

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application, 5 double-sided copies and one (1) single-sided copy must be filed with the Human Resources Department, Administrative Office of the Courts, 1501 W. Washington, Suite 221, Phoenix, AZ, 85007, not later than 3:00 p.m. on Monday, November 21, 2016. Read the application instructions thoroughly before completing this application form. The fact that you have applied is not confidential, responses to Section I of this application are made available to the public, and the information provided may be verified by Commission members. The names of applicants, interviewees and nominees are made public, and Commission files pertaining to nominees are provided to the Governor for review. This entire application, including the confidential portion (Section II), is forwarded to the Governor upon nomination by the Commission.

SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 71)

PERSONAL INFORMATION

1. Full Name: **Ronda René Fisk**
2. Have you ever used or been known by any other legal name? **Yes.** If so, state name:
Ronda René Huntley (birth name)
Ronda René Woinowsky (legal name change to step-father's surname)
3. Office Address:
Osborn Maledon, P.A.
2929 North Central Avenue, Suite 2100
Phoenix, Arizona 85012
4. When have you been a resident of Arizona? **1996 – present.**

5. What is your county of residence and how long have you resided there?

Maricopa County; August 2002 - present.

6. Age: **44**

(The Arizona Constitution, Article VI, §§ 22 and 37, requires that judicial nominees be 30 years of age or older before taking office and younger than age 65 at the time the nomination is sent to the Governor.)

7. List your present and former political party registrations and approximate dates of each:

Independent (1991 – present), except for when I temporarily affiliated with a party to participate in Presidential Preference Elections (Democrat, January – February 2008; Republican, February – March 2016).

(The Arizona Constitution, Article VI, § 37, requires that not all nominees sent to the Governor be of the same political affiliation.)

8. Gender: **Female**

Race/Ethnicity: White
 Hispanic or Latino (of any race)
 Black or African American
 American Indian or Alaska Native
 Asian
 Native Hawaiian/Pacific Islander
 Other: _____

(The Arizona Constitution, Article VI, §§ 36 and 41, requires the Commission to consider the diversity of the state's or county's population in making its nominations. However, the primary consideration shall be merit.)

EDUCATIONAL BACKGROUND

9. List names and locations of schools attended (college, advanced degrees and law), dates attended and degrees.

University of Washington, Seattle, Washington; September 1991 – June 1996; Bachelor of Arts, Cum Laude, with College Honors in International Studies and Bachelor of Arts, Cum Laude, in Spanish

University of Granada, Granada, Spain; September 1994 – May 1995;
Certificate of Hispanic Studies

University of Phoenix, Phoenix, Arizona; December 1996 – April 1998;
completed coursework toward elementary education teaching certificate

Arizona State University, Tempe, Arizona; January 1997 – December 1997;
completed coursework toward elementary education teaching certificate

University of Arizona James E. Rogers College of Law, Tucson, Arizona;
August 1999 – May 2002; Juris Doctor Degree, Summa Cum Laude

10. List major and minor fields of study and extracurricular activities.

Undergraduate: University of Washington

Fields of Study: International Studies (major); Spanish (major)

Extracurricular Activities:

- Christmas in April-Seattle, Volunteer Coordinator.
- University of Washington Student Alumni Connection, Student Officer.
- Seattle Boys & Girls Club, Tutor.

Law School: University of Arizona

Extracurricular Activities

- Child Advocacy Clinic (August 2001 – May 2002): Represented children in juvenile court proceedings and served as a *guardian ad litem* for a child who declined a blood transfusion based on a religious objection.
- *Arizona Law Review* (2000-2001): Member; Symposium Editor.
- Thomas Tang Moot Court (Fall 2000): Semi-finalist.
- Florence Immigrants and Refugee Rights Project (2000): Provided pro bono advice to immigrants.
- Community Legal Clinic (2000-2001): Provided free legal consultations to the homeless.
- Southern Arizona Housing Authority (1999-2001): Served as a housing tester.
- Justice Project (2001): Researcher.
- Lawyers for Literacy (1999-2001): Tutored reading in an elementary school.

- Tutor, Professor Ellen Bublick's Small Section (Fall 2000, Spring & Fall 2001): Tutored first-year law students on Torts.
 - Law Women's Association (1999-2001): First-Year Representative; Communications Director.
11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

Undergraduate

I funded my undergraduate education through a combination of part-time jobs and scholarships:

- University of Washington Residence Halls, Resident Advisor (September 1992 – June 1994).
- Cascade Center for Public Service in the Graduate School of Public Affairs, Work-Study Student Job (September 1991 - May 1996).
- University of Washington Alumnae Board Full-Tuition Scholarship (1993).
- Rotary Foundation's Academic-Year Ambassadorial Scholarship (\$20,000) (1994-1995), funded one-year study abroad at the University of Granada.

Honors/Awards:

- Dean's List (1992-1996).
- Phi Beta Kappa Honor Society (1996).

Law School

I also funded my law school education through part-time employment and scholarships:

- Brown & Bain, Tucson, Arizona, Summer Associate (Summer 2000, Summer 2001).
- Davis Graham & Stubbs, Denver, Colorado, Summer Associate (Summer 2001).
- U.S. Attorney's Office, Tucson, Arizona (2001).
- Dean's Achievement Award Merit Scholarship (Four Semesters).

Honors/Awards:

- First-Year Moot Court Outstanding Oral Advocate (Spring 2000).

- **Andrew Silverman First-Year Law Student Community Service Award (1999-2000).**
- **First Place in the Richard Grand Damages Argument Competition (Spring 2002).**
- **Arizona Law Review Outstanding Editor Award (Spring 2002).**
- **Pima County Bar Association's John G. Hawkins Professionalism Award (Spring 2002).**
- **James E. Rogers College of Law Class of 2002 Convocation Speaker.**
- **Order of the Coif (awarded to those whose performance is among the top 10 percent of the class).**

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

Arizona State Courts – October 22, 2002

United States District Court for the District of Arizona – March 22, 2004

U.S. Court of Appeals for the Ninth Circuit – August 8, 2005

U.S. Court of Appeals for the Tenth Circuit – May 26, 2011

United States District Court for the District of New Mexico – November 1, 2010 (*Pro Hac Vice*)

United States District Court for the District of Maryland – November 11, 2012 (*Pro Hac Vice*)

United States District Court for the District of Utah – August 12, 2013 (*Pro Hac Vice*)

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? **No.** If so, explain.
- b. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state? **No.** If so, explain.
14. Indicate your employment history since completing your formal education. List your current position first. If you have not been employed continuously since completing your formal education, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not

attach a resume.

EMPLOYER	DATES	LOCATION
Osborn Maledon, P.A., Member	November 2008 – Present	Phoenix, AZ
Associate	October 2003 – October 2008	
Arizona Supreme Court Judicial Law Clerk to Chief Justice Charles Jones	August 2002 – August 2003	Phoenix, AZ
Valley View Elementary Dual Language Teacher	August 1996 – July 1999	Phoenix, AZ

15. List your current law partners and associates, if any. You may attach a firm letterhead or other printed list. Applicants who are judges should attach a list of judges currently on the bench in the court in which they serve.
Please see *Attachment A, Current Law Partners and Associates.*

16. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

Working at one of Arizona’s most respected mid-sized firms has given me a breadth of experience, both in areas of practice and in the nature of the proceedings in which I have appeared, including state and federal courts, agency proceedings, and private arbitrations. My present practice consists primarily of general commercial litigation (35%), healthcare (30%), employment counseling and litigation (25%), and public contracting and procurement (10%).

My commercial litigation practice (35%) varies from complex commercial litigation involving large, publicly-traded companies, to smaller breach of contract actions between individuals or smaller companies. The claims at issue in these cases generally involve contract disputes and commercial torts. The amounts at issue have varied in size from \$150,000 to multi-million dollar disputes.

In my healthcare practice (30%), I advise managed care organizations about their contracting, licensing, regulatory, and compliance obligations; represent them in administrative proceedings to resolve claim disputes with providers and grievances and appeals filed by consumers; advise them in responding to public procurement solicitations, defending and contesting contract awards, and responding to public records requests; and defend suits brought by providers and consumers ranging from breach of contract to negligence to wrongful death claims. I also serve as outside

general counsel to various health care providers, advising them on these same issues.

My employment practice (25%) focuses primarily on providing advice, counseling, and training to employers on employment-related matters, including employment documentation; employee separations and reductions in force; internal investigations; and compliance with the state and federal employment laws. I regularly represent employers in mediations and administrative proceedings with the EEOC and Civil Rights Division. In addition, I serve as litigation counsel for employers in state and federal lawsuits involving allegations of discrimination, harassment, retaliation, wage and hour violations, employment-related torts, and breach of contract actions.

I also have significant experience assisting vendors with all aspects of public contracting and procurement (10%), including responding to solicitations, representing clients in asserting and defending bid protests, and complying with government contracts. I have also represented various public entities in defending their contract award decisions. In addition, I regularly advise public and private clients regarding procurement integrity and standards of ethical conduct.

17. List other areas of law in which you have practiced.

My appellate practice includes administrative appeals to Maricopa County Superior Court; appeals to the Arizona Court of Appeals; and appeals to the 9th and 10th Circuits of the U.S. Court of Appeals. The appeals I work on generally tend to be matters that I litigated before administrative agencies or trial courts.

18. Identify all areas of specialization for which you have applied or been granted certification by the State Bar of Arizona. **Not applicable.**

19. Describe your typical clients.

I have represented a wide range of clients, including individuals and sole proprietors, entrepreneurial technology start-ups, small and mid-sized companies, and Fortune 500 companies.

20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? **Yes** If so, give details. **I have had fiduciary duties as a board member at my law firm and in various non-profit organizations, described further in Question 59.**

21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

My practice includes significant transactional work. In my employment practice, I routinely draft offer letters; employment agreements; employee handbooks; and employment policies. In my healthcare practice, I routinely draft and negotiate complex provider contracts; provider manuals; informed consent procedures, forms, and other documentation; and responses to agency inquiries.

Since 2011, I have served on the State Bar of Arizona's Civil Practice and Procedure Committee (CPPC). The CPPC has been particularly active over the past five years, including restyling the Arizona Rules of Civil Appellate Procedure (2014-15) and the Arizona Rules of Civil Procedure (2015-16). I contributed to both projects. In addition, I have served on various other subcommittees that have written petitions for consideration by the CPPC and ultimately the State Bar Board of Governors, proposing, opposing, or commenting on proposed rule changes.

I have also represented clients working with the State Bar and the Administrative Office of the Courts to propose various rule changes. Working for these same clients, I have provided legal analyses and critiques of proposed legislation for use by the clients and their lobbyists in working with the Legislature.

22. Have you practiced in adversary proceedings before administrative boards or commissions? **Yes.** If so, state:

- a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

Employment

A majority of the employment matters in which I have appeared involved a charge or complaint filed with the Civil Rights Division of the Arizona Attorney General's Office, the EEOC, or the Department of Labor. If the parties are unable to resolve their disputes through mediation, the agency conducts an investigation and makes findings on the complaint or charge. I have participated in all aspects of this process on behalf of employers.

- **Arizona Attorney General's Office, Civil Rights Division, 5**
- **Equal Employment Opportunity Commission, 20**
- **Salt River Pima Maricopa Indian Community Employment Review Board, 1 (evidentiary hearing)**
- **United States Department of Labor, 5**

Healthcare (including Procurement)

A number of my healthcare matters have involved representing managed care organizations in responding to provider disputes and consumer appeals to AHCCCS and/or ADHS/DBHS, many of which have resulted in State Fair Hearings before an Administrative Law Judge at the Office of Administrative Hearings. In addition, I have brought and defended bid protests before AHCCCS and ADHS/DBHS, some of which have been appealed and referred to the Office of Administrative Hearings for an evidentiary hearing.

- Arizona Department of Health Services/Division of Behavioral Health Services, Office of Administrative Hearings, 25 (15+ evidentiary hearings)
- Arizona Health Care Cost Containment System, 2 (1 evidentiary hearing)

Other Procurement Matters

My procurement matters typically involve filing or defending bid protests, followed by an appeal to the agency with a hearing before a hearing officer. I have participated in all aspects of this process, including various evidentiary hearings, representing both vendors and public entities.

- Amphitheater School District, Tucson, 1
- Arizona Department of Administration, 2
- Arizona Department of Public Safety, 1
- Arizona Lottery, 1
- City of Phoenix, 3 (2 evidentiary hearings)
- Maricopa County Community College District, 1 (1 evidentiary hearing)

Other Matters

- Administrative Office of the Courts, Board of Legal Document Preparers, 3 (1 evidentiary hearing)
- Arizona Corporation Commission, 1 (1 evidentiary hearing)

b. The approximate number of these matters in which you appeared as:

Sole Counsel:	15
Chief Counsel:	35
Associate Counsel:	15

23. Have you handled any matters that have been arbitrated or mediated? **Yes.**
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: 2
Chief Counsel: 11
Associate Counsel: 23

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

Case One: Community Partnership of Southern Arizona (CPSA) v. Arizona Department of Health Services and Cenpatico Behavioral Health of Arizona, LLC, ADOA, Office of Administrative Hearings Matter No. 10F-HP032097-ADM-res

1. Bid protest filed April 2010; appeal withdrawn September 2010.

2. **Counsel for CPSA:**

Joseph E. McGarry and Gregory Y. Harris; Lewis Roca Rothgerber Christie; 201 East Washington Street, Suite 1200; Phoenix, Arizona 85004; (602) 262.0218; gharris@lrrc.com.

Joe McGarry is retired; the State Bar Directory lists his contact information as 1370 S La Jolla Way; Cottonwood, AZ 86326-4785; (602) 262.5391; jmcgarry@suddenlink.net.

Counsel for ADHS:

Kevin Ray; Section Chief, Education and Health Section; Arizona Attorney General's Office; 1275 West Washington Street; Phoenix, Arizona 85007; (602) 542-8328; Kevin.Ray@azag.gov.

Counsel for Cenpatico Behavioral Health of Arizona, LLC:

Ronda R. Fisk, Mark P. Hummels, and Christina C. Rubalcava
Osborn Maledon, P.A.

Mr. Hummels is deceased. Ms. Rubalcava is now Senior Assistant City Attorney, City of Flagstaff; 211 West Aspen Avenue; Flagstaff, Arizona 86001; (928) 213-2046; crubalcava@flagstaffaz.gov.

Additional information, *i.e.*, (3) the summary of the substance and (4) statement of significance, is found in the Confidential Information section.

**Case Two: *Yolanda Meier v. Salt River Materials Group*, District of Arizona
Case No. CV10-8206-PCT-DGC**

1. Complaint filed in federal district court on October 2010; settlement approved and case dismissed June 2011.

2. **Counsel for Yolanda Mier**

Michelle Matheson; Matheson & Matheson, P.L.C.; 14358 North Frank Lloyd Wright Blvd., Suite 11; Scottsdale, Arizona 85260; (480) 889-8951; mmatheson@mathesonlegal.com.

Counsel for Salt River Materials Group

Ronda R. Fisk and Kristin Windtberg; Osborn Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix, Arizona 85012; (602) 640-9367; kwindtberg@omlaw.com.

Additional information, *i.e.*, (3) the summary of the substance and (4) statement of significance, is found in the Confidential Information section.

Case Three: *Y. Frances Yao, et al v. Yao & Associates PLLC (f/k/a KWF Holdings PLLC), Loni Woodley, and Ken Kolek*, Maricopa County Superior Court Case No. CV2015-052993

1. Complaint filed August 2015; mediation held February 2016; matter settled April 2016, with ongoing settlement issues finally resolved May 2016.

2. **Counsel for Plaintiffs/Counter-defendants**

Jon Titus and Jeffrey D. Harris; Titus Brueckner & Levine PLC; 8355 East Hartford Drive, Suite 200; Scottsdale, Arizona 85255; (480) 483-9600; jtitus@tbl-law.com, jharris@tbl-law.com.

Counsel for Defendants/Counter-plaintiffs

Ronda R. Fisk and Kristin Windtberg; Osborn Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix, Arizona 85012; (602) 640-9367; kwindtberg@omlaw.com.

Mediator

Shawn Aiken; Aiken Schenk Hawkins & Ricciardi P.C.; 2390 East Camelback Road #400; Phoenix, Arizona, 85016; (602) 248-8203; ska@ashrlaw.com.

Additional information, *i.e.*, (3) the summary of the substance and (4) statement of significance, is found in the Confidential Information section.

25. Have you represented clients in litigation in Federal or Arizona trial courts? **Yes**.
If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: **40**

State Courts of Record: **40**

Municipal/Justice Courts: **2**

The approximate percentage of those cases which have been:

Civil: **100%**

Criminal: **0%**

The approximate number of those cases in which you were:

Sole Counsel: **5**

Chief Counsel: **30**

Associate Counsel: **45**

The approximate percentage of those cases in which:

You conducted extensive discovery¹: **35%**

You wrote and filed a motion for summary judgment: **20%**

You wrote and filed a motion to dismiss: **25%**

You argued a wholly or partially dispositive pre-trial, trial or post-trial motion (e.g., motion for summary judgment, motion for a directed verdict, motion for judgment notwithstanding the verdict): **15%**

You made a contested court appearance (other than as set forth in above response) **1%**

You negotiated a settlement: **35%**

The court rendered judgment after trial: **5%**

¹Extensive discovery is defined as discovery beyond standard interrogatories and depositions of the opposing party.

A jury rendered verdict: 1%

Disposition occurred prior to any verdict: 95%

The approximate number of cases you have taken to trial:

Court 4

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible.

Jury 1

26. Have you practiced in the Federal or Arizona appellate courts? **Yes** If so, state:

The approximate number of your appeals which have been:

Civil: 8

Criminal: 0

The approximate number of matters in which you appeared:

As counsel of record on the brief: AZ 5 U.S. 3

Personally in oral argument: AZ 3 U.S. 2

27. Have you served as a judicial law clerk or staff attorney to a court? **Yes** If so, state the name of the court and dates of service, and describe your experience.

From August 2002 – August 2003, I served as a law clerk to then-Chief Justice Charles Jones of the Arizona Supreme Court. Justice Jones had his clerks review and provide summaries of all of the scores of Petitions for Review filed in the Court and then relied on the clerks to prepare draft opinions for his review, which were subsequently circulated to other justices for review. In addition, the clerks reviewed and provided input on draft opinions circulated by the other chambers.

28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

Case One: Bentley Terrace Dillard Family Trust v. Mark Schlusel, et al,
Maricopa County Superior Court Case No. CV2005-016198 and Arizona
Court of Appeals (Division One) Case No. 1 CA-CV 10-0219

1. Trust filed complaint 2005; mediation held May 2007; jury trial held November 2008; judgment entered February 2010 in favor of Trust; Schlusel filed appeal March 2010; judgment affirmed May 2011 by court of appeals in a memorandum decision.

2. **Maricopa County Superior Court**
Judge Carrie Hyatt (motions for summary judgment)
Judge Jeanne Garcia (jury trial)

Private Mediation

Hon. Virginia Mathis (Retired)

Arizona Court of Appeals (Division One)

Judges Margaret Downie (authored decision), Daniel Barker, and Michael Brown

3. **Counsel for Mark Schlusel**

Scott M. Zerlaut (Litigation Counsel); Shorall McGoldrick Brinkmann;
1232 E. Missouri Avenue; Phoenix, Arizona 85014; (602) 230-5400;
scottzerlaut@smbattorneys.com.

Elliot S. Isaac (Trial Counsel); Elliot S. Isaac, P.C.; 14820 North Cave
Creek Road, Suite 3; Phoenix, Arizona 85032; (602) 404-0099;
Elliot.isaac@azbar.org.

Kissandra L. Tysman (Appellate Counsel); Tysman Law Firm PLC;
2824 North Power Road, Suite 114; Mesa, Arizona 85215-1718; (480)
654-6540. (This is the current contact information on record with the
State Bar of Arizona, however Ms. Tysman is listed as on “disability”
status and her practice appears to have been closed.)

Counsel for Glen Lineberry

Michael R. Scheurich and David Bray; Dickinson Wright PLLC
(formerly Mariscal, Weeks, McIntyre & Friedlander, P.A.); 1850 North
Central Avenue, Suite 1400; Phoenix, Arizona 85004; (602) 285-5011;
mscheurich@dickinsonwright.com, dbray@dickinsonwright.com.

Counsel for The Bentley Terrace Dillard Family Trust

David Rosenbaum, Ronda R. Fisk and Sharad H. Desai; Osborn
Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix,
Arizona 85012; (602) 640-9000; drosenbaum@omlaw.com.

Sharad Desai is now Litigation Counsel for Honeywell Aerospace;
1944 E Sky Harbor Circle North; Phoenix, Arizona 85034-3442; (602)
365-5072; sharad.desai@honeywell.com.

Additional information, *i.e.*, (4) a summary of the substance and (5) the statement of significance, is found in the Confidential Information section.

Case Two: Chad Cunningham v. Regents of the University of New Mexico, University of New Mexico School of Medicine, and the National Board of Medical Examiners, District of New Mexico Case No. CIV-10-451-BB/RLP and 10th Circuit Court of Appeals Case No. 11-2013

1. Complaint filed May 2010 by Cunningham; NBME's motion to dismiss granted April 2011; Cunningham filed appeal May 2011; memorandum decision issued August 2013 in favor of NBME.

2. **District of New Mexico**

District Court Judge Bruce D. Black

10th Circuit Court of Appeals

Circuit Judges Carlos F. Lucero and Jerome A. Holmes

District Court Judge Philip A. Brimmer

3. **Counsel for Plaintiff Chad Cunningham**

Dennis W. Montoya (Litigation and Appellate Counsel); P.O. Box 15235; Rio Rancho, New Mexico 87174-0235; (505) 246-8499; dmontoya@montoyalaw.com. (Mr. Montoya was suspended and/or disbarred while the appeal was pending. Upon information and belief, he is no longer practicing law. The New Mexico State Bar website does not have current information for him.)

Santiago E. Juarez (Appellate Counsel); 1822 Lomas Blvd. NW; Albuquerque, New Mexico 87104; (505) 747-7190; santiagojuarezlaw@gmail.com. (Mr. Juarez assumed responsibility for the appeal when Mr. Montoya was suspended / disbarred and appeared at oral argument.)

Counsel for University of New Mexico School of Medicine

Alfred A. Park and Lawrence M. Marcus; Park & Associates, LLC (formerly Park & Anderson, LLC); 6100 Uptown Blvd., NE, Suite 350; Albuquerque, New Mexico 87110; (505) 246-2805; apark@parklawnm.com, lmarcus@parklawnm.com.

Counsel for National Board of Medical Examiners

Shane Ham and Ronda R. Fisk (Lead Counsel); Osborn Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix, Arizona 85012; (602) 640-9000; sham@omlaw.com.

Bill Chappell, Jr. (Local Counsel); Albuquerque Centre, Suite 150; 6001 Indian School Rd., NE; Albuquerque, New Mexico 87110; (505) 878-9600; billc@chappellfirm.com.

Additional information, *i.e.*, (4) a summary of the substance and (5) the statement of significance, is found in the Confidential Information section.

Case Three: AAM, LLC adv. Board of Legal Document Preparers

In the Matter of a Certified Legal Document Preparer: AAM, LLC (Certificate Number 8051), Presiding Disciplinary Judge of the Supreme Court of Arizona, Consolidated Case Nos. LDP-NFC-09-L094 and LDP-NFC-10-L026

AAM, LLC v. Board of Legal Document Preparers and Les Krambeal, in his official capacity as Chair of the Board of Legal Document Preparers, Maricopa County Superior Court, Case No. LC2012-000317-001 DT

1. Complaints filed with Board of Legal Document Preparers in 2009 and 2010; evidentiary hearing held November 2011; Board decision issued May 2012; AAM filed appeal in Maricopa County Superior Court June 2012; judgment entered in favor of AAM October 2012.

2. Board of Legal Document Preparers
Hon. Jonathan Schwartz (Retired)

Maricopa County Superior Court
Judge Mark Brain

3. Counsel for the Board of Legal Document Preparers

Nina Preston; Assistant Counsel; Administrative Office of the Courts; Arizona Supreme Court; 1501 West Washington, Suite 414; Phoenix, Arizona 85007-3231; (602) 452-3283; npreston@courtz.az.gov.

Charles Arnold Grube; Office of the Attorney General; 1275 W. Washington; Phoenix, Arizona 85007; (602) 542-8341; Charles.Grube@azag.gov.

Counsel for AAM, LLC

Scott W. Rodgers, Ronda Fisk, and Brandon Hale; Osborn Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix, Arizona 85012; (602) 640-9000; srodgers@omlaw.com.

Brandon Hale is now Corporate Counsel, Vivant Solar; 3301 N Thanksgiving Way, Suite 500; Lehi, UT 84043; (801) 229-7785; brandon.hale@vivantsolar.com.

Additional information, *i.e.*, (4) a summary of the substance and (5) the statement of significance, is found in the Confidential Information section.

Case Four: Galczynski, et al v. Tim Ernst, et al, AAA Case No. No. 76 148 Y 00148 12

1. Claim filed July 2013; two-week evidentiary hearing held September 2014; opinion entered in favor of Respondents December 2014.

2. Private Arbitration Panel

Shawn Aiken (Panel Chair); Aiken Schenk Hawkins & Ricciardi P.C.; 2390 East Camelback Road, Suite 400; Phoenix, Arizona 85016; (602) 248-8203; ska@ashrlaw.com.

Hon. Rebecca Albrecht (Retired); Bowman and Brooke LLP; 2901 North Central Avenue, Suite 1600; Phoenix, Arizona 85012; (602) 643-2300; Rebecca.Albrecht@bowmanandbrooke.com.

Hon. Christopher Skelly (Retired); Scott, Skelly & Muchmore, LLC; 1313 East Osborn Road #120; Phoenix, Arizona 85014; (602) 277-8228; cskelly@ssmadr.com.

Private Mediator

Paul Roshka (formerly at Roshka De Wulf & Patten); Polsinelli; One East Washington, Suite 1200; Phoenix, Arizona 85004; (602) 650-2098; proshka@polsinelli.com.

3. Counsel for Claimants

Robert Mitchell; Tiffany & Bosco; Camelback Esplanade II, Seventh Floor; 2525 East Camelback Road; Phoenix, Arizona 85016-9240; 602-255-6000; rdm@tblaw.com.

Counsel for Terra Funding, LLC (Respondents)

Colin Campbell, Ronda R. Fisk, and Chelsea Gaberdiel; Osborn Maledon, P.A.; 2929 North Central Avenue, Suite 2100; Phoenix, Arizona 85012; (602) 640-9000; ccampbell@omlaw.com, cgaberdiel@omlaw.com.

Additional information, *i.e.*, (4) a summary of the substance and (5) the statement of significance, is found in the Confidential Information section.

Case Five: *Perceptive Software, LLC adv. MCCCCD*

1. Protest filed January 2013; appeal filed February 2013; 10 days of evidentiary hearing held from April – June 2013; hearing officer's decision issued August 2013 upholding MCCCCD's denial of the appeal.

2. Hearing Officer

Harold J. Merkow; 1102 West Glendale Avenue #116; Phoenix, Arizona 85021-8683; (602) 870-1665; hal.merkow@gmail.com.

3. Counsel for Perceptive Software, LLC

Joshua Grabel and Marc Erpenbeck, Snell & Wilmer

Mr. Grabel is now at Lewis Roca Rothgerber Christie LLP; 201 East Washington Street, Suite 1200; Phoenix, Arizona 85004; (602) 262-5759; jgrabel@lrrc.com.

Mr. Erpenbeck is now at AJAC Inc. d/b/a George Brazil; 3830 S. 38th Street; Phoenix, Arizona 85040; (602) 346-4214; merpenbeck@georgebrazilservice.com.

Counsel for Hyland Software, Inc.

Bill Richards; Baskin Richards PLC; 2901 North Central Avenue, Suite 1150; Phoenix, Arizona 85012; (602) 812-7979; brichards@baskinrichards.com.

Counsel for MCCCCD

Ronda R. Fisk and Christina C. Rubalcava; Osborn Maledon, P.A.

Ms. Rubalcava is now Senior Assistant City Attorney, City of Flagstaff; 211 West Aspen Avenue; Flagstaff, Arizona 86001; (928) 213-2046; crubalcava@flagstaffaz.gov.

Additional information, *i.e.*, (4) a summary of the substance and (5) the statement of significance, is found in the Confidential Information section.

29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

I have been assigned to be a court-appointed arbitrator in various cases through the compulsory arbitration program in Maricopa County Superior Court. Two of those matters have gone to hearing.

Case One: *Rebecca Shepardson vs. Sarah Anne Judy, et al.* (CV2008-001914).

- **Hearing Date: July 30, 2008.**
- **The matter involved personal injuries suffered by Plaintiff after she was rear-ended by Defendant.**
- **Plaintiff's counsel was Yuri B. Nielsen, Pincus & Associates, P.C., 2133 East Warner Road, Suite 101, Tempe, Arizona 8524, (480) 777-2599. (Note: the State Bar website lists Mr. Nielsen's status as "disbarred"; I have no current contact information for him.)**
- **Defendant's counsel was Daniel Torrens (formerly with Turley Swan Childers Righi & Torrens), Holloway Odegard & Kelly PC, 3020 East Camelback Rd, Suite 201, Phoenix, Arizona 85016-4423, (602) 240-6670.**

Case Two: Ramos v. United Racing Engines (CV2016-050535).

- **Hearing Date: September 8, 2016.**
- **The matter involved a breach of contract in which Defendant failed to render services that Plaintiff paid him to provide.**
- **Plaintiff's counsel was Gregory P. Gillis, Nussbaum Gillis & Dinner P.C., 14850 N. Scottsdale Road, Suite 450, Scottsdale, Arizona, 85254, 480-609-0011, ggillis@ngdlaw.com.**
- **Defendant's counsel was James J. Syme, Jr., 13210 W. Van Buren #102, Goodyear, Arizona, 85338, 623-932-2070, james.syme@azbar.org.**

30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

Please see answer to Question 29 above.

31. Describe any additional professional experience you would like to bring to the Commission's attention.

I have been privileged to serve on two juries in criminal trials: an aggravated assault and a murder trial. In both trials I was impressed with the jurors' diligence and engagement in the process. It was enlightening to watch a legal proceeding from a juror's perspective: seeing what jurors read into what the lawyers and judges do; watching them apply the jury instructions to the facts they were presented; and, as the foreperson in the murder trial, facilitating deliberations and reaching consensus on a verdict. I took advantage of Arizona's unique rule that allows jurors to ask questions of witnesses, and contributed several questions that I thought counsel should have asked, but did not. (Years later, Judge Connie Contes commented to me that I kept her on her toes as a juror.) Finally, I gained insight into the financial hardship that service in a lengthy jury trial can be for some jurors. It was hard to balance my legal practice, family responsibilities, and jury service over the course of a five-week trial, but worth the experience.

BUSINESS AND FINANCIAL INFORMATION

32. Have you ever been engaged in any occupation, business or profession other

than the practice of law or holding judicial or other public office, other than as described at question 14? **Yes** If so, give details, including dates.

As a Teach For America – Phoenix Corps Member, I was placed as a teacher in a dual-language classroom at Valley View Elementary in the Roosevelt Elementary School District in South Phoenix. I served as a corps member from June 1996 – June 1998, and then stayed at Valley View for a third year, from July 1998 – July 1999, working as a teacher in the classroom during the school year and in the administrative office over the summer, implementing various process improvements.

33. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise? **No**. If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? **Not applicable**. If not, give reasons.

34. Have you filed your state or federal income tax returns for all years you were legally required to file them? **Yes** If not, explain.
35. Have you paid all state, federal and local taxes when due? **Yes** If not, explain.
36. Are there currently any judgments or tax liens outstanding against you? **No** If so, explain.
37. Have you ever violated a court order, including but not limited to an order for payment of child or spousal support? **No** If so, explain.
38. Have you ever been a party to a lawsuit, including bankruptcy but excluding divorce? **No** If so, identify the nature of the case, your role, the court, and the ultimate disposition.
39. Do you have any financial interests, investments or retainers that might conflict with the performance of your judicial duties? **No** If so, explain.

CONDUCT AND ETHICS

40. Have you ever been terminated, expelled, or suspended from employment or any school or course of learning on account of dishonesty, plagiarism, cheating, or any other “cause” that might reflect in any way on your integrity? **No** If so, give details.
41. a. Have you ever been charged with, arrested for, or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? **No** If so, identify the nature of the offense, the court, and the ultimate disposition.
- b. Have you, within the last 5 years, been charged with or cited for any traffic-related violations, criminal or civil, that are not identified in response to question 41(a)? **No** If so, identify the nature of the violation, the court, and the ultimate disposition.
42. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain. **Not applicable.**
43. List and describe any litigation (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) concerning your practice of law. **None.**
44. List and describe any litigation involving an allegation of fraud in which you were or are a defendant. **None.**
45. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure, or for any other professional impropriety. **None.**
46. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? **No.** If so, when? How was it resolved?
47. Have you received a notice of formal charges, cautionary letter, private admonition or other conditional sanction from the Commission on Judicial Conduct or any other official judicial disciplinary body in any jurisdiction? **No.** If so, in each case, state in detail the circumstances and the outcome.

48. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? **No.** If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)
49. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? **No.** If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
50. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? **No.** If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the back ground and resolution of such action.
51. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? **No.** If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).
52. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? **No.** If so, state the date you were requested to submit to such a test, type of test requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.
53. Within the last five years, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with the substantive requirements of any business or contractual arrangement? **No.** If so, explain in full.
54. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? **No.** If so, explain in full.

PROFESSIONAL AND PUBLIC SERVICE

55. Have you published any legal or non-legal books or articles? **No**. If so, list with the citations and dates.
56. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? **Yes**. If not, explain.
57. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? **Yes**. If so, describe.

New Overtime Rules, Arizona Association of Community Managers (AACM), June 8, 2016

Ethics Panel, State Bar of Arizona's Bar Leadership Institute, March 2016

EEO Compliance Training for Managers and Supervisors, various locations, 2013-2016

State and Local Government Procurement Ethics, Administrative Law Section, May 2015

Beyond Orca: Post-Employment Litigation, Apollo Law Department, January 2015

Labor & Employment Law Update 2014, Glendale Community College Business Law Class, February 2014

Employment Law Update, Heliae Law Department, December 2013

Daubert for Family Law Practitioners, State Bar of Arizona Convention, June 2013

Employment Law Update, American Traffic Solutions Law Department, May 2012

Collection Agency Services, AAM Certified Legal Document Preparers, March 2012

Child Advocacy Clinic: Celebrating the Decade Past and the Decade Ahead, Panel Speaker, University of Arizona, October 19, 2007

Various Inn of Court Presentations to Horace Rumpole Inn of Court

58. List memberships and activities in professional organizations, including offices held and dates. **See below.**

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? **Yes; see below.**

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like. **See below.**

Professional Organizations

Horace Rumpole Inn of Court (2003-2012): President, 2010-2011; President-Elect, 2009-2010; Secretary, 2005-2009

Leadership Council on Legal Diversity, LCLD Fellow, 2013-2015

Society for Human Resource Management, 2013 - present

Arizona Women Lawyer's Association, 2004 - present

Arizona State Bar Activities

Administrative Law Section, Executive Council At-Large Member, 2015 - present

Civil Practice and Procedure Committee, 2011 – present

Employment Law Section, 2007-2015

Other Bar Associations

Federal Bar Association, Member, 2003-present

American Bar Association, Member: Litigation Section; Employment Law Section; Public Contract Section, 2003 - present

Pro Bono Legal Services

I have provided most of my pro bono services to the indigent through the Volunteer Lawyer Program, both as a court-appointed advisor in family law matters and as a pro bono attorney for guardians in juvenile matters.

I served as a court-appointed adviser in three cases, each requiring more than 50 hours of work, interviewing children, parents, family members, and teachers; visiting homes to determine if the environments were appropriate for the children; reviewing school and psychological records; reviewing law enforcement reports regarding the children; preparing 40+ page summary reports for the court; and testifying at hearings, as requested by the judge and parties.

I have served as pro bono attorney in about five guardianship matters, all of which were for Spanish-speaking persons (typically grandparents) seeking to be appointed as permanent guardians of minor children. These cases each involved 10-15 hours of work, interviewing children and guardians; preparing paperwork; and attending hearings.

In addition to my services through the Volunteer Lawyer Program, I have represented on a pro bono basis various indigent minors and their families in disputes with school districts and the Arizona Interscholastic Association.

I have also provided significant pro bono employment and litigation services to various Arizona nonprofits, including the American Red Cross; ICAN (a high-quality, out-of-school program for youth in Chandler); Angels on Patrol (an organization providing resources to families and children in need as identified by police officers); Circle the City (community health organization dedicated to providing healthcare to people experiencing homelessness in Maricopa County); and Unity of Phoenix (a church).

59. Describe the nature and dates of any community or public service you have performed that you consider relevant.

Along with the activities noted in response to Questions 57 and 58, my non-law related community and public service has centered around education, theatre for young audiences, healthcare for the homeless, and my church.

In 1996, I joined Teach For America and was privileged to join a 30-person teaching corps placed in various elementary and high schools in the Phoenix metropolitan area. I obtained my teacher certification by taking classes at Arizona State University and University of Phoenix while working full-time in a dual-language program at Valley View Elementary in the Roosevelt Elementary School District in South Phoenix.

I taught in both English and Spanish. Between school years I traveled to Guatemala on a grant to improve my conversational and written Spanish. While there, I had the opportunity to serve as a translator on a UNICEF-funded documentary about the Guatemalan civil war. Over a two-week period I traveled by "chicken bus" with the two filmmakers to remote

locations in Guatemala, interviewing ex-guerilla and community members about their experiences.

Starting in 2002, I continued to use my skills as a bilingual teacher with my Spanish-speaking “Little Sis” from Big Brothers & Big Sisters of Central Arizona. During our weekly outings, we worked on her English language skills and explored the Valley’s libraries, museums, and parks. We remained paired until her family returned to Mexico in 2004.

Since 2007, I have participated in various capacities with Arizona Town Hall, a private, independent, nonprofit membership organization created to educate, engage and empower Arizonans on issues important to our state and prepare reports that are shared with Arizona’s civic leaders. In November 2007, I served as a Recorder for the 91st Town Hall on *Land Use: Challenges and Choices for the 21st Century*. Subsequently, I served as the Report Chair for the 92nd Town Hall (April 2008) on *Who Will Teach Our Children?* and the Report Co-Chair for the 103rd Town Hall (November 2013) on *Strong Start: Early Education in Arizona*.

Through my involvement with Town Hall, I met Shirley Agnos and Tara Jackson, who invited me to join Soroptimist International of Phoenix in 2008. The club’s focus at the time was on raising awareness about the sex trafficking of women and girls, and encouraging citizens, law makers and service providers to focus on this global problem. I served on the Executive Committee and remained active until 2010 when scheduling conflicts kept me from participating on a regular basis.

In 2014, I joined the Board of Trustees of Childsplay, a nationally and internationally respected professional theatre company whose chosen audience is children. I serve on the Governance Committee and chair the Fundraising Committee (a.k.a Society for Imagination and Wonder). In June 2016, I joined the Executive Committee as the Vice President.

In 2015, I joined the Board of Directors of Circle the City, a nonprofit community health organization dedicated to providing high quality, holistic healthcare to people experiencing homelessness in Maricopa County. With a \$7 million budget, Circle the City operates a 50-bed medical respite center that serves more than 350 individuals each year; a primary health clinic that serves more than 4,000 individuals each year; and a two-room mobile health clinic that rotates around the Valley to provide outreach care for those who cannot access the fixed site. I am the Board’s Vice Chair, I serve on the Governance Committee, and I provide the organization with pro bono legal services.

I have been active with two Unity churches since 1998. At Unity of Phoenix, I worked with the Youth and Family Ministry programs from 2003 – 2006, volunteering in the primary and high school classrooms and chaperoning teen weekend retreats. I served on the Unity of Phoenix Board of Trustees from 2004 – 2006, serving as Secretary, Vice President,

and chair of the Governance Committee. In 2013, I started attending Unity of Mesa. In addition to consulting with the Unity of Mesa Board regarding policy governance and bylaw revisions, I designed and maintain the church's website.

60. List any professional or civic honors, prizes, awards or other forms of recognition you have received.

***The Best Lawyers in America®*, Commercial Litigation, 2013-2016**

***Benchmark Litigation: Top 250 Women in Litigation (Nationally)*, 2012-2016**

***Benchmark Litigation: Local Litigation Star*, 2011, 2016; *Future Star*, 2010, 2013-2014**

***Southwest Super Lawyers*, *Rising Star*, *Employment & Labor*, 2012**

Phoenix Business Journal*, *Forty Under 40, Class of 2008

61. List any elected or appointed offices you have held and/or for which you have been a candidate, and the dates. **None.**

Have you been registered to vote for the last 10 years? **Yes.**

Have you voted in all general elections held during those years? **No.** If not, explain.

I missed one general election because I was out of state and another because of a mix-up with my early ballot.

62. Describe any interests outside the practice of law that you would like to bring to the Commission's attention.

My day-to-day work and community service activities require me to spend most of my day interacting with people, so I enjoy spending my personal time on quieter, more creative activities including cooking, and website and graphic design. What brings me the most joy is spending time with my husband and six-year-old daughter: playing princesses and pirates, reading books, going for walks, digging in our garden boxes, and exploring unique sites around the Valley.

HEALTH

63. Are you physically and mentally able to perform the essential duties of a judge in

the court for which you are applying? **Yes.**

ADDITIONAL INFORMATION

64. The Arizona Constitution requires that the Commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.

My family lived on a 20-acre subsistence farm in the woods near the intersection of the borders of Washington, Idaho, and Canada. My father and older brother built our small cabin, which did not have flushing toilets, running water, or central heating. We had an indoor-outhouse (with a one-of-a-kind "composting toilet" made out of a 55-gallon oil drum), drinking water pumped inside from a nearby creek, a horse-trough bathtub heated by propane burners, and a wood stove that heated the house. Ironically, ours was considered a "modern" cabin compared to those of our neighbors, which did not have electricity or other indoor amenities. We had no television; for entertainment we played games, read books, and listened to "You Bet Your Life" re-runs on the local radio station.

Living on a subsistence farm, I learned firsthand the value of hard work. My brothers and I helped care for (and, in some cases, butcher) the goats, pigs, rabbits, ducks, and chickens. We grew all of our own food; my mother ground wheat to make pasta and bread; and she used the milk from our goats to make yogurt and cheese, all done on a Monarch wood cook stove. Although my mother always worked full-time and my father was a self-employed mechanic, there were times we relied upon financial assistance from others. I gained a keen appreciation for the challenges faced by those with limited financial means. I also learned how to use all available resources to create opportunities.

In addition to growing up in a non-traditional setting, I come from a blended, non-traditional family. My four siblings and I were born over a span of 15 years, with three different fathers. I have no memory of my biological father, whom I last saw when I was two-years old and who passed away when I was in my 30s. I was raised by my step-father, whose name I took when I was a teenager. I understand what it is like to be a child that wonders about an absent parent and the choices that parent made about remaining involved in a child's life. When my husband and I adopted our daughter as an infant we chose to have an open adoption so that our daughter would know both of her birth families.

My personal background served me well when I went into the classroom, where I worked with a low-income, predominately Latino population in South Phoenix. My three years in the classroom gave me insights into the challenges facing children and families living in Arizona's poorer communities such as abuse and neglect, gang activity, drug use, and immigration issues.

65. Provide any additional information relative to your application or qualifications you would like to bring to the Commission's attention at this time.

My personal and professional experiences have helped me develop a temperament that has served me well in leadership positions at my firm and in community organizations. Others turn to me when they want something done because of my ability to organize information, work efficiently, and communicate effectively. I enjoy exploring new ideas and thinking about complex problems, but I balance my intellectual pursuits with pragmatism, common sense, and a dose of humor. I am known by fellow lawyers, staff, and clients for being compassionate, patient, and open-minded, with the ability to build consensus, lead teams, and solve problems. I set high expectations for myself and others; communicate those expectations with tact and clarity; praise people for their successes and hold them accountable for their mistakes; and make difficult decisions, when necessary.

Recognizing my even temperament and leadership skills, the colleagues at my firm have elected me to the firm's Board for multiple terms (the first time as an associate and another time while I was on parenting leave) and the Compensation Committee twice. I served as chair of the Recruiting Committee for nearly eight years and currently serve as chair of the Mentor Committee.

66. If you were selected by this Commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term? **No.** If so, explain.
67. If selected for this position, do you intend to serve fully, including acceptance of rotation to areas outside your areas of practice or interest? **Yes.** If not, explain.
68. Attach a brief statement explaining why you are seeking this position.

Please see *Attachment B, Statement of Interest.*

69. Attach a professional writing sample, which you personally drafted (e.g., brief or motion). The sample should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Please see *Attachment C, Professional Writing Sample*.

70. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. The writing sample(s) should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Not applicable.

71. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last two performance reviews.

Not applicable.

**-- INSERT PAGE BREAK HERE TO START SECTION II
(CONFIDENTIAL INFORMATION) ON NEW PAGE --**

**ATTACHMENT A: CURRENT LAW PARTNERS AND ASSOCIATES
(Question 15)**

Ronda R. Fisk

The following colleagues work with me at Osborn Maledon, P.A. as of November 18, 2016:

Lynne C. Adams	Andrew P. Kelly
Jonathan F. Ariano	Thayne Lowe
Nathan T. Arrowsmith	William J. Maledon
Joshua D. Bendor	Randal B. McDonald
Maureen Beyers	Jeffrey B. Molinar
John L. Blanchard	Brian K. Mosley
Colin F. Campbell	Randall C. Nelson
Elizabeth S. Chatham	Mary R. O'Grady
Hayleigh S. Crawford	Lindsey A. Pohlmann
Thomas H. Curzon	Clark M. Porter
R. Douglas Dalton	Grace E. Rebling
Dawn L. Dauphine	Scott W. Rodgers
Brett L. Dunkelmann	David B. Rosenbaum
Timothy J. Eckstein	Kimberly A. Ruht
Joshua M. Ernst	Joseph N. Roth
Eric M. Fraser	Howard N. Singer
William D. Furnish	Christopher S. Stachowiak
Chelsea S. Gaberdiel	Warren J. Stapleton
Meghan H. Gabel	John A. Stookey
Shane M. Ham	Geoffrey M. T. Sturr
Larry A. Hammond	Jana L. Sutton
William M. Hardin	Andrea M. Taylor
Aaron R. Harmon	David Victor
Mark I. Harrison	Andrew D. Western
Thomas L. Hudson	Kristin L. Windtberg
Danielle D. Janitch	

**ATTACHMENT B: STATEMENT OF INTEREST
(Question 68)**

Ronda R. Fisk

When I first interviewed at Osborn Maledon in 2003, I was open about my goal to someday become a judge because I have always had a passion for public service. But first, I wanted to practice law with excellent lawyers to develop skills that I could eventually use in the public sector. I had the wide-eyed—and admittedly naïve—enthusiasm of a recent graduate. I saw a judicial appointment as the attainment of the brass ring, the pinnacle of success in a legal career as a litigator. That is no longer my motivation.

Thirteen years of practicing law, volunteering in my community, and building a family, have given me a richer, more nuanced understanding of and appreciation for the American judicial system, the power and limitations of the law, and the role of lawyers and judges in our society. Three events in particular have caused me to reflect on why I want to become a judge: (1) the beheading of my fellow Teach for America teacher, Jim Foley; (2) the shooting of my friend and law partner, Mark Hummels; and (3) the assault and robbery of a family member outside of my home.

The first event—ISIL’s beheading of Jim Foley—gave me a deeper appreciation for the role of the judicial system in maintaining a civilized society. During our teaching years, I grew to know Jim well. The depravity of his murder left me numb, wondering “*Who does something like this? How does this happen in modern society?*” I was reminded how fortunate we are in the United States to have Constitutional guarantees of liberty that allow for discourse and dissent, with a separation of powers between the three branches of government, each serving as a check and balance upon the other.

The second event—the murder of Mark Hummels and our client, Steve Singer, by an individual who had sued Mr. Singer—taught me lessons of a more personal nature. Mark’s sad passing reminded me that, at the end, what really matters is how you use the talents and opportunities you are given to serve and make a difference in the lives of others. In addition, the compassion and kindness the Arizona legal community showed Mark’s family and our firm re-affirmed for me my choice to practice here in Arizona.

The third experience—witnessing a family member get held up at gunpoint for her purse as she got out of her car in front of my home—gave me first-hand insights into a victim’s experience in the judicial system. I experienced the impact such a crime can have on the day-to-day life of the victim and the victim’s family. I also witnessed how confusing and overwhelming the criminal justice system can be, and how our county does the best it can with the limited resources available to serve those involved.

These uncommon tragedies could have made me cynical and jaded. To the contrary, they have given me purpose, perspective, and even optimism. I want to be a judge because it is an important role in a unique system that is part of the foundation of our democracy. I want to serve my community, which has given so much to me. And I want to apply the rule of law to resolve

disputes with justice, while showing courtesy and respect to all persons appearing before me. I no longer consider a judicial appointment as simply a “brass ring.” It would be an honor and a privilege, and I appreciate you considering me for this role.

**ATTACHMENT C: PROFESSIONAL WRITING SAMPLE
(Question 69)**

Ronda R. Fisk

The following is an excerpt from a brief filed with an agency in response to a bid protest. As directed in the Application, personal identifying information about the case at issue has been removed. My client's name has been replaced with "Company," the client's employee is identified as "Ms. Jones," the protesting party's name has been replaced with "Protestor," the agency involved is identified as "Agency," the specific request for proposal at issue has been replaced with "RFP," the specific procurement at issue has been changed to "Procurement," and the appeal on a related procurement is identified as a "Related Procurement Appeal."

B. Neither Company nor Ms. Jones violated the employment restrictions set forth in A.R.S. § 41-2517(A)-(C).

A.R.S. § 41-2517(A)-(C) prohibits three separate categories of conduct aimed at different actors:

- A.R.S. § 41-2517(A) prohibits “*an employee having a significant procurement role [from accepting] any position or [having] employment discussions* with a person or firm lobbying or potentially responding to the solicitation beginning on signature of the first nondisclosure agreement pertaining to a particular solicitation”
- A.R.S. § 41-2517(B) prohibits “*an employee having a significant procurement role [from soliciting] an employment opportunity*, regardless of who would receive such an opportunity, from any person or firm lobbying or potentially responding to a solicitation for the procurement of . . . services . . . beginning on signature of the first nondisclosure agreement pertaining to a particular solicitation”
- A.R.S. § 41-2517(C) prohibits “*a person* or firm lobbying or potentially *responding to a solicitation* for the procurement of . . . services . . . *[from offering] employment* to . . . an employee having a significant procurement role beginning on signature of the first nondisclosure agreement pertaining to a particular solicitation”

(Emphases added.) To establish that Company or Ms. Jones violated any of these provisions, Protestor must establish both that (a) Ms. Jones had a “significant procurement role” in the RFP, and (b) Company or Ms. Jones engaged in prohibited conduct after the first Nondisclosure Agreement was signed on December 1. Protestor has not satisfied—and cannot satisfy—either of these elements.

1. Ms. Jones did not have a “significant procurement role” in the Procurement.

Ms. Jones’s duties with respect to the Procurement were limited to gathering initial stakeholder input and information. Protestor contends that Ms. Jones’s pre-procurement activities constitute “participating in the development of a procurement,” and therefore she had a “significant procurement role.” (Protest at 13:13-21.) This is factually and legally incorrect.

Under the Arizona Procurement Code, a “*significant procurement role*” means any role that includes any of the following duties:

- (i) Participating in the development of a procurement.

- (ii) Participating in the development of an evaluation tool.
- (iii) Approving a procurement or an evaluation tool.
- (iv) Soliciting quotes greater than ten thousand dollars for the provision of materials, services or construction.
- (v) Serving as a technical advisor or an evaluator who evaluates a procurement.
- (vi) Recommending or selecting a vendor that will provide materials, services or construction to this state.
- (vii) Serving as a decision maker or designee on a protest or an appeal by a party regarding an agency procurement selection or decision.

A.R.S. § 41-2503(36). “**Procurement**” means “buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services” and “[i]ncludes all functions that pertain to obtaining any materials, services, construction or construction services, including **description of requirements**, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.” A.R.S. § 41-2503(32) (emphasis added).

Arizona statutes and related SPO guidance explain that “participating in the development of a procurement” means participating in the development of the “description of requirements” referenced in A.R.S. § 41-2503(32), *i.e.*, the specifications and scope of work to be included in the solicitation. Indeed, SPO guidance states that “[t]he intent is to obtain the procurement disclosure statement or conflict of interest disclosure at the outset of the procurement process, which is **when the specifications or the scope of work are beginning to be developed...**” January 24, 2014 “Significant Procurement Role Questions and Answers,” Question 16 (Exhibit 6 to Protest) (emphasis added); *see also* A.R.S. § 41-2503(36)(b) (defining a “significant procurement role” and noting that it “[d]oes not include making decisions on **developing specifications and the scope of work for a procurement** if the decision is based on the application of commonly accepted industry standards....”).

As the Agency is well aware, SPO guidance expressly states that a “significant procurement role” is not meant to “involve **anyone** that touches **any aspect** of a procurement.” January 24, 2014 “Significant Procurement Role Questions and Answers,” Question 11 (Exhibit 6 to Protest) (emphasis added). Other than participating in the Agency’s initial efforts to gather stakeholder input

and information, Ms. Jones did not participate in any aspect of the RFP. She certainly did not participate in the development of the RFP's description of requirements, specifications, or scope of work and, upon information and belief, none of that activity started before she left the Agency on December 12. Similarly, she did not participate in the development of the evaluation tool; approve the procurement or evaluation tool; serve as a technical advisor or evaluator who evaluated the procurement; recommend or select the vendor to provide services; or serve as a decision maker on a protest or an appeal by a party regarding an agency procurement selection or decision.

Protestor suggests that Ms. Jones's involvement with the Town Hall plus her continued employment as an Assistant Director at the Agency after the RFI issued on December 9 "certainly" prove that she "participated in the development of the Solicitation." (Protest at 13:13-21.) As a threshold matter, Protestor completely overstates Ms. Jones's limited involvement with the Town Hall. Contrary to Protestor's assertion, ASU—not Ms. Jones—prepared the Town Hall report. That report and the attached transcript make clear that Ms. Jones's role at the Town Hall was simply to allow the stakeholders to provide input regarding [REDACTED]. Similarly, Protestor makes incorrect inferences from various records about Ms. Jones's involvement with the [REDACTED] during and after the Related Procurement Appeal hearing. Even though Ms. Jones was an Assistant Director, she did not work on the procurement while assisting with the Related Procurement Appeal hearing. And immediately after the hearing she informed the Agency Deputy Director that she would have no role with the RFP. She gave notice of her resignation on November 20; stopped working for the Agency on December 12; and thereafter only remained in the State's payroll system so that she could be paid out her accrued, unused leave.

Protestor also suggests that Ms. Jones's limited input into the December 9 Request for Information constitutes "participating in the development of a procurement." Arizona's procurement regulations, however, distinguish between Requests for Information—which are only issued to obtain information "for planning purposes"—and Requests for Proposal—which are solicitations for offerors to submit proposals, or offers, to contract with the State. *Compare* A.A.C. R2-7-G301 ("An agency chief procurement officer may issue a request for information to obtain price, delivery,

technical information or capabilities for planning purposes Responses to a request for information are not offers and cannot be accepted to form a binding contract.” (emphasis added)), *with* A.A.C. R2-7-101(47) (“‘Solicitation’ means . . . a request for proposals . . . or any other invitation or request issued by the purchasing agency to invite a person to submit an offer.”).

Other jurisdictions addressing other procurement regulations confirm that work performed to gather information before actual development of an RFP is not the same as development of the RFP, and is not disqualifying. *See ACS State Healthcare, LLC v. Heineman*, No. 4:08CV3021, 2008 WL 608638, at **1, 6, 5-6 (D. Neb. Feb. 29, 2008) (holding that bidder whose employee was tasked with performing “a limited amount of research at the initial alternatives analysis phase [of RFP]”—essentially “gathering information”—and whose involvement “terminated upon completion of [that phase]” before actual development of the RFP, did not engage in any “disqualifying activities”); *see also Community Action P’ship*, DAB No. 2557, 2014 WL 1496626, at *4 (Ala. Dept. of Health & Human Servs. Appeals Bd. Feb. 4, 2014) (explaining that 45 C.F.R. § 74.43 only disqualifies a bidder “that has drafted or otherwise developed a description of the work to be performed under the contract, *e.g.*, the contract specifications.”).

Both Arizona law and the law from other jurisdictions confirm that Ms. Jones’s limited role in the December 9 RFI and other information-gathering activities do not—and cannot—establish that she had a significant role in the RFP.

Decisively, the Nondisclosure Agreement itself establishes that Ms. Jones did not have a “significant procurement role.” The first page of that document states that “[a] person who holds a Significant Procurement Role as defined by ARS § 41-741 and § 41-2503 for a particular procurement shall sign a statement *before* starting any participation” Procurement Disclosure Statement (Exhibit 2 to Protest) (emphasis added). Protestor also concedes that a nondisclosure agreement must be signed *prior* to significant participation in a procurement. (Protest at 12:6-10.) But here, the Agency did not ask employees to sign the Nondisclosure Agreement until December 1, confirming that in the Agency’s assessment, the development of the procurement had *not* commenced before that date. Furthermore Protestor concedes that Ms. Jones never signed a

Nondisclosure Agreement, establishing that the Agency did not believe that she—or other Steering Committee members who also did not sign the form—had a “significant procurement role.”