

# JUDICIAL NOMINATING COMMISSION

Open Session/Public Comment Hearing

**March 31, 2009**

Minutes

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A meeting of the Judicial Nominating Commission was held on March 31, 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, Dennis Coleman, Valentino Lombardi, Mirlen A. Martinez Mal, William Rampone, D. Faye Sanders, Solomon A. Solomon and C. June Tow.

Commissioner(s) absent: None.

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

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

Mr. Carlotti welcomed the audience and gave a brief explanation of the manner in which the meeting would be conducted and introduced each of the six 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:

Justice Fernanda Duffley, Ron Machtley and Sister Elizabeth McAuliffe spoke on behalf of Justice Goldberg; Henry Lewis spoke in opposition of Justice Goldberg; Judge Centarini, Rep. Al Gemma and Daniel Egan spoke on behalf of Justice Flaherty; Judge Debra DiSegna and Susan Rodriguez spoke on behalf of Justice Suttell; Joseph Cavanaugh, Pat Rocha and J.W. Middendorf spoke on behalf of Justice Robinson; Jon Houston spoke on behalf of Judge Darigan; John Hoban spoke in opposition of Judge Darigan; Meg Curran and Richard Rose spoke on behalf of Robert Corrente; Mike Cryer and Charles Picerno made general statements regarding the candidates; and Keven McKenna objected a vote by the Judicial Nominating Commission stating such a vote is against the Rhode Island Constitution.

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 7:15 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 stated that unless the Commissioners object, the voting process will continue. There were no objections from the Commissioners.

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:

<b>Justice Maureen McKenna Goldberg</b>	<b>6 votes</b>
<b>Justice Francis X. Flaherty</b>	<b>8 votes</b>
<b>Justice Paul A. Suttell</b>	<b>9 votes</b>
<b>Justice William Robinson, III</b>	<b>6 votes</b>
<b>Judge Francis Darigan, Jr.</b>	<b>7 votes</b>

**(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 7:30 p.m.

Respectfully submitted,

Heather Correia  
Legal Assistant