



# Hon. Candy Wagahoff Dale

## Magistrate Judge, U.S. District Court for the District of Idaho

by Susie Headlee, Christine Gealy England, and Kirsten L. Wallace



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It is easy to see why many young attorneys aspire to lead a career (and a life) like U.S. Magistrate Judge Candy Wagahoff Dale. She has always led by example: becoming an expert litigator while also dedicating her free time to involvement in Idaho's legal community, public service, and her family. To do so, she has not only overcome the obstacles facing a woman graduating from law school in the early 1980s, but also embraced those obstacles as opportunities. As a member of the bench, Judge Dale takes her experiences and applies a human touch to the law. And she does all this while maintaining her good sense of humor and never taking herself too seriously.

Judge Dale started her career with high aspirations in the face of narrow-minded challengers. Less than a year out of law school, she jumped at the opportunity to argue a case of first impression before the Idaho Supreme Court. Though she felt that the argument went well (and it did; she won), it was followed by two articles in the *Lewiston Tribune* that not only mischaracterized her argument, but also criticized her first name, cracking "there was a child whose parents never expected her to go to law school."

It would be unfair to say that the reporter's story alone motivated her further success. It did, however, spur her on. Judge Dale had demonstrated ambition and tenacity long before a reporter questioned her capabilities based on her name and gender. As one of fewer than 20 women to graduate from the University of Idaho's College of Law in 1982, she served as the editor in chief of the *Idaho Law Review*. Before running for the position, she was told her chances were slim because she was running against three men. But she didn't let that deter her—she ran for the position and won, despite the odds. As part of her editorial board, she then worked with the three men she defeated.

After law school, Judge Dale joined the law firm of Moffatt, Thomas, Barrett & Blanton. The late Dick Fields once commented that he "had the privilege of working with Candy Dale in her first job after law school. It was apparent to me from the start that she would succeed in whatever area of the law she chose to follow. Our joint efforts were primarily in litigation, where her extra effort, teamwork, and a bit of humor



quickly paid off. She was liked by all—clients, witnesses, other lawyers, and jurors." Judge Dale proceeded from her early start with Moffatt Thomas to become one of Idaho's preeminent employment lawyers—both in the courtroom and in counseling clients.

Recognizing another opportunity, just six years into her practice, Judge Dale left her position as a shareholder at Moffatt Thomas to join five more senior lawyers to form the firm of Hall, Farley, Oberrecht & Blanton, P.A. She was the youngest, least experienced, and the sole woman among the founders of Hall Farley, but she eventually became president of the firm.

Judge Dale's engagement in the legal community, which began in law school, has continued. She has been "a pioneer in taking leadership roles, beginning in law school and continuing into her busy judicial position," explained Peg Dougherty, former president of the Idaho Women Lawyers board of directors.

As a member of the bar, Judge Dale participated in numerous professional and community organizations, including the American Inn of Court No. 130, where she served as president; the advisory council for the University of Idaho College of Law; the College of Idaho board of trustees, which she chaired from 2012 to 2014; the Women's and Children's Alliance, where she served as president; the CLE committee of the Idaho Law

Foundation; the professional conduct board of the Idaho State Bar; and the Idaho Association of Defense Counsel, where she also served as president. Recently, Judge Dale was honored by the College of Idaho, which bestowed an honorary degree of Doctor of Laws, L.L.D., in May 2017.

After more than 10 years in private practice, Judge Dale applied to be the lawyer representative to the Ninth Circuit Judicial Conference for the District of Idaho. Although another more experienced lawyer was selected, then Chief District Judge Edward J. Lodge asked her to serve on the long-range planning committee for the District of Idaho.

Not deterred, Judge Dale applied again to be the lawyer representative. This time she was appointed to serve. As the lawyer representative to the Ninth Circuit Judicial Conference from Idaho, Judge Dale not only helped to organize the Idaho district conferences, “she chaired them, made learned presentations at them, helped the techies do their work, and seemed to do just about everything else except bake the cookies (and she may have done that as well for all I know),” commented former Ninth Circuit Chief Judge Mary M. Schroeder.

Around the same time, Judge Dale was appointed to and served on the gender fairness committee for the District of Idaho, the local rules committee, and the advisory rules committee for the Ninth Circuit. She was also appointed to the advisory board for the Ninth Circuit by then Chief Judge Schroeder. Judge Schroeder commented that “as a lawyer, she did just about everything she could to assist the federal courts.” It was clear to Judge Schroeder that Judge Dale is “admired by all for her sheer competence and delightful personality.”

Since her appointment to serve as the first female U.S. magistrate judge for the District of Idaho on March 30, 2008 (and the first woman to be appointed to the federal bench in Idaho), Judge Dale served as chief U.S. magistrate judge for the District of Idaho from October 2008 through September 2015, as a member of the magistrate judges executive board for the Ninth Circuit from 2008 to 2014, and as chair of the same between 2012 and 2014. In addition, she serves as chair of the local civil rules advisory committee and is responsible for expanding the District of Idaho’s federal court pro bono roster, which assists those in need of legal representation. In 2017, Judge Dale was instrumental as part of the planning committee for the Idaho teachers institute.

Judge Dale is currently a member of the Idaho Chapter of the Federal Bar Association, the Idaho Women Lawyer’s Association, and the Jury Trial Improvement Committee for the Ninth Circuit. In April 2010, she was selected by the Idaho Women Lawyer’s Association as the Kate Feltham Award recipient. The Kate Feltham Award recognizes individuals who have made extraordinary efforts to promote equal rights and opportunities for women and minorities within the legal profession and legal justice system in Idaho. The University of Idaho also awarded her the Faculty Award of Legal Merit in 2016.

Judge Dale is also a devoted mother. While in law

school, Judge Dale met and fell in love with Jim Dale, whom she married in June 1984. Jim is a partner at the law firm of Stoel Rives, practicing employment law. Judge Dale and her husband have one daughter, Lindsay, who recently graduated from the Tufts University School of Medicine Maine Medical Center program and is now completing her residency in obstetrics and gynecology in Richmond, Va. “She said the one thing she didn’t want to be when she grew up was a lawyer,” Judge Dale said with a laugh. “I try not to take that personally.”

Judge Dale’s life experiences have helped shape her judicial philosophy. She believes that cases can be resolved using various methods, including trial. Within alternative dispute resolution, she believes that oftentimes, litigants simply want to be heard—to tell their story. She believes that mediation is a valuable tool in allowing that to happen. She also takes an active role in the management of the cases before her.

Judge Dale is committed to the development of new attorneys. She employs law students from the University of Idaho and elsewhere as externs almost every semester and over the summer. She has also implemented a standing rule to promote more opportunities for less experienced lawyers to appear in court: She will schedule oral argument if a request for oral argument indicates a lawyer with fewer than seven years’ experience will conduct the oral argument.

As a magistrate judge in the District of Idaho, Judge Dale’s caseload and responsibilities differ from many of her colleagues around the country. Because Idaho has had only two district judgeships since 1954, Judge Dale handles many civil cases by consent of the parties. Fully one-sixth of the civil cases filed in the District of Idaho are initially assigned to Judge Dale and approximately 60 percent of litigants consent to jurisdiction of a magistrate judge. Judge Dale also handles civil *pro se* cases, civil prisoner cases, and Social Security appeals. On the criminal side, Judge Dale handles criminal Class B misdemeanors, Class A misdemeanors with consent, petty offenses, and criminal pre-trial proceedings in felony cases.

Judge Dale’s heavy caseload is compounded by frequent travel. Given the size of the district, Judge Dale is required to travel to the divisional offices. She travels to Pocatello for one week a month and travels to Coeur d’Alene as needed.

In addition to her regular cases, Judge Dale was actively involved in the development of the district’s START (Success Through Assisted Recovery & Treatment) Program, and continues to be involved in its implementation. The program seeks to provide an alternative program for individuals on federal supervision who have substance abuse, addiction, or other difficulties re-entering the community, with the goal of assisting those who graduate from the program in remaining drug- and crime-free.

We in the District of Idaho are privileged to have the opportunity to practice before such an intelligent, thoughtful, and inspirational federal magistrate judge. ☺