

MARICOPA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

MINUTES

June 29, 2016

PRESENT: Justice Robert M. Brutinel, Acting Chair; Barry Aarons, Robert Dalager; Andrea Donnellan; Leonard Gilroy; Bill Hughes; Barbara Marshall; Warde Nichols; Walt Opaska; Steven Perica; Amanda Reeve; Ron Reinstein; Tommy Richardson and Paul Senseman

ABSENT: Diane Rosztoczy

Justice Robert Brutinel, Acting Chair, called the meeting to order at 9:59 a.m.

Introductions

Justice Brutinel introduced himself and noted a quorum of the Commission. He welcomed the public and new Commission member Andrea Donnellan. He asked her to introduce herself.

Public Comment

Justice Brutinel explained to the public that the Commission would be screening applications for three vacancies on the Maricopa County Superior Court created by the retirement of Judges J. Richard Gama, Crane McClennen and Roland Steinle, III. He then asked for public comment on the applicants. 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.

Diane Johnsen spoke on behalf of Ronda Fisk.
Thomas Miller spoke on behalf of Phemonia Miller.
Joe Kanefield spoke on behalf of Todd Lang.
David Levesque spoke on behalf of Jessica Cotter.
Richard Alcorn spoke on behalf of Lisa VandenBerg.
Tom Asimou spoke on behalf of Lisa VandenBerg.
Chuck Whitehead spoke on behalf of Michelle Carson.
Dawn Northup spoke on behalf of Michael Gottfried.
Jonathan Schwartz spoke on behalf of Michael Gottfried.
Robert Wooten spoke on behalf of Phemonia Miller.
Ken Creasy spoke against Michelle Carson.
Cristie Creasy spoke against Michelle Carson.
Paul Knost spoke on behalf of Michael Anderson.
Kyle Hirsch spoke on behalf of Michael Kielsky.
Jason Gellman spoke on behalf of Lisa VandenBerg.
Carlos Gutierrez spoke on behalf of Michael Blair.
Bill Richards spoke on behalf of Ronda Fisk.
Nicholas Sarwark spoke on behalf of Michael Kielsky.
Edward Leiter spoke on behalf of Michael Anderson.

Approval of Minutes

Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the February 10, 2016 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Disqualifications and Disclosures

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

Leonard Gilroy disclosed that he spoke to Michael Kielsky and encouraged him to apply and he met with Michael Mandell a couple of months back to encourage him to stay in the process.

Steve Perica disclosed that he spoke to Lisa Vandenberg in an investiture and he encouraged her to continue to apply and also ran into Annielaurie Van Wie.

Tommy Richardson disclosed that he has had cases against a partner at Michael Blair's firm, against Kimberly Demarchi's current employer and Jeffrey Swierski's current law firm. He also disclosed that he is on the same board as Michelle Johnson and has encouraged her to apply and has referred cases back and forth with Mike Kielsky's law partner.

Walt Opaska disclosed that Scott Minder's firm has a case pending against his firm.

Ron Reinstein disclosed that Max Henri-Covil called him and asked about his interview, he ran into Michelle Johnson at a memorial service and she called him regarding her application, Michael Mandell and Phemonia Miller emailed him regarding the process. Erin O'Brien Otis and Annielaurie Van Wie have appeared in his court and he saw them both at the Judicial Conference. He also saw Lisa Vandenberg at the Judicial Conference.

Rob Dalager disclosed that Todd Lang and he were professional colleagues in the past. Michael Mandell and he worked at the Legislature at the same time and he met with him to go over the process.

Amanda Reeve disclosed that she met with Ronda Fisk and encouraged her to apply.

Warde Nichols disclosed that he met with Michael Mandell and spoke about the process.

Paul Senseman disclosed that he is familiar with Michael Mandell professionally while working at the legislature and met with him regarding the process and encouraged him to apply. He also shares a client with Ronda Fisk and has only met her in passing.

Barry Aarons disclosed that he spoke to Michelle Johnson regarding the process and her application. He also spoke to Michel Kielsky and encouraged him to apply and he has professional relations with Todd Lang and Michael Mandell in their capacities with Clean Elections and the Legislature.

Barbara Marshall disclosed that she was in the chain of command at the County Attorney's office for Erin O'Brien Otis, Annielaurie Van Wie and Lisa Vandenberg and she met with Michael Anderson regarding his application. Michael is a current employee at the County Attorney's office and she is recused on voting on his application.

Discussion of Applicants and Interviews and Selection of Nominees

Justice Brutinel asked for discussion regarding the applicants. The Commission members disclosed references and comments regarding various applicants. He reminded the Commission and the public that he did not vote except in the event of a tie.

A motion to go into executive session was made at 11:16 a.m. the motion was seconded and passed unanimously.

The Commission returned to public session 11:34 a.m.

After further discussion, the Commission suggested a straw vote be taken of all the applicants in alphabetical order. The Commission agreed and the results of the straw vote were:

Michael Anderson - 11	Michelle Johnson – 9
Michael Blair – 9	Michael Kielsky – 2
Charles Carson – 1	Todd Lang – 11
Michelle Carson – 1	Michael Mandell – 13
Jessica Cotter – 9	Pheмония Miller – 4
Max-Henri Covil – 0	Scott Minder – 13
Kimberly Demarchi – 13	Erin O'Brien Otis – 13
Ronda Fisk – 13	Jeffrey Swierski – 1
Michael Gottfried – 8	Annielaurie Van Wie – 11
Mark House – 12	Lisa VandenBerg – 12

There was then a discussion of the applicants in alphabetical order. It was agreed those applicants with a vote of three or more would warrant further discussion and possible nomination to the tentative interview list. Charles Carson, Michelle Carson, Max-Henri Covil, Michael Kielsky, and Jeffrey Swierski were eliminated from further discussion.

Selection of Applicants to be Interviewed

Justice Brutinel opened the floor for individual nominations.

Barry Aarons moved to add Michael Anderson to the interview list. The motion was seconded and passed by a vote of 12-0-2 with Barbara Marshall and Justice Brutinel abstaining.

Leonard Gilroy moved to add Michael Blair to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Jessica Cotter to the interview list. The motion was seconded and passed by a vote of 9-4-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Kimberly Demarchi to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Barry Aarons moved to add Ronda Fisk to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Steve Perica moved to add Michael Gottfried to the interview list. The motion was seconded and passed by a vote of 9-4-1 with Justice Brutinel abstaining.

Steve Perica moved to add Mark House to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Michelle Johnson to the interview list. The motion was seconded and passed by a vote of 10-3-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Todd Lang to the interview list. The motion was seconded and passed by a vote of 11-2-1 with Justice Brutinel abstaining.

Amanda Reeve moved to add Michael Mandell to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Ron Reinstein moved to add Scott Minder to the interview list. The motion was seconded and passed by a vote of 13-0-1 with Justice Brutinel abstaining.

Barbara Marshall moved to add Erin O'Brien Otis to the interview list. The motion was seconded and passed by a vote of 12-1-1 with Justice Brutinel abstaining.

Steve Perica moved to add Annielaurie Van Wie to the interview list. The motion was seconded and passed by a vote of 11-2-1 with Justice Brutinel abstaining.

Leonard Gilroy moved to add Lisa Vandenberg to the interview list. The motion was seconded and passed by a vote of 12-1-1 with Justice Brutinel abstaining.

Rob Dalager moved to close nominations. The motion was seconded and passed unanimously.

The final interview list included the following applicants; **Michael Anderson, Michael Blair, Jessica Cotter, Kimberly Demarchi, Ronda Fisk, Michael Gottfried, Mark House, Michelle Johnson, Todd Lang, Michael Mandell, Scott Minder, Erin O'Brien Otis, Annielaurie Van Wie and Lisa Vandenberg.**

Discussion of Interview Schedule and Interview Questions

The Commission then addressed the logistics of the pending interviews. It was agreed the interview meeting will begin at 8:30 a.m. on July 27, 2016 to interview the 14 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 make due diligence assignments.

Justice Brutinel 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 27, 2016.

Adjournment

Justice Brutinel thanked the members for their service. It was moved to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned at 11:50 a.m.

Respectfully submitted,

Rob Dalager
Commission Secretary