

## COMMISSION ON APPELLATE COURT APPOINTMENTS

### MINUTES

August 26, 2019

**PRESENT:** Chief Justice Robert Brutinel, Chair; Laura Ciscomani; Buchanan Davis; Bill Gresser; Jerry Nabours; Jonathan Paton; Kathryn Townsend; Phil Townsend and Linley Wilson

**ABSENT:** Matthew Contorelli; Tracy Munsil; Benjamin Reeves and Larry Suci

Chief Justice Robert Brutinel called the meeting to order at 9:32 a.m. to screen applications for a vacancy on Division One of the Arizona Court of Appeals created by the unexpected passing of Judge Jon Thompson. He welcomed the public present the Commission members.

#### Public Comment

Chief Justice Brutinel 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.

Matthew Riggs spoke on behalf of D. Steven Williams.

#### Approval of Minutes

Chief Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 17, 2019 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Chief Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 26, 2019 meeting. It was moved that the minutes be approved as corrected. The motion was seconded and passed unanimously.

#### Disqualifications and Disclosures

Chief Justice Brutinel 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 Brutinel disclosed that he served on a committee with Veronika Fabian and he appointed Joseph Goldstein to the Commissioner position he holds now when he was a Judge in Yavapai County.

Buchanan Davis disclosed that he had interactions with Bradley Carlyon and D. Steven Williams while he worked for Senator Flake. He also disclosed that he has gotten to know D. Steven Williams on a more personal level and his dad is close friends with him.

Jonathan Paton disclosed that he has only met Bradley Carlyon once in the past.

Jerry Nabours disclosed that he has known William Ring for many years professionally and had many interactions with him involving cases while he was practicing law.

### **Discussion of Applicants and Interviews**

The Commission discussed the applicants' qualifications.

A motion to go into executive session for the purpose of discussing information provided in the confidential section of an application was made at 9:44 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:49 a.m.

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

Jonathan Paton moved to add D. Steven Williams to the tentative interview list. The motion was seconded and passed by a vote of 8-0-1 with Chief Justice Brutinel abstaining.

Jerry Nabours moved to add Bradley Carlyon to the tentative interview list. The motion was seconded and passed by a vote of 5-3-1 with Chief Justice Brutinel abstaining.

Linley Wilson moved to add Veronika Fabian to the tentative interview list. The motion was seconded and passed by a vote of 7-1-1 with Chief Justice Brutinel abstaining.

Bill Gresser moved to add William Ring to the tentative interview list. The motion was seconded and passed by a vote of 8-0-1 with Chief Justice Brutinel abstaining.

Laura Ciscomani moved to add Matthew Mansfield to the tentative interview list. The motion was seconded and passed by a vote of 6-2-1 with Chief Justice Brutinel abstaining.

Jonathan Paton moved to add Benjamin Kreutzberg to the tentative interview list. The motion was seconded and passed by a vote of 8-0-1 with Chief Justice Brutinel abstaining.

Linley Wilson moved to add Joseph Goldstein to the tentative interview list. The motion was seconded and passed by a vote of 8-0-1 with Chief Justice Brutinel abstaining.

Phil Townsend moved to close the nominations and make final the interview list consisting of **Bradley Carlyon, Veronika Fabian, Joseph Goldstein, Benjamin Kreutzberg, Matthew Mansfield, William Ring** and **D. Steven Williams**. The motion was seconded and passed by a vote of 8-0-1 with Chief Justice Brutinel abstaining.

The Commission decided that the meeting to conduct interviews on September 12, 2019 would begin at 8:30 a.m. and that interviews would be scheduled for 25 minutes each. Chief Justice Brutinel explained that staff would assign due diligence assignments and email them the Commission. The Commissioners will report their findings at the interview meeting on September 12<sup>th</sup>.

At 9:57 a.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.