

# MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

## MINUTES

July 29 & July 30, 2015

**PRESENT:** Justice Robert M. Brutinel, Acting Chair; Barry Aarons; Robert Dalager; Leonard Gilroy; Bill Hughes; Walt Opaska; Steve Perica; Amanda Reeve; Ron Reinstein; Debra Stark; Don Vogel

**ABSENT:** Donald Jarnagin; Barbara Marshall; Tommy Richardson; Diane Rosztoczy;

Justice Robert Brutinel, Acting Chair, called the meeting to order at 8:30 a.m.

### Introductions

Justice Brutinel introduced himself and noted a quorum of the Commission. He welcomed the Commission members and the public.

He explained the purpose of the meeting is to interview for the positions created by the departures of Judges Mark Aceto, A. Craig Blakey, Bethany Hicks, Thomas LeClaire and Gerald Porter.

### Public Comment

Justice Brutinel asked for public comment on the candidates that will be interviewed for the Maricopa County vacancies. He reminded the speakers that they are limited to three minutes each and asked them not to repeat comments by previous speakers about the same candidate.

Dean Fink spoke on behalf of Phemonia Miller.  
Rod Coffey spoke on behalf of Sharon Ng.  
Robert Wright spoke on behalf of Roy Whitehead.  
Ericka Avila spoke on behalf of Michelle Johnson.  
Michael Manning on behalf of Sharon Ng.  
Patricia Kirtley on behalf of Kristin Culbertson.  
Mike Kimerer on behalf of Howard Sukenic.  
James Wees on behalf of Ronee Steiner.  
David Strachan spoke on behalf of Kristin Culbertson.  
Charles Fanniel spoke on behalf of Phemonia Miller.  
Samuel Pena spoke on behalf of Phemonia Miller.  
Jennifer Alewelt spoke on behalf of Michael Gottfried.  
Stephen Montoya spoke on behalf of Kristin Culbertson.  
Jocquese Blackwell spoke on behalf of Roy Whitehead.  
Matthew Marnier spoke on behalf of Phemonia Miller.  
Booker Evans spoke on behalf of Michelle Johnson.  
Elizabeth White spoke on behalf of Phemonia Miller.

### **Approval of Minutes**

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 1, 2015 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

### **Interview Questions**

A motion to go to executive session for the purpose of selecting interview questions was made at 9:45 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 10:11 a.m.

Justice Brutinel asked the members of the public to keep the interview questions confidential until the interviews concluded the following day.

### **Due Diligence Reports**

Commission members delivered the due diligence reports for Gregory Como, Lisa Vandenberg, Ronee Steiner, Michael Blair, Aryeh Schwartz, Joshua Rogers, Wendy Coy and Kristin Culbertson. The Commission agreed to disclose the remaining due diligence reports after lunch.

### **Disqualifications and Disclosures**

Justice Brutinel asked the Commission if there were additional disqualifications or disclosures since the screening meeting on July 1, 2015.

Rob Dalager disclosed he recently attended a meeting where Kristin LeMaire was present. There was no interaction with her, aside from presenting meeting materials.

### **Candidate Interviews**

From 10:30 a.m. to 11:20 a.m. the Commission interviewed Gregory Como, Lisa Vandenberg, Ronee Steiner and Michael Blair.

The Commission recessed for lunch at 11:30 a.m.

Justice Brutinel called the meeting back to order at 12:05 p.m.

The Commission members delivered the due diligence reports for Michael Gottfried, Mark House, Phemonia Miller, Roy Whitehead, Steven Lynch, Michael Mandell, Michelle Johnson, and Louis Seletos.

### **Candidate Interviews**

From 12:30 p.m. to 1:23 p.m. the Commission interviewed Aryeh Schwartz, Joshua Rogers, Wendy Coy and Kristin Culbertson.

A motion to go into executive session was made at 1:23 p.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 1:38 p.m.

From 1:47 p.m. to 2:55 p.m. the Commission interviewed Michael Gottfried, Mark House, Phemonia Miller and Roy Whitehead.

From 3:00 p.m. to 3:55 p.m. the Commission interviewed Steven Lynch, Michael Mandell, Michelle Johnson and Luis Seletos.

The Commission recessed for the day at 4:00 p.m.

### **July 30, 2015 Continued Interviews**

Justice Brutinel called the meeting to order at 8:30 a.m. He welcome the Commission and members of the public. He mentioned that we are continuing the interviews for the six vacancies at the Superior Court in Maricopa County.

### **Due Diligence Reports**

The Commission delivered the due diligence reports for Todd Lang, Scott Minder, Kimberly Demarchi, Erin O'Brien Otis, Howard Sukenic, Sharon Ng, Annielaurie Van Wie, Alison Bachus, Shellie Smith, Kerstin LeMaire and Edith Lucero.

A motion to go into executive session was made at 9:43 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:56 a.m.

### **Candidate Interviews Continued**

From 10:00 a.m. to 11:14 a.m. the Commission interviewed Alison Bachus, Scott Minder, Kimberly Demarchi, Shellie Smith and Todd Lang.

The Commission recessed for lunch at 11:15 a.m.

Justice Brutinel called the meeting back to order at 12:15 a.m.

From 12:15 p.m. to 1:09 p.m. the Commission interviewed Kerstin LeMaire, Edith Lucero, Erin O'Brien Otis and Sharon Ng.

From 1:27 p.m. to 1:56 p.m. the Commission interviewed Annielaurie Van Wie and Howard Sukenic.

### **Discussion of Applicants and Interviews and Selection of Nominees**

Justice Brutinel reminded the Commission of the constitutionally required balance of political affiliations among nominees. He explained he would only vote on a candidate in the event of a tie.

A motion to go into executive session was made at 1:57 p.m. The Motion was seconded and passed unanimously.

The Commission returned to public session at 2:27 p.m.

The Commission discussed the interviews and the qualifications of the candidates in alphabetical order. Justice Brutinel suggested that a non-binding straw vote would be helpful to focus discussion and determine if any strong consensus existed on the potential nomination list. The results of the straw vote were:

Alison Bachus – 8  
Michael Blair – 2  
Gregory Como – 9  
Wendy Coy – 5  
Kristin Culbertson – 9  
Kimberly Demarchi – 10  
Michael Gottfried – 1  
Mark House – 8  
Michelle Johnson – 10  
Todd Lang – 9  
Kerstin LeMaire – 8  
Edith Lucero – 2  
Steven Lynch – 9  
Michael Mandell – 4  
Phemonia Miller – 0  
Scott Minder – 3  
Sharon Ng – 7  
Erin O'Brien Otis – 9  
Joshua Rogers – 10  
Aryeh Schwartz – 8  
Louis Seletos – 8  
Shellie Smith – 7  
Ronee Steiner – 10  
Howard Sukenic – 10  
Annielaurie Van Wie – 10  
Lisa VandenBerg – 8  
Roy Whitehead - 8

After further discussion, a motion to open the floor for individual nominations was made. The motion was seconded and passed unanimously.

Justice Brutinel opened the floor for individual nominations to a non-binding list of nominees to be sent to the Governor.

Rob Dalager moved to add Sharon Ng to the list. The motion was passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Debra Stark moved to add Michelle Johnson to the list. The motion was passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Joshua Rogers to the list. The motion was passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Howard Sukenic to the list. The motion was passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Alison Bachus to the list. The motion was passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Aryeh Schwartz to the list. The motion was passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Don Vogel moved to add Annielaurie Van Wie to the list. The motion passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Rob Dalager moved to add Roy Whitehead to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Kimberly Demarchi to the list. The motion passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Gregory Como to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Kristin Culbertson to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Debra Stark moved to add Shellie Smith to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Lisa Vandenberg to the list. The motion passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Louis Seletos to the list. The motion passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Ronee Steiner to the list. The motion passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Erin O'Brien Otis to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Wendy Coy to the list. The motion failed by a vote of 5-5-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Todd Lang to the list. The motion passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Steve Perica moved to add Mark House to the list. The motion passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Kerstin LeMaire to the list. The motion passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Steven Lynch to the list. The motion passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Barry Aarons moved to close nominations. The motion was seconded and passed unanimously.

After further discussion it was moved that **Alison Bachus, Gregory Como, Kristin Culbertson, Kimberly Demarchi, Mark House, Michelle Johnson, Todd Lang, Kerstin LeMaire, Steven Lynch, Sharon Ng, Erin O'Brien Otis, Joshua Rogers, Aryeh Schwartz, Louis Seletos, Shellie Smith, Ronee Steiner, Howard Sukenic, Annielaurie Van Wie, Lisa Vandenberg** and **Roy Whitehead** be adopted as the final nomination list for submission to Governor Ducey. The motion was seconded and passed unanimously.

### **Adjournment**

Justice Brutinel thanked the members for their service. At 3:53 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.

Respectfully submitted,

Rob Dalager  
Commission Secretary