



Judicial Profile

by Timothy M. O'Shea and Ruth Rivard

Hon. Arthur J. Boylan Chief U.S. Magistrate Judge, District of Minnesota

Chief Magistrate Judge Arthur J. Boylan, of the U.S. District Court for the District of Minnesota, will always be known as the judge who helped save the 2011 season for the National Football League (NFL). The NFL settlement, however, was just one of the many cases he has brought to resolution. Now, after 17 years of being on the federal bench, Judge Boylan will retire on January 8, 2014, but will continue to apply his acute resolution skills to help parties privately mediate their disputes.

Judge Boylan, the son of Irish immigrant parents who came to the United States in the late 1920s, grew up on the West Side of Chicago. He became a huge sports fan, watching the Chicago Blackhawks, White Sox, and Bears.

Judge Boylan left Chicago to attend St. Mary's University in Winona, Minn. While he enjoyed the move to small-town Minnesota, the judge admits he missed the bustle of the city (and the occasional Chicago-style hot dog). While attending college, Judge Boylan met his wife, Kate. After graduating in 1971, they married and moved back to Chicago, where he attended the Chicago-Kent College of Law, earning his J.D. in 1976.

Returning to Minnesota, Judge Boylan joined the law firm of Hulstrand, Anderson & Larson (now known as Anderson, Larson, Hanson & Saunders, P.L.L.P.), where he practiced for 10 years. In 1986, Judge Boylan was appointed to the Minnesota State Court for the 8th Judicial District, where he served as a district court judge for 10 years before his appointment to the federal bench. Judge Boylan says, "It has been an honor to have served on both the state and federal benches," and hopes to be remembered as a hard-working judge who loved the law. Paul Schulstad, who has served as Judge Boylan's law clerk for more than 27 years, says that the judge's skills as a judge and his effectiveness at helping parties resolve their disputes arise out of his



sincere respect and personal concern for others—whether staff, lawyers, judges, or litigants. His patience and insistence on professional civility are hallmarks of that respect. He has loved being a lawyer and a judge and has never shied away from a challenging task.

In addition to his work in the courtroom, Judge Boylan has been frequently invited to speak on a variety of legal issues throughout the country, including teaching other

Timothy M. O'Shea is a shareholder at Fredrikson & Byron P.A. in Minneapolis, where he specializes in complex commercial litigation and intellectual property litigation. Ruth Rivard is a shareholder at Leonard, Street & Deinard in Minneapolis and focuses her practice on intellectual property. Both authors previously clerked for Chief Magistrate Judge Boylan.



judges about settlement techniques. Judge Boylan has also been active in bar associations. He is a past president of the Minnesota Chapter of the Federal Bar Association and served as president-elect of the Minnesota District Judges Association until his appointment to the federal bench. He is a former chair of the Minnesota State Bar Association's Committee on Rules of Professional Conduct and a recipient of the Minnesota Bar Association President's Award.

Judge Boylan's is known as being a fair, practical, and even-tempered judge. The majority of his time in federal court revolves around conducting settlement conferences. While the calendar includes medical device and pharmaceutical cases, Minnesota's vibrant entrepreneurial community translates into a docket full of complex business disputes, including employment, class actions, patents, and securities law.

Although Judge Boylan has ruled on many important issues and authored countless opinions during his time on the bench, it is his effectiveness in settling cases that is truly extraordinary. Judge Boylan has helped parties settle and mediate literally thousands of cases.

Litigants often request that the judge help them resolve their disputes. Robert R. Weinstine, a founding partner of Winthrop & Weinstine, P.A., in Minneapolis, described how Judge Boylan got involved in a high-stakes business dispute shortly before trial and helped the parties settle the case in just two days. Weinstine says that "Judge Boylan is incredibly well prepared" and believes that he is "effective at settling so many cases because he has the unique ability to bond with parties. He is able to personalize his discussions with the parties such that the parties want to find a way to resolve their differences. Judge Boylan is quietly tenacious and he works hard to ensure that both sides feel that they are getting a fair shake."

Then there is the infamous bitter labor dispute of 2011 between the NFL owners and players. After a failed round of mediation before the Federal Mediation and Conciliation Service, the court appointed Judge Boylan to bring together billionaire owners and millionaire players on a new collective bargaining agreement. The heart of the issue was how to divide the league's staggering \$9 billion in revenue. Behind the scenes, Judge Boylan worked tirelessly and patiently to find common ground among the competing interests between the NFL owners, players, and even their attorneys.

Ultimately, Judge Boylan helped the NFL owners and players resolve their labor dispute, which led to a historic 10-year collective bargaining agreement. There is no doubt that NFL fans, and the world of fantasy football, are both forever grateful. After reaching a settlement, NFL Commissioner Rodger Goodell summed up Judge Boylan's efforts: "On behalf of the NFL, our teams, and players, I want to express our deep appreciation to Chief Magistrate Judge Arthur Boylan. Judge Boylan was the court-appointed mediator, but his contributions far exceeded that role. His patience, determination, and commitment helped keep everyone focused on the goal and helped lead us to today's announcement."¹

While Judge Boylan is likely best known for these high-profile cases involving complex issues and large sums of money, he has used these same skills to settle numerous smaller matters that greatly impact many individuals. For example, Judge Boylan helped bring resolution to a family whose mother and her current boyfriend were brutally murdered by an ex-boyfriend whose entrance into the home was allegedly undetected due to a faulty security system. He was also able to bring parties together in a case that involved the families of multiple children injured in a bus crash caused by faulty brakes.

Judge Boylan has often said to attorneys and parties that "judges are ordinary people; don't be overly impressed by the robe. It is more important that we talk candidly so that we are on the same page." Thus, it is not surprising that so many people enjoy working with the judge and feel comfortable having him resolve their disputes.

Judge Boylan summed up his feelings after being on the federal bench for 17 years by stating:

**"Judges are ordinary people; don't be overly impressed by the robe"
—Judge Boylan**

I have had fun. When I was in private practice, I loved the trial work. I think what attracted me to the bench was the ability it gave me to be in court every day. Not just occasionally, as a trial lawyer, but every day.

Ultimately, dealing with people, especially in settlement, is most enjoyable. I like to learn about what brought the case into court. Mediation is my real strength. I'm passionate about it. I work hard to help the parties find a resolution. I find it very rewarding when I'm able to help get the impossible case settled.

While Judge Boylan will continue to help others resolve their differences after he retires, he will also continue to enjoy spending time with his family (including his seven grandchildren), golfing, and mastering the game of curling.

Although Judge Boylan will no doubt be deeply missed on the federal bench, it makes sense that one of the most respected judicial mediators in the country will continue to do what he does best—helping parties resolve their disputes. ☺

Endnotes

¹*NFL Clubs Approve Comprehensive Agreement*, NFL Communications (July 21, 2011), nflcommunications.com/2011/07/21/nfl-clubs-approve-comprehensive-agreement.