



Hon. Roslyn O. Silver U.S. District Judge, District of Arizona

Character: Be true to your work, your word and your friends.

Upon entering the chambers of the Hon. Roslyn O. Silver, chief judge of the U.S. District Court for the District of Arizona, you see a wall-hanging bearing these words. Those who know Judge Silver remark that these words—especially “character”—describe her perfectly.

It is with this strong sense of character, compassion—and, as one attorney describes, “boundless energy”—that Judge Silver has led the District of Arizona since January 8, 2011, when her predecessor, Chief Judge John Roll, was killed when a gunman opened fire during an event with Rep. Gabrielle Giffords (D-Ariz.). On that fateful day, Judge Silver and her colleagues lost not only a chief, but a dear friend. “We were shocked and devastated,” she recalls.

Although Judge Silver was nearly eligible to take senior status, her strength of character and quiet confidence helped her rise to the occasion and ensure the court continued to do its job while mourning the loss of Chief Judge Roll.

“[For the first six weeks,] I felt like it was a matter of being a trial lawyer again—not having control,” she says. “As a judge, you have control of everything. But I was almost numb for six weeks in not knowing what was going to happen next.”

Now, more than two years later, a different scene is present. Chief Judge Silver’s beloved salt-and-pepper Schnauzer Schmatta greeted me with a cheery bark as I entered her chambers to interview her for this profile. The chief judge followed close behind, giving an ever-friendly smile and a warm hug.

Throughout her career, Chief Judge Silver has overcome obstacles to lead the District of Arizona with purpose and confidence. One of her former colleagues and recent ap-



pointee to the U.S. Court of Appeals for the Ninth Circuit, Judge Mary Murguia, has said that, in the face of all the demands of transitioning to chief judge, Judge Silver never lost her caring side.

“As good as she is about being prepared about the issues of law coming before her and the cases before her, she has a very compassionate side, and she’s a very caring person,” Judge Murguia has said. “That side of her...certainly served

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her well in this role as chief judge and in other roles as well.”

A native Arizonan, Chief Judge Silver and her family have lived in the state since “there were two-horse towns in Phoenix and Tucson in the 1940s.”

“I saw a change as a child with the invention of refrigeration,” she reminisces. “I can still remember in second grade when I came home, I walked into the house and I could finally sleep through the night. I think everybody else felt the same way.”

After earning a Bachelor of Arts from the University of California, Santa Barbara, Chief Judge Silver attended law school at Arizona State University, graduating in 1971. When asked “why law school?,” Judge Silver first credits her father, who thought she would be a good lawyer. But she is quick to point out that, although she greatly respected her father’s opinion, this was not the only factor. She also credits a college professor, who taught pre-law courses and encouraged her to attend law school. She excelled in law school and was one of only five women in her graduating class.

Prior to her appointment to the district court by President Bill Clinton (D) in 1994, the Chief Judge’s career took many interesting turns. She first clerked for Justice Lorna Lockwood on the Arizona Supreme Court. Then, she entered private practice for two years before accepting a position as an advisor and litigator for the Education Division of the Navajo Nation’s Native American Rights Fund. She reflects on this job as an eye-opening experience that helped shape the woman and judge she is today. Working on the reservation enabled Chief Judge Silver to experience life in an underdeveloped part of the Navajo Nation, right in her own backyard. Recalling one of the “firsts” in her career, Judge Silver also describes with fond memories the thrill of handling her first preliminary injunction hearing as a young lawyer while working in the Navajo Nation.

Thereafter, Chief Judge Silver served as in-house labor counsel for the Greyhound Corporation, as a trial attorney for the Equal Employment Opportunity Commission and as an assistant U.S. attorney (AUSA) in Phoenix. In 1984, she left the U.S. Attorney’s Office to work as an assistant attorney general for the State of Arizona. She returned as an AUSA in 1986 and, in 1989, was promoted to chief of the criminal division. A promotion to acting first assistant followed, and she held that position until her appointment to the federal bench.

While she appreciates her broad range of experience before joining the bench, Chief Judge Silver remarks that her work in the U.S. Attorney’s Office best prepared her for life as a judge and, particularly, for her role as chief judge. In that role, she had the opportunity to try several substantial cases, some lasting three or four months at a time.

“It was a lot of pressure,” the chief judge says. “I tell people that stress is created by a lack of control. As a trial lawyer, you have control of nothing. You don’t have control of the judge. You don’t have control of the opposing counsel. You don’t have control of your client sometimes. You don’t have control of the witnesses. You don’t have control of the schedule. So, it’s very, very stressful.” This experience helps

her remember the perspective of the lawyers in her courtroom. To that end, Chief Judge Silver has simple advice for lawyers to be successful in court — remember the “three Ps: professionalism, preparation, and punctuality.” She advised, “If you do that in my court, or the federal court, I think you’ll do well.”

As for her own personal philosophy, Chief Judge Silver says, “Of course, a judge must know the law and tools of judging. But, the keys to effective judging lie in temperament and fair treatment of all, regardless of who they are. A judge must never forget the court belongs to the people and that she is affecting the lives of every person who appears before her. We who wear the black robe have assumed a sacred trust to do our very best and to do what is right, even if many think it wrong.”

During her time as chief, Judge Silver and the District of Arizona have faced another crisis shared by numerous districts throughout the country—the crisis of judicial vacancies. Even before Chief Judge Roll’s passing, Arizona had the third-highest criminal caseload in the nation. Criminal prosecutions have increased 70 percent since 2009. After Judge Roll’s death, the caseload in Arizona substantially increased, and the remaining three judges in Tucson were left to handle 1,200 criminal cases each. Of course, they all have active civil cases as well. In January 2011, Chief Judge Silver carried forward Chief Judge Roll’s work to declare a judicial emergency in the district, allowing the chief judge and her colleagues more time before criminal defendants must face trial.

More than two years later, the situation has not improved. The District of Arizona currently has the second-highest criminal caseload in the nation and ranks number three when criminal and civil filings are both considered. However, the district also currently has five judicial vacancies and relies heavily on help from visiting judges. A self-proclaimed incurable optimist, Chief Judge Silver hopes that the future will be brighter and noted with a smile, “Arizona is a pretty nice place for judges to visit, especially in the winter, so that helps.”

While continuing to work on the often thorny issue of judicial vacancies, managing her overloaded docket and the administrative duties of being chief judge, she still finds time to educate and mentor her law clerks and other young lawyers. Her experiences—as one of the few women lawyers beginning her career during the 1970s—have instilled in the district’s first woman chief judge a strong sense of compassion for new lawyers and a desire to get them started on the right foot.

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“Every new lawyer needs help,” she thoughtfully states.

Chief Judge Silver lit up the most during our interview when speaking about the mentors who have advised her throughout her career. Indeed, as evidenced by her caring nature, when telling me about her personal and professional mentors, the chief judge was most concerned about not leaving anyone out. She speaks highly of Justice Lockwood, who provided great counsel during the early years of her career, and her close friend and colleague, Ninth Circuit Judge Michael Hawkins, who hired her as one of the first women attorneys in the U.S. Attorney’s Office. She also recounts the lessons learned from one of her fellow AUSAs, Billie Rosen.

“[Billie] bestowed upon me a wealth of guidance for developing the artistry of, but also the muscle needed for, effective trial presentation,” she says.

Chief Judge Silver gives great credit to her colleague on the district court, Judge Stephen M. McNamee, who counseled her throughout her career and appointed her chief of the criminal division at the U.S. Attorney’s Office. She speaks highly of the late Judge Richard M. Bilby, who also mentored her. Further, she acknowledges Ninth Circuit Judge Mary M. Schroeder, a mentor to her since she became chief judge.

Chief Judge Silver stresses the importance of friends and family in her life. About her sister, Christine, and close friends, Barb, Marilyn, and Lupe, she remarks, “As I have plowed through life’s challenges, they have always offered

far-seeing good judgment and sustained warmth and nourishment.”

Judge Silver is a great friend to the FBA and its members, among other organizations. In particular, she has partnered with the Phoenix Chapter to greatly enhance the quality of available educational opportunities, including helping to attract nationally renowned speakers for events. She has helped to book presenters such as constitutional scholar Erwin Chemerinsky, civil procedure expert James Wagstaffe, and historian Pauline Maier, among others.

As chief, Judge Silver enjoys working with her friend and colleague, Judge Hawkins, to implement a veterans program in the District of Arizona. Additionally, she hopes to establish courthouse displays chronicling the history of the district so that today’s lawyers, judges, and citizens—as well as future generations—can learn more about the State of Arizona, which they and Chief Judge Roslyn Silver live in and love. ☺