

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

March 21, 2018

PRESENT: Justice Ann A. Scott Timmer, Chair; Barry Aarons; Peggy Baze; Shawn Cox; Rene Guillen; Rachel Johnson; Walt Opaska; Steve Perica; Amanda Reeve; Paul Senseman and Stephen Silverman

ABSENT: Jason Barraza; Andrea Donnellan; Jessica Everett-Garcia; Leonard Gilroy and Warde Nichols

Justice Ann Scott Timmer called the meeting to order at 8:31 a.m.

Introductions

Justice Timmer introduced herself, welcomed the Commission members, the public present and introduced new Commission members Shawn Cox and Rachel Johnson. She explained the purpose of the meeting is to interview for the position created by the retirement of Judge John Ditsworth.

Public Comment

Justice Timmer asked for public comment on the candidates that will be interviewed for the Maricopa County vacancy. She 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.

Louis Silverman spoke on behalf of Aryeh Schwartz.
Harla Davidson spoke on behalf of Annielaurie Van Wie.
Christopher Lambesis spoke against Scott Blaney.
Dennis McGrane spoke on behalf of Scott Blaney.
Kerstin LeMaire spoke on behalf of Margaret LaBianca.
Anne Hanyak spoke on behalf of Melissa Iyer Julian.
Larry Forte spoke on behalf of Annielaurie Van Wie.
Tom Liddy spoke on behalf of Joseph Kiefer.
Scott Zwilling spoke on behalf of Sara Witthoft.
Alicia Funkhouser spoke on behalf of Julie LaFave.
Roland Aut spoke on behalf of Scott Blaney.

Approval of Minutes

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the February 14, 2018 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 9:13 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 10:00 a.m.

Due Diligence Reports

Commission members took turns to discuss the due diligence reports for Tracey Westerhausen, Scott Blaney, Annielaurie Van Wie, Sigmund Popko, Sara Witthoft and Melissa Iyer Julian. The Commission agreed to continue the reports of the remaining candidates after lunch.

Disqualifications and Disclosures

Justice Timmer asked the Commission if there were additional disqualifications or disclosures since the screening meeting on February 17, 2018, pursuant to the Commission's rules regarding conflict of interest of bias.

Barry Aarons disclosed that he ran into Andrew Russell at the Legislature but only said hello, he spoke to Scott Blaney and Margaret LaBianca about the application process prior to the application period closing.

Peggy Baze reminded the Commission that she is recused from voting on Annielaurie Van Wie.

Shawn Cox disclosed that Scott Blaney works in the same agency as her but has never met him, she is recused from voting on his application.

Amanda Reeve reminded the Commission that she serves on the Maricopa County Bar Association with Julie LaFave but has not had any contact with her.

Steve Perica disclosed that he spoke to Aryeh Schwartz regarding the application process prior to the application period closing.

Justice Timmer disclosed that she attended law school with Tracey Westerhausen and that prior to becoming Chair of this Commission she submitted a letter of support for Aryeh Schwartz.

Candidate Interviews

From 10:41 a.m. to 11:51 a.m. the Commission interviewed Tracey Westerhausen, Scott Blaney, Annielaurie Van Wie, Sigmund Popko and Sara Witthoft.

The Commission continued to disclose the due diligence reports for Andrew Russell, Joseph Kiefer, Julie LaFave, Aryeh Schwartz and Margaret LaBianca.

The Commission recessed for lunch at 12:08 p.m.

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

Candidate Interviews

From 1:02 p.m. to 2:39 p.m. the Commission interviewed Melissa Iyer Julian, Andrew Russell, Joseph Kiefer, Julie LaFave, Aryeh Schwartz and Margaret LaBianca

Discussion of Applicants and Interviews and Selection of Nominees

Justice Timmer reminded the Commission of the constitutionally required balance of political affiliations among nominees. She explained she would only vote on a candidate in the event of a tie.

The Commission discussed the interviews and the qualifications of the candidates in order of interviews. Justice Timmer 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:

Scott Blaney – 5
Melissa Iyer Julian – 10
Joseph Kiefer – 8
Margaret LaBianca – 10
Julie LaFave – 5
Sigmund Popko – 1
Andrew Russell – 8
Aryeh Schwartz – 9
Annielaurie Van Wie – 9
Tracey Westerhausen – 9
Sara Witthoft – 0

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

Barry Aarons moved to add Melissa Iyer Julian to the list. The motion was seconded and passed by a vote of 10-0-1 with Justice Timmer abstaining.

Steve Perica moved to add Joseph Kiefer to the list. The motion was seconded and passed by a vote of 9-0-2 with Shawn Cox and Justice Timmer abstaining.

Amanda Reeve moved to add Margaret LaBianca to the list. The motion was seconded and passed by a vote of 10-0-1 with Justice Timmer abstaining.

Stephen Silverman moved to add Andrew Russell to the list. The motion was seconded and passed by a vote of 10-0-1 with Justice Timmer abstaining.

Barry Aarons moved to add Aryeh Schwartz to the list. The motion was seconded and passed by a vote of 10-0-1 with Justice Timmer abstaining.

Steve Perica moved to add Annielaurie Van Wie to the list. The motion was seconded and passed by a vote of 9-0-2 with Peggy Baze and Justice Timmer abstaining.

Steve Perica moved to add Tracey Westerhausen to the list. The motion was seconded and passed by a vote of 10-0-1 with Justice Timmer abstaining.

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

The tentative list consisting of **Melissa Iyer Julian, Joseph Kiefer, Margaret LaBianca, Andrew Russell, Aryeh Schwartz, Annielaurie Van Wie** and **Tracey Westerhausen** was adopted as the final nomination list for submission to Governor Ducey.

Adjournment

Justice Timmer thanked the members for their service. Steve Perica moved to adjourn at 3:44 p.m. The motion was seconded and passed unanimously.