

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

November 15, 2017

PRESENT: Justice Robert M. Brutinel, Acting Chair; Jason Barraza; Peggy Baze; Rob Dalager; Leonard Gilroy; Barbara Marshall; Warde Nichols; Walt Opaska; Steve Perica; Amanda Reeve; Paul Senseman and Stephen Silverman

ABSENT: Barry Aarons; Andrea Donnellan and Rene Guillen

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

Introductions

Justice Brutinel introduced himself, welcomed the Commission members, the public present and introduced new member, Peggy Baze. He explained the purpose of the meeting is to interview for the positions created by the retirement of Judges Colleen McNally and Robert Oberbillig.

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.

Larry Winthrop spoke on behalf of Evan Bolick.
Colonel Roland Aut spoke on behalf of Scott Blaney.
Briana Chua spoke on behalf of Suzanne Scheiner Marwil.
Brett Johnson spoke on behalf of Sara Agne.
Thomas Liddy spoke on behalf of Joseph Kiefer.
Pam Gates spoke on behalf of Margaret LaBianca.
Jeff Pollitt spoke on behalf of David Horowitz.
Howard Cabot spoke on behalf of Kevin Wein.
Keith Berkshire spoke on behalf of David Horowitz.
Jennifer G. Gadow spoke on behalf of David Horowitz.

Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the October 16, 2017 meeting. It was moved that the minutes be approved as corrected. 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 9:06 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:47 a.m.

Disqualifications and Disclosures

Justice Brutinel asked the Commission if there were additional disqualifications or disclosures since the screening meeting on October 16, 2017, pursuant to the Commission's rules regarding conflict of interest or bias.

Leonard Gilroy disclosed that he has known Evan Bolick's father professionally for a few years.

Walt Opaska disclosed that he and Margaret LaBianca worked at the same law firm in the past and he met with Evan Bolick to discuss the application process.

Stephen Silverman disclosed that he spoke to David Horowitz regarding the application process.

Steve Perica disclosed he met with Aryeh Schwartz to discuss the application process.

Amanda Reeve reminded the Commission that she is recused from voting on Sara Agne's application. She also disclosed that she worked at the same firm as Joseph Kiefer but does not know him, she worked at the same firm as Margaret LaBianca in the past and that she spoke with Aryeh Schwartz, Evan Bolick, Justin Beresky and Suzanne Scheiner Marwil regarding the application process.

Peggy Baze disclosed that she is recused from voting on Annielaurie Van Wie's application.

Barbara Marshall disclosed that she met with Evan Bolick, Sara Agne, Margaret LaBianca and Julie Mata to discuss the application process and that Joseph Kiefer works in her office and is recused from voting on his application.

Jason Barraza disclosed that he spoke to Sara Agne and Evan Bolick regarding the application process.

Due Diligence Reports

Commission members delivered the due diligence reports for Suzanne Scheiner Marwil, Scott Blaney, Annielaurie Van Wie, David Horowitz, Lisa Vandenberg, Sara Agne, Wendy Coy, Joseph Kiefer, Aryeh Schwartz, Kevin Wein, Evan Bolick, Julie Mata, Tracey Westerhausen, Margaret LaBianca and Justin Beresky.

Candidate Interviews

From 10:52 a.m. to 12:05 p.m. the Commission interviewed Suzanne Scheiner Marwil, Scott Blaney, Annielaurie Van Wie, Lisa Vandenberg and David Horowitz.

The Commission recessed for lunch at 12:05 p.m.

Justice Brutinel called the meeting back to order at 1:00 p.m.

Candidate Interviews

From 1:00 p.m. to 2:05 p.m. the Commission interviewed Sara Agne, Wendy Coy, Joseph Kiefer, Aryeh Schwartz and Kevin Wein.

From 2:25 p.m. to 3:32 p.m. the Commission interview Evan Bolick, Julie Mata, Tracey Westerhausen, Margaret LaBianca and Justin Beresky.

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:

Sara Agne – 9
Justin Beresky – 12
Scott Blaney – 1
Evan Bolick – 0
Wendy Coy – 7
David Horowitz – 7
Joseph Kiefer – 10
Margaret LaBianca – 11
Julie Mata – 9
Suzanne Scheiner Marwil – 9
Aryeh Schwartz – 3
Annielaurie Van Wie – 9
Lisa VandenBerg – 7
Kevin Wein – 11
Tracey Westerhausen – 11

The Commission further discussed the results of the straw vote.

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

Stephen Silverman moved to add Sara Agne to the list. The motion was seconded and passed by a vote of 9-2-2 with Amanda Reeve and Justice Brutinel abstaining.

Steve Perica moved to add Justin Beresky to the list. The motion was seconded and passed by a vote of 12-0-1 with Justice Brutinel abstaining.

Rob Dalager moved to add Joseph Kiefer to the list. The motion was seconded and passed by a vote of 11-0-2 with Barbara Marshall and Justice Brutinel abstaining.

Stephen Silverman moved to add David Horowitz to the list. The motion was seconded and passed by a vote of 7-5-1 with Justice Brutinel abstaining.

Warde Nichols moved to add Suzanne Scheiner Marwil to the list. The motion was seconded and passed by a vote of 10-2-1 with Justice Brutinel abstaining.

Walt Opaska moved to add Wendy Coy to the list. The motion was seconded and passed by a vote of 8-4-1 with Justice Brutinel abstaining.

Stephen Silverman moved to add Margaret LaBianca to the list. The motion was seconded and passed by a vote of 10-2-1 with Justice Brutinel abstaining.

Paul Senseman moved to add Julie Mata to the list. The motion was seconded and passed by a vote of 10-2-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Tracey Westerhausen to the list. The motion was seconded and passed by a vote of 9-3-1 with Justice Brutinel abstaining.

Stephen Silverman moved to add Lisa Vandenberg to the list. The motion was seconded and tied with a vote of 6-6-1.

Paul Senseman moved to add Kevin Wein to the list. The motion was seconded and passed by a vote of 8-4-1

Amanda Reeve moved to add Annielaurie Van Wie to the list. The motion was seconded and passed with a vote of 8-4-1 with Justice Brutinel abstaining.

Steve Perica moved to close nominations. The motion was seconded and passed unanimously.

Leonard Gilroy made a motion to reopen nominations for the purpose of re-voting on Lisa Vandenberg's tie. The motion was seconded and passed unanimously.

Justice Brutinel asked the Commission for a vote on Lisa Vandenberg, which resulted in a 6-6 tie. Lisa Vandenberg was placed on the list with Justice Brutinel's tie-breaking vote, 7-6-0.

The tentative list consisting of **Sara Agne, Justin Beresky, Wendy Coy, David Horowitz, Joseph Kiefer, Margaret LaBianca, Julie Mata, Suzanne Scheiner Marwil, Annielaurie Van Wie, Lisa Vandenberg, Kevin Wein and Tracey Westerhausen** was adopted as the final nomination list for submission to Governor Ducey.

Adjournment

Justice Brutinel thanked the members for their service. At 4:03 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.