

**Judicial Merit Commission – Regular Quarterly Meeting  
Tang Conference Room, Law Library, Third Floor  
101 West Jefferson, East Court Building  
Tuesday, September 9, 2014**

**General Session Meeting Minutes**

The Judicial Merit Commission met on Tuesday, September 9, 2014, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3<sup>rd</sup> Floor.

**I. Meeting Convened**

The meeting was called to order at 2:30 p.m. with the following members in attendance: Commissioners Thomas J. Davis, Craig Waugh (Acting Chair), Logan Young, Anna Baca, and Judith Clinton.

Also in attendance were Danna Quinn, Secretary to the Commission, Jamie Ahler, Employee Relations Administrator, and Billie Berry, Human Resources Associate.

**II. Approval of the Minutes**

Commissioner Waugh called for a motion to approve the minutes of the 3 June 2014 Quarterly General Session.

**Motion: Commissioner Davis moved to approve the minutes of the 3 June 2014 Quarterly General Session, as amended.**

**Commissioner Young seconded the motion.**

**The minutes of the 3 June 2014 Quarterly General Session were unanimously approved.**

**III. Appeals Pending Notification of Status**

Secretary Quinn reported on the matter of *Earnest Turner v. Adult Probation Department*. Mr. Turner was released on May 16, 2014, and filed an appeal of termination on May 21, 2014. The hearing convened on July 1, 2014, and was continued to August 1, 2014. A Settlement Agreement was entered into among the parties on July 10, 2014, and Mr. Turner withdrew his appeal and resigned in lieu of termination.

In the matter of *Sean Davis v. Judicial Branch Security Department*, Secretary Quinn reported that Mr. Davis was released on May 8, 2013. A notice of appeal was forwarded via e-mail from a current Judicial Branch employee on Mr. Davis's behalf to former Human Resources Director, Phillip Hanley, on August 12, 2014, over one year after termination. The employee advised staff he did not send the e-mail and had no knowledge of Mr. Davis's request for appeal. A late notice and denial of appeal was mailed to Mr. Davis's last known address via regular and certified mail, however, both letters were returned to the Court. No further communication was received.

#### **IV. Appeals Pending Hearing/Decision**

Secretary Quinn reported an appeal is pending in the matter of *Williette Famolu v. Juvenile Probation Department*. Ms. Famolu filed an appeal of a one-day suspension on July 7, 2014. The hearing convened before Hearing Officer Stacy Gabriel on August 8, 2014, and was continued to September 12, 2014.

#### **V. Confirmation of Selection of Chairperson**

Commissioner Waugh stated that Commissioner Davis advised Commission members at the June 3, 2014, session that, effectively immediately, he would be stepping down as Chairperson of the Commission. He stated Commissioner Davis also advised that he would serve his term of service as Commissioner through June 30, 2015, but at that time would not seek reappointment to extend his tenure on the Commission.

At the session on June 3, 2014, Commissioner Young nominated Commissioner Waugh to serve as Chairperson to the Commission. Commissioner Waugh stated he would be pleased to accept the nomination as Chairperson but asked that formal action on the issue be deferred until the September 9, 2014 general session in hopes that all Commissioners would be present and able to consider the matter. The Commission agreed to place the official selection of the chairperson on the agenda for the September 9, 2014 general session meeting and that Commissioner Waugh would serve as interim Chairperson until the full Commission was present and a vote was taken.

**Motion: Commissioner Davis moved that the Commission confirm Commissioner Waugh as Chairperson.**

**Commissioner Young seconded the motion.**

**Commissioner Waugh was unanimously selected as Chairperson to the Commission.**

#### **VI. Other Business**

Commissioner Davis raised a question regarding the contract and solicitation procedure for legal counsel to the Commission.

Secretary Quinn stated that she would have to research the details of the current contract but that it appeared the Commission is utilizing a State of Arizona Contract for Outside Counsel, in which case any solicitation of counsel would have to be made using the list included in that contract.

The Commission requested that the Secretary and staff research and clarify prior to the next scheduled meeting whether its current contract for legal representation is with the law firm Dickinson Wright, with Scot L. Claus acting as the primary attorney, or with Mr. Claus individually. The Secretary and staff were also asked to clarify the process for retaining current counsel after the term of the contract for legal services expires, as well as the process the Commission would need to follow to explore different legal representation, in the event they chose to do so.

Discussion ensued regarding the procedure on how counsel will be retained moving forward. Commissioner Waugh inquired as to the Commission's view of present representation and whether there is any interest in offering solicitations to firms to make presentations.

The Commission then moved to Executive Session to discuss the advice of legal counsel.

**VII. Executive Session**

Executive Session convened at 3:02 p.m.

Executive Session ended at 3:17 p.m.

**VIII. Call to the Public**

No one responded to the call to the public.

**IX. Future Agenda Items**

1. Solicitation Process for Counsel to the Commission
2. New Member Solicitation

**X. Meeting Adjournment**

The Chair entertained a motion to adjourn.

**Motion: Commissioner Davis moved to adjourn the meeting. Commissioner Baca seconded the motion, and the Commission approved it unanimously.**

The meeting adjourned at 3:19 p.m.

Respectfully submitted,

  
Billie J. Berry  
Staff to the Commission

For   
Danna M. Quinn  
Secretary to the Commission

**Next Meeting: Tuesday, December 2, 2014 @ 2:15 p.m. in the Tang Conference Room**