

## Judicial Profile

KATIE BALL

### Hon. Larry M. Boyle U.S. Magistrate Judge, District of Idaho

AS HE DOES almost every day, Judge Boyle walked into his law clerks' office today and asked, "Well, does the 'Intellectual Department' need me for anything this morning?" U.S. Magistrate Judge Larry M. Boyle treats everyone in his chambers this way—with respect and kindness. That is not to say that the judge does not have high expectations of his staff. He refers to his clerks as the Intellectual Department because all three are career clerks who worked in large regional law firms before coming to work at the U.S. District

U.S. District Court for the District of Idaho. Even though his three clerks have 18 years of combined experience as lawyers, it is considerably less compared to Judge Boyle's many years as a jurist and practicing lawyer. His question to the Intellectual Department is as much an acknowledgment of his clerks' experience and the work they do as it is a reminder that, because of their experience, he expects a great deal from his clerks—namely, a thoughtfully considered product that is principle-based and of law review or appellate quality.

It is not surprising that Judge Boyle keeps on top of things in chambers. Following a judicial clerkship with a justice of the Idaho Supreme Court and 14 years of successful private practice, he has been an Idaho state district judge of general jurisdiction, a Supreme Court of Idaho associate justice, and a U.S. magistrate judge. What is surprising to those who are new to his chambers is how often the judge seeks his clerks' opinions and takes time out from his day to teach them a few things. His clerks often get out of a hearing and are asked by the judge, "What did we learn in there this afternoon?" It is always enlightening to listen to his comments on the best practices for lawyers. These comments often include an ethical and community consideration, because Judge Boyle is concerned with how the community at large views lawyers and what we can do as lawyers to maintain our individual reputations, improve our community, and improve our own personal lives. As Chief U.S. Magistrate Judge Mikel H. Williams of the District of Idaho describes it:



"Judge Boyle's commitment to the 'Rule of Law' and the emphasis he has placed in several articles he has written on the importance of a strong and ethical legal profession in our society are well known."<sup>1</sup>

Some of the best experiences from the judge's years in practice and on the bench are related to the staff when externs work in the office. The judge always likes to give law students an opportunity to work in chambers, and he treats these externs just as if they were law clerks. Although the externs work under careful supervision by both the judge and the law clerks, they have their own cases and responsibilities and they always have the opportunity to participate in hearings and post-hearing discussions. Without exception, the externs appreciated being asked to give their view of the case on which they were working and to have an opportunity to share their thoughts in a written memorandum.

For many years, Judge Boyle's interest in providing opportunities for new lawyers led him to consistently hire one- or two-year term law clerks so that more young lawyers would have the experience only a judicial clerkship provides. It is only now, in

his 16th year as a U.S. magistrate judge, that he has taken on career law clerks. With all those who work in his chambers—externs and career clerks alike—when they stumble trying to think of how to put their thoughts into words, the judge will say, “Just tell me a story; tell me what the case is about.” That approach always puts his staff at ease so that they can sit across the desk from this federal judge and talk to him as if he was just a friend to whom staff members are relating an interesting story.

Although his staff is able to talk to the judge openly about our views on a particular issue or case, the judge’s experience as a justice on the state’s highest appellate court has an effect on how written work is produced in his chambers. Judge Boyle writes decisions of appellate court quality that go through many drafts, and he rigidly adheres to a requirement that all decisions be based on law and principle before they are finally signed and filed. There is no need to worry about an activist judge in his chambers! As a result, term law clerks leave Judge Boyle’s chambers to start their careers with a good understanding of what it means to be a principled and professional advocate.

Judge Boyle’s commitment to fostering the professional and personal development of young lawyers stems from his desire to provide young lawyers with the same mentoring he received from those who helped him throughout his life and particularly with his legal career. His experience with the law started with his father, as they sat around the family’s dinner table. While Judge Boyle’s father was with the Federal Bureau of Investigation and later as an investigator for the Union Pacific Railroad, the elder Boyle worked closely with lawyers, developing a respect for the legal profession that he passed on to his son. Later, the judge’s father-in-law, Ray W. Rigby, a nationally recognized expert on water law, encouraged Judge Boyle to enter the legal profession even though the judge had already started a career in banking. Among those who helped Judge Boyle in his professional development are retired Justice Robert Bakes, former chief justice of the Supreme Court of Idaho, for whom Judge Boyle clerked in 1972 as his first job out of law school, and John D. Hansen and C. Timothy Hopkins, who provided Judge Boyle with his first opportunity in private practice. The judge credits these and many other individuals with helping him along his path to becoming a successful lawyer and judge; and he hopes to pass the opportunity along to a new generation of lawyers. Already, one of Judge Boyle’s former law clerks is a state judge and another is a law professor.

Judge Boyle does not have a knack just for putting law clerks at ease. Those who appear in court before him are comfortable because they are treated with respect. At a recent recognition and award ceremony, one of Idaho’s most experienced trial lawyers, Steven B. Andersen of Holland & Hart LLP, praised the judge for being the most courteous and complimentary judge. Although that kind of praise may seem trite, it



Judge Boyle with his wife, Beverly, and five of his six children.

is no small thing that someone who has worked hard to become a well-respected federal judge takes time to compliment a lawyer on a well-written brief or to relate an appropriate experience to put a new lawyer appearing in court for the first time at ease. As Christine Salmi, a former law clerk to Judge Boyle and now a federal court practitioner, recounts:

Judge Boyle often tells a story related to the lawyers, parties, or subject matter of the case that adds a personal touch to otherwise very serious proceedings. This, I think, makes it very easy to appear in his courtroom because he has no superior airs and is very down-to-earth. Judge Boyle always takes the opportunity, in a hearing or other public speaking engagement or article, to comment on the top-quality lawyers we have in the Idaho bar. His support and recognition in this regard is much appreciated by those who practice before him.

The fair and evenhanded judicial temperament that Judge Boyle displays to those who appear in his court is coupled, however, with his expectation that lawyers meet high standards. Thus, a compliment on a well-written brief or a well-argued case is offered only when a lawyer earns it. Similarly, those who do not follow the rules or perform their work in a professional manner will be quickly taken to task.

Not only is Judge Boyle clear about his high expectations, yet adept at putting everyone at ease so they can perform their best as lawyers, he also works hard, which results in high-quality decisions. One federal practitioner comments that in court opinions, Judge Boyle “always strives to arrive at a just and fair result.” As Hon. Mikel H. Williams explains,

Judge Boyle does not perform his judicial duties in the abstract, but brings a sense of compassion to the bench. Through his years in private practice he understands the tensions and difficulties that lawyers and litigants confront in protracted

litigation. Even when the litigants and the attorneys have a case decided against them in Judge Boyle's court, they know the issues were decided in a reasoned manner, by an impartial and fair jurist. And there is probably no higher compliment that a trial judge can receive.

Another Idaho lawyer, Michael Moore, who has represented both plaintiffs and defendants in cases before Judge Boyle, says that the judge is always "thoughtful," "fair to both sides," and an "outstanding jurist." Considering the effort that goes into Judge Boyle's decisions and his uncompromising demand that the decisions be principle-based, these observations are appreciated by the judge, but also are not surprising to those of who watch the process the judge goes through to arrive at each decision.

Former law clerk Joel Flake notes among the many things he admires about Judge Boyle is that, "although [the judge] has served for years as both an Idaho Supreme Court justice, and as a U.S. magistrate judge, he never tires and always put much effort and thought into each individual matter." In fact, Flake emphasizes, "Judge Boyle put as much effort into the matters mundane, as he did those matters involving millions of dollars." In short, "[w]hether the courtroom was packed, or empty, you got the same Judge Boyle."

Judge Boyle's excellent work ethic led to his nomination for, and participation in, several national committees. In 1998, Chief Justice William H. Rehnquist appointed Judge Boyle to the U.S. Judicial Conference Committee on the Administration of the Magistrate Judges System for a three-year term. Among that committee's responsibilities are considering requests and making recommendations for the creation of judicial positions throughout the United States. In 2001, Judge Boyle was reappointed to a second three-year term on the committee; and, in an unprecedented extension of an appointment to a Federal Judicial Conference committee, in 2004, Chief Justice Rehnquist extended Judge Boyle's term of service for an additional two years. Judge Boyle also was chair of the Ninth Circuit Court of Appeals Magistrate Judges Executive Board from 1995 to 1997 and has served on a variety of circuit committees during his tenure on the federal bench. When Judge Boyle makes the transition

to work as a recall or senior status judge in October 2008, it is anticipated that he will continue serving the federal court and the bar in a variety of ways.

Whether practicing law before Judge Boyle or working in his chambers, his commitment to mentoring individuals and improving our community has made those who work with him better students, law clerks, lawyers, and citizens. In addition to teaching lawyers what it means to be ethical and principled, the judge and Beverly, his wife of nearly 40 years, sought to instill these values in their six children and 10 grandchildren. The closeness of the Boyle family is a testament to how well the judge and Mrs. Boyle have accomplished their goal.

*Author's Note:* As one of the last attorneys who will have the benefit of working as Judge Boyle's law clerk, following the more than 40 law clerks and externs who worked with him previously, I want to thank Judge Boyle on behalf of all of us who have been able to continue our education and improve our character by working with him. **TFL**

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*Katie Ball is a career law clerk to Judge Boyle. She previously clerked on the Ninth Circuit Court of Appeals.*

#### Endnote

<sup>1</sup>Among Judge Boyle's articles are *A Judge on the Jury*, LITIGATION, Vol. 32, No. 4 (Summer 2006); *Is There a Case For Lawyers? The Giants of Idaho Law*, 46 IDAHO ADVOCATE 10 (Dec. 2003); *Legal Masterpieces, The Giants of American Law*, 46 IDAHO ADVOCATE 26 (Sept. 2003); and *From the Shoulders of Giants*, 46 IDAHO ADVOCATE 12 (June 2003).