



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Judge Barry G. Silverman to Assume Senior Status

SAN FRANCISCO – Circuit Judge Barry G. Silverman of Phoenix, Arizona, has announced that he will step down as an active judge of the United States Court of Appeals for the Ninth Circuit. Judge Silverman, 64, plans to assume senior status on October 11, 2016, at which time he will have more than 18 years of active service to the court.

In an October 11, 2015, letter informing President Obama of his intentions, Judge Silverman said he will continue to render substantial service as a senior judge. He noted that he has sat as a judge of federal and state courts for nearly 37 years.

“It has been the honor of my life to have served the nation and the people of Arizona as a member of the judiciary. I am very grateful to have had this extraordinary opportunity, to President Clinton for appointing me, and to our fellow citizens for the confidence they have shown in me,” Judge Silverman wrote.

Judge Silverman was appointed to the Ninth Circuit Court of Appeals on February 4, 1998, and currently ranks sixth in seniority among the court’s 29 active judges. He had previously served on the federal bench as a magistrate judge of the U.S. District Court for the District of Arizona from 1995 to 1998. As a senior judge, he will continue to maintain chambers and staff in the Sandra Day O’Connor U.S. Courthouse in Phoenix.

A lifelong public servant, Judge Silverman began his legal career as an assistant city prosecutor in Phoenix, from 1976 to 1977, and as a deputy county attorney for Maricopa County, Arizona, from 1977 to 1979. He first donned judicial robes in 1979 as a commissioner of the Maricopa County Superior Court. He served in that capacity until 1984, when he was appointed a judge of the court by Arizona Governor Bruce Babbitt. He later served as judge pro tem of the Arizona Court of Appeals, authoring an appellate opinion in 1989.

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During his early career as a prosecutor in Phoenix, Judge Silverman appeared in the courtroom of future U.S. Supreme Court Justice Sandra Day O'Connor, then a Maricopa County Superior Court judge. He often has credited the experience with helping shape his approach to deciding cases.

A New York City native, Judge Silverman moved to Arizona with his family as a teenager. He received his B.A. from Arizona State University, graduating summa cum laude in 1973. He earned his J.D. from the Arizona State University College of Law in 1976, serving on the Arizona State Law Journal from 1974 to 1975. Judge Silverman served as an adjunct professor at his alma mater, which was renamed the Sandra Day O'Connor College of Law in 2006. He also was honored by the Arizona State Law Journal, receiving its John S. Lancy Distinguished Alumni Award, named for the journal's first editor-in-chief.

On and off the bench, Judge Silverman is known for his gentle humor and quick wit. He has authored humor columns for the Arizona Attorney, published by the State Bar of Arizona, three of which were reprinted by The Phoenix Gazette. He also received a "Dishonorable Mention" for his entry in the 1988 Bulwer-Lytton Fiction Contest, a San Jose State University bad writing contest inspired by the author of the now infamous opening sentence, "It was a dark and stormy night... ."

Federal law allows an Article III judge with the requisite tenure on the bench to retire at age 65 at their full current salary. Many judges choose, instead, to take senior status and continue to serve the judiciary at essentially no cost. The "Rule of 80" is the commonly used shorthand for the age and service requirement for a judge to assume senior status. Eligible judges are at least age 65 with 15 years experience, or at least 70 with 10 years experience.

The Ninth Circuit Court of Appeals, the nation's largest and busiest appellate court, hears appeals of cases decided by federal trial courts and certain executive branch administrative agencies in nine western states and two Pacific Island jurisdictions.

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