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HON. LARRY M. BOYLE RETIRES AS CHIEF MAGISTRATE JUDGE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Katie Ball

U.S. District Court, District of Idaho, Law Clerk



After a legal career spanning 36 years, including nearly 25 years on both the federal and state bench, Chief United States Magistrate Judge Larry M. Boyle retired at the end of September. However, the good news is that he will remain working as a federal judge. Those who have worked with and appear before Judge Boyle will be pleased to know that he has been recalled to service as a federal judge, the equivalent of senior status.

In this article I would like to consider Judge Boyle's legacy, focusing particularly on the nearly quarter century of unique judicial leadership he has provided in his combined service as a state district judge, Justice of the Supreme Court of Idaho, and federal judge. Judge Boyle's consistent service to the Idaho judiciary began in 1972 after graduating from the University of Idaho College of Law where he was an editor of the Law Review. He worked as a law clerk for the Idaho Supreme Court, first for then-Chief Justice Henry McQuade and thereafter for future Chief Justice Robert Bakes. Judge Boyle practiced law for 14 years as a co-founding partner in the prominent Idaho Falls law firm of Hansen, Boyle, Beard & Martin. In 1986, he was appointed as a State of Idaho district judge by Governor John Evans. Three years later, he accepted an appointment from Governor Cecil Andrus as an Associate Justice of the Idaho Supreme Court, where he served until becoming a federal judge in 1992.

Throughout his career, Judge Boyle has gone above and beyond his various job descriptions to provide community service. In 1985, Judge Boyle served as president of the Seventh Judicial District Bar Association. In 1990 he received a special community service award from his undergraduate alma mater, Brigham Young University. While practicing law in Idaho Falls he refereed high school basketball and coached three different Babe Ruth baseball teams, made up of 15 and 16 year-olds, to state championships. Each of those years, one of his sons played on the team. One team won the Pacific Northwest Championship and went on to play in the 1985 Babe Ruth World Series in Jamestown, New York.

In August of 2007, Judge Boyle received a special and unique assignment from the United States Administrative Office of the Courts to conduct court hearings in Bangkok, Thailand at the Klong-Prem Central Prison for United States' citizens convicted of felony-level crimes in that country.

Judge Boyle has served on many Ninth Circuit committees

and task forces, and he was recently appointed to the Idaho State Bar's Judicial Independence Committee. Some of the most significant work Judge Boyle has undertaken, however, has impacted the federal judicial system nationally. Under Judge Boyle's leadership, what is now known as the Executive Board of the Ninth Circuit Magistrate Judges was established; he chaired that Board from 1995 to 1997. Proctor Hug, Jr., then-Chief Judge of the United States Court of Appeals for the Ninth Circuit, was so impressed with the work Judge Boyle did that he nominated him to be appointed to the U.S. Judicial Conference Committee on the Administration for the Magistrate Judge System.

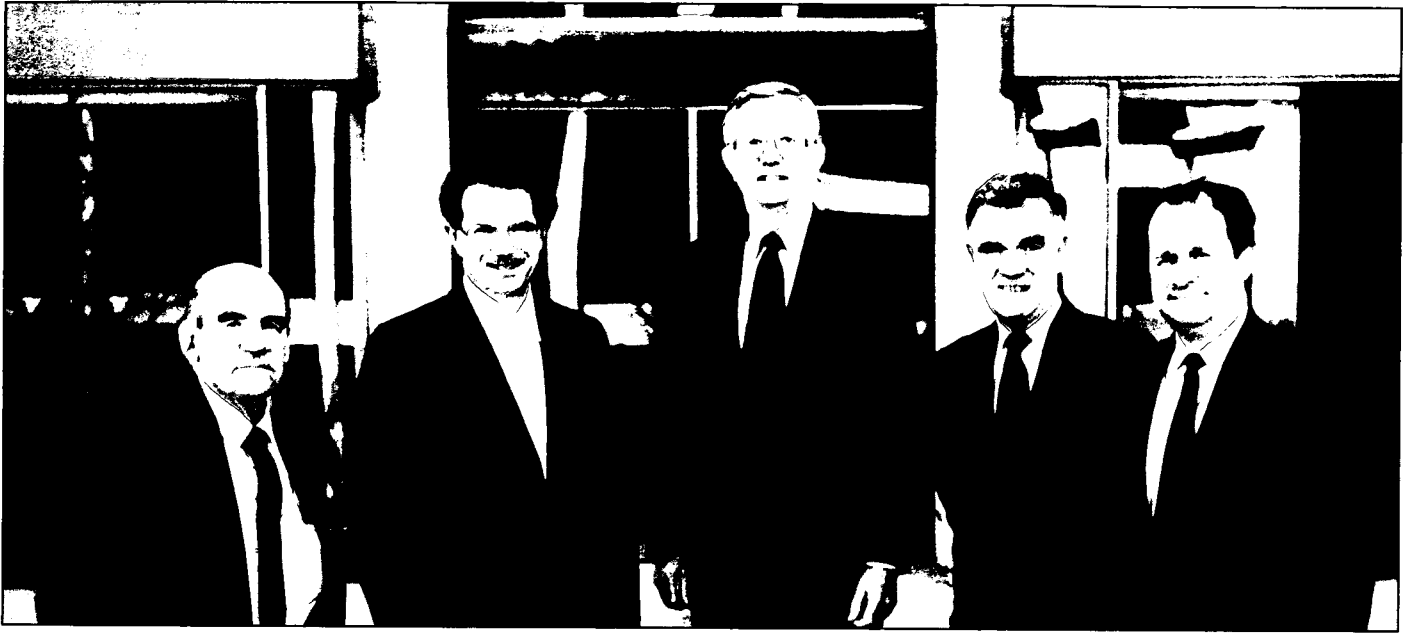
The Chief Justice of the United States Supreme Court, William H. Rehnquist, accepted Chief Judge Hug's recommendation and appointed Judge Boyle to this prominent national committee, which is composed of twelve district judges and three magistrate judges, and makes policy decisions related to the federal judiciary nationwide and makes recommendations to the Judicial Council about whether new federal judicial positions should be created. Notably, in 2004, Chief Justice Rehnquist extended Judge Boyle's service on the committee for an unprecedented third term. At the end of Judge Boyle's eight years of service, a new Chief Justice, John G. Roberts, extended his gratitude in a personal letter to Judge Boyle for his many contributions and the time he invested, over and above the performance of his regular judicial duties, to contribute to the work of the federal judiciary.

Judge Boyle's leadership, commitment, and integrity are best expressed by the judges with whom he has worked closely. United States District Judge Michael Ponsor of Massachusetts describes his time on the Committee with Judge Boyle:

During that time, an increasing work load was straining the judicial system in many parts of the country. The Committee's decisions, especially on the creation of new Magistrate Judge positions, had a very direct, practical impact on the delivery of justice in the federal courts. The critical issues before the Committee inevitably generated intense discussion among the members. No one on the committee was more thoughtful, fair-minded, or articulate in reviewing the knotty matters before us than Larry Boyle. His good humor was so engaging, and his intelligence so constructive, that he was always a force for common sense.

Another colleague, United States District Judge Dan Polster from the District of Ohio, also comments:

While our work was often difficult and sometimes contentious, Judge Boyle was unfailingly thoughtful, professional, and considerate of the feelings of everyone on the committee. For any organization to function successfully as a team, you need at least one person such as Larry Boyle.



Idaho Supreme Court circa 1990 - (left to right) Justice Stephen Bistline, Justice Byron J. Johnson, Chief Justice Robert E. Bakes, Justice Charles F. McDevitt, and Justice Larry M. Boyle.

Judges Boyle's colleagues at the federal court in Idaho comment in the same refrain. As Chief Judge B. Lynn Winmill noted when his retirement was announced, Judge Boyle has "left an indelible mark on the Federal Judiciary and the people of Idaho." His "hard work and dedication to the Rule of Law [has] significantly improved the administration of justice in the District of Idaho and throughout the nation." District Judge Edward J. Lodge comments: "Judge Boyle has a deep love and respect for the law and is passionately committed to preserving the integrity of the legal system." Along the same lines, Judge 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.

Significantly, lawyers who have appeared in Judge Boyle's court respect and trust him. Judge Boyle's work ethic and skill as a trial judge are reflected in comments from John Copeland Nagle, former Associate Dean and current law professor at Notre Dame Law School:

My relationship with Judge Boyle developed from my experience in the Department of Justice representing several federal agencies in litigation involving environmental contamination at the Blackbird Mine in central Idaho. Nearly a dozen federal agencies and almost as many private corporations struggled to determine who would pay the estimated \$50 million to clean up the site. For three years, I attended nearly a

dozen settlement meetings in Boise and elsewhere, all to no avail. It was not until Judge Boyle agreed to meet with the parties that the parties achieved any progress toward actually remedying the environmental problems at the mine.

Judge Boyle presided over three settlement meetings with the parties in Boise. His courtroom was filled with dozens of attorneys representing numerous federal and state governmental agencies, mining companies, and other businesses and individuals who had a past or present connection to the mine. Yet Judge Boyle was not daunted. He prodded attorneys who need to make concessions (like me), and kept focused on remedying the pollution. From the outset, he evidenced sensitivity to the complicated technical issues, a keen understanding of the legal questions, and great patience with the need to reconcile conflicting agency positions before a decision can be reached by the federal government. He encouraged the parties when needed, and he privately indicated when a party's position threatened continued progress. All of the parties trusted Judge Boyle. He impressed me as the most thoughtful and gifted judge whom I had the privilege to appear before during my tenure at the Department of Justice.

Judge Boyle's former law partner, and now General Counsel at Brigham Young University, Michael R. Orme, observed: "As a lawyer Larry was an 'American Original' -- a regular guy, but also a highly skilled trial advocate who had an uncanny sense for what ordinary people like in clients, juries, secretaries and young associates, like me, were thinking and feeling. I consider myself greatly blessed to have had Larry as my senior partner, mentor, guide and friend, especially in those first few tender years when I was beginning my Idaho law practice."

Judge Boyle has earned not only the trust of those whose cases he presides over, but also the trust of his fellow judges.

Judge Winmill comments that Judge Boyle “has always been a dear friend and trusted confidante.” Judge N. Randy Smith of the Ninth Circuit Court of Appeals, who was in private practice at the same time as Judge Boyle, adds: “I have never practiced with a finer and more ethical lawyer. While we would present the best cases that we could and argue with each other (in order to represent our clients to the best of our abilities) in the courtroom, we were friends and never had a cross moment outside of the courtroom.”

As he was mentored, Judge Boyle also is committed to help instill this level of excellence to new generations of lawyers. He has trained numerous law clerks and externs and his former clerks now work in several states as judges, law professors, lobbyists, corporate in-house counsel, and many lawyers highly successful in private practice. Judge Boyle also has helped a new generation of young lawyers by teaching law school classes, including those at Notre Dame Law School and the University of Idaho College of Law, and he recently trained new Assistant Attorneys General at the Department of Justice’s National Advocacy Center. For many years, Judge Boyle has taught law students at both orientation and commencement programs. He also served on the Board of Visitors at the J. Reuben Clark Law School at Brigham Young University from 1990 through 1995.

Moreover, Judge Boyle has written and published extensively in a variety of law review and law journals, including publications by the *Idaho Law Review*, the Brigham Young University *Clark Memorandum*, the Idaho Bar Association *Advocate*, and the American Bar Association’s flagship publication *Litigation Magazine*.

Judge Boyle has always kept first things first though and focused on his six children and ten grandchildren whom he and his wife of forty years, Beverly Rigby Boyle, recognize is their real treasure.

Chief Judge Winmill’s assessment of Judge Boyle’s career of service says it best as he succinctly describes the legacy from which all of us in the Idaho and federal bar have benefitted:

Judge Boyle has contributed more to the Idaho judiciary than anyone I know. His legal and judicial career - - including years in private practice as a trial lawyer, time on the state trial court bench, a distinguished career on the Idaho Supreme Court, and 16 years as a well-respected United States Magistrate Judge -- is truly unparalleled.

About the Author

Katie Ball is currently a law clerk for the Hon. Ronald E. Bush, Magistrate Judge, United States District Court and works as the Externship Coordinator for the University of Idaho College of Law. She served as Judge Boyle’s career law clerk until his retirement.

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