that he encouraged Sean Brearcliffe to apply.

Phil Townsend disclosed that he encouraged Sean Brearcliffe to apply.

Joe Cuffari disclosed that he knows Sean Brearcliffe and D. Douglas Metcalf socially and he encouraged Sean Brearcliffe to apply.

Larry Suciu disclosed that he discussed the application process with Sean Brearcliffe.

Charie Wallace disclosed that she discussed the application process with Sean Brearcliffe.

### **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 Sean Brearcliffe to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to add George Krauja to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Buchanan Davis moved to add Jacob Lines to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to add D. Douglas Metcalf to the tentative interview list. The motion was seconded and passed by a vote of 6-1-1 with Chief Justice Bales abstaining.

Larry Suciu moved to add Regina Nassen to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Buchanan Davis moved to add Jonathan Reich to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Charie Wallace moved to add David Euchner to the tentative interview list. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

Joe Cuffari moved to close the nominations and make final the interview list consisting of **Sean Brearcliffe, David Euchner, George Krauja, Jacob Lines, D. Douglas Metcalf, Regina Nassen** and **Jonathan Reich**. The motion was seconded and passed by a vote of 7-0-1 with Chief Justice Bales abstaining.

The Commission decided that the meeting to conduct interviews on July 31, 2017 would begin at 9:00 a.m. and that interviews would be scheduled at 30 minute intervals. Chief Justice Bales explained that the Commission members who conducted due diligence during the previous vacancy would not be assigned to a team this time. The Commissioners will report their findings at the interview meeting on July 31<sup>st</sup>.

At 9:42 a.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.