

# Arizona Notes

Arizona Court Reporters Association

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## Is Your License in Jeopardy?

By Doreen C. Borgmann, CR, RMR, CRR

I heard it through the grapevine! Apparently, some misinformation is being passed around regarding the new language change in the laws governing reporters. I was stunned to learn that some agencies are telling their reporters that the result of recent changes to ACJA 7-206 was that it was all right to work for certain agencies that require the reporter to give up control of production and billing. Nothing could be farther from the truth! It is incumbent upon the court reporter licensee to think for himself or herself. It's really not a complicated issue. Court reporters are not mere clerical help hired by an agency to do a job. They are professionals held to a certain standard under the law. A violation of Arizona law by the court reporter licensee will be attributed to that licensee, not to the agency owner. An excuse that "The agency made me do it" will not be sufficient to exonerate the licensee.

Arizona law requires the Arizona-licensed court reporter to maintain control of the production of his or her transcript. [See ACJA (J)(1)(g) below.] What does this mean? If you are asked to submit an ASCII only and a signed reporter's certificate and any exhibits marked rather than produce the job yourself, you may be in violation of 7-206. If someone else is producing the job, you have no control over whether it is somehow altered or reformatted. You also have no control over how many copies are produced and sold.

Arizona law provides a formula for computing the amount an Arizona-licensed court reporter may charge for a deposition. [See (J)(1)(g) and (J)(3)(d) below.] If you are not receiving copies of invoices on your jobs, you cannot be assured that the job was billed in compliance with Arizona law. Some unscrupulous agencies are reputedly arranging "sweetheart" deals with their clients, charging them greatly reduced fees for the original, and boosting the cost of copies to opposing counsel to make up the discount. An Arizona-licensed court reporter who performs such a job may be deemed in violation of Arizona law if they have relinquished control over the billing of a job to such an agency.

I have included ACJA Section (J) in its entirety below. I would suggest that each of you read it over thoroughly and make up your own minds whether or not you are in violation of Arizona law. It's your license and your livelihood at stake.

### Arizona Code of Judicial Administration

**J. Code of Conduct.** The following code of conduct is adopted by the supreme court to apply to all certified reporters pursuant to Title 32, Chapter 40, Arizona Revised Statutes. The purpose of this code of conduct is to establish minimum standards for performance by certified reporters.

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**President’s Message**

We’ve accomplished some very positive things so far this year. Our financial condition has improved somewhat from the dire straits we have been in the last few years, and we’ve had some notable successes on the legislative front. My year as president really kicked off with a vengeance shortly after I was sworn in last September. I’ve had to take a crash course on legislative procedure from John MacDonald, our lobbyist! It’s really true – you should never watch either sausage or laws being made!



We were already following closely the CR Board’s proposed change to ACJA 7-206, which would address the third-party contracting issue and attending CR Board meetings and Arizona Judicial Council meetings to monitor its progress. But in late September, John MacDonald, our lobbyist, informed us that the Arizona Judicial Council had received a request from the Administrative Office of the Courts for them to review extensive proposed changes affecting official reporters and to possibly pursue legislation.

At the October 21<sup>st</sup> Arizona Judicial Council meeting, a proposal to replace certified reporters with digital recording and digital video recording in Grand Jury proceedings was considered. After an argument in opposition by John MacDonald and much discussion, it was tabled for further input and review by the Committee on Superior Court.

I attended the November 5 Committee on Superior Court meeting and presented them with a white paper that had been authored by our Third Party Contracting Committee and spoke in favor of the 7-206 language change. I also spoke against the Grand Jury proposal – rather passionately, I might add – assuring them that we were prepared to fight this proposal vigorously. They tabled that proposal for further input from interested parties.

However, the Judicial Council, at their next meeting on December 7 voted unanimously to pursue legislation to replace reporters with DR and DVR, despite a rather passionate opposition by our lobbyist and having received no report yet from Committee on Superior Court.

The officials on the ACRA Board then got busy gathering data and prepared a white paper opposing the Grand Jury proposal for the Judicial Council. Then on January 19, we were informed that identical bills had been introduced in the legislature, Senate Bill 1156 and House Bill 2354, to replace live reporters in Grand Jury proceedings. Although John had predicted this, it was still quite a shock! Twin bills meant the sponsors were really determined to push this through!

ACRA’s Board went into overdrive! We mounted a letter-writing campaign to legislators, and John arranged a meeting with Senator Gray, the sponsor of the Senate bill, and himself and five court reporters. It was a very successful meeting – Sen. Gray withdrew her bill from consideration the next day. However, the House bill was heard in Judiciary Committee that same day and passed.

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*Is Your License in Jeopardy, continued from page 1*

1. Ethics.

- a. A certified reporter shall avoid impropriety and the appearance of impropriety in all professional activities, shall respect and comply with the laws and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial system.
- b. A certified reporter shall exercise fairness and impartiality toward each participant in all aspects of reported proceedings and always offer to provide comparable service to all parties in a proceeding.
- c. A certified reporter shall have no personal or financial self-interest in the reporting of a proceeding and shall exercise caution to avoid any appearance of self-interest.
- d. A certified reporter shall be alert to situations that are conflicts of interest that may give the appearance of a conflict of interest or create an appearance of partiality.
- e. A certified reporter shall promptly make full disclosure to all parties or their representatives of any relationships which may give the appearance of a conflict of interest or partiality.
- f. A certified reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of reporting. A certified reporter shall not engage in unethical or unprofessional conduct that is harmful or detrimental to the public in the practice of reporting. Proof of actual injury is not required.
- g. A person holding a certificate under this section shall not enter into an employment, independent contractor, or agency relationship, which requires the certificate holder to:
  - (1) Relinquish control in a manner that prevents the certificate holder's monitoring, oversight and review of the preparation, production and distribution of the transcript and copies of the transcript before it is certified and delivered to the custodial attorney;
  - (2) Relinquish control in a manner that prevents the certificate holder's inspection and copying of records of charges, billings, and invoicing to all parties relating in any way to the reporting of the proceedings or cases and production of the transcript provided by the certificate holder and any products or services ancillary thereto;
  - (3) Provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation;
  - (4) Give any economic or other advantage to any party, or their attorney, representative, agent, or insurer; or
  - (5) Expressly or impliedly requires the certificate holder reporting any proceeding or case to perform court reporting services in any other proceeding or case at a specific rate of compensation or compels, guarantees, regulates, or controls the use of particular court reporting services in other proceedings or cases.

This subsection shall not apply to contracts for certified reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Arizona.

- h. A reporter shall not take a deposition if the certified reporter is:
    - (1) A party to the action;
    - (2) A relative, employee, or attorney of one of the parties;
    - (3) Someone with a financial interest in the action or its outcome; or,
    - (4) A relative, employee, or attorney of someone with a financial interest in the action or the outcome. For the purposes of this subparagraph, "employee" or "relative" shall not include an employee or relative of the attorney or one of the parties.
    - (5) An "employee" includes a person who has a continuing contractual relationship, express or implied, with a person or entity interested in the outcome of the litigation, including anyone who may have ultimate responsibility for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services.
  - i. A judicial officer may declare a deposition void if a certified reporter with an association to a matter, as described in this subsection, takes a deposition.
  - j. The provisions of section 7-206 may not be waived by disclosure, agreement, stipulation, or otherwise.
2. Professionalism.
- a. A certified reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the certified reporter by the court or any of the parties in the proceeding.

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*Is Your License in Jeopardy, continued from page 4*

- b. A certified reporter shall be truthful and accurate when advertising or representing the certified reporter's qualifications, skills, abilities, or the services provided.
- c. A certified reporter shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.
- d. A certified reporter shall keep abreast of current literature, technological advances and developments and shall fulfill ongoing training requirements to maintain professionalism.
- e. As part of the judicial department's commitment to the principle of access to justice for all and the integral role of certified reporters, certified reporters are encouraged to provide pro bono services, when requested through qualified legal assistance organizations providing free legal services to the indigent. Certified reporters providing pro bono services pursuant to this subsection shall disclose the pro bono services to all parties in the case.

### 3. Fees and Services.

- a. Except as provided in subsection (J)(2)(e), a certified reporter shall charge all parties or their attorneys in the same action the same price for an initial copy of a transcript. Additional copies purchased by the same ordering party may be charged at a reduced rate provided disclosure is made to all parties involved in the case and the same reduced rate for additional copies is provided to all parties involved in the case. Each party shall be treated as an individual party to the action and is required to purchase an initial copy at the same rate provided to all parties requesting a copy in the same action before they may obtain additional copies at a reduced rate. A certified reporter may provide services on a pro bono basis as provided in this section.
- b. A certified reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to all parties or their attorneys, or to division staff. A certified reporter shall maintain an accurate account of services rendered and provide copies of invoices to any requesting party involved in the case or upon the request of the board or division staff.
- c. A certified reporter shall determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.
- d. A certified reporter shall charge no less than 60 percent more for an original transcript than what is charged for copies in all cases. The charge for the original transcript includes the per diem paid for the reporter's appearance.
- e. A certified reporter shall at all times be aware of and avoid impropriety or the appearance of impropriety, which may include, but is not limited to:
  - (1) Establishing contingent fees as a basis of compensation;
  - (2) Directly or indirectly receiving of any gift, incentive, reward, or anything of value as a condition of the performance of professional services;
  - (3) Directly or indirectly offering to pay any commission or other consideration in order to secure professional assignments;
  - (4) Directly or indirectly giving, for the benefit of employment, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for:
    - (a) Nominal items that do not exceed \$25.00 per transaction and \$100.00 in the aggregate per recipient each year; and
    - (b) Pro bono services; and
  - (5) Entering into any written or verbal financial relationship with counsel, parties of interest or their intermediaries that:
    - (a) Undermines the actual or perceived impartiality of the certified reporter; or
    - (b) Does not provide or offer any private party of interest comparable reporting services in the same proceedings.

### 4. Skills and Practice.

- a. A certified reporter shall take full and accurate stenographic or voice written notes of any proceeding and shall not wilfully alter the notes.
- b. A certified reporter shall accurately transcribe verbatim any stenographic or voice written notes taken at any proceeding and shall not wilfully alter the transcript.
- c. A certified reporter shall provide a transcript to a client or court in a timely manner. The certified reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A certified reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A certified reporter shall provide immediate notification of delays.

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*Is Your License in Jeopardy, continued from page 5*

- d. A certified reporter shall not go “*off the record*” during a deposition or court proceeding unless agreed to by all parties or their attorneys or ordered by the court.
- e. A certified reporter shall accept only those assignments for which the reporter’s level of competence will result in the preparation of an accurate transcript. The certified reporter shall decline an assignment when the reporter’s abilities are inadequate.
- f. A certified reporter shall prepare the record in accordance with applicable laws, rules or court order.
- g. A certified reporter shall preserve the stenographic or voice written notes in accordance with Arizona laws, federal laws and the Arizona Rules of Court.

#### 5. Official Reporters.

- a. An official reporter may engage in freelance reporting duties only if the following criteria are met:
  - (1) The presiding superior court judge or designee has given express authorization; the reporter’s official work is up to date and there are no transcripts the reporter is preparing in which a court has granted an extension of time; and
  - (2) The presiding superior court judge or designee has authorized the reporter to take annual leave during the time the freelance work is scheduled unless:
    - (a) The freelance work is scheduled during hours the court is not open for business; or
    - (b) The presiding superior court judge or designee has granted the reporter time off in compensation for overtime previously worked.
- b. A certified reporter shall never purport to speak or act for a judge regarding judicial matters.
- c. A certified reporter shall not express an opinion as to how a case should be decided or what verdict a jury will return.

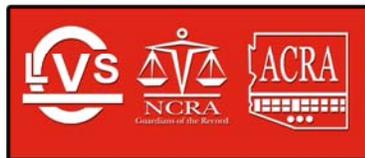
#### 6. Performance in Accordance with Law.

- a. A certified reporter shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.
- b. A certified reporter shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.



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*President's Message, continued from page 3*

The next step for House Bill 2354 was to pass the Rules Committee, which every bill must do. It was here that John's most ferocious battles took place over several weeks. With numerous letters and e-mails from not only reporters, but attorneys and other citizens, along with John's vigilance and input, we succeeded in stalling it in Rules Committee. And on March 24, the Administrative Office of the Courts announced at the Arizona Judicial Council meeting that House Bill 2354 was "dead."

I'm sure we haven't heard the last of this. ACRA's Board will be having a strategy meeting soon with John to plan for next year's anticipated onslaught of legislation. We will be monitoring all Arizona Judicial Council meetings and Committee on Superior Court meetings to avoid being blindsided with renewed efforts adverse to reporters.

You can really be proud of your Board of Directors this year. They have worked their "hinies" off on your behalf. Every time I thought I had asked the maximum effort from them but needed more, they rose to the occasion. And many thanks to all of you who wrote letters to legislators and others to assist us in our opposition efforts!

On the freelance side of things, the language change in 7-206 sponsored by the CR Board was finally approved by the Supreme Court and made final, but this is only the first step in tightening up our laws to address the third party contracting issue. In light of the growing problem involving national deposition firms, we are looking at numerous possible solutions to address this issue. As we discussed last year at Annual, one of these might include firm registration. Although there has been opposition to this proposal in the past, several firm owners have recently indicated a change of heart. We need feedback from our membership on this topic.

NCRA is establishing a task force to address this issue on a national basis, as it has, indeed, become a national problem, with states from all across the United States reporting similar problems. NCRA has recently adopted language recommended by their Ethics First Committee condemning certain actions by national firms as contrary to NCRA's Code of Professional Ethics, and they put some teeth in the resolution by announcing that they will not accept any advertising in the Journal by firms that do not comply with the Code of Professional Ethics.

Which brings me to the subject of what YOU can do to assist ACRA in our efforts to protect and enhance the reporting profession. This is YOUR association, and we need YOUR help. Only roughly half of the reporters in the State of Arizona are members of this association, yet the other half reap the benefits of ACRA's efforts on behalf of the reporting profession. We need contact information for the other half.

Many reporters do not list their contact information on the CR Board's site, only their name. We don't even know what part of the state they are in. The CR Board cannot release their contact information without their permission and cannot send out communications on our behalf.

This information is vital not only for our membership efforts, but also for our communication efforts to make all licensed Arizona reporters aware of new developments and changes in laws affecting reporters. Would each of you help by determining who in your community or firm or courthouse are not members of ACRA and therefore not receiving current information and forward their contact information – address, phone number, and/or, especially, email address to ACRA at [acra@samin.org](mailto:acra@samin.org) or to my address at [doreenborgmann@cox.net](mailto:doreenborgmann@cox.net)?

This will enable us to more fully complete the contact list we are working on and reach out to the other half of the reporters in our state. There is definitely strength in numbers. The efforts of our lobbyist are vital to our survival as a profession. The assistance of Robin, our administrator, is essential to our functioning effectively. With an election year coming up, we will likely need to make contributions to key campaigns through our PAC. We need the support of all the reporting community to perform effectively on your behalf.

It's important that we all pitch in and do our part in the ongoing battle to preserve the reporting profession. An active association is a strong and effective association. To ignore the problems confronting us and wait for someone else to fight our battles for us is a recipe for failure. But with a unified effort, we can prevail! Thank you!

## The True Essence of the Man was at that Moment

By Liz Lemke, Federal Official Reporter/Phoenix

January 8, 2011, was a very memorable day. As ACRA's Board members met at my house for our meeting, little did we know that a horrible scene would be played out just miles from my home. We all sat glued to the television as soon as one member received a phone call concerning Gabrielle Giffords. The first newscast reported her as dead. Thank goodness that proved not to be true, but there were many lives lost that day all because of a senseless act by one person. I am enclosing some articles that I thought were very well written about a federal judge that I had the pleasure to meet, Judge John Roll.

Karen Kahle  
ACRA President Elect

On January 10, 2011, the President of the United States called on our nation for a moment of silence to pay tribute to the victims of a senseless act of violence which occurred in Tucson, Arizona, on January 8, 2011, where Chief Judge John McCarthy Roll of the District of Arizona and five others were slain and a dozen others were wounded, including Congresswoman Gabrielle Giffords. The tragedy has reverberated across our country and prompted an outpouring of sympathy and concern.

So what thoughts flashed in your mind in that "Moment of Silence"? Where did your mind go when you stopped and reflected on the tragedy of the moment? People were searching for a reasoned explanation for such a horrific event to have occurred, but for those who were part of the federal court family, the moment evoked sadness and loss for one of our country's most selfless public servants and most admired and respected leaders among the court family, a man of unusual personal graciousness.

As official court reporters working side by side with our judges, we often get a glimpse of "our judge" on a more personal level. We come to know their strengths and weaknesses, both personally and professionally, almost like having a second family with whom we spend countless hours.

Judge John M. Roll was a court reporter's dream both in and out of the courtroom. His mild manner and temperament carried a firm hand in the courtroom setting. Being totally prepared each day, decisions were made that were clear and concise, but obviously compassionate and fair to each and every litigant.

His secretary of 20-plus years, Katy Higgins, steered the ship behind the scenes with an atmosphere and kindness that mirrored Judge Roll in every respect. Judge Roll's kind heart was extended to all people. Whether he was involved with multiple litigants in a large case or just passing the building maintenance worker at the courthouse, there was always a warm smile and sentiment for them with an inquiry about how

they were. He would travel between Phoenix and Tucson as Chief Judge, often bringing his wife of 40 years, Maureen. You would often see them holding hands and publicly exhibiting a mutual love and respect for each other.

Judge Roll would always attend retirement parties, Christmas parties, tributes for outstanding achievements for employees, and participate in the annual courthouse golf outing. Every gathering would seem to be hosted by Judge Roll's graciousness and concern for others. Even if you had only met him once, he would always remember your name. You couldn't resist being drawn to him and admiring him. Upon listening to others who knew him for a lifetime, his close family and friends, administrators and staff, politicians and neighbors, all sharing their fondest memories, you actually got goosebumps wishing he had been your best friend, closest neighbor, or even your ideal spouse.

When just 15 years old, Judge Roll met a blue-eyed Irish girl named Maureen O'Connor who became the love of his life and wife of 40 years. Together they had three sons and five beautiful grandchildren. After one of his sons survived a life-threatening event, he embarked on a walk of life that developed his deep faith in God and love of family as his top priorities in life.

Judge John Roll was the kind of private man who held his family above all else and was extremely committed to his faith, a man who regularly took his grandchildren for donuts, taught them to swim, play basketball, and rode the rides at Disneyland.

On January 14, 2011, a Catholic church in Tucson was overflowing with mourners who spanned walks of life from senators to court clerks to a neighbor who walked his dog with him for 20 years and never knew he was a judge until Judge Roll, in 2009, explained to him the presence of the U.S. Marshals in the neighborhood after he had received death threats as a result of a case he was handling.

Born February 8, 1947, John M. Roll was a native Pennsylvanian, but grew up in Tucson, Arizona, where he attended Catholic elementary school, Catholic high school, graduated from the University of Arizona with his bachelor's degree in 1969, and his J.D. degree in 1972. He later graduated from the University of Virginia School of Law with a Masters of Law degree in 1990.

Officiating at the memorial services, Father John Lyons shared his memories of life growing up as Judge Roll's best friend since third grade. Their days at Catholic elementary school were the first snippets of the judicial process he and Judge Roll experienced, both being on the receiving end of "justice" as they spent countless hours on the bench outside the school

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*The True Essence, continued from page 8*

principal's office. In high school Judge Roll became a long-distance runner and could never think of anything but public service and had developed a profound love of his country.

His long-distance running established a foundation for the ultimate race he embarked upon, his greatest long run of all, nearly 40 years of governmental service. In 1972 Judge Roll began as a bailiff in Pima County Superior Court. Then he served as City Attorney, Deputy County Attorney, Assistant U.S. Attorney, Judge on the Court of Appeals, a Superior Court Judge, and finally, was appointed to the U.S. District Court, District of Arizona in 1991, appointed in 2006 as Chief Judge.

Richard W. Weare, U.S. District Court Executive/Clerk of Court reflected on his time spent together with Judge Roll and commented that the personal side of John Roll being every bit as magnificent as the professional side, that his personal attributes even exceeded those of his outstanding professional career. Mr. Weare shared that John Roll's self-deprecating sense of humor left many fond memories of difficult situations turned smooth, and humorous events where Judge Roll would make himself the recipient of the laugh.

Mr. Weare said Judge Roll wasn't just a Type A, but was much more suited to a Type Triple A. Judge Roll enjoyed golfing, reading, playing the guitar, and driving his vintage Corvette, and a deep devotion to St. Thomas More. He was involved extensively in community outreach programs, often speaking to young people with words of encouragement and sharing his Christian faith. One of his law clerks mentioned he thought of him more as a father than a boss.

Being an early riser, every morning he would put on a pot of coffee, read from his Bible, and bring his wife Maureen a cup of coffee in bed. Then as the sun rose, he would sit and read his legal briefs and prepare for the day.

Judge James A. Teilborg, another U.S. District Court Judge, spoke words of encouragement, musing that if John Roll were here, he would comfort each of us and say to wipe away the tears of grief and replace them with joy because he was now in the presence of the Lord. Again, Judge Teilborg agreed there was no public John Roll that was at all different than the private John Roll. He treated everyone the same, with a bright smile and a two-handed handshake. His priority was always to be sure everybody was comfortable. Judge Teilborg was certain that if Judge John Roll were here and present at this gathering, he would question, "What is all this fuss?"

Then Judge Teilborg commented that if one were to overhear God's words to Judge Roll at the pearly gates, they most certainly would be, "Well done, my good and faithful servant."

That Saturday morning Judge Roll, after attending Mass, wanted to stop and say hello to Congresswoman Gabrielle

Giffords as she met with her constituents in a local shopping center. He wished to express his gratitude for her helping support his current requests to the 9th Circuit to deal with the exploding district caseload.

As details of that tragic Saturday morning have unfolded, the extraordinary unselfishness of Judge John M. Roll just continues to flourish. When gunshots began, he is credited with shielding another of Congresswoman Giffords' aides from harm's way and saving their life.

The true essence of this incredible man most vividly can be captured in that very moment when he lay wounded. The first responders and medical personnel rushed to his side and his words to them were, "I know you can't save me. Go and help those you can."

The entire federal court family grieves the loss of Judge John M. Roll. He was a respected jurist, strong leader, dedicated family man, caring, courteous, and kind human being. Judge John Roll will truly be remembered among those who sacrificed courageously and gave everything to assure liberty for our future.

Using his life as an example, his moral glue should bind us all together. Setting aside our grief, we can all make a personal commitment to live by his example, i.e. a random act of kindness, reaching out to help somebody, listening to others, making a phone call rather than sending an e-mail.

Through our efforts, we can construct a tribute to Judge Roll's memory that can reinforce the foundation of a more peaceful, civilized society. Why not turn our "Moment of Silence" into a resounding outpouring of kindness to fellow man with a deeper respect for each other and compassion for all?

May God bless him and grant him eternal peace. Our thoughts and prayers are with his family, close friends, colleagues, and the entire court family who knew him and whose hearts and lives were touched by no finer man than Judge John M. Roll. He will be sorely missed, but always remembered.

In memory of Judge John M. Roll, the family suggests contributions to one of the following:

Merilac Lodge Group Home  
Catholic Community Services  
140 W. Speedway Blvd., Tucson, AZ 85705

The Humane Society of Southern Arizona  
3450 N. Kelvin Blvd., Tucson, AZ 85716

The John Roll Endowed Scholarship Fund  
Salpointe Catholic High School  
1545 E. Copper St., Tucson, AZ 85719

## The Largeness of Spirit

*By Matt Bowman, who served as a law clerk for Judge John Roll from 2003-05. Mr. Bowman is an attorney in Washington, D.C.*

I knew Judge Roll as a mentor and as a true father-figure, having worked for him as a law clerk from 2003 to 2005. I had just finished law school at Ave Maria School of Law in Ann Arbor, Michigan. Students from many prestigious schools applied to work for the judge, but he was willing to give me and my Catholic alma mater a chance.

I discovered the clerk position because Judge Roll was one of the few judges who listed the Knights of Columbus in his federal judiciary biography. As Supreme Knight Carl A. Anderson noted when expressing his sadness about the shooting, the judge was a member for 24 years, a Fourth Degree Knight and a charter member of Deacon Raphael “Ray” Longpre Council 10441 in Tucson.

Visiting a federal judge for a job interview, I was understandably nervous. When I met Judge Roll, however, he treated me as if I were the most important person there. He and his wife took me to dinner and even drove me back to the airport. Later, during my clerkship, my wife and 2-year-old child would often visit me at work. Judge Roll always took time to come out of his office to talk and visit with us in his chambers. On several occasions, he walked into my cubicle to share an inspirational book or presentation he had recently discovered. Later, he enthusiastically worked on a letter of recommendation for me to clerk at the Third Circuit Court of Appeals, and I was eventually hired by then-Judge Samuel Alito.

A humble and fervent Catholic, Judge Roll established for me an unparalleled ideal for which to strive in my moral and professional life. He nurtured young lawyers as apprentices entering a noble profession. He shared his personal impressions with us about the performances and intrigues of proceedings in court. He set aside time during most weeks to sit and discuss new cases that we found interesting from the Supreme Court or the Ninth Circuit Court of Appeals. He even devoted extra time each year to speak to Christian law students about pursuing their profession with integrity and faithfulness.

Judge Roll was not just casually associated with the mission of the Church, nor was he merely an intellectual Catholic. He was a man of deep commitments and was intensely dedicated to the Church, because he was first and foremost devoted to Jesus Christ. His morning routine included swimming, reading the Bible, reading legal briefs and bringing his wife a cup of coffee in bed.

As often as he could, he attended daily Mass. Archbishop Charles J. Chaput of Denver, who began corresponding with Judge Roll after meeting the judge’s wife in 2008, described “four clear marks” that were evident in each of the judge’s letters: “generosity, intelligence, largeness of spirit and a

sincere love for his Catholic faith.”

After Judge Roll’s funeral, fellow Arizona Federal Judge James Teilborg — an evangelical Christian — expressed admiration for the judge’s living commitment to the study of God’s word. The two judges would often discuss Scripture in conversations about court business.

“None of us were ready” for his death, said Judge Teilborg, “but John Roll was.” Judge Roll lived his relationship with Jesus Christ toward every person he met. His pastor from St. Thomas the Apostle Church said that one of the U.S. Marshals who handles security at the federal court building in Tucson was eager to relate how much all of them would miss the judge because “he treated the lady at the lunch counter the same as he treated the Chief Judge of the Ninth Circuit [Court of Appeals].”

Indeed, Judge Roll greeted the security guards by name and asked about their families. He did the same with a cadre of probation officers who briefed him every morning on the criminal defendants he was tasked with sentencing. He issued judgments in their cases with meticulous attention to detail, not only of the crime, but also of their personal histories. He read every word of every brief and memo out of respect for the people who wrote them, and he usually knew the details better than the attorneys did.

He required a formal and respectful atmosphere in his courtroom but treated the participants with kindness, not sternness. And he cared deeply about his staff and their families, sharing with them the stresses and fascinating developments of the day with humor and patience.

### A Modern-Day Thomas More

Judge Roll’s attention to the people he encountered reminds me of Pope John Paul II, whose undivided personal attention was fondly remembered by each of the thousands of people whom the pope met. In the accounts following Judge Roll’s death, judicial colleagues from across the ideological spectrum have universally reported his unfailing courtesy and respectfulness. Former Ninth Circuit Chief Judge Mary Schroeder said Judge Roll “was famous for being able to say so many genuinely nice things about people without having to consult notes, for he so genuinely loved people and had such a remarkable mind.”

Ninth Circuit Judge Michael Daly Hawkins remarked, “He was always fair-minded and absolutely attentive to everyone who appeared in his courtroom.” Judge Roll’s life in service to the courts and the prosecutor’s office was a sincere expression of patriotism for his country, and a devotion to America’s founding rule of law as a good that stabilizes and enriches our society. His attention to personal detail made him renowned in his profession.

*Continued on page 11*

*The Largeness of Spirit, continued from page 10*

Above all of this, though, John Roll was a devoted husband, father, son and grandfather. His family meant everything to him, and somehow amidst his professional excellence, he prioritized giving time to his wife, her mother, his three sons and his five grandchildren.

In the weeks after his death, Judge Roll’s family expressed in an inspiring and heartbreaking way the deep meaning that he held in their lives. This included not only things like taking the family camping every year and teaching his grandchildren how to swim, but also showing his sons how to be good husbands and fathers.

All of this correctly suggests that if Judge Roll was still with us, he would be calling attention away from himself and toward the other victims of the Tucson shooting and their families, especially nine-year-old Christina Green, who was also an active member of the Catholic Diocese of Tucson.

In fact, the pastor at Roll’s funeral revealed that the judge reportedly told a doctor who came to help, “I know it’s too late to save me; go help the people you can save.” Judge John Roll, I think, is a modern-day Thomas More. In fact, a biography of that great English saint could always be found on the coffee table in Judge Roll’s chambers.

Widely respected throughout Europe as a lawyer and scholar, St. Thomas More was known as being formidably skillful, yet gentle and courtly to all. His character was impeccable and uncompromised — even in the face of death. He was a man of prayer; he was loved by influential and working people alike; and he was totally devoted to his family, whose lives he showered with love and ample good humor.

In all of these ways, Judge Roll was also a Christ-like model in his daily life. For this reason he will be greatly missed, and his example can be a guidepost for Catholics and all persons of good will for years to come.

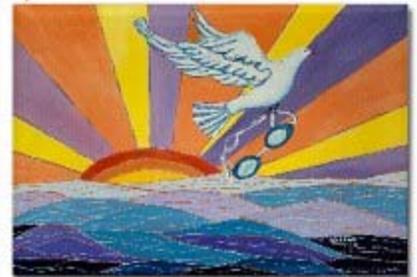
*(This article originally appeared in Columbia magazine March 2011 and is reprinted here with permission from the Knights of Columbus, New Haven, Conn.)*

**Interested in Mentoring a Student?**

If you would like to mentor a court reporting student, please contact Barbara Stockford at [barbarastockford@earthlink.net](mailto:barbarastockford@earthlink.net). Mentoring activities include answering student emails, guiding students by words and example, offering insight into a working reporter’s life, and giving student reporters an opportunity to sit in during judicial/captioning/CART proceedings. For more information about mentoring, please visit NCRA’s website at <http://ncraonline.org/VMP/MentorGuide/>.

Dear Court Family and Friends,

Lance Wilson is the Clerk of Court in Nevada and a daily swimmer. Over the years, he and Judge Roll would always swim together whenever they found themselves in the same city for a conference or some other Ninth Circuit event. For those of you who have been around awhile, you may recall that Lance was the Chief Deputy Clerk in Arizona during the mid to late 1980’s, and that he is also an artist. Like so many of us, Lance was deeply saddened by Judge Roll’s tragic death and was moved to paint a portrait to honor his friend and swim partner. The original of the portrait was recently sent to Mrs. Roll. Lance was also kind enough to have some copies made for close friends, of which I am proud to be one. I was thrilled to receive the portrait in the form of a 6" x 6" textured glass tile, which is really a lovely work of art. The portrait is colorful and meaningful, as you can see from the attachment which explains its significance. Because of the response to this portrait, Lance has shared with me the information necessary to order additional copies of the plaque for those who may be interested. If you would like to see the plaque, feel free to stop by the office of Mags Everett in Phoenix or Katy Higgins in Tucson. The portrait is also available as a small magnet, per the attached photo.



Below is the pricing for these items should you be interested in ordering. The pricing represents the actual cost of the item, including shipping.

Absolutely no profit is built into these prices. This opportunity is simply a way of sharing Lance’s tribute to Judge Roll with others who may appreciate having such a memento. If you are interested, please submit your order and payment (cash or check made payable to Ronnie Honey) to Mags Everett (Phoenix/602-322-7100) or Bonnie Williams (Tucson/520-205-4203) by COB on May 20, 2011. Feel free to pass this along to whoever you think might be interested. However, if someone outside the district wishes to place an order, they should contact Lance Wilson directly as there will be shipping issues that need to be coordinated.

Pricing:

Plaque = \$25.00 each

Magnet = \$3.00 each (but if we are able to order in a lot of 100, the price will be \$2.00)

## Innovative Ideas and Practical Knowledge Highlight ACRA Midyear Seminar

By Barbara Stockford, Vice-President

ACRA's 2011 Midyear Seminar was held on April 30, 2011, at the Holiday Inn & Suites in Mesa. This year's agenda covered a wide range of CEU-earning educational topics and offered opportunities for reporters to network and reconnect with one another.

The first speaker of the day, Margie Wakeman Wells, started the conference program with an entertaining overview of a subject near and dear to every court reporter – punctuation. A walking reference book, Margie and her comedic talent brought to life what can sometimes be a very dry subject, and clarified a multitude of punctuation rules that are so easily broken, bent, or forgotten. Commented veteran court reporter and seminar attendee Joanne Farrell, “Margie Wakeman Wells is the ultimate authority on grammar and punctuation for court reporters, and I always learn something. So the moral of the story is you can teach an old dog new tricks!” Margie autographed her bestselling reference text, Court Reporting: Bad Grammar/Good Punctuation, which was snapped up by seminar attendees and sold out by day's end. Her seminar left us wanting more, and we hope to see her again!

Lisa Sanders, expert in Deaf Education and teacher of students who are deaf or hard of hearing, delivered an insightful presentation about deafness sensitivity and the use of CART in the classroom. Co-presenting with Lisa was college student Dalton Kiley whose charm, poise, and confidence while speaking to our group made his unique experience easy for us to appreciate and understand. Rounding out the session was CART provider and court reporter Kim Portik whose inspiring demonstration of CART motivated some reporters to sign up for the next CCP exam!

Seminar attendees were treated to Pam Mayer's “Clean New Briefs!” seminar which included a lively exchange of fabulous phrasing briefs. Pam pulled together tons of information to create her new Briefs, Briefs, Briefs manual that was a seminar sell-out. If you missed out on a copy, please email Pam at yoginipam@gmail.com to order yours for just \$25. Proceeds from the sale of Briefs, Briefs, Briefs benefit ACRA.

To cap off our speaker line-up, Banner Good Samaritan Hospital's physical therapist Christine Sherrill shared easy exercise tips to help us get through our work day. Here are just a few:

**Stretch your neck:** Drop your chin to your chest and roll it from shoulder to shoulder (but not back) several times. Then look over and down to one shoulder, hold for 10 seconds. Repeat to the other side.

**Wrist stretch:** With arms straight, grasp hand and slowly bend up, hold for 5 seconds and then down and hold for 5 seconds. Repeat several times.

**A good stretch for the upper back:** Clasp your hands behind your head, push your elbows backward until you feel a comfortable tension in your back and shoulder muscles. Hold this position for 5 seconds and relax. Repeat 4-5 times.

The day concluded with the much-anticipated raffle drawing for Visa gift cards. Mary Davis walked away with the top prize of \$1,000 while Gail Ferguson went home \$500 richer. Scott Coniam rounded out the winners with a \$250 gift card.

The next event on the ACRA seminar calendar is the Annual Convention scheduled for September 16-18, 2011, at the Prescott Resort and Conference Center. Building on the momentum started at our midyear event, the Annual Convention promises to bring even more innovative, educational, and practical seminars to the Arizona court reporting community. Make a note now to join us in September in the cool climes of Prescott.

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## News from Other States

### California's Court Reporters Halt Implementation of DAR/ER in State Courts

In late April, the California Court Reporters Association (CCRA) announced a significant legislative success. Assembly Bill 803 would replace official court reporters with ER in 20 percent of courtrooms per year over the next five years, basically phasing out all officials in the state. CCRA led the fight in defeating this destructive legislation operating a significant grassroots campaign to successfully lobby their state legislators.

In addition, California's court reporters received support from the numerous associations and organizations with a stake in the judicial system, including the California District Attorneys Association, the California Public Defenders Association, California Attorneys for Criminal Justice, Statewide Association of Criminal Defense Attorneys, California Federation of Court Interpreters, the California Judges Association, California Official Court Reporters Association and numerous other groups.

After testimony was taken, the committee voted against passage of the bill with only two legislators voting in favor and six opposing. California's reporters did an excellent job of coalescing support from consumer and user groups to defend the role of the court reporter in the courtroom.

Their work is to be celebrated, and NCRA hopes that other affiliate associations will use California's success as a model for their legislative actions. Please contact [Adam Finkel in NCRA's Government Relations Department](#) at with any questions or comments.

(From NCRA)

### Montana State Supreme Court Implements Anti-Contracting Language and Gift-Giving Limitations

In a major victory for the impartiality of the record, the Montana State Supreme Court issued an order, which modified the state's Rules of Civil Procedure to include anti-contracting language and gift-giving limitations. A successful advocacy campaign was waged by the Montana Court Reporters Association to inform the Supreme Court Justices of the ethical issues of cost-shifting, excessive gift-giving, and maintaining the impartiality of the record. On April 26, 2011, the State Supreme Court issued its changes to the Montana Rules of Civil Procedure.

Four significant restrictions were added to the Montana Rules of Civil Procedure. They read as follows:

The officer taking the deposition, or any other person with whom such officer has a principal and agency relationship, shall not enter into an agreement for reporting service which does any of the following:

1. Requires the court reporter reporting the deposition to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney.
2. Requires the court reporter to provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation, or in any way offers any incentives or rewards to the attorneys, parties to the litigation, or to anyone else who has an interest in the litigation;
3. Gives an exclusive monetary or other advantage to any party; or
4. Compromises the impartiality of the court reporter, or that may result in the appearance that the impartiality of the court reporter has been compromised.

The Montana Court Reporters Association is to be applauded for pursuing these regulations that will maintain the integrity of the record and strengthen the state of the court reporting profession in their state. These changes will take effect on October 1, 2011 giving attorneys and parties time to adjust to the proposed changes. Additionally, you can read the memo on the changes issued by the Montana State Supreme Court here. For more information, please visit [NCRA's anti-contracting homepage](#), or contact [Adam Finkel](#) in NCRA's Government Relations Department.

(From NCRA)

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## Los Descendientes (the Descendents) Project

Dear fellow ACRA members,

I am hoping that you will be able to assist Mr. Denempont, an attorney, in his efforts to assist Ms. Irma Moreno who has been working with the Arizona Historical Society on their Los Descendientes (the Descendents) project to transcribe interviews of minority veterans from the State of Arizona. These transcriptions will be made a part of the Veterans History Project at the Library of Congress as well as with the Arizona Historical Society.

Are you willing to volunteer your time and talent to transcribe these veterans' interviews so that the oral histories of their wartime experiences will be preserved at the Library of Congress?

Because these transcriptions will be made a part of the Veterans History Project at the Library of Congress, court reporters who volunteer to transcribe the veterans' interviews will be awarded 0.1 CEU at no cost to them for every transcript you complete.

If you are interested in transcribing these interviews, please contact:

Beth Kilker, Oral Histories Coordinator,  
National Court Reporters Foundation  
8224 Old Courthouse Road  
Vienna, VA 22182-3808  
Telephone: 703-556-6272  
E-mail: [bkilker@ncrahq.org](mailto:bkilker@ncrahq.org)

NCRF - the foundation for court reporting philanthropy

### Important Contact Information

**ACRA Office:** (480) 496-4010 (Robin Hirth),  
[acra@saminc.org](mailto:acra@saminc.org)  
**ACRA Website:** [www.acraonline.org](http://www.acraonline.org)  
**CR Office:** (602) 452-3878  
**CR Website:** [www.supreme.state.az.us/cr](http://www.supreme.state.az.us/cr)



For content, contact Editor  
Karen Kahle  
(520) 740-3015

For advertising information, contact  
ACRA Administrator  
Robin Hirth  
(480) 496-4010

### DEADLINES

Fall Issue - August 10, 2011  
Winter Issue - November 10, 2011  
Spring Issue - February 10, 2012  
Summer Issue - May 10, 2012



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We encourage reprints of any materials contained in this magazine. Permission is not required, but a courtesy byline, and a courtesy copy of any publication which contains a reprint, is requested.

## Dates to Remember...

**May 20, 2011**

***2011 Distinguished Service Award***

***Nominations Due***

Visit [www.acraonline.org](http://www.acraonline.org) to download a nomination form

**June 11, 2011**

***ACRA Board Meeting***

Chandler

10:00 am

Contact the ACRA office for details if you would like to attend.

**August 8, 2011**

***2011-12 ACRA Board of Directors Slate***

***Presented to the membership***

**August 10, 2011**

***Fall ArizoNotes Deadline***

Contact Karen Kahle at (520) 740-3015 / [hvyntlccr@juno.com](mailto:hvyntlccr@juno.com) for submissions, and Robin Hirth at (480) 496-4010 / [acra@saminc.org](mailto:acra@saminc.org) for advertising information.

**September 16-18, 2011**

***ACRA Annual Convention***

Prescott Resort, Prescott

**Hotel Information:**

Rate: \$95 includes complimentary guest room WIFI

1-800-967-4637 ask for group code: G743 or the ACRA room block. Room block deadline to guarantee rate: August 16, 2011

**DIRECTORY CORRECTION:** The Yuma Court Reporters ad in the 2011 membership directory contained an incorrect email address. The correct ad is reprinted below.



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