

JUDICIAL NOMINATING COMMISSION

OPEN SESSION

November 9, 2009

Minutes

A meeting of the Judicial Nominating Commission was held on November 9, 2009 at 5:30 p.m., in open session at the Department of Administration, Third Floor Conference Room, 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: Herbert J. Brennan, D.O., Chairperson, Dennis M. Coleman, Mirlen Martinez Mal, D. Faye Sanders, Robert Silva, C. June Tow, Jeffrey M. Grybowski and Norman L. Landroche, Jr.

Commissioner(s) absent: Solomon A. Solomon.

Also present: Eneida Diaz, Legal Assistant to the Commission.

Dr. Brennan presided over the meeting and Ms. Diaz acted as recording secretary.

Dr. Brennan made a motion that the amended minutes of October 5, 2009 be accepted. The motion was seconded and the minutes were accepted as amended.

Dr. Brennan reviewed correspondence he received including a letter from Commissioner Solomon A. Solomon announcing his resignation effective once the Supreme Court candidates are nominated for Suttell's vacancy. A letter from Commissioner Grybowski was reviewed regarding his recusal, "...from all further deliberations and votes regarding the vacancy on the Supreme Court caused by the confirmation of Justice Suttell as Chief Justice." The recusal was as a result of Presiding Justice Gibney's recent indication that, "Superior Court judges with Supreme Court applications pending before the JNC should not preside in matters in which a commissioner or a partner of a commissioner is counsel to a party." Given this recusal, Commissioner Grybowski indicated, "I will not be attending the JNC meetings related to this vacancy (Suttell vacancy) scheduled for November 10 and November 17." Finally, Dr. Brennan briefly discussed public requests for candidate resumes and a letter received from a Rhode Island Citizen by the name Norman Lincoln.

Dr. Brennan then reviewed the policy to be put in place regarding recommendation letters received after the application period close. He indicated those letters would be left clearly marked on the commission office table to ensure that all recommendation letters would be seen by all commissioners.

Dr. Brennan then reminded the commissioners of the Rhode Island Judicial Selection Symposium to be held on Friday, November 13th at Roger Williams University's Bristol campus. Finally, the next commission meeting dates and locations were confirmed.

A motion to go into executive session was made and seconded by the Commission at 5:40 p.m. to discuss the applicants to be interviewed for the Superior Court vacancy (Associate Justice Gibney's vacancy).

This portion of the meeting shall be closed to the public in accordance with RIGL §42-46-4 in order to discuss matters allowed to be exempted 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 returned to open session at 6:52 p.m. A motion was made and seconded to seal the executive session minutes.

The following individuals were selected to be interviewed during the Commission's executive session:

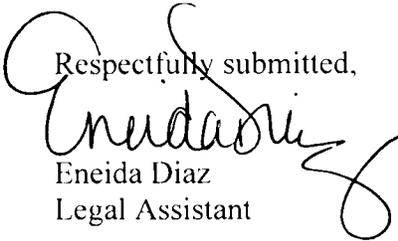
Eva Marie Mancuso, Esq.
Brian Van Couyghen, Esq.
Paul D. Ragosta, Esq.
Albert R. Romano, Esq.
Jeffrey Jay Greer, Esq.
Richard K. Corley, Esq.
J. Patrick Youngs III, Esq.

The interviews were scheduled for December 15th, beginning at 5:15 p.m. and the public comment hearing on December 17, 2009 starting at 5:15 p.m.

Commissioner Tow posed a question to the commission regarding potential snow storms as the winter approaches and what the commission's policy will be regarding the cancellation and/or postponement of JNC meetings. A contingency plan is in process.

There being no further business in open session, upon motion made and seconded, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,


Eneida Diaz
Legal Assistant