

# MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

## MINUTES

September 21, 2016

**PRESENT:** Justice Robert M. Brutinel, Acting Chair; Barry Aarons, Robert Dalager; Bill Hughes; Barbara Marshall; Walt Opaska; Steven Perica; Amanda Reeve; Ron Reinstein (telephone); Tommy Richardson and Paul Senseman

**ABSENT:** Andrea Donnellan; Leonard Gilroy and Warde Nichols;

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 Commission members and the public present.

### Public Comment

Justice Brutinel explained to the public that the Commission would be screening applications for the vacancy on the Maricopa County Superior Court created by the retirement of Kristin Hoffman. 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.

Heidi Lukacsik spoke on behalf of Michelle Carson.

Lisa Dodd spoke on behalf of Michelle Carson.

Suzanne Cohen spoke on behalf of Tracey Westerhausen.

Ken Creasy spoke again Michelle Carson.

Scott Rodgers spoke on behalf of Ronda Fisk.

Frank Murray spoke on behalf of Charles Carson.

Jonathan Schwartz spoke on behalf of Michael Gottfried.

### Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 27, 2016 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.

Tommy Richardson disclosed that he has had cases against the law partners of Michael Blair and against Lewis & Roca where Kimberly Demarchi works. He has served on a board with partners of Michael Kielsky, he has appeared in front of Andrew Russell and his law partners have had dealings with Tracey Westerhausen's law partner in the past.

Rob Dalager disclosed that he had no additional disclosures aside from his previous work with Michael Mandell and Todd Lang.

Amanda Reeve disclosed that Ronda Fisk and Michael Blair contacted her regarding the application process. She disclosed that she knows Frank Conti politically as he is the Justice of the Peace in her district.

Barbara Marshall disclosed that she is recused on Michael Anderson.

Paul Senseman disclosed that he has known Michael Mandell professionally through work at the State House.

Barry Aarons disclosed that Michelle Johnson and Michael Kielsky contacted him regarding their previous interviews. He also disclosed that he has known Todd Lang and Michael Mandell professionally.

Ron Reinstein disclosed that he spoke to Tracey Westerhausen to discuss the application process and she had appeared before him during his time on the bench.

### **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 10:06 a.m. the motion was seconded and passed unanimously.

The Commission returned to public session 10:17 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:

Michael Anderson – 3	Todd Lang – 8
Michael Blair – 9	Michael Mandell – 10
Bruce Brown – 1	Daniel McCarthy – 1
Charles Carson – 8	Scott Minder – 10
Michelle Carson – 3	Keith Nelson – 8
Frank Conti, Jr. – 6	Erin O'Brien Otis – 10
Jessica Cotter – 0	Andrew Russell – 8
Max-Henri Covil – 0	Jeffrey Swierski – 0
Kimberly Demarchi – 10	Annielaurie Van Wie – 10
Ronda Fisk - 10	Lisa VandenBerg – 10
Michael Gottfried – 4	Timothy Watson 2
Mark House – 10	Tracey Westerhausen – 9
Michelle Johnson – 9	

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.

After further discussion, the Commission suggested a second straw vote. The results of the vote were:

Michael Anderson – 3  
Michael Blair – 9  
Bruce Brown – 0  
Charles Carson – 6  
Michelle Carson – 2  
Frank Conti, Jr. – 8  
Jessica Cotter – 0  
Max-Henri Covil – 0  
Kimberly Demarchi – 10  
Ronda Fisk - 10  
Michael Gottfried – 2  
Mark House – 10  
Michelle Johnson – 8

Todd Lang – 9  
Michael Mandell – 10  
Daniel McCarthy – 0  
Scott Minder – 10  
Keith Nelson – 7  
Erin O'Brien Otis – 9  
Andrew Russell – 7  
Jeffrey Swierski – 0  
Annielaurie Van Wie – 9  
Lisa Vandenberg – 8  
Timothy Watson 0  
Tracey Westerhausen – 9

### **Selection of Applicants to be Interviewed**

Justice Brutinel opened the floor for individual nominations.

Rob Dalager moved to add Michael Blair to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Charles Carson to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Rob Dalager moved to add Michelle Carson to the interview list. The motion was not seconded.

Steve Perica moved to add Frank Conti, Jr. to the interview list. The motion was seconded and passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Kimberly Demarchi to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

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

Barry Aarons moved to add Mark House to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Michelle Johnson to the interview list. The motion was seconded and passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Barry Aarons 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.

Barbara Marshall moved to add Michael Mandell to the interview list. The motion was seconded and passed by a vote of 10-0-1 with Justice Brutinel abstaining.

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.

Barbara Marshall moved to add Keith Nelson 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 Erin O'Brien Otis to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Andrew Russell to the interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Annielaurie Van Wie to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Paul Senseman moved to add Lisa Vandenberg to the tentative interview list. The motion was seconded and passed by a vote of 8-2-1 with Justice Brutinel abstaining.

Paul Senseman moved to add Tracey Westerhausen to the tentative interview list. The motion was seconded and passed by a vote of 9-1-1 with Justice Brutinel abstaining.

Rob Dalager moved to close nominations. The motion was seconded and passed unanimously.

The final interview list included the following applicants; **Michael Blair, Charles Carson, Frank Conti, Jr., Kimberly Demarchi, Ronda Fisk, Mark House, Michelle Johnson, Michael Mandell, Scott Minder, Keith Nelson, Andrew Russell, Annielaurie Van Wie, Lisa Vandenberg and Tracey Westerhausen.**

#### **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 October 20, 2016 to interview the 16 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 October 20, 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 10:48 a.m.

Respectfully submitted,

Rob Dalager  
Commission Secretary