

APPLICATION FOR APPOINTMENT TO JUDICIAL OFFICE
YAVAPAI COUNTY - DIVISION 8

APPLICATION INSTRUCTIONS

Note: Canon 4 of the Code of Judicial Conduct applies to candidates for judicial office. See [Ariz. Sup. Ct. R. 81](#), Application.

1. **This application is a public record. As such, all information except that specifically denoted herein as confidential (Section II) is available for public inspection and may be posted on the Governor's website. The Governor's Office will protect the confidentiality of Section II to the greatest extent permitted by law.**
2. Completely answer all questions. If a question does not apply, write "Not applicable" in the space provided. If information is not available, write "Not available" and state the reason(s) the information is not available. Sign the Waiver of Confidentiality and Release of Information Sheet.
3. Questions in the application ask about legal matters you have handled as a lawyer. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential section of this application.
4. You may reveal contact information for any individual in the confidential section of this application.
5. Submit applications by emailing a signed PDF copy to azgovlegal@az.gov.
6. The deadline for applications is **5:00 p.m. on Friday, May 19, 2023**. Applications should be submitted by the stated deadline.

INSTRUCTIONS FOR LETTERS OF REFERENCE AND TELEPHONE CALLS

The Governor's Office welcomes and needs written assessments of the applicants' skills, expertise, ethics, and any other characteristic relevant to an individual's qualifications to be a judge. Many applicants solicit letters of reference. "More" is not necessarily "better." Applicants are encouraged to solicit ten to twelve substantive letters of reference from those with significant experience with and insight into a candidate's professional experience and qualifications. This number provides sufficient insight into the applicant's potential for serving as an outstanding judge.

Letters regarding applicants should be emailed to azgovlega@az.gov by **5:00 p.m. on June 8, 2023**. All letters timely submitted to that address will be considered.

SUMMARY OF THE APPOINTMENT PROCESS

1. **Application Period:** The Governor's Office announces the vacancy. The press release announcing the vacancy provides specific information about the process for the particular vacancy and advises where application forms can be obtained and the deadline for submitting applications.
2. **Application Review:** The Governor's Office reviews all applications received and the results of any investigation conducted by staff and selects applicants to be interviewed.
3. **Notification to Applicants:** Applicants selected for interview are notified by email of the date, time, and location of the interviews. Applicants not selected for interview are notified by email.
4. **Public Notice:** The Governor's Office announces the names of the applicants to be interviewed and invites oral or written public comment regarding their qualifications.
5. **Investigation:** Further investigation of the applicants to be interviewed is conducted. The credit, criminal, and professional discipline histories of the applicants are requested, and the results are reviewed by the Governor's Office. The Governor's Office seeks comments from judges, attorneys, and the community.
6. **Initial Interviews:** Selected applicants will be interviewed by Governor's Office staff in a public session. In fairness to other applicants, an applicant should not attend earlier scheduled interviews of other applicants or otherwise seek out or accept information about the content of such interviews.
7. **Interviews with the Governor and Appointment:** The names of at least two applicants are selected for interviews with the Governor. The Governor will make her appointment following the interview. The appointee will be notified by telephone and letter. Applicants not selected will be notified by email.

**APPLICATION FOR APPOINTMENT TO
JUDICIAL OFFICE**

The Honorable Debra R. Phelan
Yavapai County Superior Court, Division Pro Tem A

**SECTION I: PUBLIC INFORMATION
(QUESTIONS 1 THROUGH 68)**

**PERSONAL INFORMATION AND
CONSTITUTIONAL
QUALIFICATIONS**

1. Full Name:

Debra Rene Phelan

2. Have you ever used or been known by any other name? yes no
If yes, provide prior name(s):

Debra Rene Saunders (maiden name)

3. Office Address:

**Yavapai County Superior Court
120 S. Cortez Street
Division Pro Tem A
Prescott, AZ 86303**

4. How long have you lived in Arizona? What is your home zip code?

Arizona native and lifetime resident. 86305.

5. Identify the county you reside in and the years of your residency.

Yavapai County, 2006 to Present
Maricopa County, 1997 to 2006
Coconino County, 1994 to 1997
Maricopa County, 1975 to 1994

6. Have you been an Arizona resident for the last five years? (Ariz. Const. art. VI, § 22) yes no
7. Have you been a resident of Yavapai County for the last year? (Ariz. Const. art. VI, § 37(D)) yes no
8. Have you been admitted to the practice of law in Arizona for the last five years? (Ariz. Const. art. VI, § 22) yes no
9. If appointed, will you be 30 years old before taking office? (Ariz. Const. art. VI, § 22) yes no
10. List your present and any former political party registrations and approximate dates of each:

Current: Republican

Registration history:

March 2014 to Present – Republican

June 2007 to March 2014 – Democrat

December 2006 to June 2007 – Independent

October 1993 to December 2006 – Republican

11. Gender: **Female**

Race/Ethnicity: **Caucasian**

EDUCATIONAL BACKGROUND

12. List names and locations of all post-secondary schools attended and any degrees received.

Northern Arizona University – August 1994 to May 1997 – *Bachelor of Science*, received May, 1997

Arizona State University College of Law – August 1999 to May 2002 – *Juris Doctor*, received May, 2002

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

Major field of study: ***Criminal Justice***

Minor field of study: ***Psychology***

Extracurricular Activities while at Arizona State University College of Law:

Pro Bono Club – President

CASA (Court Appointed Special Advocate)

Extracurricular Activities while at Northern Arizona University:

Crisis Counselor/Victim Advocate – Coconino County Victim/Witness Program

14. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

Completed Bachelor of Science in three years.

Graduated *Summa Cum Laude*, Northern Arizona University.

Employed at Northern Arizona University Police Department as Campus Safety Aide Supervisor.

Recipient of *Pro Bono Gold Award* for providing over 100 hours of *pro bono* service as a law student, Arizona State University College of Law.

Two-time recipient of *Pedrick Scholar* award for receiving highest grade in class, Arizona State University College of Law.

Selected for prestigious *Legal Intern* position with the *Arizona State Legislature, House Rules Committee*, Arizona State University College of Law.

Selected as *Legal Intern* for *United States District Court, The Honorable Lawrence O. Anderson, Magistrate*, Arizona State University College of Law.

PROFESSIONAL BACKGROUND AND EXPERIENCE

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

State of Arizona, Admitted October, 2002.

16. 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 retake a bar examination in order to be admitted to the bar of any state? **NO**. If so, explain any circumstances that may have hindered your performance.
17. Describe your employment history since completing your undergraduate degree. List your current position first. If you have not been employed continuously since completing your undergraduate degree, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Please also attach a resume.

EMPLOYER	DATES	LOCATION
Yavapai County Superior Court	January, 2019 to present	Prescott, AZ
The Law Office of Debra R. Phelan	October, 2010 to December 2018	Prescott, AZ
The Law Office of Chester B. McLaughlin	2009 to October 2010	Prescott, AZ
Walker & Walker Estate Attorneys	2008 to 2009	Prescott, AZ
The Carman Law Firm	2007 to 2008	Prescott, AZ
BARBRI Bar Review	2001 to 2008	Maricopa County and Yavapai County, AZ
Law School 1999 to 2002		
Maricopa County Attorney's Office	1997 to 1999	Maricopa County

18. List your law partners and associates, if any, within the last five years. You may attach a firm letterhead or other printed list. Applicants who are judges or commissioners should additionally attach a list of judges or commissioners currently on the bench in the court in which they serve.

Partners and Associates Within Last Five Years:

None

Judges Currently on the Bench in the Court in Which I Serve:

- Hon. Michael McGill, Yavapai County Superior Court – Division I
- Hon. John Napper, Yavapai County Superior Court – Division II
- Hon. Tina R. Ainley, Yavapai County Superior Court – Division III
- Hon. Krista M. Carman, Yavapai County Superior Court – Division IV
- Hon. Cele Hancock, Yavapai County Superior Court – Division V
- Hon. Anna C. Young, Yavapai County Superior Court – Division VI
- Hon. Michael R. Bluff, Yavapai County Superior Court – Division VII
- Hon. Linda Wallace, Yavapai County Superior Court – Division Pro Tem B
- Hon. Joseph P. Goldstein, Yavapai County Superior Court – Family Law Commissioner

19. Describe the nature of your law practice over the last five years, listing the major areas of law in which you practiced and the percentage each constituted of your total practice. If you have been a judge or commissioner for the last five years, describe the nature of your law practice before your appointment to the bench.

Nature of Law Practice for Last Five Years Prior to Appointment January 7, 2019 as Judge Pro Tem A:

My practice focused on juvenile and family law. In juvenile matters I handled juvenile dependency, delinquency, termination of parental rights, adoptions and guardianships (60%). In domestic relations, I represented litigants and frequently worked as children's Best Interest Attorney, Family Court Advisor and/or Parent Coordinator (30%). Additionally, I served as court-appointed counsel for wards of the court in guardianship/conservatorship proceedings in probate court (10%).

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

I have also practiced Elder Law, focusing on long-term care planning, estate planning, probate litigation, guardianship/conservatorship matters, and securing public benefits for applicants. I have also engaged in general civil litigation.

21. Identify all areas of specialization for which you have been granted certification by the State Bar of Arizona or a bar organization in any other state.

No areas of specialization.

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

Currently as a Judge Pro Tem for the Superior Court, I regularly compose orders and rulings. As an estate planning attorney, I drafted estate planning documents including wills, trusts and ancillary documents to complete a comprehensive estate plan for clients. As a domestic relations attorney, I drafted dissolution decrees, property settlement agreements and parenting plans. As a Legal Intern for the Arizona House Rules Committee, I performed constitutional analysis on pending legislation and drafted memorandums regarding the constitutionality of proposed legislation. As a Legal Intern for the Arizona Supreme Court, I revised the Foster Care Review Board Administrative Code Manual. Finally, as a Law Clerk with the City of Surprise, Arizona, I assisted in drafting text amendments to the City Code.

23. Have you practiced in adversary proceedings before administrative boards or commissions? **NO**. If so, state:

- a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.
- b. The approximate number of these matters in which you appeared as:

Sole Counsel: Not applicable

Chief Counsel: Not applicable

Associate Counsel: Not applicable.

24. 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: **Approximately 200**

Chief Counsel: 0

Associate Counsel: 0

25. List at least three but no more than five contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, e-mail addresses, 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.

1. P1300JD20140086

Date of Case: December 2015 to September 2017

Counsel Involved:

Lynn Harris	Guardian ad Litem for the Child Email: [REDACTED] Telephone: [REDACTED]
Jeff Zurbriggin	Attorney for the Legal Father Email: [REDACTED] Telephone: [REDACTED]
Ingrid Hughes	Attorney for the Biological Father Email: [REDACTED] Telephone: [REDACTED]
Debra R. Phelan	Attorney for the Grandparents

Substance of Case: It was a privately filed juvenile dependency matter that later became a private termination of parental rights, filed by grandparents.

Significant Issues in the Case: The case involved probate, family law and juvenile law. There were complex jurisdictional issues with two states having probate and child custody proceedings within each state. There was also a legal father and biological father involved; the mother was deceased. Grandparents had the child for years during extensive litigation. My clients eventually amicably settled the case with the biological father after many years of litigation.

2. P1300JD201800003

Date of Case: January 2018 to December 2018

Counsel Involved:

David Knox	Assistant Attorney General *now with Yavapai County Public Defender Email: [REDACTED] Telephone: [REDACTED]
Ingrid Hughes	Guardian ad Litem for the Children Email: [REDACTED] Telephone: (928)554-2634
Amy Young	Attorney for the Father Email: [REDACTED] Telephone: [REDACTED]
Debra R. Phelan	Attorney for the Mother

Substance of Case: It was a juvenile dependency filed by the Arizona

Department of Child Safety, later becoming a termination of parental rights case.

Significant Issues in the Case: Present in the case were issues of domestic violence, substance abuse, sexual abuse and mental health. I was able to assist my client in accepting the termination of her parental rights as an inevitable outcome and assist her in conveying her wishes regarding the best interests of the children to the father of her children as well as to the adoptive parents and the court.

3. P1300DO201800544

Date of Case: June 2018 to December 2018

Counsel Involved:

Bryan Shaw Attorney for Respondent

Email: [REDACTED]

Telephone: [REDACTED]

Debra R. Phelan Attorney for Petitioner

Substance of Case: It was dissolution of a long-term marriage with children.

Significant Issues in the Case: The parties had a contentious relationship, and the children were refusing contact with one parent. Opposing counsel and I were able to negotiate an amicable resolution to the entire case and the parties signed a Consent Decree.

26. Have you represented clients in litigation in Federal or state trial courts? **State trial courts.** If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: 0

State Courts of Record: 390

Municipal/Justice Courts: 0

The approximate percentage of those cases which have been:

Civil: 95%

Criminal: 5%

The approximate number of those cases in which you were:

Sole Counsel: 385

Chief Counsel: 0

Associate Counsel: 5

The approximate percentage of those cases in which:

You wrote and filed a pre-trial, trial, or post-trial motion that wholly or partially disposed of the case (for example, a motion to dismiss, a motion for summary judgment, a motion for judgment as a matter of law, or a motion for new trial) or wrote a response to such a motion: 5%

You argued a motion described above: 5%

You made a contested court appearance (other than as set forth in the above response) 80%

You negotiated a settlement 15%

The court rendered judgment after trial: 5%

A jury rendered a verdict: 0

The number of cases you have taken to trial:

Limited jurisdiction court: 0

Superior court: 21

Federal district court: 0

Jury: 0

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

27. Have you practiced in the Federal or state appellate courts? **NO**. If so, state:

The approximate number of your appeals which have been:

Civil: Not applicable

Criminal: Not applicable

Other: Not applicable

The approximate number of matters in which you appeared:

As counsel of record on the brief: Not applicable

Personally in oral argument: Not applicable

28. Have you served as a judicial law clerk or staff attorney to a court? **YES**. If so, identify the court, judge, and the dates of service and describe your role.

United States District Court, The Honorable Lawrence O. Anderson, August 2001 to December, 2001. I reviewed and responded to inmate 42 U.S. Code §1983 claims.

29. List at least three but no more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts that were not negotiated to settlement. 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 judge or officer before whom the case was heard; (3) the names, e-mail addresses, 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.

1. P1300JD201800054

Date of Case: June 2018 to December 2018

Court in Which Case was Heard: Yavapai County Superior Court, Division VI – *The Honorable Anna C. Young*

Counsel Involved:

David Knox	Assistant Attorney General *now with Yavapai County Public Defender Email: [REDACTED] Telephone: [REDACTED]
Ingrid Hughes	Guardian ad Litem for the Child Email: [REDACTED] Telephone: [REDACTED]
Debra R. Phelan	Attorney for the Father

Substance of Case: The Arizona Department of Child Safety filed a dependency matter and ultimately moved for a termination of parental

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rights.

Significant Issues in the Case: Present in the case were issues of neglect, substance abuse, and mental health. My client contested the dependency, and we took the case to trial on August 6, 2018.

2. P1300JD201700066

Date of Case: July 2017 to December 2017

Court in Which Case was Heard: Yavapai County Superior Court, Division VI – *The Honorable Anna C. Young*

Counsel Involved:

David Knox	Assistant Attorney General *now with Yavapai County Public Defender Email: [REDACTED] Telephone: [REDACTED]
Amy Alexander	Attorney for the Child Email: [REDACTED] Telephone: [REDACTED]
Debra R. Phelan	Attorney for the Mother

Substance of Case: The Arizona Department of Child Safety filed a dependency matter which my client did not contest but objected to the grounds for the dependency.

Significant Issues in the Case: In this case, my client had adopted her niece and nephew from another state through the children being placed in foster care. Following adoption, the children began disliking their adoptive placement, and the Arizona Department of Child Safety eventually took custody when the adoptive parents could no longer control the children. My client objected to the allegations of neglect raised by the Arizona Department of Child Safety. We took the issue of dependency based on abuse and/or neglect as alleged by the State to trial, arguing that the Court should find a dependency based on the parents' inability to meet the children's needs instead of based on abuse and/or neglect, thereby avoiding a finding of abuse and neglect that would cause my client to be placed on the Child Abuse Registry.

3. P1300DO201400272

Date of Case: April 2014 to December 2014

Court in Which Case was Heard: Yavapai County Superior Court, Division

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V – *The Honorable Cele Hancock*

Counsel Involved:

Bryan Shaw Attorney for Respondent

Email: [REDACTED]

Telephone: [REDACTED]

Debra R. Phelan Attorney for Petitioner

Substance of Case: This case was a Dissolution of Non-Covenant Marriage with Minor Children.

Significant Issues in the Case: The parties shared three minor children and were unable to resolve the issues of parenting time, legal decision-making, spousal maintenance, child support and distribution of the parties' property and debts. The parties proceeded to trial on all issues.

30. 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 was appointed as the Yavapai County Superior Court Pro Tem A Judge on November 21, 2018. I began my term January 7, 2019 assigned to the Verde Valley Judicial District. In that role I was assigned a caseload of approximately 400-450 cases.

My Verde Valley Judicial District assignment included:

Domestic Relations: All domestic relations matters, excluding IV-D cases. The cases included newly filed Petitions for Annulment/Legal Separation/Dissolution/Establishment of Paternity, Legal Decision-Making, Parenting Time and/or Child Support, any modifications and enforcement actions. I also handled all emergency requests for temporary orders. I regularly conducted bench trials, evidentiary hearings and judicial settlement conferences.

Protective Orders: I handled Orders of Protection and Injunctions Against Harassment, both the ex-parte and return hearings.

Civil: My civil assignment included all civil matters ranging from forcible entry and detainer actions/evictions, real property litigation to medical malpractice cases, including issuing emergency injunctions and restraining orders, excluding sexually violent persons cases. My civil calendar included jury trials, bench trials, evidentiary hearings, judicial settlement conferences and discovery disputes.

Probate: I handled all probate matters in the Verde Valley Judicial District, including all emergency probate requests as well as guardianships of minor children, trust and probate litigation and adjudicating formal probate proceedings.

Juvenile: I was assigned all privately filed termination of parental rights cases in the Verde Valley Judicial District as well as juvenile requests to terminate pregnancy. I also served as the back-up judicial officer for the Yavapai County Presiding Juvenile Court Judge in all adoptions or in any dependency, delinquency or private termination of parental rights for which the Presiding Juvenile Court Judge recused herself, or on which a party filed a Notice of Change of Judge. My juvenile caseload included:

Juvenile Dependency: I handled juvenile dependency matters as needed. I also served as a visiting judge in other counties to hear juvenile dependency cases.

Juvenile Delinquency/Criminal: I was assigned all Verde Valley Judicial District juvenile delinquency cases, juvenile Adolescent Recovery Court hearings and Juvenile Healthy Boundaries Court hearings. In the delinquency assignment, I regularly conducted initial appearances (advisory hearings), case management conferences, changes of plea (admissions), bench trials (contested adjudications) and dispositions (sentencings). I also heard any pre-trial matters such as suppression hearings or motions to dismiss.

Other: I was assigned all fee deferral and/or waiver requests in the Verde Valley Judicial District. Additionally, I frequently handled search warrants and search warrant returns for law enforcement.

I moved to the Prescott Judicial District in July of 2020 where I carried a mixed calendar of domestic relations, probate, and criminal therapeutic courts for the Prescott and Verde Valley Judicial Districts. In September of 2020, I was assigned the adult criminal trial calendar. I remain in that assignment today. I carry a caseload of approximately 300-350 adult felony cases.

My assignment includes:

Jury Trials: I have conducted 44 jury trials to date, 42 of which have occurred since being assigned on the criminal trial calendar beginning in September of 2020. That is 42 jury trials in two and a half years. Jury trial work includes handling all pretrial litigation, jury selection, ruling on evidentiary issues during trial, post-trial litigation and sentencing.

Post-Conviction Relief (PCR): I handle requests for post-conviction relief, restoration of rights, petitions to set-aside, petition to expunge, petitions to seal court records, and petitions to designate offenses.

Other Criminal Hearings: I have covered for other criminal divisions and conducted Grand Jury Returns, probation violation hearings, bail eligibility hearings, initial appearances, arraignments, probation disposition hearings, criminal settlement conferences.

Therapeutic Courts: I have handled all therapeutic courts in Yavapai County, including Drug and DUI Court (Recovery Court), Mental-Health Court, and Veteran's Court. I have also covered Project S.A.F.E. (Swift, Accountable & Fair Enforcement) court as needed.

Lower Court Appeals: I am assigned 20% of both civil and criminal appeals from the lower courts.

Other Matters: I continue to handle juvenile dependency and delinquency matters as needed for the Presiding Juvenile Judge. I also frequently cover hearings and matters for other divisions, including grand jury returns, domestic relations hearings and settlement conferences, civil settlement conferences, emergency requests for guardianships and/or conservatorships, injunctions against harassment and petitions for orders of protection.

Administrative Duties: As a full-time Judge Pro Tem, I have a staff consisting of a bailiff and judicial assistant. I am responsible for administrative duties for my division.

31. List at least three but no 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, e-mail addresses, 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.

1. V1300GC201880019

Date of Case: January, 2019 to May, 2019

Court in Which Case was Heard: Yavapai County Superior Court, Division Pro Tem A – *The Honorable Debra R. Phelan*

Counsel Involved:

Jeffrey Sparks Attorney for the Grandparents

Email: [REDACTED]

Telephone: [REDACTED]

Lillian Harris Attorney for the Grandmother

Email: [REDACTED]

Telephone: [REDACTED]

Substance of Case: This matter was a Title 14 guardianship of a juvenile which later also added a 3rd party grandparent visitation/domestic relations case.

Significant Issues in the Case: UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) analysis was required in this case and there were three cases regarding the same child in Yavapai County, with an additional case in the State of Colorado. My division assumed the case when the case was convoluted and needed procedural corrections. I addressed all three cases, conducted UCCJEA conferences, and ultimately dismissed the matters as I determined Colorado had jurisdiction over the child.

2. V1300CR201680690

Date of Trial: July 2021

Court in Which Case was Heard: Yavapai County Superior Court, Division Pro Tem A – *The Honorable Debra R. Phelan*

Counsel Involved:

Casi Harris Deputy County Attorney

Email: [REDACTED]

Telephone: [REDACTED]

Tony Gonzales Attorney for Defendant

Email: [REDACTED]

Telephone: [REDACTED]

Substance of Case: This matter was a prosecution for charges of drug offenses, voyeurism, and sexual exploitation of minor children.

Significant Issues in the Case: The indictment charged 35 separate crimes. At trial, Defendant, who was out of custody at the time, did not appear and had not had contact with his attorney for a lengthy period of time. Ensuring the trial was fair for a non-appearing person accused of the crime was critical.

3. P1300CR201600476

Date of Trial: March 2022

Court in Which Case was Heard: Yavapai County Superior Court, Division Pro Tem A – *The Honorable Debra R. Phelan*

Counsel Involved:

Ethan Wolfinger Deputy County Attorney

Email: [REDACTED]

Telephone: [REDACTED]

Tyrone Mitchell Attorney for Defendant

Email: [REDACTED]

Telephone: [REDACTED]

Substance of Case: This was a prosecution for murder, trafficking in stolen property, theft, and taking the identity of another. The indictment charged twenty-four separate offenses.

Significant Issues in the Case: This was a “cold case” prosecution lasting three weeks. The murder was committed in 2007, but the victim’s remains were not discovered until 2016. The case first proceeded to trial in 2020 but did not move to completion, ending in a mistrial during the presentation of the State’s case. By the time it proceeded to trial in 2022, the case had new attorneys on both sides and many pretrial rulings from past years and the prior trial court.

The evidence was extensive with over twenty witnesses including law enforcement witnesses from local agencies as well as agencies from two other states, civilian witnesses, a medical examiner, two forensic anthropologists, and a forensic scientist who specialized in handwriting analysis.

4. P1300CR202001399

Date of Trial: October 2022

Court in Which Case was Heard: Yavapai County Superior Court, Division Pro Tem A – *The Honorable Debra R. Phelan*

Counsel Involved:

Kristen Sharifi	Deputy County Attorney Email: [REDACTED] Telephone [REDACTED]
Chris Michalsky	Deputy County Attorney Email: [REDACTED] Telephone: [REDACTED]
Matthew Cochran	Attorney for Defendant Email: [REDACTED] Telephone [REDACTED]

Substance of Case: This case was a prosecution for two counts of second-degree murder for defendant driving while impaired and killing two young children.

Significant Issues in the Case: This case was highly emotional for all parties involved. Ensuring all parties received a fair trial, and a sentence based on reason and analysis, free from emotion, was imperative.

32. Describe any additional professional experience you would like to bring to the Governor's attention.

Several components of my professional experience set me apart as a judicial officer and candidate for Division 8 of Yavapai County Superior Court.

I have worked at all levels of government, including city, county, state, and the federal district court. My experience as an attorney was in all three branches of government as well as private practice. I have worked with many governmental agencies, including extensive work with the Arizona Department of Child Safety ("DCS"), the Arizona Department of Economic Security ("DES"), and the Arizona and U.S. Department of Veterans' Affairs.

My professional experience has focused on working with people struggling with mental illness, drug addiction, and childhood trauma. My work in the field of domestic violence, addiction and recovery, and public benefits gives me unique knowledge on the issues members of the community are facing when they appear before me.

I have been performing the job of a full-time judge in Yavapai County Superior Court for four and a half years. This experience creates a

demonstrated track-record upon which Governor Hobbs can rely in appointing me to Division 8. I am highly qualified for the position of Division 8 Judge.

My work ethic is exceptionally strong as is my deep commitment to public service. I am always mindful that inefficiency in the work I perform results in wasteful use of taxpayer resources. Therefore, my dedication to the taxpayers and citizens of Yavapai County is to always be a prudent steward of those resources.

BUSINESS AND FINANCIAL INFORMATION

33. 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 17? **NO**. If so, give details, including dates.
34. Are you now an officer, director, majority stockholder, managing member, 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.
- Do you intend to resign such positions and withdraw from any participation in the management of any such enterprises if you are appointed? **Not applicable**. If not, explain your decision.
35. Have you filed your state and federal income tax returns for all years you were legally required to file them? **YES**. If not, explain.
36. Have you paid all state, federal and local taxes when due? **YES**. If not, explain.
37. Are there currently any judgments or tax liens outstanding against you? **NO**. If so, explain.
38. Have you ever violated a court order addressing your personal conduct, such as orders of protection, or for payment of child or spousal support? **NO**. If so, explain.
39. Have you ever been a party to a lawsuit, including an administrative agency matter but excluding divorce? **NO**. If so, identify the nature of the case, your role, the court, and the ultimate disposition.
40. Have you ever filed for bankruptcy protection on your own behalf or for an organization in which you held a majority ownership interest? **NO**. If so, explain.

41. Do you have any financial interests including investments, which might conflict with the performance of your judicial duties? **NO**. If so, explain.

CONDUCT AND ETHICS

42. Have you ever been terminated, asked to resign, expelled, or suspended from employment or any post-secondary school or course of learning due to allegations of dishonesty, plagiarism, cheating, or any other “cause” that might reflect in any way on your integrity? **NO**. If so, provide details.
43. Have you ever been arrested for, charged with, and/or convicted of any felony, misdemeanor, or Uniform Code of Military Justice violation? **NO**.
- If so, identify the nature of the offense, the court, the presiding judicial officer, and the ultimate disposition.
44. If you performed military service, please indicate the date and type of discharge. **Not applicable**. If other than honorable discharge, explain.
45. List and describe any matter (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) in which you were accused of wrongdoing concerning your law practice. **NONE**.
46. List and describe any litigation initiated against you based on allegations of misconduct other than any listed in your answer to question 45. **NONE**.
47. List and describe any sanctions imposed upon you by any court. **NONE**.
48. Have you received a notice of formal charges, cautionary letter, private admonition, referral to a diversionary program, or any other conditional sanction from the Commission on Judicial Conduct, the State Bar, or any other disciplinary body in any jurisdiction? **NO**. If so, in each case, state in detail the circumstances and the outcome.
49. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by federal or state law? **NO**. If your answer is “Yes,” explain in detail.
50. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended, terminated or asked to resign by an employer, regulatory or investigative agency? **NO**. If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) and contact information of any persons who took such action, and the background and resolution of such action.

51. 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 and contact information 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.
52. 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 the circumstances of the litigation, including the background and resolution of the case, and provide the dates litigation was commenced and concluded, and the name(s) and contact information of the parties,

PROFESSIONAL AND PUBLIC SERVICE

53. Have you published or authored any legal or non-legal books or articles (including online and including under a pen name or pseudonym)? **YES**. If so, list with the citations and dates of publication.

Publication: Intimate Partner Violence Fatality Review Report – *CIDVC Newsletter*, February 2022. I drafted an overview of the Intimate Partner Violence Fatality Review for the CIDVC newsletter which is published by the Arizona Office of the Courts and sent to all judicial officers in the state.

54. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? **YES**. If not, explain.
55. 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.

“Divorce 101,” Yavapai County Superior Court – from March, 2019 through March, 2020. Divorce 101 is a monthly program that is being offered for the first time in the Verde Valley Judicial District based on my interest to provide the program to the citizens residing in the Verde Valley Judicial District. I joined the monthly program held in my courtroom in conjunction with Court Administration, the Clerk’s Office and local attorneys. We provided an overview of the Divorce/Dissolution process.

“Law Talk,” Yavapai County Superior Court – from March, 2019 through February, 2021. Law Talk is a program I developed in March 2019. Local victim-advocacy groups and other social-service providers came to my courtroom during the lunch hour where I provided information regarding legal topics in which they had an interest.

“AzPOINT (protective order process): What Practitioners Need to Know,” Yavapai County Bar Association, January, 2020, Organizer and Co-Presenter with The Honorable Cele Hancock, Joseph P. Goldstein and Krista M. Carman.

“Third Party Custody,” Verde Valley Bar Association, February, 2019.

“Family Law: The Nuts and Bolts,” Yavapai Family Advocacy Center, May, 2018, Co-Presenter.

“Parent Representation in Dependency Matters,” Arizona Supreme Court – from 2014 through present. Since 2014, I have been a regular presenter at the Arizona Supreme Court New Dependency Attorney Training, teaching a class on Parent Representation. I have presented in Maricopa, Yavapai, and Coconino Counties and continue to do so even after my appointment to the bench.

“Yavapai County Juvenile Court Orientation for Dependent Youth (CODY),” Yavapai County Juvenile Court – from 2015 to 2016. I provided information to attendees regarding the dependency process and parent involvement in court proceedings.

“Parent Education: The Legal Process,” Yavapai County Superior Court - from 2016 to 2017. I instructed attendees on the legal process of divorce/custody proceedings.

“Long Term Care Planning and Public Benefits,” Northern Arizona Council of Governments (NACOG), 2010.

“Arizona Long Term Care Qualification and VA Benefits—How They Overlap,” Northern Arizona VA Mental Health Department, 2010.

56. List memberships and activities in professional organizations, including offices held and dates.

Daughters of the American Revolution	Member
Yavapai County Bar Association	Member
Arizona Women’s Lawyer’s Association	Member
Republican Women of Prescott	Member
Taylor Hicks Elementary School PTA	President, 2011 to 2012
Taylor Hicks Elementary School PTA	Secretary, 2010 to 2011
The Cottages at Lakeside HOA	President, 2008 to 2012

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.**

Committee on the Impact of Domestic Violence and the Courts (CIDVC), Committee Member. 2019 to present. Appointed by Chief Justice Scott Bales July, 2019. Currently Chair of the Lethality Work Group.

Committee on Probation Education (COPE), Committee Member. 2021 to present. Appointed by Chief Justice Robert Brutinel, December, 2021.

Arizona High School Mock Trial Regional Coordinator, The Arizona Bar Foundation for Legal Services & Education. 2015 to 2018.

Arizona High School Mock Trial Regional Co-Coordinator. The Arizona Bar Foundation for Legal Services & Education. Presently serve as Co-Coordinator.

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.

Yavapai Family Advocacy Center, Contract Attorney, 2017-2018. I was a contract attorney with the Yavapai Family Advocacy Center and provided free or low-cost legal representation in domestic relations court to victims receiving services through the Yavapai Family Advocacy Center.

Pro Bono Attorney, 2006-2018. As a substantive part of my practice, I regularly provided pro bono representation to clients in juvenile court, domestic relations court, and guardianship/conservatorship proceedings. I received the 2017 Top Pro Bono Attorney award from the State Bar of Arizona for my commitment to providing regular pro bono service throughout my legal career.

Pro Bono Club, ASU College of Law, 1999-2002. Served as President from 2000-2002. Received the Pro Bono Gold Award in 2002 for completing over 100 hours of pro bono work as a law student.

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

Committee on the Impact of Domestic Violence and the Courts (CIDVC), Committee Member. 2019 to present. I serve on the general committee as well as chair of the Lethality Work Group.

Committee on Probation Education (COPE), Committee Member. 2021 to present. I serve on the general committee.

Arizona High School Mock Trial Regional Coordinator, Arizona Foundation for Legal Services and Education. 2015 to 2018. I was unable to serve as Regional Coordinator in 2019 during my first year as a judicial officer but did volunteer as a practice judge for one of the local teams.

Arizona High School Mock Trial Regional Co-Coordinator, Arizona Foundation for Legal Services and Education. Presently serving.

Yavapai CASA for Kids Foundation, Board Member, from 2015 to December, 2018. Assisted in fund raising for children in foster care. I administered the Gift Card Program, resigning only due to my appointment as a Superior Court Judge in early January, 2019.

Character Counts Instructor, Taylor Hicks Elementary School, from 2008 to 2013. Taught monthly lessons on “The Pillars of Character,” a program used by the elementary schools for character building. I specifically developed a “mock trial” civics lesson, having the children act out a courtroom trial experience in elementary school.

PTA President, Taylor Hicks Elementary School. 2013 to 2014.

PTA Secretary, Taylor Hicks Elementary School. 2012 to 2013.

PTA Luncheon Coordinator, Taylor Hicks Elementary School. 2012 to 2015. Coordinated quarterly teacher-appreciation luncheons for the school, which became monthly from 2016 to 2017.

The Cottages at Lakeside HOA, President. 2009 to 2012. Resigned only when moving from the neighborhood to a different area of the city.

Boy Scouts of America, Den Leader. 2010 to 2013. Led weekly den meetings and volunteered each summer at Cub Scout Day Camp for local cub scout participates.

Court Appointed Special Advocate (CASA), Volunteer CASA. 2000-2001. Served as a CASA in Maricopa County Juvenile Court as a law student.

Parents of Murdered Children, Victim Representative, Maricopa County Attorney’s Office. 1997-1999. Attended monthly support meetings as a representative of the Maricopa County Attorney’s Office to offer victim assistance.

Kids in Court, Coordinator, Maricopa County Attorney's Office. 1997 to 1999. Coordinated the *Kids in Court* program—a program designed to prepare children victims of crime to testify in court trials.

Crime Scene Crisis Counselor, Coconino County Victim/Witness Program. 1995 to 1997. Provided crisis counseling at crime scenes to victims, witnesses, and their families.

Campus Republicans, Northern Arizona University, Volunteer. 1994 to 1995. Assisted students in registering to vote.

Church Volunteer - I have been an active volunteer in my church for my lifetime—so much so that I cannot list all the volunteer work I have performed for my church and local community. Currently I serve as a regional leader for the women in the Prescott area. I conduct training for local congregations and speak at meetings frequently. I also play the organ for our weekly service, lead the music, and sing in the choir. Previously, I lead the children in singing and teaching them through song (2018 to 2020). I have also served as the President of the youth programs, overseeing all the activities of the children's religious programs (2011 to 2013). I have been the secretary for the women's religious programs (2014 to 2016) and began thereafter serving as the President of my congregation's women's religious programs from 2017 to 2018. In my church service, I have visited the sick, taken meals into families in need, delivered food boxes, cleaned houses, assisted in organizing funeral services, and spent countless hours visiting families and children in need of counsel and comfort.

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

The Honorable Jack L. Ogg Award – Yavapai County Bar Association – received in 2020 for promoting a positive image of lawyers to the general public through exemplary community service in activities outside of the legal profession.

Top Pro Bono Attorney – Arizona State Bar Association – received June, 2017.

Pro Bono Gold Award – Arizona State University College of Law – Received May, 2002 for completing over 100 hours of pro bono service as a law student.

Legal Intern, Arizona House of Representatives. January to May, 2002. Selected for highly competitive legal internship in the Arizona House Rules Committee.

Pedrick Scholar Award - Arizona State University College of Law. 2001 and 2002. Two-time recipient for top grade in Employment Law and Immigration Law courses.

59. List any elected or appointed public offices you have held and/or for which you have been a candidate, and the dates.

Yavapai County Superior Court Judge – Pro Tem A – began serving January 7, 2019.

Have you ever been removed or resigned from office before your term expired? **NO**. If so, explain.

Have you voted in all general elections held during the last 10 years? **YES**. If not, explain.

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

I am passionate about supporting healthy children and families in my community. I spend my free time and talents working with local schools, religious organizations, and community service agencies to better the lives of the children and families. I am also active in addiction prevention and recovery work in my community, speaking to youth groups regarding those issues.

I am a dedicated wife and mother and believe in supporting families in succeeding and flourishing.

Additionally, I am a devoted, active member of my faith. My religious convictions fuel my commitment to be honest, act with integrity, and to treat all people with decency, dignity and respect.

I also have a passion for American history and am a member of Daughters of the American Revolution (DAR).

I am an active runner, completing the Whiskey Row 10k in Prescott, Arizona in 1997, the half-marathon in 2013, and the full marathon in 2017. I enjoy running in our beautiful state and have completed races throughout Arizona.

HEALTH

61. Are you physically and mentally able to perform the essential duties of a judge with or without a reasonable accommodation in the court for which you are applying?
YES.

ADDITIONAL INFORMATION

62. The Governor seeks to consider the diversity of the county's population in making her appointment. Provide any information about yourself (your heritage, background, life experiences, etc.) that may be relevant to this consideration.

First, I am an Arizona Native. Born and raised in Maricopa County, I grew up in the west valley, moving to Flagstaff to receive my Bachelor's Degree from Northern Arizona University. I then returned to the valley and received my law degree from Arizona State University. I now reside in Prescott, Arizona. I have lived my entire life within the State of Arizona. I love Arizona.

Second, my heritage traces back to Thomas Jefferson, something that has driven my lifelong interest in the law, government, the principles of justice, and protecting the constitution. My membership in Daughters of the American Revolution has significant meaning to me and is something I hold as an honor.

Third, my deep commitment to public service has been life-long. My law career has been dedicated to protecting those who cannot protect themselves. My professional career has focused on families, children, the elderly, those struggling with poverty, substance abuse, domestic violence issues, mental illness, neglect and abuse. I have spent my time and energy beginning in college and continuing through today, serving members of the public most in need of assistance.

Fourth, I conduct my personal and professional life in a manner that is complimentary of serving as an elected official. I do not participate in any form of social media. I do not involve myself in any activities which could in any way be interpreted as improper of a public servant. I do not take part in any activities that are affiliated with extremist viewpoints, nor do I personally take positions on any polarizing issues. I am always guarded in my activities and social engagements and conduct myself in a dignified manner to avoid even the appearance of impropriety in any circumstance.

Lastly, my life experiences and professional background have given me the steadiness, commitment, integrity, and fortitude to make an outstanding

elected judge. My legal work has been focused on public service. This has given me insight into the issues we see on a day-to-day basis as judicial officers. I have the qualifications, experience, temperament, knowledge, and humility to serve the community well.

63. Provide any additional information relative to your qualifications you would like to bring to the Governor's attention.

In considering whether to appoint me as the Division 8 Judge in Yavapai County, I encourage Governor Hobbs to look at my job performance since being appointed as Yavapai County Superior Court Pro Tem A in January, 2019. I have managed a heavy caseload with a demanding schedule and diverse calendar. I have handled it well—taking cases to adjudication quickly and using court resources efficiently. I am the first Judge to facilitate Divorce 101 in the Verde Valley Judicial District and the only judge to create a program to educate local social workers and advocacy groups on the law so that they could, in turn, more effectively serve the local community with better access to justice. I have spent my time in the years I have been serving as Judge Pro Tem A working—and working hard. My character and work ethic are clear through my work as an attorney, currently as Judge Pro Tem A, and I will continue to demonstrate my earnest commitment to serving the public as a dedicated judicial officer if I am selected for the permanent position of Division 8 Judge of the Yavapai County Superior Court.

Furthermore, I offer for Governor Hobbs' consideration my accomplishments as I have served as Judge Pro Tem A. In addition to managing my incredibly challenging judicial assignment, one of the first things I did upon beginning my position was to work on revising the self-service domestic relations forms used in our county. Shortly thereafter I initiated the Law Talk program and began facilitating Divorce 101 regularly in my courtroom in March of 2019. I sought appointment on The Committee on the Impact of Domestic Violence and the Courts (CIDVC), attending meetings regularly, bringing my experience and knowledge to work on domestic violence issues. In my juvenile assignment, after having several cases involving juvenile children on probation with both the Yavapai Apache Nation as well as Yavapai County, I contacted tribal officials and juvenile probation and requested to have a meeting to improve communication and collaboration between Yavapai County and the Yavapai Apache Nation. I attended several meetings with leaders from Yavapai County Juvenile Probation and the Yavapai Apache Nation to further this goal. I organized and created a presentation on AzPOINT so that our domestic relations judges could educate our local practitioners on the new changes that began January 1, 2020 to protective orders in Arizona. I also volunteered to speak at the Verde Valley Bar Meeting to connect with the judicial district in which

I am assigned. Recently, as the court grappled with the challenges of COVID-19 and the impact it had on our ability to conduct proceedings, I worked on several committees to assist in continuing court hearings through the restrictions placed on our ability to conduct court proceedings.

My service to the legal community for the last four and a half years has not just been within Yavapai County. I have continued to teach Parent Representation for the Arizona Supreme Court, traveling to Coconino and Maricopa County, despite my demanding court calendar on the bench. I have served as an out-of-county/visiting judge in other counties on juvenile matters, something that is not required but for which I was willing to do. I have fostered relationships with judges throughout the state, always seeking to improve myself as a judicial officer in my own courtroom.

I have gone about these endeavors, all of them, quietly, modestly, and with gratitude. To be afforded the privilege of combining my love of the law with my commitment to public service, and to be able to put those passions to work in directly improving the lives of the citizens of Arizona through the legal process, is something for which I have sincere appreciation.

Finally, I offer to Governor Hobbs my vast experience as a candidate for Division 8. I have been doing the work of a full-time Judge Pro Tem for four and a half years. I have handled every kind of hearing and proceeding as a Judge Pro Tem. I have conducted 44 jury trials as a judge, 42 of which occurred in the last two and a half years on the adult criminal trial bench. I work very hard. I have a proven track record of being professional, prepared, and fair. I can do the job of an elected Division 8 Judge. Governor Hobbs can be confident in my abilities.

64. If selected for this position, do you intend to serve a full term and would you accept rotation to benches outside your areas of practice or interest and accept assignment to any court location? **YES**. If not, explain.
65. Attach a brief statement explaining why you are seeking this position.

I am seeking the position of Division 8 of the Yavapai County Superior Court for several reasons. First, the job of Superior Court Judge is the most challenging, rewarding, and satisfying job I have ever had. Judge Pro Tem is, by definition, a temporary position, lasting only "for the time being." My desire is to be a Division Judge so that I can have the ability to see my work on the bench continuing for more than what is allotted through the fiscal calendar every year.

My history reflects that I do far more than the minimum required of any responsibility I am given. In the four and a half years I have served as a

Judge Pro Tem, I have gone above and beyond what is required of a judicial officer. I believe I could do even more as a Division Judge.

I also believe the members of our community need to have confidence in their elected officials. I am seeking to fill the role of an elected judge to ensure that confidence.

In short, I am seeking appointment for Division 8 of the Yavapai County Superior Court so that I may continue, and increase, my ability to serve the community as an elected Superior Court Judge in Yavapai County.

66. Attach two professional writing samples, which you personally drafted (e.g., brief or motion). **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing samples. 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 pursuant to a public records request.
67. 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. **Each writing sample should be no more than five pages in length, double-spaced.** 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 pursuant to a public records request.
68. 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 three performance reviews. **Not applicable.**

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(CONFIDENTIAL INFORMATION) ON NEW PAGE --**