

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

January 28, 2016

PRESENT: Justice Robert M. Brutinel, Acting Chair; Robert Dalager; Leonard Gilroy; Barbara Marshall; Warde Nichols; Walt Opaska; Steven Perica; Amanda Reeve, Tommy Richardson; Debra Stark and Paul Senseman

ABSENT: Barry Aarons; Bill Hughes; Ron Reinstein and Diane Rosztoczy

Justice Robert Brutinel, Acting Chair, called the meeting to order at 9:30 a.m.

Introductions

Justice Brutinel introduced himself and noted a quorum of the Commission. He welcomed the public and new Commission members Warde Nichols and Paul Senseman. He asked them both to introduce themselves.

Public Comment

Justice Brutinel explained to the public that the Commission would be screening applications for a vacancy on the Maricopa County Superior Court created by the resignation of Judge Joseph Sciarrotta. He then asked for public comment on the applicants. 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.

Ray Woo spoke on behalf of Todd Long.
Chuck Whitehead spoke on behalf of Michelle Carson.
David Greene spoke on behalf of Michelle Carson.
Keith Berkshire spoke on behalf of Michelle Johnson.
Guy Knoller spoke on behalf of Kristin Culbertson.
Jeff Spellman spoke on behalf of Bruce Brown.
Walker Crowson spoke on behalf of Kristin Culbertson
Brian Booker spoke on behalf of Michelle Johnson.
Dawn Northup spoke on behalf of Michael Gottfried.
Dana Roberts spoke on behalf of Michelle Johnson.
Stephanie Ehrbright spoke on behalf of Lisa VandenBerg.
Paige Martin spoke on behalf of Annielaurie Van Wie
Jeff Elder spoke on behalf of Michael Blair.
Nancy Kimball spoke on behalf of Bruce Brown.
Lori Ramsey spoke on behalf of Bruce Brown.
Dr. Don Longbottom spoke on behalf of Bruce Brown.
James Iannuzo spoke on behalf of Michael Kielsky.
Jenna Clark spoke on behalf of Max-Henri Covil.
Ted Taylor spoke on behalf of Bruce Brown.

Mike Liburdi, General Counsel and Kate King, Deputy General Counsel to Governor Ducey spoke to the Commission and gave an update on the appointments made by Governor Ducey in 2015. They gave a brief explanation of the process they've put in place once the Commission send the list of nominees and they both thanked the Commission for their work.

Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 29 and July 30, 2015 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Disqualifications and Disclosures

Justice Brutinel inquired about any basis for additional disqualification or disclosure not previously mentioned, pursuant to the Commission's rules regarding conflict of interest or bias.

Justice Brutinel mentioned that he received a call from Michelle Johnson regarding the process.

Leonard Gilroy disclosed that he knows Michael Kielsky on a social capacity and spoke to him regarding the process.

Steve Perica disclosed that he spoke to Kristin Culbertson and Kimberly Demarchi regarding the process.

Amanda Reeve disclosed that Michael Blair spoke to her regarding the process and ways to improve his application.

Tommy Richardson disclosed that he is on the same board as Michelle Johnson and he encouraged her to apply.

Paul Senseman disclosed that he has a client that is a vendor for the Arizona Department of Correction but does not know Michael Gottfried.

Discussion of Applicants and Interviews and Selection of Nominees

Justice Brutinel asked for discussion regarding the applicants. The Commission members disclosed references and comments regarding various applicants. He reminded the Commission and the public that he did not vote except in the event of a tie.

A motion to go into executive session was made at 10:52 a.m. the motion was seconded and passed unanimously.

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

After further discussion, the Commission suggested a straw vote be taken of all the applicants in alphabetical order. The Commission agreed and the results of the straw vote were:

Glenn Allen – 0	Mark House – 10
Michael Blair – 4	Michelle Johnson – 6
Bruce Brown – 8	Michael Kielsky – 0
Kathleen Carey – 1	Todd Lang – 9
Michelle Carson – 0	Scott Minder – 9
Jessica Cotter – 0	John Moshier – 3
Max-Henri Covil – 4	Erin O’Brien Otis – 8
Kristin Culbertson – 10	Jeffrey Swierski – 1
Kimberly Demarchi – 10	Annielaurie Van Wie – 7
Michael Gottfried – 1	Lisa Vandenberg – 6
Mark Hawkins – 1	Dena Welch-Rowland - 0

There was then a discussion of the applicants in alphabetical order. It was agreed those applicants with a vote of three or more would warrant further discussion and possible nomination to the tentative interview list. Glenn Allen, Kathleen Carey, Michelle Carson, Jessica Cotter, Michael Gottfried, Mark Hawkins, Michael Kielsky, Jeffrey Swierski and Dena Welch-Rowland were eliminated from further discussion.

Selection of Applicants to be Interviewed

Debra Stark moved to open individual nominations. Justice Brutinel opened the floor for individual nominations.

Amanda Reeve moved to add Scott Minder to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Debra Stark moved to add Michelle Johnson to the interview list. The motion was seconded and passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Kristin Culbertson to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Bruce Brown to the interview list. The motion was seconded and passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Kimberly Demarchi to the interview list. The motion was seconded and passed by a vote of 10-1-1 with Justice Brutinel abstaining.

Steve Perica moved to add Mark House to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Steve Perica moved to add Todd Lang to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Steve Perica moved to add Annielaurie Van Wie to the interview list. The motion was seconded and passed by a vote of 7-3-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Lisa Vandenberg to the interview list. The motion was seconded and passed by a vote of 6-4-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Erin O'Brien Otis to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Paul Senseman moved to add Max-Henri Covil to the interview list. The motion was seconded and passed by a vote of 6-4-1 with Justice Brutinel abstaining.

Rob Dalager moved to add Michael Blair to the interview list. The motion failed by a vote of 4-6-1 with Justice Brutinel abstaining.

A motion to close nominations was made. The motion was seconded and passed unanimously.

The final interview list included the following applicants; **Bruce Brown, Max-Henri Covil, Kristin Culbertson, Kimberly Demarchi, Mark House, Michelle Johnson, Todd Lang, Scott Minder, Erin O'Brien Otis, Annielaurie Van Wie** and **Lisa Vandenberg**.

Discussion of Interview Schedule and Interview Questions

The Commission then addressed the logistics of the pending interviews. It was agreed the interview meeting will begin at 8:30 a.m. on February 10, 2016 to interview the 11 candidates. The Commission recommended 15 minute interviews with a possible hypothetical question. The Commission would use follow-up questions as necessary. Staff was directed to schedule interviews at 15-minute intervals and to make due diligence assignments.

Justice Brutinel encouraged Commission members to submit questions before the interview meeting. The members agreed to discuss the new material and select questions at the meeting on February 10, 2016.

Adjournment

Justice Brutinel thanked the members for their service. It was moved to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned at 11:26 a.m.

Respectfully submitted,

Rob Dalager
Commission Secretary