

JUDICIAL NOMINATING COMMISSION

Open Session/Public Comment Hearing

March 19, 2009

Minutes

A meeting of the Judicial Nominating Commission was held on March 19, 2009, in open session at 5:15 p.m., at the Department of Administration, Conference Room A on the Second Floor, Providence, Rhode Island, pursuant to the notice of the meeting to all Commissioners and to the public, as required by **RIGL §42-46-6**.

The following Commissioners, constituting a quorum, were present and participated throughout the meeting: Stephen J. Carlotti, Chairperson, Herbert J. Brennan, Valentino Lombardi, Mirlen A. Martinez Mal, William Rampone, D. Faye Sanders, Solomon A. Solomon and C. June Tow.

Commissioner(s) absent: Dennis Coleman.

Also present: Heather Correia, Legal Assistant to the Commission.

Mr. Carlotti presided over the meeting and Ms. Correia acted as recording secretary.

Mr. Carlotti requested that the minutes from the following meetings be approved by the Commission:

February 10, 2009 – Open and Executive Sessions;
March 4, 2009 – Open Session; and
March 5, 2009 – Open and Executive Sessions

Mr. Valentino requested a correction to the February 10, 2009 open session minutes be made to change the number of candidates selected to be interviewed from nine to six. After such correction was made, the minutes for the all of the above meetings were approved. A copy of the open session minutes will be filed with the Rhode Island Secretary of State.

Mr. Carlotti informed the Commission that he met with the state archivist and that Ms. Correia will follow up with him to prepare a record retention policy to be reviewed by the Commission.

Mr. Carlotti proceeded with the public hearing. He gave a brief explanation of the manner in which the meeting would be conducted and introduced each of the nine candidates. He then opened the floor for public comment and requested that everyone keep their remarks to five (5) minutes. The following persons were recognized and heard:

Chief Judge Frank Caprio and Representative Anistasia Williams spoke on behalf of Joseph A. Abbate; Judge Michael Forte spoke on behalf of Patricia K. Asquith.; Judge David Procaccini and Former Attorney General Jeffrey Pine spoke on behalf of David N. Bazar; Dave Maglio and Thomas Underhill spoke on behalf of Karen Lynch Bernard; John Hardiman and Brother Michael Reis spoke on behalf of Lori Jean Giarrusso; Judge Bedrosian and Janice Harrell spoke on behalf of Rossi Harris, Jr.; Judge Capineri spoke on behalf of John E. McCann; Mayor Allan Fung; and Andrea Iannazzi spoke on behalf of Angela M. Paulhas and Judge Guglietta and Kenneth Walker spoke on behalf of Alton Wiley, Jr.

Following the testimonies Mr. Carlotti explained that the Commission would convene for a short time in Executive Session to review materials contained in the background investigations. A motion to retire to the JNC office for this purpose was made at 6:55 p.m., seconded and voted on unanimously.

The executive portion of this meeting shall be closed to the public in accordance with RIGL § 42-46-4 in order to discuss matters allowed to be exempt from discussion at open meetings under subdivision (1) of §42-46-5(a), namely, the “job performance, character, or physical or mental health of a person or persons.”

The Commission reconvened in open session at 7:10 p.m. in Conference Room A. Upon motion made and seconded, members voted unanimously to seal the minutes of the preceding executive session.

Pursuant to RIGL §§42-46-4 and 42-46-5, as permitted under §42-46-7(c) the minutes of the preceding Executive Session shall be kept closed and sealed.

Mr. Carlotti then explained the voting process. The Commission members conducted the voting on written ballots. After the second round of voting, the following five candidates received the required number of votes and their names will be forwarded to Governor Carcieri, in alphabetical order, for his consideration, along with copies of their applications, financial information, background investigative reports and letters of recommendation:

**Joseph A. Abbate
Patricia K. Asquith
David N. Bazar
Karen Lynch Bernard
Rossi Harris, Jr.**

(Copies of the voting records are attached hereto as Exhibit A)

There being no further business in open session, upon motion made and seconded, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Heather Correia
Legal Assistant