

# PIMA COUNTY COMMISSION ON TRIAL COURT APPOINTMENTS

## MINUTES

November 20, 2017

**PRESENT:** Justice Ann A. Scott Timmer, Acting Chair; John Barry; Michael Boreale; Lynn Cuffari; Sherry Downer; Michael Hennessy; Marian Hill; Julie Katsel; Cassie Lundin; Gioia Sanderson; Micah Schmit and Nanette Warner

**ABSENT:** Richard Schaefer

Justice Ann A. Scott Timmer called the meeting to order at 10:03 a.m. She welcomed the Commission members and the public in attendance. She explained the purpose of the meeting is to select applicants to be interviewed for two vacancies on the Pima County Superior Court created by the retirement of Judge Sara Simmons and the appointment of Judge Sean Brearcliffe to Division Two of the Arizona Court of Appeals.

### Public Comment

Justice Timmer asked for public comment on the applicants. She asked the speakers to try and limit their comments to two-to-three minutes each and asked them not to repeat comments by previous speakers about the same candidate.

Don Berch spoke on behalf of Lee Ann Roads.

Linn Tyson Gerber spoke on behalf of John Assini.

Elizabeth Hartley spoke on behalf of Ryan Schmidt.

Tim Soeder spoke on behalf of Reagen Kulseth.

George Krauja spoke on behalf of Scott McDonald.

Tiffany Rosler spoke on behalf of Lisa Abrams.

Donnie Goss, Jr. spoke on behalf of Reagen Kulseth.

Michael Aaron spoke regarding the family law bench and the applicants with family law experience.

Marla Rapaport spoke on behalf of Lisa Abrams and Casey McGinley.

Paul Simon spoke on behalf of Keith Singer.

Robert Whyte spoke on behalf of John Assini.

Dan Huff spoke on behalf of Laurie San Angelo.

Heather Strickland spoke on behalf of Lisa Abrams.

Darryl Sutton spoke on behalf of Reagen Kulseth.

Chuck Adams spoke on behalf of Casey McGinley.

Matt Foley spoke on behalf of Reagen Kulseth.

Cynthia Oxman spoke against Brian Kimminau.

Frank Carrizosa spoke on behalf of Reagen Kulseth.

Rebecca Assini spoke on behalf of John Assini.

Tonia Shaw spoke on behalf of Brad Roach.

Kurt Latimer spoke against Keith Singer.

Kate Lawson spoke on behalf of Casey McGinley and Lisa Abrams.

Patty Smith spoke regarding the family court bench and on behalf of Reagen Kulseth.

## **Approval of Minutes**

Justice Timmer asked if any member wished to submit changes or additions to the draft minutes of the July 27, 2017 meeting and the August 21, 2017 nomination meeting. It was moved that the minutes be approved as corrected. 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. She explained the rules referencing the need to disclose any contact with the applicants and any disqualifications if necessary.

Gioia Sanderson disclosed that she is recused from voting on Baird Greene's application and that she spoke to Keith Singer and Laurie San Angelo regarding the application process.

Mike Boreale disclosed that he is recused from voting on Justin Castillo, who is a close friend. He also disclosed that he attended law school with Casey McGinley and that he spoke to Justin Castillo and Scott McDonald regarding the application process and encouraged them to reapply.

Nanette Warner disclosed that she spoke to Laurie San Angelo regarding the application process and knows everyone professionally except Jerald Wilson. She also disclosed that after the application period closed, she forwarded some information to John Assini and Lisa Abrams but did not have any further communication with them.

Sherry Downer disclosed that she knows members of Baird Greene's family and that she spoke to Lisa Abrams, Baird Greene and Keith Singer regarding the application process. She also disclosed that she is Scott McDonald's former co-worker and is recused from voting on him.

Cassie Lundin disclosed that Lisa Abrams contacted her regarding the application process.

Mike Hennessy disclosed that he spoke to Lisa Abrams, Keith Singer and Laurie San Angelo regarding the application process.

Micah Schmidt disclosed that he has previously worked with Reagen Kulseth, Baird Greene, Casey McGinley and Lee Ann Roads and that he volunteered as coach for mock trials with Casey McGinley for a few years. He also disclosed that he is recused on voting on Bradley Roach and that he had a short email exchange with Keith Singer, Lisa Abrams, Laurie San Angelo and John Iurino who wished to discuss the application process.

John Barry disclosed that he spoke to Lisa Abrams regarding the application process.

## **Discussion and Selection of Applicants for Interviews**

Justice Timmer explained the process for discussion and selection of applications. She mentioned the need of diversity on the list of interviewees and nominees and asked for discussion regarding the applicants. The Commission members disclosed references and comments regarding various applicants.

The Commission suggested a straw vote of all the applicants in alphabetical order. results of the straw vote were:

Lisa I. Abrams – 6	Scott D. McDonald – 5
John J. Assini – 11	Casey F. McGinley – 10
Justin D. Castillo – 2	Bradley K. Roach – 2
Baird S. Greene – 6	Lee Ann Roads – 4
John Hinderaker – 11	Laurie B. San Angelo - 8
John N. Iurino – 4	Ryan C. Schmidt – 0
Brian K. Kimminau – 2	Keith A. Singer – 4
Reagen Kulseth – 10	Vincent J. Sottosanti – 1
Mark D. Lammers – 7	Jerald R. Wilson – 5

It was agreed those applicants with a vote of three or more would warrant further discussion and possible nomination to the tentative interview list. Justin Castillo, Brian Kimminau, Bradley Roach, Ryan Schmidt and Vincent Sottosanti were eliminated from further discussion.

The Commission further discussed the applications of the applicants in alphabetical order. After further discussion, the commission suggested a second straw vote of the applicants with three or more votes from the first straw vote, to help them determine if any strong consensus existed on the potential interview list. The results of the second straw vote were:

Lisa I. Abrams – 4	Mark D. Lammers – 11
John J. Assini – 11	Scott McDonald – 7
Baird S. Greene – 4	Casey F. McGinley – 11
John Hinderaker – 11	Lee Ann Roads – 7
John N. Iurino – 5	Laurie B. San Angelo - 10
Reagen Kulseth – 9	Keith A. Singer – 5

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

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

Gioia Sanderson moved to interview all applicants with a majority vote and finalize the interview list consisting of **John Assini, John Hinderaker, Reagen Kulseth, Mark Lammers, Scott McDonald, Casey McGinley, Lee Ann Roads** and **Laurie San Angelo**. The motion was seconded and passed by a vote of 6-5-1 with Justice Timmer abstaining.

### **Interview Schedule**

The commission agreed to meet at 9:00 a.m. on December 18, 2017 for the interview meeting. Staff was instructed to schedule the interviews at 25 minute intervals.

### **Discussion of Due Diligence Assignments**

After a brief discussion, the following due diligence assignments were agreed on:

Marian Hill, Mike Hennessy, John Barry and Julie Katsel agreed to contact the non-attorney references of each candidate.

Nanette Warner, Gioia Sanderson, Sherry Downer and Richard Schaefer agreed to contact judges.

Mike Boreale, Lynn Cuffari, Cassie Lundin and Micah Schmit agreed to contact the lawyer references of each candidate.

A motion to adjourn was made. The motion was seconded and passed unanimously.

The meeting adjourned at 1:13 p.m.