

## MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

### MINUTES

August 23, 2017

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

**ABSENT:** Rene Guillen and Bill Hughes

Justice Robert Brutinel 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 position created by the retirement of Judge Edward Bassett.

#### Public Comment

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

Barry Halpern spoke on behalf of Sara Agne.  
Jan Weinstein spoke on behalf of Suzanne Scheiner Marwil.  
Karl T. Scholes spoke on behalf of Russell Richelsoph.  
Bami Adelayo spoke on behalf of Tracy Westerhausen.  
Ray Woo spoke on behalf of Annielaurie Van Wie.  
David Gass spoke on behalf of Michael Mandell.

#### Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the July 25, 2017 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 8:54 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 9:20 a.m.

### **Due Diligence Reports**

Commission members delivered the due diligence reports for Michael Mandell, Russell Richelsoph, Wendy Coy, Tracey Westerhausen, Sara Agne, Suzanne Scheiner Marwil, Andrew Russell, Julie Mata, Justin Beresky, Lisa VandenBerg, Keith Nelson and Annielaurie Van Wie.

### **Disqualifications and Disclosures**

Justice Brutinel asked the Commission if there were additional disqualifications or disclosures since the screening meeting on July 25, 2017.

Leonard Gilroy disclosed that he spoke to Suzanne Scheiner Marwil and tried to meet regarding the application process but the meeting was cancelled.

Barbara Marshal disclosed that she met with Julie Mata regarding the application process before the application period closed.

Barry Aarons disclosed that he forgot to mention that he met with Russell Richelsoph regarding the application process before the application period closed.

Amanda Reeve reminded the Commission that she is recused from voting on Sara Agne's application.

Walt Opaska disclosed that he has known Sara Agne for many years and has worked with her on different matters over the years.

### **Candidate Interviews**

From 10:41 a.m. to 11:58 a.m. the Commission interviewed Michael Mandell, Russell Richelsoph, Wendy Coy, Tracey Westerhausen and Sara Agne.

The Commission recessed for lunch at 12:00 p.m.

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

### **Candidate Interviews**

From 1:00 p.m. to 2:57 p.m. the Commission interviewed Suzanne Scheiner Marwil, Andrew Russell, Julie Mata, Justin Beresky, Lisa VandenBerg, Keith Nelson and Annielaurie Van Wie.

### **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 – 8  
Justin Beresky – 9  
Wendy Coy – 5  
Michael Mandell – 12  
Julie Mata – 8  
Keith Nelson – 5  
Russell Richelsoph – 4  
Andrew Russell – 11  
Suzanne Scheiner Marwil – 11  
Annielaurie Van Wie – 10  
Lisa VandenBerg – 11  
Tracey Westerhausen – 10

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.

Rob Dalager 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.

Barry Aarons moved to add Suzanne Scheiner Marwil to the list. The motion was seconded and passed by a vote of 11-1-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Justin Beresky to the list. The motion was seconded and passed by a vote of 9-3-1 with Justice Brutinel abstaining.

Rob Dalager moved to add Michael Mandell to the list. The motion was seconded and passed by a vote of 12-0-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Julie Mata to the list. The motion was seconded and passed by a vote of 8-4-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Andrew Russell to the list. The motion was seconded and passed by a vote of 11-1-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Annielaurie Van Wie the list. The motion was seconded and passed by a vote of 9-3-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Tracey Westerhausen to the list. The motion was seconded and tied by a vote of 10-2-1 with Justice Brutinel abstaining.

Steve Perica moved to add Lisa VandenBerg to the list. The motion was seconded and passed by a vote of 11-1-1 with Justice Brutinel abstaining.

Steve Perica moved to close nominations and the tentative list consisting of **Sara Agne, Justin Beresky, Michael Mandell, Julie Mata, Andrew Russell, Suzanne Scheiner Marwil, Annielaurie Van Wie, Lisa VandenBerg** 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 3:30 p.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.