

# Federal Bar Association Tucson Chapter Newsletter



## President's Address

*Isaac Rothschild*



Do you remember snail mail? Congress does.

In fact, there are congressional offices that actually tally how many letters they receive from constituents in order to determine how much focus they place on a certain issue. There is no doubt that all of Congress will turn its attention to the issue of "sequestration" after the current election cycle. Sequestration refers to across-the-board budget cuts to be made by the federal government that will take effect on January 1, 2013 if Congress

cannot agree on another solution. People on both sides of the political aisle hope to avoid the devastating effects of sequestration; the key is what will get cut to reach a compromise.

It is important that the Federal Courts do not experience the budget cuts proposed by sequestration. The likely consequences of the proposed sequestration cuts on the Federal Courts include:

- Significant layoffs in the clerk of the court's office, probation, and pre-trial services,
- Mandatory furloughs for court employees,
- Reduction in the hours of the clerk of court offices,
- Delays in proceedings (especially civil and bankruptcy),
- Significant reduction in the supervision of persons on pre-trial release and probation supervision,

*(continued on page 3)*

## Reflections on a Career

*James M. Marlar*

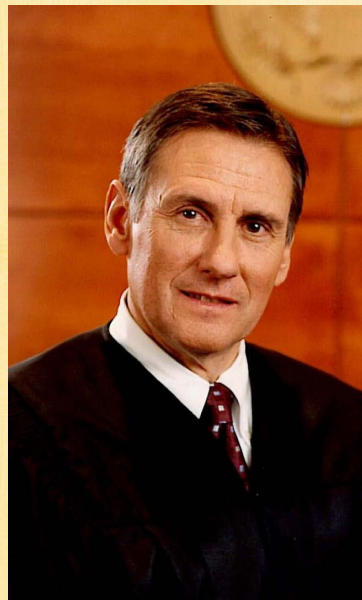
*Chief Bankruptcy Judge, District of Arizona*

So, after 19 years on the bench, and a total of 42 years in the practice, it's time to ride off into the sunset. This short article gives me a chance to "reflect" on the whole journey. Where to start? Hey, how about the beginning? Okay, I was a history major. Let's start there.

In September, 1967, at the height of the Vietnam war, Dean Ares' UofA entering class totaled 80 souls. In 1970, we graduated 40. The draft, enlistments and natural attrition had whittled us to half. A few of us graduates had taken six-month "sabbaticals" for boot camp after enlisting in the Reserves. But there we now were, in Arizona Stadium, under the lights, new grads--ready to take on the world. Excited, but fearful at the same time. After all, what did we know of the "real world?" We'd been students our entire lives. How could we "counsel" anyone?

But, out we went, taking on every challenge, and sometimes each other, as we chipped away and slowly

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*Chief Bankruptcy Judge James M. Marlar was appointed to serve as a U.S. bankruptcy judge for the District of Arizona in December 1993 and ascended to the Arizona bankruptcy court's chief judgeship on June 29, 2009. The Tucson Chapter of the FBA wishes Judge Marlar a happy retirement and thanks him for his valuable service to the Tucson legal community.*

## Clerk's Corner

### *Updates & Tips for Winter of 2012*



**Mike O'Brien**  
*Chief Deputy Clerk*

#### 1. Process Improvement

The Clerk's Office is currently working to implement a process improvement suggestion to streamline docketing. The planned change is to combine the Arraignment Notice information, into the Indictment docket entry. The same information would be noticed to the attorneys, but it would all be in one docket entry. The proposed change would eliminate over 3,000 extra docket entries per year in the Tucson Division.

The Notice information includes the Arraignment Date, Trial Date, and Plea Deadline. Attorneys will still get noticed on this information within one business day of the grand jury proceedings; however, they will have to start looking for these dates in the Indictment docket entry. The change in procedure will also reduce, by one, the number of Notices of Electronic Filing an attorney will have to view for each felony defendant.

The change to include the Notice information in the Indictment docket entry, should take place during the month of November.

#### 2. Electronic Criminal Complaints

The U.S. Attorney's Office has been coordinating with the Clerk's Office and magistrate judge chambers on a pilot project to electronically submit felony criminal complaints. The U.S. Border Patrol already e-files criminal petty offense complaints into CM/ECF for immigration cases in Operation Streamline. Doug Gauthier, with District of Arizona Systems Technology Division, created an application for staff in the U.S. Attorney's Office to use for submitting criminal felony complaint information, after electronic approval has been entered by an Assistant U.S. Attorney. The complaints could then be viewed and approved by the assigned magistrate judge on the computer.

During the next few months, the current manual procedures continue to be used, with paper criminal complaints. But duplicate electronic complaints will be submitted for testing in the cases from U.S. Border Patrol. If all goes well, eventually, paper criminal felony complaints (at least in U.S. Border Patrol Cases), would only be needed for courtesy copies in the courtroom. The e-filing of criminal complaints could eliminate a high volume of scanning, as well as, speed the preparation of calendars, minute entries, and orders.



*Pictured above: Magistrate Judge Bruce Macdonald addresses his colleagues and the attendees of his investiture. On page 8, see photographs and read about the investitures of our two newest magistrate judges in Tucson.*

## President's Address

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- Suspension of CJA cases and furloughs for Federal Public Defenders, resulting in the dismissal of criminal charges,
- Suspension of civil jury trials beginning in August of 2013, and
- Staffing cuts to court security officers, resulting in reduced safety and creating longer security lines.

Those of us that have constant interaction with the Federal Courts understand the tremendous negative impact these cuts will have. It is therefore our responsibility to make sure that our congressional representatives understand this impact and that they focus on avoiding sequestration, including avoiding the cuts to the Federal Court budget proposed by sequestration.

Let's make sure that we have their attention by flooding their mailboxes. Please email me at [irothschild@mcrazlaw.com](mailto:irothschild@mcrazlaw.com) and I will provide you with a form letter (to edit as you please) to send to your congressional representative, so that when the tally of constituent letters comes in they will focus on reaching a deal to avoid sequestration and prevent devastating cuts to our federal court system.

—Isaac



*Pictured above: Magistrate Judge Glenda Edmonds (on left) with court staff, celebrating her retirement. Read more about Judge Edmonds' career on page 8.*

## Reflections

*(continued from page 1)*

learned our chosen profession, step by step and client by client. Along the way, we encountered wonderful mentors and made new friends, got taken to the woodshed occasionally, and never stopped growing as lawyers. All along the route, we collectively did what lawyers do--we helped people solve difficult problems or put an end to matters which had borne only frustration for them, until we came along to help. And we felt great personal satisfaction with each small achievement. We never experienced a dull day. Some days were better than others, but they were never dull.

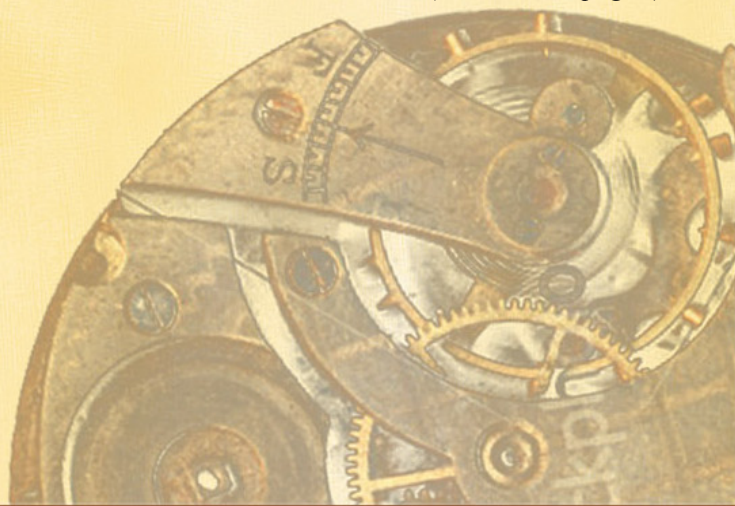
It didn't matter which avenue the law took us down, whether private, corporate, academic, government or public, we all were striving to achieve worthy goals for people who needed our help, using only the particular skills our law degrees and common sense could provide.

Eventually, some of us had the opportunities to reinvent ourselves as we branched out into business, became leaders of our firms or became judges. Our training as lawyers opened our eyes to the human condition, the value of character, and to the small ways in which we could make a difference in others' lives. We grew up, and in so doing, we never stopped learning. And we never stopped appreciating what our legal education, both academic and practical, did to enhance our lives. We've been very blessed.

That's the story for my generation, but it is also the story of generations before, and will be the story of those behind us. Lawyers all, professionals, helpers of humanity. A privilege to serve our fellow man.

Now, then, what can I pass along from my years of practice and having had the great honor of being a federal judge? That's a hard one, as there are many men and women who have written on this

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## Judge Roll Bust Unveiling

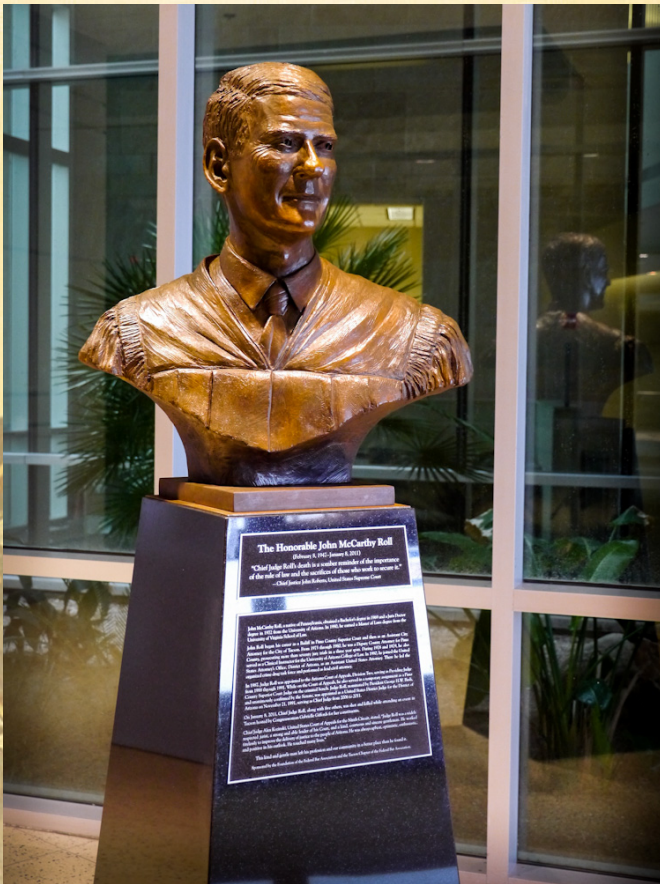
*Gregory Schneider*

Members of the Tucson community, including lawyers, judges, friends, and family of Judge John M. Roll, gathered at the federal courthouse in Tucson on Thursday, September 6, to witness the unveiling of a bronze bust commemorating his life and work. The product of over eighteen months of organization, fundraising, and healing, the bronze sculpture proved to be a remarkable artistic achievement honoring a fallen hero. The unveiling was an emotional event for many, with hundreds of people gathered to share memories of a beloved father, husband, friend, and colleague.

The former Chief Judge of the U.S. District Court for the District of Arizona, John Roll was tragically slain in a shooting on January 8, 2011, during a "Congress on Your Corner"

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*Pictured below: The Memorial Bust of Chief Judge John M. Roll installed on the first floor of the Evo A. DeConcini United States Courthouse in Tucson.*



## Reflections

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topic in ways far more eloquent than I. But this isn't a Law Review article, it's just a reflection, a "puff piece." So let me offer these observations.

- The judge and all of the attorneys are in this together. We are all trying to get to the same place, and accomplish a just result. Judges need lawyers' help. Try to do the right thing. Every case has warts. Be candid and scrupulously honest. Don't tread lightly with hard facts. Helping the court understand the entire case is the only way to truly be an "officer of the court." Justice is the goal. No case is perfect, nor does it have to be--the burden of proof in a civil case is only 51%. That's not a lot. Explain compassionately and without exaggeration the important facts of your case. Give it your best shot, and let the chips fall.
- Know your basic facts. Know the procedural context of your case. Rarely do court and counsel debate the meaning of "the law." Most of the time the law is basically understood, and cases turn on facts, most of which are far from nuanced. I'm always surprised in cases when counsel doesn't even know the most basic facts, such as the value of a piece of property, or the balance due on a note.
- Make and keep friends. They are easier to deal with than enemies.
- Understand human nature and what drives people. Be prepared. Follow through. Remember that the law is all about the details. Read contracts and statutes all the way through. Be reliable and dependable. Admit when you and your client are wrong. Play the game straight up, but be vigilant, prepared to strike while the iron is hot if a matter reveals an advantage and gives you an opportunity to accomplish the best result for your client. Be ethical.
- Be polite to everyone. Remember people's names (pay attention when introduced). Engage. Try to like everyone you meet, and

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*During his tenure on the bench, Judge Marlar was instrumental in the successful renovation of the James A. Walsh United States Courthouse here in Tucson. Originally built in 1930, renovation was completed in 2008. The Walsh Courthouse was built in the Neoclassical architectural style and designed by James A. Wetmore, Acting Supervising Architect of the Treasury.*



# Tucson Federal Bar Association

## Happy Hour!!!



### *Cushing Street Bar and Restaurant*

Thursday, December 6, 2012  
5:00 p.m. – 7:00 p.m.

198 West Cushing Street  
Tucson, Arizona 85701

Join fellow Tucson FBA Chapter members in kicking off the holiday season. Enjoy a drink and good company. If you call and reserve a spot as an FBA member, your first drink is on us, including Cushing Street's famous hand-made mojito. Hope to see you there!

For reservations contact Leila Gimino at  
520-529-4285 or [lgimino@rllaz.com](mailto:lgimino@rllaz.com)

*Pictured at right: In September, our Tucson Chapter Newsletter was one of only eight FBA chapter newsletters to win the nationally distinguished Outstanding Newsletter Award for 2012.*

*Our Editor-in-Chief accepted the award on behalf of our Chapter during the FBA Annual Meeting in San Diego, CA. The photograph is of the Award enjoying the beach breeze post-win.*

*The Editorial Board thanks our members' willingness to contribute ideas and content to our Chapter's Newsletter. Our Chapter's Newsletter is successful because of you! If you are interested in writing an article for the Newsletter or you have an idea to make it even better, please email Laura Conover at [Laura.Conover@fd.org](mailto:Laura.Conover@fd.org).*



## Bust Unveiling

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event hosted by Congresswoman Gabrielle Giffords for her constituents. Chief Judge Roll, who was a friend of Congresswoman Giffords, stopped by the event to say hi to the Congresswoman and also to advocate for filling judicial vacancies in the Arizona District Court.

Chief Judge Roll was an esteemed member of the judiciary and the legal community in Arizona and enjoyed a long and distinguished career. He graduated in 1972 from the University of Arizona College of Law and later received his LLM from the University of Virginia School of Law in 1990. After law school, he began his legal career working as a court bailiff in Pima County Superior Court. He went on to work for the Pima County Attorney's Office and in 1980 joined the United States Attorney's Office as an assistant prosecutor. His work on the bench began in 1987 when he became a judge on the Arizona Court of Appeals. Four years later President George H.W. Bush nominated him to serve as a judge in the United States District Court for the District of Arizona. He was confirmed by the Senate and received his commission in November 1991. In 2006, Roll was elevated to Chief Judge, a position he served in until his untimely death.

Plans to create a permanent memorial began not long after Chief Judge Roll's passing. The Tucson Chapter of the FBA commissioned local artist Nicholas Burke to create a bronze bust of Chief Judge Roll to be installed in the Tucson federal courthouse. Creating the bust took months of preparation and required the tremendous artistic skills of a master artist. It also required the input of those who remembered Chief Judge Roll best. Because Burke had not personally met Chief Judge Roll before he passed, he had to create the statue from photographs and memories of those who knew him. Burke brought a lifetime of experience to this process. He began his artistic career with a semester abroad studying under a master artist in Florence, Italy. After falling in love with sculpture there, he apprenticed under renowned American artist Paul Granlund before moving to Tucson and eventually opening his own studio.

The process of creating the bronze bust began with a clay original. Working in clay allowed for easy modification after receiving input from Chief Judge Roll's family, friends, and colleagues. During a session at his studio, Burke modified the clay original as those who knew Chief Judge Roll best offered their feedback. When asked about modifying the clay original as family and friends observed

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## Calendar of Upcoming Events

**December 6, 2012**

FBA Happy Hour  
5:00 p.m.

Cushing Street Bar and Restaurant

See page 5 of this Newsletter for more info

**January 2013**

Criminal Law Seminar  
Time and Location TBA

**February 26, 2013**

U.S. Military Court of Appeals  
Oral Arguments  
FBA Reception following arguments

**February 28, 2013**

Bench and Bar  
Arizona Inn  
12:00 p.m.—1:00 p.m.  
Registration Available in December

*Pictured below: Artist Nicholas Burke modifies the clay original in real time as a committee of family, friends and colleagues of Chief Judge Roll give feedback.*



## Reflections

*(continued from page 4)*

enjoy their different personalities. Get to know others' strengths, and seek their help if needed. Be humble. Give help when asked. Share knowledge.

- Try to craft win-win solutions. Part friends. Make a difficult colleague into a friend. Do this by listening, or maybe by sharing a cocktail or a meal. Remember that clients are not served by scorched earth policies because such tactics only make your opponent work harder, and as a result your client's case gets very expensive. Lawyers do not back down when bullied. They fight back harder. Again, human nature. Also, lawyers' nature. Seek solutions. Be creative. Be flexible. Be innovative. Think outside the box.
- The vast majority of clients can accept a loss, if they feel that you have done your best for them. A few are eternal ingrates. Move on, you've done your best. Don't stew, learn.
- Understand the law's "Big Picture." Go to the reasons behind the law to find your client's piece in the puzzle. Once you get the sense of the area, the scheme and logic will be revealed. Adapt to the reality of legal scheme.
- Be honest and candid in all things. Credibility is everything.

I've rambled. I've "reflected." These thoughts are far from profound, and there are many more. But these worked for me.

I hope Dean Ares is proud of our class. He and the entire faculty shared with us the tradition of the law. I learned it then; but I understand it now.

Not bad for a history major!

## Bust Unveiling

*(continued from page 6)*

and gave their input, Burke said "This wasn't the first time I've done a statue this way, but the comments I received from Judge Roll's family and friends were tremendously helpful. The room was full of love, and that went into the art." Attorney Dee-Dee Samet, one of the founding members of the Tucson FBA Chapter, attended the studio sessions in which Burke modified the clay original as family and friends gave feedback. Samet was impressed with Burke's artistic vision, including his ability to take "a simple statement like 'the nose seems a bit large from this angle' and translate it into a meaningful correction."

After finalizing the clay original, Burke began the lengthy process of creating a bronze sculpture in the classical tradition of lost-wax casting. Burke began by making a plaster cast based on the clay original. The plaster cast allowed Burke to then create a hollow mold approximately an eighth of an inch thick. Once the mold was complete, Burke poured liquid in bronze. Given the large size of the bust, it is not actually made of solid bronze. As Burke explained, "A solid bronze statue is impracticable for a number of reasons. Because the level of heat varies so much in that quantity of bronze, a solid sculpture would collapse in some places but retain its shape in others." A hollow statue, on the other hand, retains its strength and shape and can therefore be quite large. The final bronze statue is one and one third life size. Once the bronze solidified, Burke broke away the egg-shell mold, revealing the bronze sculpture. He then buffed out slight imperfections that resulted from the mold and finally mounted the bronze on its base.

Upon viewing the bronze bust for the first time, the crowd at the unveiling was replete with murmurs of "astonishing," "remarkable," and "uncanny resemblance of Chief Judge Roll." The work of the Tucson Chapter of the FBA, the input from Chief Judge Roll's family, friends and colleagues in the creation of the memorial, and the number of people present at the unveiling are a testament to Chief Judge Roll's remarkable life and commitment to his community.

The Foundation of the FBA, the Tucson Chapter of the FBA, the Arizona District Court, and many private donors contributed to funding this permanent memorial to Chief Judge Roll. The bronze bust is now permanently installed in the Evo A. Deconcini United States Courthouse in Tucson, Arizona. Plans are underway to install a replica in the new John M. Roll federal courthouse in Yuma, Arizona.

## Magistrate Judges' Investitures

On Friday, October 19, 2012, the Arizona District Court formally welcomed Tucson's two newest magistrate judges.

Judge Bowman joined the bench after a career as a criminal defense attorney. She grew up in Santa Monica, California, and then attended the University of Arizona for undergraduate studies and a law degree. Prior to working as an attorney, Judge Bowman worked as a special education teacher and also worked in the behavioral health field.



Judge Macdonald practiced twenty-six years as a civil trial attorney before joining the bench. A Tucson native, Judge Macdonald also attended the University of Arizona for undergraduate studies and his law degree. Judge Macdonald's legal work included insurance defense and later personal injury cases, class actions and insurance bad faith cases.

*Pictured above: Magistrate Judge Leslie Bowman addresses her colleagues and the attendees of her investiture.*

Both Judge Bowman and Judge Macdonald will be speaking at our Tucson FBA Chapter's Bench and Bar on Thursday, February 28, 2013.

Welcome Judge Bowman and Judge Macdonald!



## Magistrate Judge Edmonds Retires

After graduating *cum laude* from the University of Arizona College of Law, Magistrate Judge Glenda E. Edmonds began her legal career clerking for Chief Judge Richard M. Bilby in the Arizona District Court from 1985 through 1986. Judge Edmonds then worked as an associate at Hecker, Phillips and Hooker and continued in that position after the firm merged with O'Connor-Cavanaugh. In 1989, she began working for the Federal Public Defender in Tucson and worked there until February 1998, when she was appointed as a magistrate judge for the District of Arizona. Judge Edmonds served as a magistrate judge until her retirement in February of this year. After "officially" retiring, she immediately began working again as a recalled magistrate judge. She worked as a recalled magistrate judge through the spring of this year. The Tucson Chapter of the FBA appreciates Judge Edmonds' service to the legal community and her willingness to continue working while our newest magistrate judges were hired and settling in.

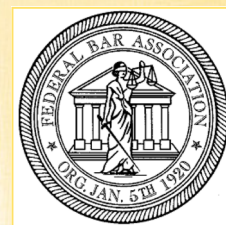
Enjoy your well-deserved retirement Judge Edmonds!



*Pictured above: Magistrate Judge Edmonds with her family at her Retirement Celebration in the Tucson courthouse.*

*Pictured to left: After the joint investiture ceremony, Magistrate Judge Bowman and Magistrate Judge Macdonald hosted a reception at the Tucson Children's Museum. In the photograph, Magistrate Judge Macdonald talks with guests.*

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**Tucson Federal Bar Association  
Newsletter**

**November 2012**

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