


Withey, David

From: Bales, Scott
Sent: Wednesday, September 12, 2018 8:27 PM
To: Justices; Judicial Assistants; Judicial Law Clerks; Schaffert, Judy; Johnson, Janet; Byers, Dave; Baumstark, Mike
Subject: Confidentiality of Court Matters

Many of you have likely seen an op-ed in today's Arizona Republic by Laurie Roberts stating that the Governor received non-public information about the Court's disposition of one of the recent ballot measure cases. Her column specifically states that Daniel Scarpinato, a spokesman for the Governor's campaign, said he heard a rumor about the breakdown of the Court's vote, which he in turn shared with a reporter.

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At the least, this event is a reminder that we all need to be diligent in preserving the confidentiality of court matters (and to remind those whom we supervise regarding the same). If you have information about any disclosure of non-public information, I also ask that you report it to me.

Scott Bales
Chief Justice
Arizona Supreme Court



Bales, Scott

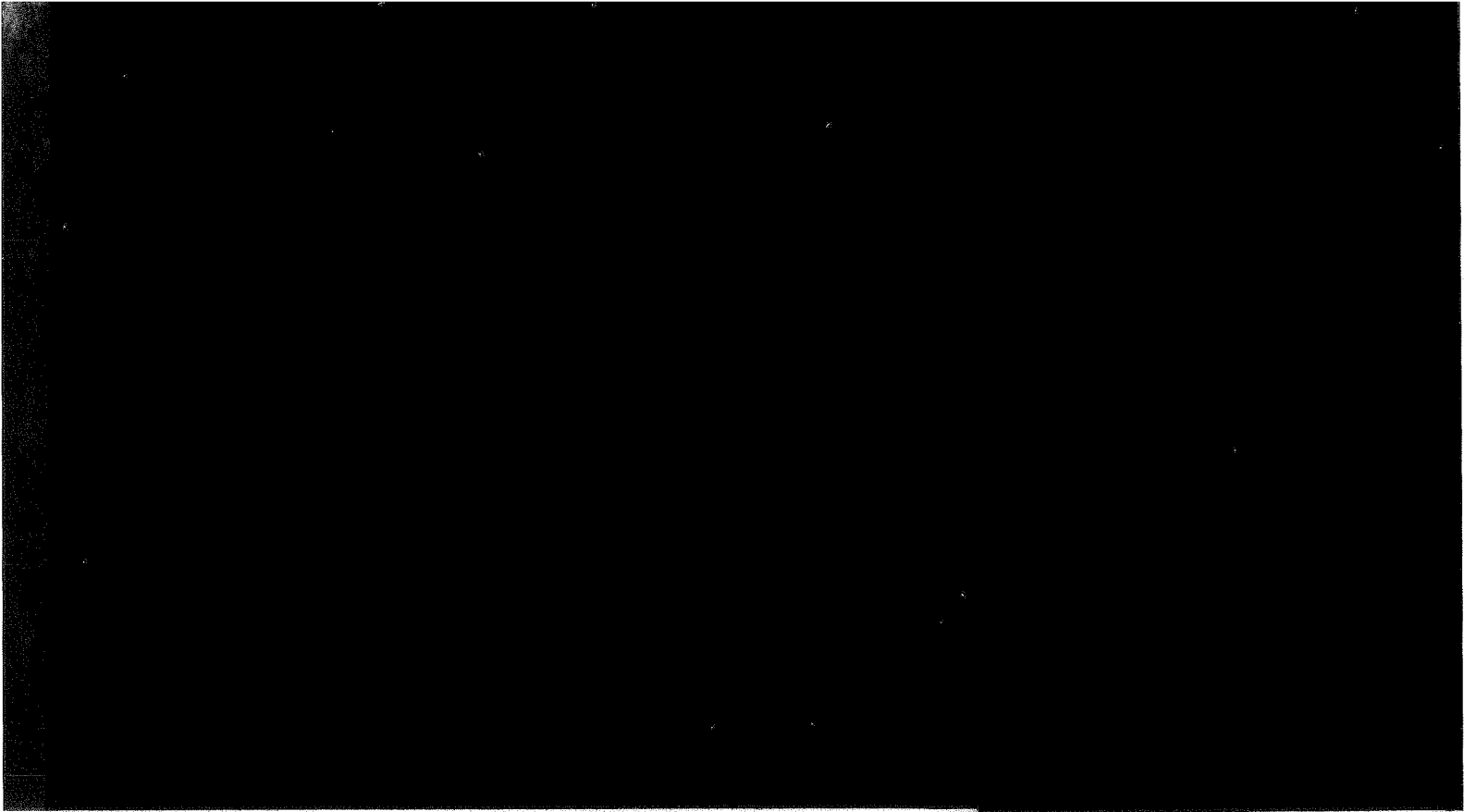
From: Bolick, Clint
Sent: Thursday, September 13, 2018 7:56 AM
To: Bales, Scott
Subject: RE: Laurie Roberts Article

Scott, so that you know, it was Jonathan Paton who called me, not about the case but about my retention, and in that context told me he was told the vote breakdown by a very reliable source. The only folks who knew the vote breakdown from me were my clerks, who are not politically connected, and then Janet who I told after I heard the news from Ann.

From: Bales, Scott
Sent: Thursday, September 13, 2018 7:17 AM
To: Pelander, [REDACTED]; Bolick, Clint [REDACTED]
Cc: Justices <[REDACTED]>
Subject: RE: Laurie Roberts Article

Needless to say, people should be careful in their external communications not to give credence to the rumor and to avoid contacts with anyone involved in the still pending case.





Bales, Scott

From: Lopez IV, John R.
Sent: Thursday, September 13, 2018 8:52 AM
To: Timmer, Ann; Bales, Scott
Cc: Pelander, John; Bolick, Clint; Justices
Subject: RE: Laurie Roberts Article

I also checked with my JA and clerk (the other one arrived after Labor Day) and they don't have any information.

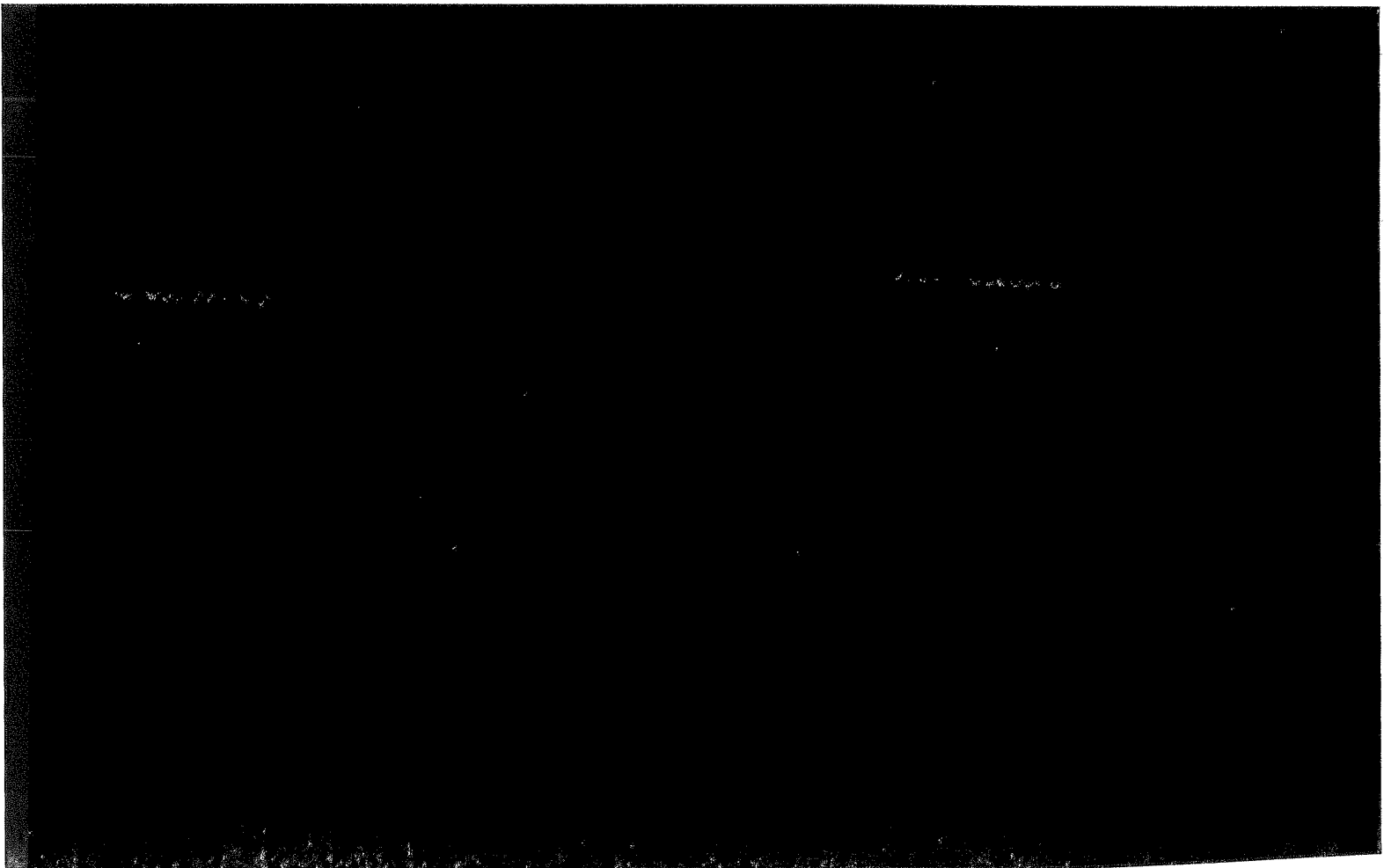
From: Timmer, Ann
Sent: Thursday, September 13, 2018 8:49 AM
To: Bales, Scott [REDACTED]
Cc: Pelander, John [REDACTED]; Bolick, Clint [REDACTED]; Justices [REDACTED]
Subject: Re: Laurie Roberts Article

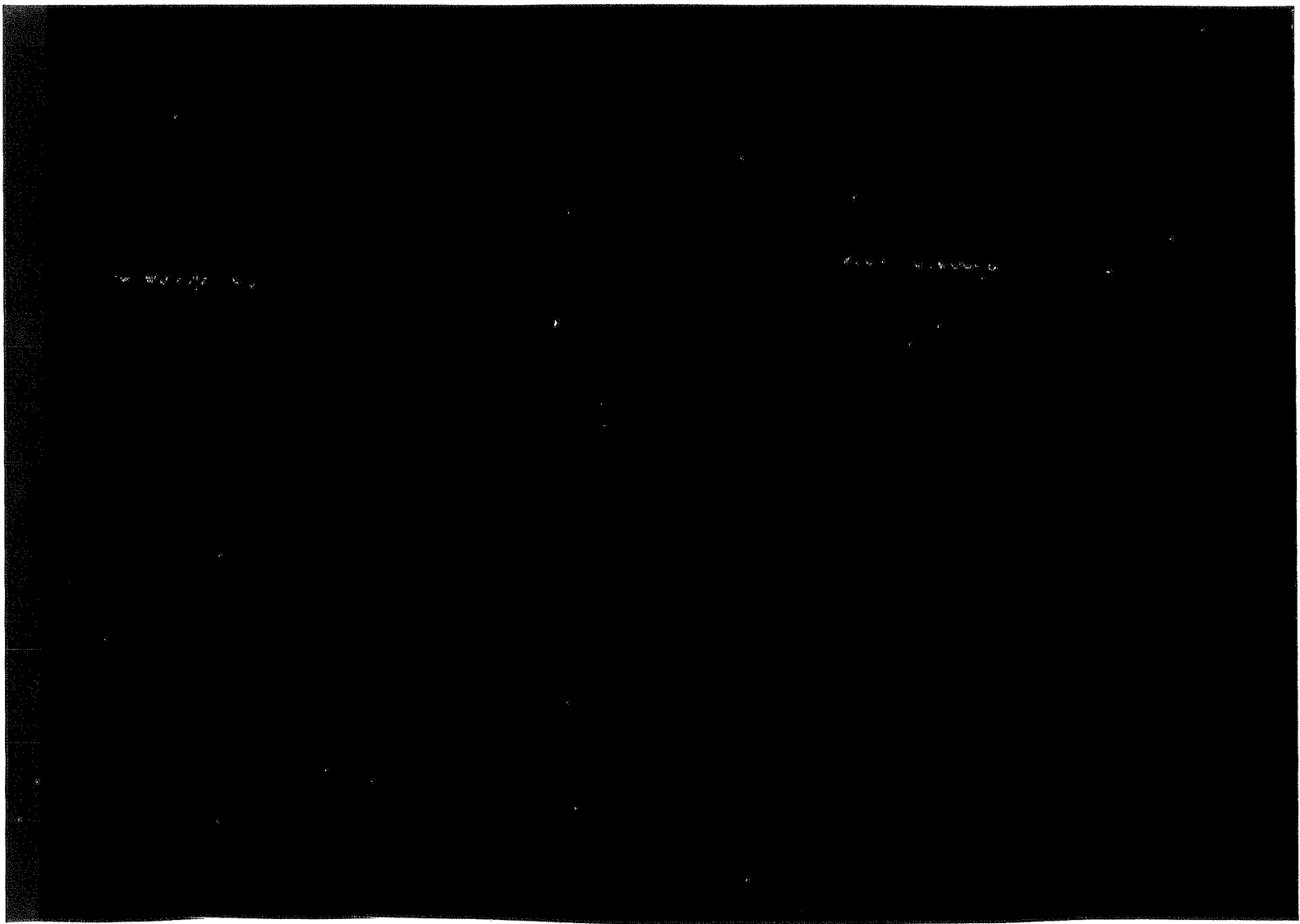
I checked with my JA and clerks; no one knows anything. I didn't check with a departing clerk, but i doubt she would have said anything. A mystery.

Sent from my iPhone

On Sep 13, 2018, at 7:16 AM, Bales, Scott [REDACTED] wrote:

Needless to say, people should be careful in their external communications not to give credence to the rumor and to avoid contacts with anyone involved in the still pending case.





Bales, Scott

From: Gould, Andrew W
Sent: Thursday, September 13, 2018 9:01 AM
To: Lopez IV, John R.; Timmer, Ann; Bales, Scott
Cc: Pelander, John; Bolick, Clint; Justices
Subject: RE: Laurie Roberts Article

My JA and law clerks have nothing to report on this either.

From: Lopez IV, John R.
Sent: Thursday, September 13, 2018 8:52 AM
To: Timmer, Ann [REDACTED] Bales, Scott [REDACTED]
Cc: Pelander, John [REDACTED], Bolick, Clint [REDACTED] Justices [REDACTED]
Subject: RE: Laurie Roberts Article

I also checked with my JA and clerk (the other one arrived after Labor Day) and they don't have any information.


From: Timmer, Ann
Sent: Thursday, September 13, 2018 8:49 AM
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Cc: Pelander, John [REDACTED] Bolick, Clint [REDACTED]; Justices [REDACTED]
Subject: Re: Laurie Roberts Article

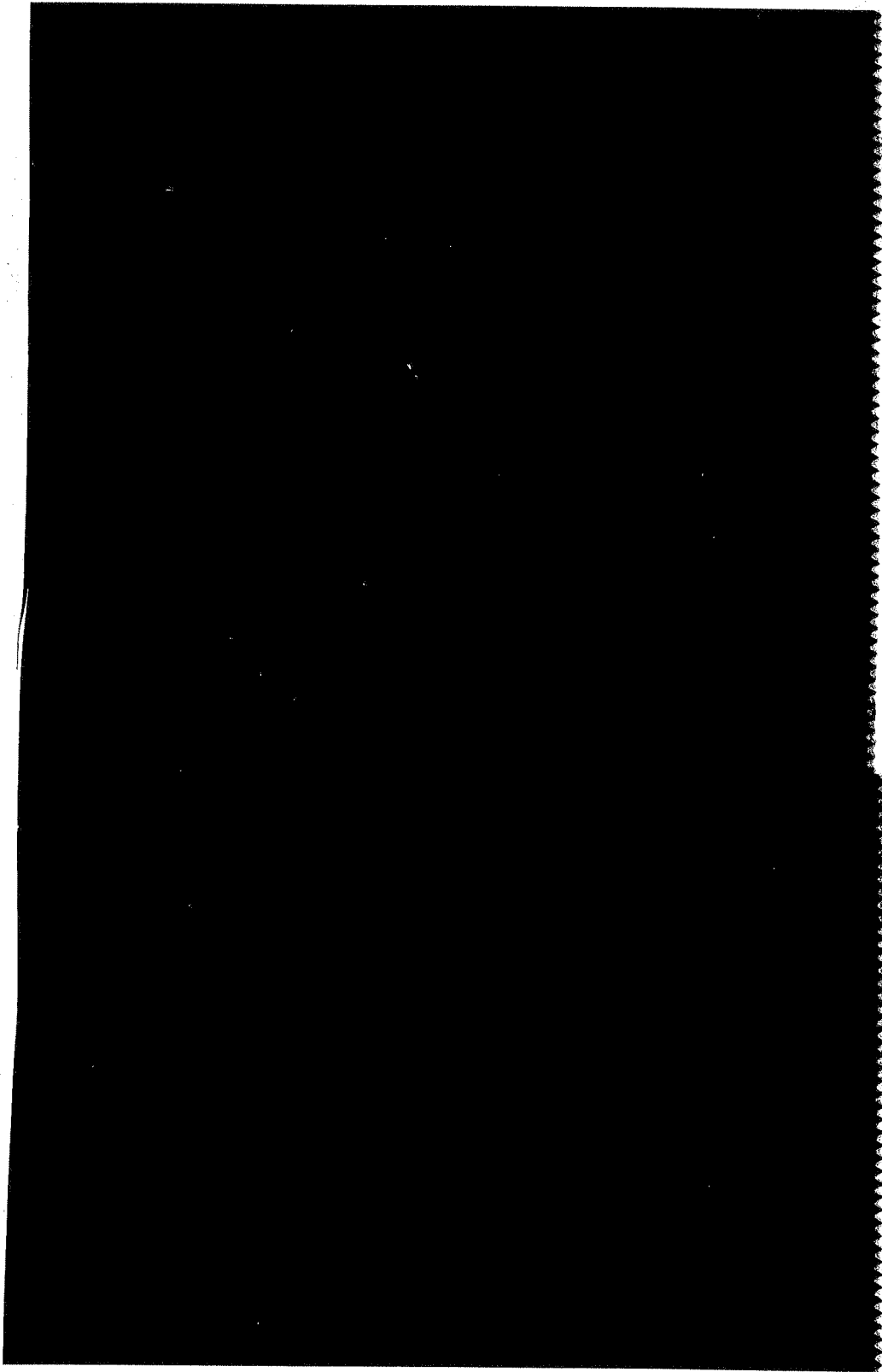
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Bales, Scott

From: Messer, Josh
Sent: Thursday, September 13, 2018 10:12 AM
To: Bales, Scott
Subject: RE: Confidentiality of Court Matters

Oh, apologies, I misunderstood. I'm completely in the dark about how the disclosure happened.

From: Bales, Scott
Sent: Thursday, September 13, 2018 10:09 AM
To: Messer, Josh [REDACTED]
Subject: RE: Confidentiality of Court Matters

Thanks, but more immediately, I need to know if you know anything now.

From: Messer, Josh
Sent: Thursday, September 13, 2018 9:54 AM
To: Bales, Scott [REDACTED]; Brown, Nick [REDACTED]; Kanefield, Marcie
[REDACTED]
Subject: RE: Confidentiality of Court Matters

I'll be on the lookout!

From: Bales, Scott
Sent: Thursday, September 13, 2018 9:09 AM
To: Messer, Josh [REDACTED]; Brown, Nick [REDACTED]; Kanefield, Marcie
[REDACTED]
Subject: FW: Confidentiality of Court Matters

As a follow up, please send me an email or call to let me know if you know anything about any disclosure of how the court voted on the so-called "Invest in Ed" ballot measure.


Thank you,
SB

From: Bales, Scott
Sent: Wednesday, September 12, 2018 8:27 PM
To: Justices [REDACTED], Judicial Assistants [REDACTED], Judicial Law Clerks [REDACTED]
[REDACTED], Schaffert, Judy [REDACTED], Johnson, Janet [REDACTED]
[REDACTED]; Byers, Dave [REDACTED]; Baumstark, Mike [REDACTED]
Subject: Confidentiality of Court Matters

Many of you have likely seen an op-ed in today's Arizona Republic by Laurie Roberts stating that the Governor received non-public information about the Court's disposition of one of the recent ballot measure cases. Her column specifically states that Daniel Scarpinato, a spokesman for the Governor's campaign, said he heard a rumor about the breakdown of the Court's vote, which he in turn shared with a reporter.

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At the least, this event is a reminder that we all need to be diligent in preserving the confidentiality of court matters (and to remind those whom we supervise regarding the same). If you have information about any disclosure of non-public information, I also ask that you report it to me.

Scott Bales
Chief Justice
Arizona Supreme Court


Bales, Scott

From: Kanefield, Marcie
Sent: Thursday, September 13, 2018 10:21 AM
To: Bales, Scott
Subject: RE: Confidentiality of Court Matters

I will also be on the lookout for any information but I don't know anything. Your chambers did not have law clerks at the time and you did not share with me anything about the case. The day the order was filed was the day that [REDACTED] were involved in a car accident so I ran the order over to the Clerk's office and then left the building to take care of that. I was not privy to any confidential conversations that day or otherwise.

I'm sorry this has happened. In all the time we've been here, I don't remember anything like this happening and it's very disappointing. We have a very professional Court and staff, so I am not sure what is going on.

From: Bales, Scott
Sent: Thursday, September 13, 2018 9:09 AM
To: Messer, Josh [REDACTED]; Brown, Nick [REDACTED]; Kanefield, Marcie [REDACTED]
Subject: FW: Confidentiality of Court Matters

As a follow up, please send me an email or call to let me know if you know anything about any disclosure of how the court voted on the so-called "Invest in Ed" ballot measure.

Thank you,
SB

From: Bales, Scott
Sent: Wednesday, September 12, 2018 8:27 PM
To: Justices [REDACTED]; Judicial Assistants [REDACTED]; Judicial Law Clerks [REDACTED]; Schaffert, Judy [REDACTED]; Johnson, Janet [REDACTED]; Byers, Dave [REDACTED]; Baumstark, Mike [REDACTED]
Subject: Confidentiality of Court Matters

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Arizona Supreme Court
[REDACTED]

Bales, Scott

From: Brown, Nick
Sent: Thursday, September 13, 2018 11:29 AM
To: Bales, Scott
Subject: RE: Confidentiality of Court Matters

That's correct! I meant I knew nothing about it and still don't. Sorry for the confusion.

From: Bales, Scott
Sent: Thursday, September 13, 2018 11:27 AM
To: Brown, Nick [REDACTED]
Subject: RE: Confidentiality of Court Matters

Thanks. Am I right to infer you know nothing now?

From: Brown, Nick
Sent: Thursday, September 13, 2018 11:25 AM
To: Messer, Josh [REDACTED] Bales, Scott [REDACTED] Kanefield, Marcie
Subject: RE: Confidentiality of Court Matters

I will let you know if I learn anything about that. Thank you for keeping us in the loop.

Nick

From: Messer, Josh
Sent: Thursday, September 13, 2018 9:54 AM
To: Bales, Scott [REDACTED] Brown, Nick <[REDACTED]> Kanefield, Marcie
[REDACTED]
Subject: RE: Confidentiality of Court Matters

I'll be on the lookout!

From: Bales, Scott
Sent: Thursday, September 13, 2018 9:09 AM
To: Messer, Josh <[REDACTED]>; Brown, Nick <[REDACTED]>; Kanefield, Marcie <[REDACTED]>
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Thank you,
SB

From: Bales, Scott
Sent: Wednesday, September 12, 2018 8:27 PM
To: [REDACTED]; [REDACTED]
[REDACTED] <[REDACTED]>; Schaffert, Judy <[REDACTED]>; Johnson, Janet

[REDACTED]; Byers, Dave [REDACTED]; Baumstark, Mike [REDACTED]
Subject: Confidentiality of Court Matters

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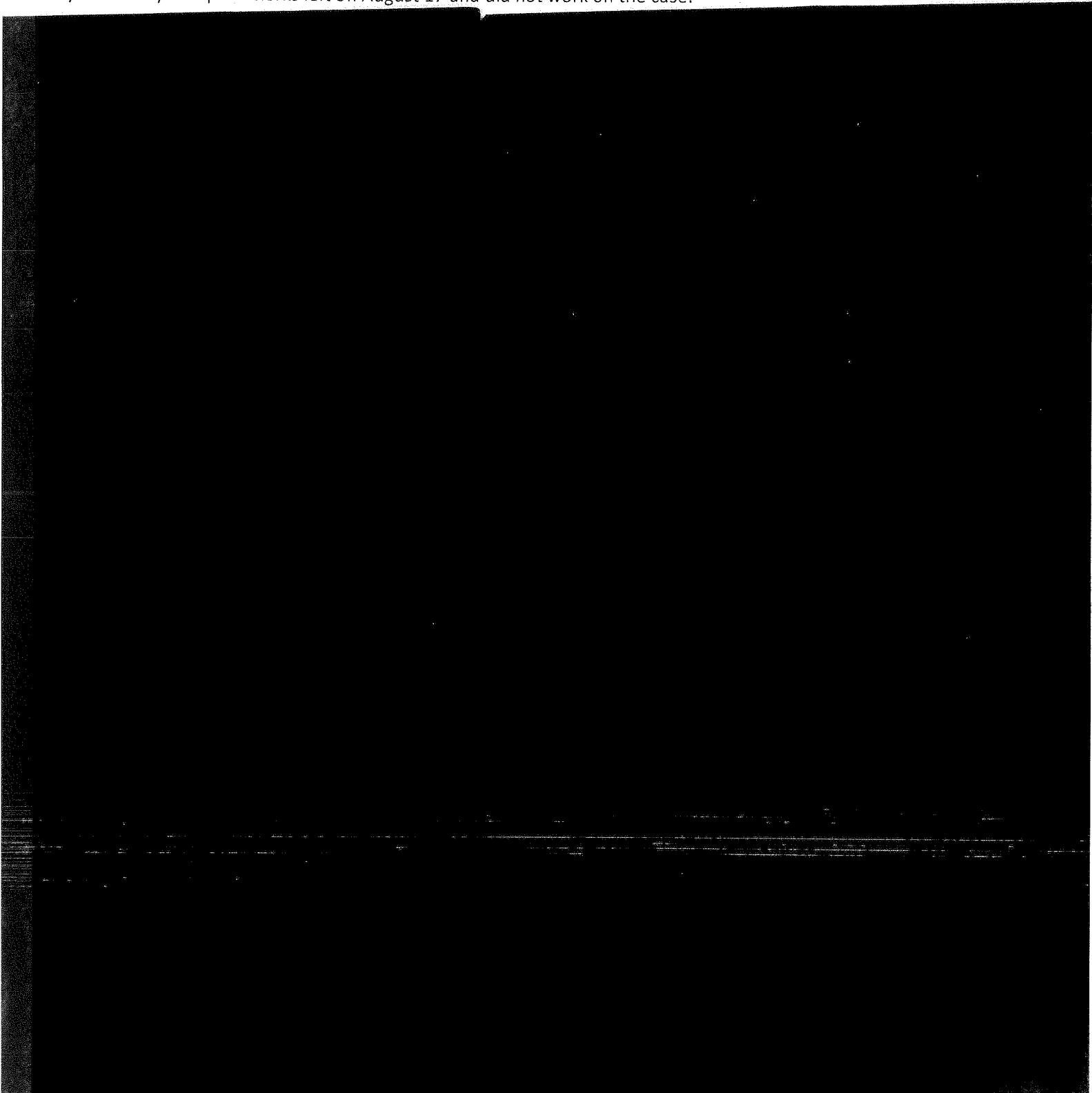
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Bales, Scott

From: Bales, Scott
Sent: Thursday, September 13, 2018 11:43 AM
To: Pelander, John; Justices
Subject: RE: Laurie Roberts Article

My JA and my two current law clerks, who arrived on September 4 and September 10, also do not know anything about any leaks. My two prior clerks left on August 17 and did not work on the case.



Bales, Scott

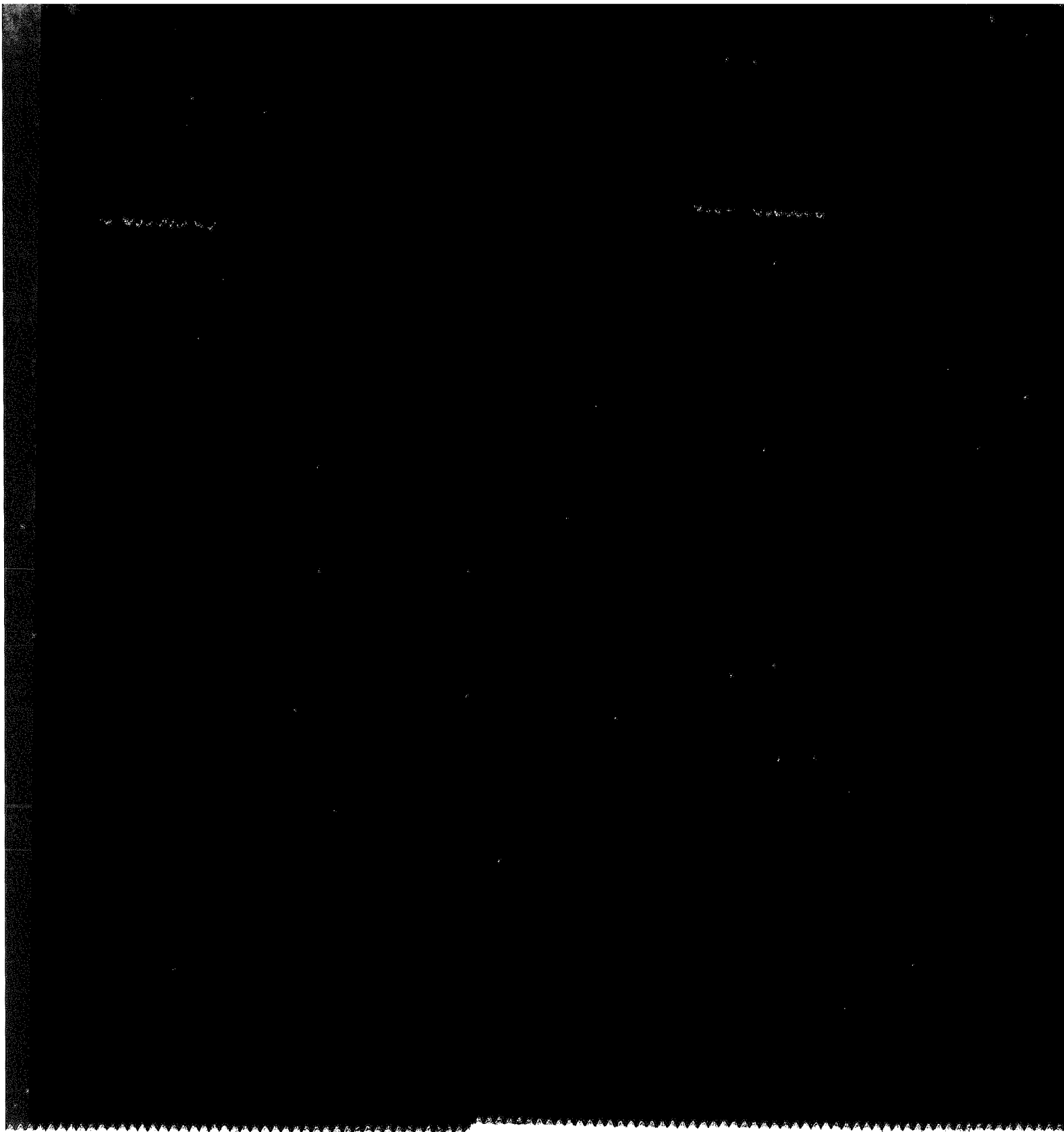
From: Brutinel, Robert
Sent: Thursday, September 13, 2018 2:35 PM
To: Lopez IV, John R.; Pelander, John
Cc: Bales, Scott; Bolick, Clint; Justices
Subject: RE: Laurie Roberts Article

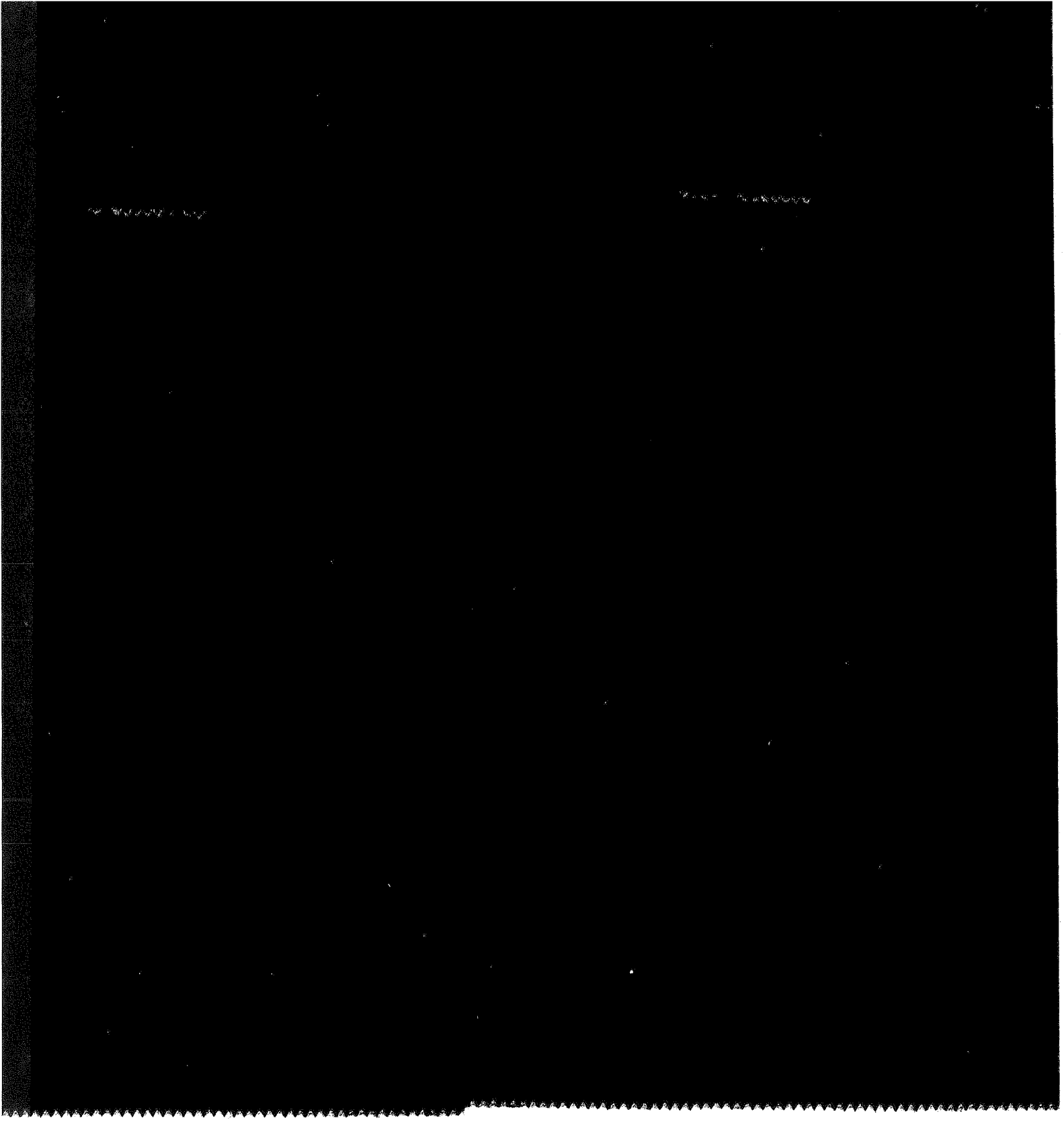
I have spoken with my JA and clerks, who have no knowledge of where the leak might have come from.

I spoke a Morrison Institute event this morning and was asked about this issue afterward. It does indeed cast a bad light on all of us. [REDACTED]

Bob







Bales, Scott

From: Byers, Dave
Sent: Thursday, September 13, 2018 4:17 AM
To: Bales, Scott
Subject: Re: Confidentiality of Court Matters

Before I left, I heard from Amy that the media thought they knew the vote. ...no knowledge of where the rumor started.

Sent from my iPad

On Sep 12, 2018, at 10:26 PM, Bales, Scott [REDACTED] wrote:

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[REDACTED]

Bales, Scott

From: Baumstark, Mike
Sent: Thursday, September 13, 2018 5:46 AM
To: Bales, Scott
Cc: Byers, Dave
Subject: Re: Confidentiality of Court Matters

Chief,

Very disappointing, if true. I know only that the decision was not unanimous, and have heard nothing more specific from anyone since the order was issued.

On Sep 12, 2018, at 11:26 PM, Bales, Scott [REDACTED] wrote:

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[REDACTED]

Bales, Scott

From: Johnson, Janet
Sent: Thursday, September 13, 2018 7:27 AM
To: Bales, Scott
Subject: Re: Confidentiality of Court Matters

CJ Bales: yesterday afternoon I learned that one of my newer staff members received a phone call in which the caller requested the breakdown of the vote in one of the election matters. When the staff member was unable to locate the information in Appellamation, she went to a senior staff member who advised her that the information is confidential. Because the staff member who received the phone call was out conducting an OA site visit yesterday and I was in meetings when she returned to the office, I was not able to follow-up with her directly. I sent an email to all staff explaining the Court's decision-making process and that the information regarding the votes is not public until the opinion is published.

I will be out of the office today through Monday but am available via email or phone [REDACTED] if you need to speak with me.

Thanks,
Janet

From: Bales, Scott
Sent: Wednesday, September 12, 2018 8:26:40 PM
To: Justices; Judicial Assistants; Judicial Law Clerks; Schaffert, Judy; Johnson, Janet; Byers, Dave; Baumstark, Mike
Subject: Confidentiality of Court Matters

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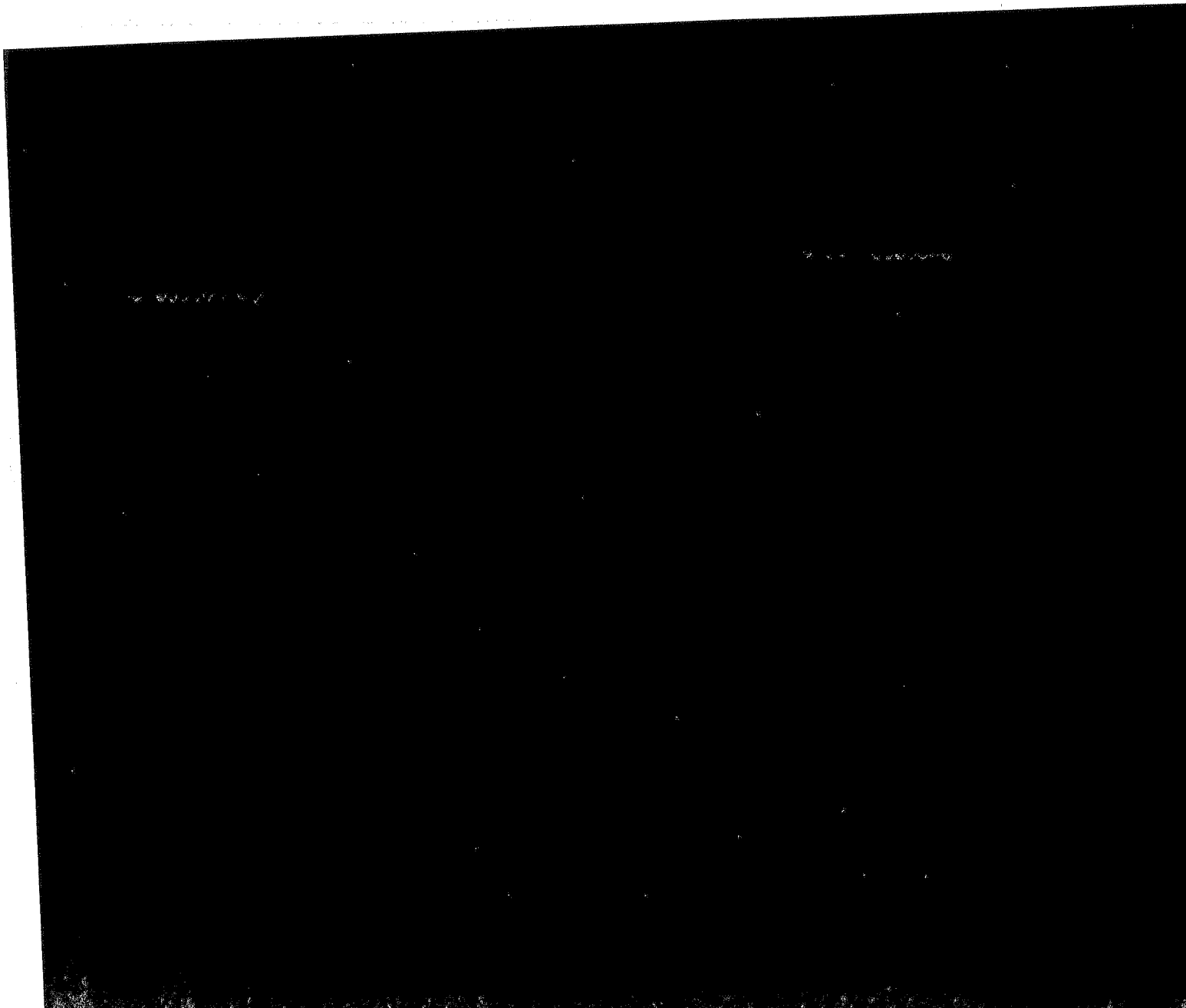
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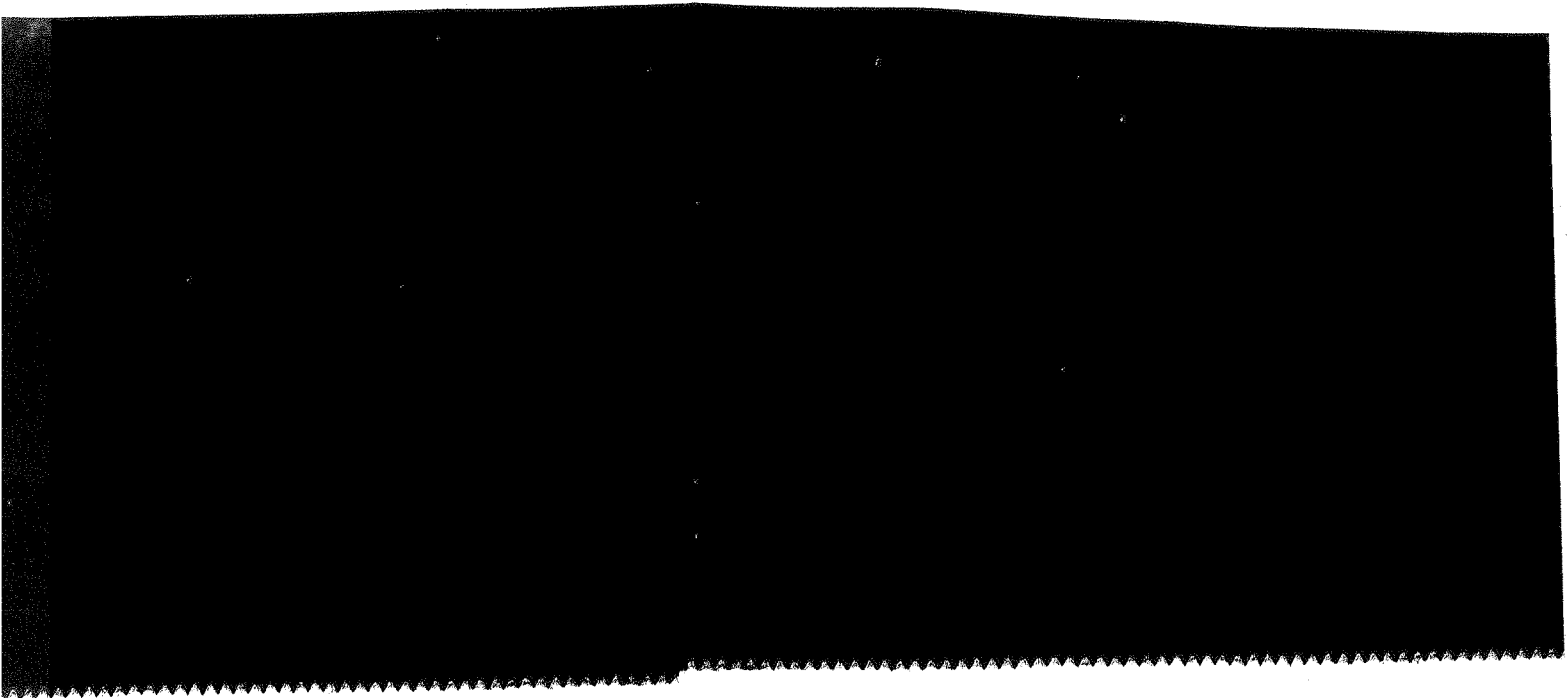
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Needless to say, people should be careful in their external communications not to give credence to the rumor and to avoid contacts with anyone involved in the still pending case.





Withey, David

From: Bales, Scott
Sent: Friday, October 26, 2018 11:16 AM
To: Nash, Aaron; Withey, David; Byers, Dave; Baumstark, Mike
Subject: Fwd: Confidentiality of Court Matters

Sent from my iPhone

Begin forwarded message:

From: "Bales, Scott" <[REDACTED]>
Date: October 19, 2018 at 3:21:35 PM MST
To: Justices <[REDACTED]>
Subject: Confidentiality of Court Matters

Dear colleagues:

As a follow up on our prior efforts to determine if there was a "leak" of non-public information regarding the Court's vote in the pending *Molera* case, I have talked with each judge on Division One of the Court of Appeals. After I explained that I was not crediting any rumors, each said that he or she did not have information about any improper disclosure by judges or court employees. (Several had read the Roberts or Yellow Sheet articles or heard subsequent passing comments about them.) I also spoke with Jonathan Patton, making the same disclaimer as I did with the judges. He told me that he had only heard a rumor from someone else – whom he declined to identify – who said they heard a rumor about the Court's vote. Patton specifically said he did not know of any improper disclosure of non-public information by a judge or court employee.

Scott

Scott Bales
Chief Justice
Arizona Supreme Court
[REDACTED]