

# MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

## MINUTES

June 14, 2018

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

**ABSENT:** Leonard Gilroy; Rene Guillen; Steve Perica and Paul Senseman

Justice Ann Timmer called the meeting to order at 10:01 a.m.

### Introductions

Justice Timmer introduced herself and noted a quorum of the Commission. She welcomed the Commission members, the public present and introduced new Commission member Jessica Everett-Garcia.

### Public Comment

Justice Timmer explained to the public that the Commission would be screening applications for two vacancies on the Maricopa County Superior Court created by the retirement of Judges Aimee Anderson and Peter Reinstein. 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.

Charles Ryan spoke on behalf of Michael Gottfried.

Dominic Draye spoke on behalf of Adele Ponce.

Perry Hill spoke on behalf of Scott Blum.

Michael Hrnicek spoke on behalf of Nicole Brickner and Scott Blaney.

Gail Cohen spoke on behalf of Nicole Brickner.

Michael Morrissey spoke on behalf of Cassie Bray Woo.

Allister Adel spoke on behalf of Julie Mata.

Daryl Manhart spoke on behalf of Melissa Iyer Julian.

JoAnn Sakato spoke on behalf of Julie Mata.

Karla Delord spoke on behalf of Cassie Bray Woo.

Emma Isakson spoke on behalf of Sigmund Popko.

Sandra Schenkat spoke on behalf of Michael Kielsky.

Jon Elinson spoke on behalf of Scott Blum.

Chris Lambesis spoke against Scott Blaney.

Chris Raddatz spoke on behalf of David Garbarino.

Kate Frenzinger spoke on behalf of Julie LaFave.

Scott Rodgers spoke on behalf of John Blanchard.

Joshua Boyle spoke on behalf of David Horowitz.

Jennifer Anderson spoke on behalf of Timothy Stratton.

Jenny Winkler spoke on behalf of John Blanchard.

David Gass spoke on behalf of Annielaurie Van Wie.

Chandra Reilly spoke on behalf of Nicole Brickner.

Thomas Quigley spoke on behalf of David Garbarino.

Jill Nelson spoke on behalf of Scott Blaney.

Nicole Knight spoke on behalf of Timothy Stratton.

Kelly Wilkins spoke on behalf of Joseph Kiefer.

Jim Moore spoke on behalf of Timothy Stratton.  
Gina Godbehere spoke on behalf of Sherry Leckrone.  
Kina Harding spoke on behalf of Christian Bell and David Horowitz.

### **Approval of Minutes**

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the March 21, 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 spoke to Scott Blaney, Melissa Iyer Julian, Adele Ponce and Timothy Stratton regarding the application process. He also disclosed that he previously met with John Doody to speak about the application process.

Barry Aarons disclosed that he spoke to Scott Blaney, Cassie Bray Woo, Melissa Iyer Julian, Julie LaFave, Adele Ponce, Julie Mata, Aryeh Schwartz and Timothy Stratton regarding the application process. He also disclosed that he attends a monthly discussion group that Michael Kielsky also attends occasionally.

Peggy Baze disclosed that she spoke to Scott Blaney, John Doody, Melissa Iyer Julian and Cassie Bray Woo regarding the application process. She also reminded the Commission she is recused from voting on Annielaurie Van Wie.

Shawn Cox disclosed that she spoke to Melissa Iyer Julian, Adele Ponce and Cassie Bray Woo 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 Michael Kielsky and Julie LaFave and that she spoke Christian Bell and Julie Mata regarding the application process. She also disclosed that she encouraged Julie Mata and Aryeh Schwartz to apply.

Jessica Everett-Garcia disclosed that she spoke to Scott Blaney, Melissa Iyer Julian and Adele Ponce regarding the application process. She also disclosed that she has previously worked with John Blanchard and Adele Ponce, and Sherry Leckrone worked in the same office as her.

Walt Opaska disclosed that he spoke to Adele Ponce and Timothy Stratton regarding the application process.

Stephen Silverman disclosed that he is recused from voting on Michael Plati. He also disclosed that he encouraged David Horowitz and Phemonia Miller to apply. He spoke with Christian Bell, Scott Blaney, Melissa Iyer Julian, Julie LaFave, Adele Ponce, Sigmund Popko, Aryeh Schwartz, Timothy Stratton and Annielaurie Van Wie regarding the application process.

Justice Timmer disclosed that 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.

A motion was made to go into executive session at 11:31 a.m. The motion was seconded and passed unanimously.

The Commission returned to public session at 12:01 p.m.

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:

Christian Bell – 5	Brooke Gaunt – 3	Michael Plati – 3
John Blanchard – 9	Gregg Gibbons – 0	Adele Ponce – 9
Scott Blaney – 9	Michael Gottfried – 2	Sigmund Popko – 5
Scott Blum – 4	David Horowitz – 5	Russell Richelsoph – 0
Cassie Bray Woo – 7	Melissa Iyer Julian – 9	Andrew Russell – 8
Nicole Brickner – 8	Joseph Kiefer – 7	Aryeh Schwartz – 8
Jessica Cotter – 0	Michael Kielsky – 2	Timothy Stratton – 5
Wendy Coy – 5	Julie LaFave – 6	Annielaurie Van Wie – 7
John Doody, Jr. – 1	Sherry Leckrone – 3	Tracey Westerhausen – 8
Elizabeth Fleming – 0	Julie Mata – 7	Sara Witthoft – 4
David Garbarino – 7	Pheмония Miller – 4	

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

The Commission suggested a second straw vote to determine if a clearer consensus existed. The results of the second straw vote were:

Christian Bell – 4	Brooke Gaunt – 2	Michael Plati – 0
John Blanchard – 9	Gregg Gibbons – 0	Adele Ponce – 9
Scott Blaney – 9	Michael Gottfried – 1	Sigmund Popko – 8
Scott Blum – 3	David Horowitz – 9	Russell Richelsoph – 0
Cassie Bray Woo – 7	Melissa Iyer Julian – 9	Andrew Russell – 9
Nicole Brickner – 7	Joseph Kiefer – 7	Aryeh Schwartz – 7
Jessica Cotter – 0	Michael Kielsky – 2	Timothy Stratton – 5
Wendy Coy – 4	Julie LaFave – 6	Annielaurie Van Wie – 7
John Doody, Jr. – 0	Sherry Leckrone – 1	Tracey Westerhausen – 8
Elizabeth Fleming – 0	Julie Mata – 6	Sara Witthoft – 2
David Garbarino – 7	Pheмония Miller – 5	

The Commission further discussed the results of the straw vote and the candidates with more than 5 votes.

## **Selection of Applicants to be Interviewed**

Stephen Silverman moved to interview all applicants with 7 or more votes. The motion was seconded. After further discussion, Stephen withdrew the motion.

Justice Timmer opened the floor for individual nominations.

Barry Aarons moved to add John Blanchard to the interview list. The motion was seconded and passed by a vote of 9-0-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Scott Blaney to the interview list. The motion was seconded and passed by a vote of 9-0-1 with Justice Timmer abstaining.

Barry Aarons moved to add Cassie Bray Woo to the interview list. The motion was seconded and passed by a vote of 8-1-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Nicole Brickner to the interview list. The motion was seconded and passed by a vote of 7-2-1 with Justice Timmer abstaining.

Barry Aarons moved to add David Garbarino to the interview list. The motion was seconded and passed by a vote of 7-2-1 with Justice Timmer abstaining.

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

Peggy Baze moved to add Melissa Iyer Julian to the interview list. The motion was seconded and passed by a vote of 9-0-1 with Justice Timmer abstaining.

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

Stephen Silverman moved to add Julie LaFave to the interview list. The motion was seconded and passed by a vote of 6-3-1 with Justice Timmer abstaining.

Barry Aarons moved to add Julie Mata to the interview list. The motion was seconded and passed by a vote of 7-2-1 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 5-4-1 with Justice Timmer abstaining.

Amanda Reeve moved to add Adele Ponce to the interview list. The motion was seconded and passed by a vote of 9-0-1 with Justice Timmer abstaining.

Barry Aarons moved to add Sigmund Popko to the interview list. The motion was seconded and passed by a vote of 8-1-1 with Justice Timmer abstaining.

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

Shawn Cox moved to add Aryeh Schwartz to the interview list. The motion was seconded and passed by a vote of 7-2-1 with Justice Timmer abstaining.

Shawn Cox moved to add Timothy Stratton to the interview list. The motion was seconded and passed by a vote of 5-4-1 with Justice Timmer abstaining.

Shawn Cox move to add Annielaurie Van Wie to the interview list. The motion was seconded and passed by a vote of 7-1-2 with Peggy Baze and Justice Timmer abstaining.

Barry Aarons moved to add Tracey Westerhausen to the interview list. The motion was seconded and passed by a vote of 8-1-1 with Justice Timmer abstaining.

The Commission discussed the logistics of two days of interviews and decided it would not be practical given everyone's schedule.

Stephen Silverman moved to remove Julie LaFave, Phemonia Miller and Timothy Stratton from the tentative candidate list. The motion was seconded. After further discussion Barry Aarons suggested a substitute motion to remove the candidates that received less than 6 votes which included Phemonia Miller and Timothy Stratton. Barry's motion was not seconded. The Commission voted on Stephen's motion which passed by a vote of 7-2-1 with Justice Timmer abstaining.

The Commission noted for the record that the applicants who were removed from the tentative interview list should not necessarily view this as a reflection of their qualifications as candidates.

Warde Nichols moved to close nominations and finalize the tentative interview list with the following applicants; **John Blanchard, Scott Blaney, Cassie Bray Woo, Nicole Brickner, David Garbarino, David Horowitz, Melissa Iyer Julian, Joseph Kiefer, Julie Mata, Adele Ponce, Sigmund Popko, Andrew Russell, Aryeh Schwartz, 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 July 25, 2018 to interview the 15 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 July 25, 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 1:31 p.m.