

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

January 5, 2017

PRESENT: Justice Robert M. Brutinel, Acting Chair; Barry Aarons; Andrea Donnellan; Walt Opaska; Steve Perica; Amanda Reeve; Ron Reinstein; Tommy Richardson Paul Senseman;

ABSENT: Rob Dalager; Leonard Gilroy; Bill Hughes; Barbara Marshall and Warde Nichols

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

Introductions

Justice Brutinel introduced himself and welcomed the Commission members and the public. He explained the purpose of the meeting is to interview for the positions created by the appointment of Judges James Beene and Paul McMurdie to Division One of the Arizona Court of Appeals.

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.

Geoff Fish spoke on behalf of Justin Beresky.
John Phebus spoke on behalf of Annielaurie Van Wie.
Sam Myers spoke on behalf of Justin Beresky.
Paul Watkins spoke on behalf of Timothy Watson.
Alan Soelberg spoke on behalf of Keith Nelson.
Debra Stark spoke on behalf of Adam Driggs.
Greg Zamur spoke on behalf of Tracey Westerhausen.

Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the December 16, 2016 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 8:49 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:30 a.m.

Disqualifications and Disclosures

Justice Brutinel asked the Commission if there were additional disqualifications or disclosures since the screening meeting on December 16, 2016.

The Commission did not have any new disqualifications or disclosures.

Due Diligence Reports

Commission members delivered the due diligence reports for Frank Conti, Jr., Lisa Vandenberg, Justin Beresky, Annielaurie Van Wie, Andrew Russell Ronda Fisk, Tracey Westerhausen, Adam Driggs, Kimberly Demarchi and Timothy Watson. The Commission agreed to continue the reports after lunch for the remaining candidates.

Candidate Interviews

From 10:40 a.m. to 11:49 a.m. the Commission interviewed Frank Conti, Jr., Lisa Vandenberg, Justin Beresky, Annielaurie Van Wie and Andrew Russell.

The Commission recessed for lunch at 11:51 a.m.

Justice Brutinel called the meeting back to order at 12:30 p.m.

Due Diligence Reports

Commission members delivered the due diligence reports for Michael Mandell, Marvin Davis and Keith Nelson.

Candidate Interviews

From 12:55 p.m. to 2:10 p.m. the Commission interviewed Ronda Fisk, Tracey Westerhausen, Adam Driggs, Kimberly Demarchi and Timothy Watson.

A motion to go into executive session was made at 2:10 p.m.

The commission returned to public session at 2: 16 p.m.

From 2:22 p.m. to 3:01 p.m. the Commission interviewed Michael Mandell, Marvin Davis and Keith Nelson.

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.

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:

Justin Beresky – 8
Frank Conti, Jr. – 6
Marvin Davis – 8
Kimberly Demarchi – 8
Adam Driggs – 8
Ronda Fisk – 8
Michael Mandell – 7
Keith Nelson – 4
Andrew Russell – 8
Annielaurie Van Wie – 7
Lisa VandenBerg – 8
Timothy Watson – 3
Tracey Westerhausen - 6

There was additional discussion regarding the candidates that received 3 or more votes.

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

Paul Senseman moved to add Justin Beresky to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Frank Conti, Jr. to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Marvin Davis to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Paul Senseman moved to add Kimberly Demarchi to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Tommy Richardson moved to add Adam Driggs to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Ronda Fisk to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Michael Mandell the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Andrew Russell to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Annielaurie Van Wie to the list. The motion was seconded and tied by a vote of 8-0-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Lisa VandenBerg to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

Andrea Donnellan moved to add Tracey Westerhausen to the list. The motion was seconded and passed by a vote of 8-0-1 with Justice Brutinel abstaining.

After further discussion it was moved that **Justin Beresky, Frank Conti, Jr., Marvin Davis, Kimberly Demarchi, Adam Driggs, Ronda Fisk, Michael Mandell, Andrew Russell, Annielaurie Van Wie, Lisa VanderBerg** and **Tracey Westerhausen** 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 3:35 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.