

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

November 30, 2018

PRESENT: Justice Ann A. Scott Timmer, Chair; Jason Barraza; Peggy Baze; Shawn Cox; Jessica Everett-Garcia; Walt Opaska; Steve Perica; Amanda Reeve; and Stephen Silverman.

ABSENT: Barry Aarons; Leonard Gilroy; Warde Nichols and Paul Senseman

Justice Ann Timmer called the meeting to order at 8:59 a.m.

Introductions

Justice Timmer introduced herself and noted a quorum of the Commission. She welcomed the Commission members and the public present. She noted on for the record that John Doody, Jr. withdrew his application on November 28th.

Public Comment

Justice Timmer explained to the public that the Commission would be screening applications for three vacancies on the Maricopa County Superior Court created by the appointment of Judge Susan Brnovich to the U.S. District Court and the retirement of Judges Hugh Hegyi and David Talamante. She then asked for public comment on the applicants. She reminded the speakers that they are limited to two minutes each and asked them not to repeat comments by previous speakers about the same candidate.

Dean Fink spoke on behalf of Phemonia Miller.
Diane Johnsen spoke on behalf of John Blanchard.
Pat Norris spoke on behalf of Melissa Iyer Julian.
Perry Hill spoke on behalf of Scott Blum.
Tom Simon spoke on behalf of Robert Brooks.
Max Covil spoke on behalf of Julie LaFave.
Mark Hawkins spoke on behalf of Michael Kielsky.
Roy Miller spoke on behalf of Michael Kielsky and Chris De Rose.
Jeff Ficker spoke on behalf of Michael Rassas.
Anne Morales spoke on behalf of Timothy Stratton.
Warren Severin spoke on behalf of Michael Kielsky.
Ron Elwardt spoke on behalf of Robert Brooks.
Kristen Brook spoke on behalf of Cassie Bray Woo.
Jack Levine spoke on behalf of Michael Kielsky.
Richard Williams spoke on behalf of Thomas Gilson.
Adam Zweiback spoke on behalf of Thomas Gilson.
Jim Moore spoke on behalf of Timothy Stratton.
Jon Eliason spoke on behalf of Scott Blum.
Denise Gaumont spoke on behalf of Suzanne Nicholls.
Sandy Flynn spoke on behalf of Michael Rassas.

Approval of Minutes

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the July 25, 2018 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Disqualifications and Disclosures

Justice Timmer inquired about any basis for additional disqualification or disclosure not previously mentioned, pursuant to the Commission's rules regarding conflict of interest or bias.

Jason Barraza disclosed that he met with John Blanchard, Scott Blum, Robert Brooks, Melissa Iyer Julian, Julie LaFave, Pheмония Miller and Timothy Stratton regarding the application process.

Jessica Everett-Garcia disclosed that she spoke with John Blanchard, Thomas Gilson, Melissa Iyer Julian, Julie LaFave and Pheмония Miller regarding the application process.

Peggy Baze disclosed that she met with Annielaurie Van Wie socially prior to the application period and reminded the Commission she is recused from voting on her.

Shawn Cox disclosed that she met with Melissa Iyer Julian, Robert Brooks, John Blanchard, Timothy Stratton, Michael Rassas, Cassie Bray Woo, Sigmund Popko, Julie LaFave and Aryeh Schwartz regarding the application process. She also disclosed that she is recused from voting on Scott Blum and Joseph Kiefer.

Amanda Reeve disclosed that she serves on the Board of the Maricopa County Bar Association with David Garbarino, Michael Kielsky, Julie LaFave and Aryeh Schwartz and that she met or spoke to John Blanchard, Scott Blum, Cassie Bray Woo, Robert Brooks, Thomas Gilson, Julie LaFave, Pheмония Miller, Sigmund Popko and Michael Rassas regarding the application process. She also disclosed that she encouraged Julie Mata and Aryeh Schwartz to apply. She also disclosed that she has known Christopher DeRose in the political field.

Steve Perica disclosed that he met with Cassie Bray Woo, Robert Brooks and Julie LaFave regarding the application process.

Walt Opaska disclosed that he spoke to Julie LaFave, Pheмония Miller and Timothy Stratton regarding the application process and knows Christopher DeRose in the political field.

Stephen Silverman disclosed that met or spoke with Christian Bell, John Blanchard, Robert Brooks, Melissa Iyer Julian, Julie LaFave, Michael Kielsky, Pheмония Miller, Sigmund Popko and Annielaurie Van Wie regarding the application process.

Justice Timmer disclosed that she met with Aryeh Schwartz, Julie LaFave, Melissa Iyer Julian and Timothy Stratton regarding the application process, she knows Francisca Cota from their time on the Commission on Minorities, she served on the Court of Appeals with David Garbarino's father, practiced with Aryeh Schwartz about 20 years ago and attended law school with Tracey Westerhausen.

Discussion of Applicants and Interviews and Selection of Nominees

Justice Timmer asked for discussion regarding the applicants.

The Commission suggested a straw vote be taken of all the applicants in alphabetical order and those who received three or more votes would warrant further discussion. Justice Timmer reminded the Commission and the public that she did not vote except in the event of a tie.

The Commission agreed, and the results of the straw vote were:

Glenn Allen - 4
Christian Bell – 1
John Blanchard – 8
Scott Blum – 3
Cassie Bray Woo – 8
Nicole Brickner – 3
Robert Brooks – 6
Francisca Cota – 5
Jessica Cotter – 0
Wendy Coy – 3
Christopher DeRose – 2
Elizabeth Fleming – 0

David Garbarino – 8
Brooke Gaunt – 0
Gregg Gibbons – 0
Thomas Gilson - 3
Michael Gottfried – 0
David Horowitz – 6
Melissa Iyer Julian – 8
Joseph Kiefer – 6
Michael Kielsky – 1
Julie LaFave – 8
Zora Manjencich - 7
Julie Mata – 6

David McDowell – 3
Andrew Miller – 3
Phemonia Miller – 5
Suzanne Nicholls - 6
Sigmund Popko – 6
Michael Rassas - 7
Russell Richelsoph – 0
Andrew Russell – 7
Aryeh Schwartz – 8
Timothy Stratton – 7
Annielaurie Van Wie – 7
Tracey Westerhausen – 7

The Commission members took turns to discuss all applicants who received three or more votes.

A motion was made to go into executive session at 11:38 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 11:54 a.m.

The Commission suggested a second straw vote to determine if a clearer consensus existed.

The results of the second straw vote were:

Glenn Allen - 3
Christian Bell – 0
John Blanchard – 8
Scott Blum – 2
Cassie Bray Woo – 8
Nicole Brickner – 0
Robert Brooks – 8
Francisca Cota – 4
Jessica Cotter – 0
Wendy Coy – 4
Christopher DeRose – 1
Elizabeth Fleming – 0

David Garbarino – 6
Brooke Gaunt – 0
Gregg Gibbons – 0
Thomas Gilson - 4
Michael Gottfried – 0
David Horowitz – 6
Melissa Iyer Julian – 8
Joseph Kiefer – 6
Michael Kielsky – 0
Julie LaFave – 8
Zora Manjencich - 6
Julie Mata – 7

David McDowell – 1
Andrew Miller – 1
Phemonia Miller – 5
Suzanne Nicholls - 7
Sigmund Popko – 7
Michael Rassas - 8
Russell Richelsoph – 0
Andrew Russell – 8
Aryeh Schwartz – 8
Timothy Stratton – 7
Annielaurie Van Wie – 7
Tracey Westerhausen – 6

Selection of Applicants to be Interviewed

Justice Timmer opened the floor for individual nominations to a tentative interview list.

Steve Perica moved to add John Blanchard to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Cassie Bray woo to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Robert Brooks to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Amanda Reeve moved to add David Garbarino to the interview list. The motion was seconded and passed by a vote of 7-1-1 with Justice Timmer abstaining.

Steve Perica moved to add David Horowitz to the interview list. The motion was seconded and passed by a vote of 5-3-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Melissa Iyer Julian to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Stephen Silverman moved to add Joseph Kiefer to the interview list. The motion was seconded and passed by a vote of 6-1-2 with Shawn Cox and Justice Timmer abstaining.

Amanda Reeve moved to add Zora Manjencich to the interview list. The motion was seconded and passed by a vote of 5-3-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Julie Mata to the interview list. The motion was seconded and passed by a vote of 7-1-1 with Justice Timmer abstaining.

Stephen Silverman moved to add Pheмония Miller to the interview list. The motion was seconded and passed by a vote of 6-2-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Suzanne Nicholls to the interview list. The motion was seconded and passed by a vote of 6-2-1 with Justice Timmer abstaining.

Stephen Silverman moved to add Sigmund Popko to the interview list. The motion was seconded and passed by a vote of 7-1-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Michael Rassas to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Stephen Silverman moved to add Andrew Russell to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Aryeh Schwartz to the interview list. The motion was seconded and passed by a vote of 8-0-1 with Justice Timmer abstaining.

Steve Perica moved to add Timothy Stratton to the interview list. The motion was seconded and passed by a vote of 7-1-1 with Justice Timmer abstaining.

Amanda Reeve move to add Annielaurie Van Wie to the interview list. The motion was seconded and passed by a vote of 7-0-2 with Peggy Baze and Justice Timmer abstaining.

Amanda Reeve moved to add Tracey Westerhausen to the interview list. The motion was seconded and passed by a vote of 6-2-1 with Justice Timmer abstaining.

Steve Perica made a motion to interview all applicants that received 5 or more votes. The motion was seconded and passed by a vote of 6-2-1 with Justice Timmer abstaining.

Steve Perica moved to close nominations and finalize the tentative interview list with the following applicants; **John Blanchard, Cassie Bray Woo, Robert Brooks, David Garbarino, David Horowitz, Melissa Iyer Julian, Joseph Kiefer, Julie LaFave, Zora Manjencich, Julie Mata, Pheмония Miller, Suzanne Nicholls, Sigmund Popko, Michael Rassas, Andrew**

Russell, Aryeh Schwartz, Timothy Stratton Annielaurie Van Wie and Tracey Westerhausen. The motion was seconded and passed unanimously.

Discussion of Interview Schedule and Interview Questions

The Commission addressed the logistics of the pending interviews. It was agreed the interview meeting will begin at 8:00 a.m. on December 19, 2018 to interview the 19 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 create the due diligence assignments.

Justice Timmer 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 December 19, 2018.

Adjournment

Justice Timmer thanked the members for their service. It was moved to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned at 12:25 p.m.