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ORAL HISTORY PROGRAM

HONORABLE LARRY M. BOYLE
Chief Magistrate Judge
UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

an Interview Conducted by
Rita Ryan
November 29, 2007

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Reported by:
Lisa K. Yant, CSR, RPR, CFRR

BOISE, IDAHO

Thursday, November 29, 2007, 1:40 p.m.



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CHIEF MAGISTRATE, THE HONORABLE LARRY M. BOYLE,
appeared and gave the following interview:

INTERVIEW

BY RITA RYAN:

Q. This is Thursday November 29, 2007. It is about 1:40 in the afternoon. We are here to conduct an oral history interview with Chief U.S. Magistrate Judge, the Honorable Larry M. Boyle. With us today are Ken Pedersen, an intellectual property lawyer in Boise; court reporter, Lisa Yant; and, I am Rita Ryan. I will be conducting the interview today.

So good afternoon.

A. Good afternoon.

Q. I think we'll start off, Judge, we have your curriculum vitae in our file, so I won't go through the details of that, only as they apply as to where we want to place your story.

So I am going to just start off and say, what were you like as a kid, say, seven, eight, nine years old?

A. I was very fortunate to have really good parents. I came from a good solid family. My father, a kind, gentle man even to this day. I have never heard him raise his voice in anger or anything. My father is a man who is bilingual. He is fluent in French and even at 93 years of age, he still speaks fluent French and he has taught me French. So I constantly remind him, "Je suis un bon garçon," which means I am a good boy, because he told me that always when I was a little boy, that I was a good boy, and I believed him. So in large part, I was a pretty good, well-behaved kid. But curious, inquisitive, wanted to learn about things.

Dad worked with the FBI between 1940 and 1945. In fact, I have on my wall a letter to my father from J. Edgar Hoover in 1943 at the time I was born. My father was smart and he was disciplined. My mother was kind and warm and a good mother. So I came from a good home. And if I attribute any of my good fortune in life, it is to that good start.

Q. That's good.

A. But I also gave them fits during my

1 teenage years.

2 Q. I was going to jump to 16. Let's go to
3 1960 where you would, I think, be about 16 years
4 old.

5 A. A junior in high school.

6 Q. You had mentioned something to me about
7 some souped-up car.

8 A. Oh, yes. I had a 1955 Chevrolet with a
9 nice big V8 in it. I had bypasses around the
10 mufflers so they made a lot of noise. Probably
11 the highlight of my junior year, I was junior
12 class president in Pocatello High School. But
13 more importantly than that, I shook John Kennedy's
14 hand in Pocatello, Idaho. He was campaigning,
15 came through Pocatello for a young U.S. Senator
16 named Frank Church. And as Kennedy walked past
17 us, my friend, Dennis Anderson, yelled, "Jack,
18 welcome to Pocatello." Kennedy thought it was me
19 and reached out his hand and our hands touched.
20 So I shook John Kennedy's hand in a very brief
21 passing. That was a highlight of my junior year.

22 Q. That is a good highlight. It was not
23 the junior prom or anything?

24 A. Well, yes, I enjoyed junior proms,
25 senior balls and the dances. Never had a
girlfriend in high school, a steady girl. Never
had a steady girlfriend, frankly, until I met
Beverly. Dated a lot of girls, but I never had a
girlfriend. Dated lots of lovely, nice young
women, but I never had a steady girlfriend until I
met Beverly.

Q. Did you know right away that she was
the one?

A. Oh, yes. Yes. I met Beverly and even
though I was dating another young woman,
immediately upon meeting Beverly I broke off my
relationship with the other young woman and
focused my attentions on Beverly. What a great,
wise move that was. My father told me, "Son, if
you don't marry her, I will." He said, "If you
don't marry that girl, then you are not as smart
as I think you are." So that was, that was really
the best thing that ever happened to me was
meeting Beverly.

Q. Were you a good student through your
grade school, high school, college years?

A. I was a B student. I worked full time.
I have had a job every day of my life other than
when I was in the military and on a LDS church
mission, I have had a job. I was a grocery boy in

1 high school, I worked as a soda fountain
2 attendant. I had a full-time job even when I was
3 going to college. So I would get out of school at
4 3:00 and go to work at the grocery store until
5 10:00.

6 So I was an okay student, I was a B
7 student. If I would have had not had those
8 diversions, plus the '55 Chevy, I may have been an
9 A student. But otherwise I was probably, in high
10 school, a B-plus student. And that carried all
11 through college and through law school.

12 Q. There is nothing wrong with that.

13 A. I was neither at the bottom nor at the
14 top. I was on Law Review at the law school, but
15 was never the academic superstar.

16 Q. Do you recall any of your teachers or
17 professors, anyone that had a profound affect on
18 you?

19 A. When I was in the ninth grade there was
20 a man named Jim Chatterton who was our ninth grade
21 junior high basketball coach. He was a great
22 educator. He later became principal of Pocatello
23 High School. And I have real fond memories with a
24 lot of appreciation for Jim Chatterton. He is
25 really a builder of people. He said, "Even though
you are small and short, just wait, you will grow
and I am going to teach you how to play, so when
you get taller you can play," and he did. So if I
had to think of any one teacher, it would be Jim
Chatterton.

Q. How about law school?

A. I don't know that any one professor
stands out as a mentor or a benefactor. They were
all demanding, they were all courteous. You could
go in their office and ask them about questions,
but I don't know that I had anyone, a real mentor
in academia. I had some real wonderful mentors.
My father, Beverly's father, Ray Rigby. You know
Ray.

Q. I do.

A. Stephen Covey was a great mentor of
mine when I served a LDS mission in Ireland.
Stephen was the president or the supervisor of
that mission and he was only 29 years old, and he
and I developed a good friendship. Stephen, and
Ray Rigby, and Bob Bakes I have to say, other than
my father, were the great influences in my life?

Q. Could you tell us your circuitous
pathway to becoming a lawyer?

A. Sure. Let me tell you places I have

1 worked.

2 My first job was mowing lawns for
3 neighbors. My second job was working for Fred
4 Peterson at Pocatello Drug and I ran the soda
5 fountain. I learned how to make banana splits and
6 learned how to count money back rather than
7 subtracting. I was only 14 at the time. I washed
8 windows and I took care of the soda fountain, I
9 cleaned up. I really enjoyed that.

10 In high school I worked for Ralph
11 Holden. Now, Ralph was another great teacher.
12 Every Monday night he would have the bag boys stay
13 and he would teach us Dale Carnegie material. He
14 taught us, for example, one great lesson. He
15 said, "Regardless of the person's name, even if it
16 is Snodgrass, it is beautiful to them and always
17 say, 'Thank you, Mrs. Snodgrass. Thank you,
18 Mr. Snodgrass.' Treat those people like they are
19 the heart of our business because it is." And he
20 taught us Dale Carnegie stuff every Monday night
21 for three years all while I was in high school.

22 Q. That's good.

23 A. Other jobs I had, I worked for J.R.
24 Simplot. I saw Mr. Simplot a week ago at the
25 symphony and I thanked him for giving me a job at
his mine near Pocatello. I worked as a miner when
I was in college. I sold Christmas trees at the
grocery store during college. I worked all
through college at men's clothing stores. I
always had a job. I worked summers, I worked
winters.

One of the most fun jobs I ever had was
being a Red Cap, and also a ticket agent, and also
a locomotive fireman for the Union Pacific. It
was fun driving a railroad train. I enjoyed
selling tickets, but I learned most because I was
one of only two Caucasians on a crew of 22 Red
Caps. And that was my first -- of course, in
Pocatello, where I was raised, there was a big
population of African-American people and that is
because they had porters and waiters, Red Caps,
janitors.

In Pocatello I went to high school with
a good-size population of black kids. In fact,
the year after I graduated, Marvin Brown, who had
been the student body vice president became the
student body president. He was a four-point
student who had a perfect score on the college
entrance exams and was headed to Harvard, and he
was killed in a car accident.

1 So the civil rights era was very
2 interesting to me because those 22 men, I was the
3 only white kid, they treated me with the greatest
4 of friendship. They liked my father, who was a
5 railroad investigator, but to me that was a
6 life-changing experience because I still remember
7 names like Pompey Johnson, Cleophus Doster, Bobby
8 McCollum. All of those men were really teachers.
9 Cleophus Doster pulled me aside one day and he
10 said, "I don't think you are as good to your daddy
11 as you should be." Of course, I was what, 19
12 years old. And I said, "What do you mean,
13 Cleophus?" He said, "He is a good man. You
14 listen to him." So I had those kind of influences
15 even on the job.

16 While in college I told you I worked in
17 clothing stores, I worked in grocery stores, I
18 enjoyed driving locomotives and tooting the horn
19 and waving at little children on the side roads.
20 It was a fascinating experience to pull a train,
21 thousands of tons, hundreds of cars, some trains
22 longer than a mile. To look back as you go around
23 a curve and see that train caboose following you
24 way back down the distance. So I enjoyed -- in
25 fact, I have enjoyed every job I have ever had.

Q. How much of these jobs, that seem to
parallel some of my own, to tell you the truth,
how much did they influence you later on in life?
You were telling about being surrounded by black
porters and --

A. Waiters.

Q. -- and waiters on the trains. Do you
consider that a great part of your education?

A. Oh, Rita, it was. My experience
working as a Red Cap made me just remarkably
compassionate to what was happening to the black
community. Pocatello was a wonderful place for
whites and blacks to live together, but I was very
sensitive and very compassionate for the plight of
the black people in the South. Had I not gone on
a LDS mission, I know I would have gone to Selma,
Alabama. I know I would have gone to Mississippi.
I know I would have because I felt so strongly
about what was happening to the people in the
South. And to this day it is one of the real
profound lessons of my life that those good men
were kind to me, and it just gave me an insight
and perspective.

 We talked about their families, they
loved their kids, they loved their families, they

1 worked hard. When the trains were in, we carried
2 luggage. When trains were out, we were janitors.
3 I worked side by side with them and even as a
4 judge when I go back to Pocatello I would look
5 them up, go see them, talk to them, see how they
6 were doing. They were all old men. They are all
7 dead now. But it was a great part of my
8 education.

9 Q. You are just going to have spell
10 Cleophus, whatever his last name.

11 A. C-L-E-O-P-H-U-S. He died about two
12 years ago. I called his wife, not knowing he had
13 been ill, and I asked if this was Mrs. Doster,
14 D-O-S-T-E-R. He was my very favorite because he
15 was very supportive. He was a great builder of
16 family and he told me how fortunate I was to have
17 a father. Sometimes even 19-year-old kids need to
18 be told, "Listen to your parents."

19 Q. Somebody told me that you almost played
20 pro ball of some sort.

21 A. No. I had an opportunity to try out.
22 They came to Pocatello, all the baseball scouts,
23 and I did pretty well. And those of us who got to
24 go to the next step went down to Ogden, Utah, for
25 the next. That is when I realized that I could
hit a fast ball, but I could not hit a curve ball
and that ended my professional aspirations. When
I was going through my opportunity, the scouts
were talking to each other, but then when a kid
from Montana got in there and started hitting the
baseball out of the park, they all went around the
batting cage. That is when I realized, I need to
go to school.

I did play a little basketball at Utah
State. That's before they let freshman play and I
was kind of a scrub on the freshman team. That is
when I realized I was too slow to play guard and
too short to play forward. Again, I needed to go
to school.

20 Q. Good lessons.

21 A. Can I tell you what the most powerful
22 moment was, though, that made me want to go to
23 school?

24 Q. Yes.

25 A. All these things contributed, but I was
working construction one summer on a road building
crew and one of the great big road graders went by
leveling the gravel and it popped off the top of a
manhole. Now, these manholes can be sewer
manholes or they can be utility manholes. Well,

1 the youngest guy on the crew gets to go down in
2 and shovel out the mess. And when you are down
3 inside those manholes you can hear the toilet
4 flushing and then you can see what is coming.

5 Well, by the time I got down in there
6 it had backed up. So I am up to the middle of my
7 shins loading this mud up and the fellow up top is
8 pulling it up on a rope. Well, as you can
9 imagine, you can imagine what is next. He pulled
10 real hard, the bucket tipped and I was covered.
11 And I climbed out of there and I said, "I am going
12 to school." So I had many moments where I heard
13 the voice, "Larry, you need to go to school."

14 Q. You kept being told that and being
15 shown that?

16 A. I think so. There was a good reason
17 for it.

18 Q. Tell me a little bit about Ray Rigby
19 and how you got to know him. I am not sure the
20 sequence of time there and his influence.

21 A. I owe so much to Ray Rigby. I met
22 Beverly and we immediately had a strong friendship
23 and, of course, I fell in love with Beverly
24 literally within days. She wasn't quite so sure
25 because she had a lot of other suitors.

Q. Excuse me. Where were you then?

14 A. We were both at Brigham Young
15 University. I was in my last semester of college
16 before I was drafted. I graduated from BYU on a
17 Saturday, and Monday night I was in Fort Ord,
18 California.

19 Q. I saw that.

20 A. So it happened mighty, mighty quick.
21 So I'm thinking, you know, I am dating another
22 lovely young woman, but I didn't feel like it was
23 someone I wanted to spend my life with. I liked
24 her a lot, she was a beautiful girl. But when I
25 met Beverly, I said, "Oh, this is who I want to
spend my life with."

21 Beverly was a quiet and soft-spoken,
22 modest, beautiful woman who I just immediately
23 sensed that this is really a real top-notch
24 person. So we spent the summer dating. I was
25 playing, I was playing fast-pitch softball. When
you get through and you are not good enough to
play baseball, there are no more opportunities, so
you go to fast-pitch softball. Back in those days
it was really competitive. I picked up a lot of
clients playing fast-pitch softball. I played for
a steel company in Utah.

1 So Beverly and I would go over to the
2 park and she would sit and watch me in the ball
3 game and the other girlfriend would be in the
4 other side of the stands watching, and I had to
5 make a quick exit so I did not have the two girls
6 together.

7 But we met, dated that entire summer
8 and she took me home to meet her family. And my
9 father told me literally, "If you don't marry this
10 girl, you are the dumbest guy I have ever known."
11 Her father was very warm and gracious. They were
12 not sure I was good enough for Beverly, probably
13 was not, but we got married anyway.

14 Ray Rigby called me into his office one
15 time when I was working in Pocatello and said, "Do
16 you like banking?" I said, "Not all that much."
17 I was in banking, I had a job at a bank. I said,
18 "I don't know that I do. The manager is the
19 cousin of the vice president. The vice president
20 is the cousin of the Eccles family, so it is a lot
21 of family." He said, "Have you ever thought about
22 law school?" I said, "I never thought I would
23 have the opportunity." He said, "Well, file an
24 application, take the test."

25 And bingo, next thing I know, I am
driving to Moscow, Idaho, and Beverly tells me
somewhere near Riggins, "Oh, by the way, I am
pregnant." And I thought, "Oh, I just quit a good
job, I'm going to law school, I'm broke. What
will I do?"

 But Ray Rigby was a great mentor, a
great teacher and truly one of the finest men I
have ever known. So that is my connection with
Ray through Beverly.

Q. Okay. So there are a couple of things
I want to ask you, but first I would like to just
talk about your earlier experiences as a lawyer.
Your background is unique in that you have been a
lawyer in private practice, you have been three
times a judge and you served on a jury panel.

A. I did.

Q. I think you have a unique perspective
and could perhaps contrast those different roles
for us, in your view.

A. Okay. Let me back up one step before I
get to be a lawyer. I had the privilege of
clerking for Henry McQuade. He was the Chief
Justice of the Supreme Court. I then had the
double pleasure of clerking for a brand-new 39-
year-old Supreme Court Justice named Robert Bakes.

1 So I worked with Justice McQuade and then with
2 Justice Bakes. And Justice Bakes was perhaps the
3 greatest teacher of the law I have ever been
4 around. And he encouraged me. He said, "Go out
5 and be a lawyer." "But," he said, "you have got
6 the right stuff to be a judge." So that kind of
7 planted the thought in my mind. And Bob was and
8 continues to be a close friend and a great
9 teacher.

10 When I became a lawyer, I had an
11 opportunity to go to work with my father-in-law's
12 law firm in Rexburg. And what made me decide not
13 to is I was working that summer for his firm. I
14 went over to the courthouse to have the district
15 judge sign an order and this district judge
16 scratched his head and he said, this is a quote,
17 "Ain't you somebody's relative?" And I said,
18 "Yes, I am Ray Rigby's son-in-law." He said, "Oh,
19 that's right, you are somebody's relative." I
20 thought, "Oh, I have got to do this on my own. I
21 don't want to be somebody's boy in the eyes of a
22 judge."

23 And I didn't want to go to Pocatello
24 where my parents lived, I didn't want to go to
25 Rexburg, so we settled in Idaho Falls. And one of
the next good things that happened in my life, I
got a job with John Hansen and Tim Hopkins. And
within a matter of six weeks of me being there,
Tim Hopkins left the firm to run for Idaho
Attorney General. And so the firm, here is a
brand-new kid off of a clerkship, all of the
sudden the firm is no longer Hansen and Hopkins,
it is Hansen and Boyle. John Hansen gave me that
opportunity and what a wonderful, wonderful credit
to John that he had that much trust in me and we
became partners. We were partners until I became
a judge.

Q. During those times, do you recall any
particular cases that strike you?

A. That I tried?

Q. Yes, please.

A. I had a fun practice. As time went on,
as time passed, I found that I could pick and
choose. My practice was growing so well, and this
needs to be told for young lawyers. I asked Bob
Bakes the secret to being a successful lawyer.
And Bob said, "Let me think about it." And here
is what Bob Bakes said. He said, "If you want to
make money and that is your only goal, you will
make money in the short term. But if you provide

1 a quality product, at a fair price, in a timely
2 manner, you will have so much work you won't be
able to get it all done."

3 So that was how I went out as a lawyer,
4 with that goal in mind, to do a quality job, and
provide a timely service, at a fair price and I
had so much work I couldn't handle it.

5 My first jury trial involved a stripper
6 and a bartender. I walked into the office one day
and sitting in the office was a young woman with a
7 big bouffy bouffant hairdo, a big fur coat and a
black eye. I walked by and nodded and went back
8 to my office. And, of course, the secretary/
receptionist came in and said, "You won't believe
9 this, she is a stripper." I said, "Why does she
want to see me?" And she said, "Well, I guess she
got beat up in a bar."

10 So in comes this young woman into town
and she was dancing. She was a dancer she told
me, she was not a stripper. And she said one of
11 the bartenders wanted a treat between acts and I
told him, "I'm not that kind of a girl." And he
12 called me something terrible, said I was not a
good girl and she repeated, I won't make this part
13 of my history, but he called her a terrible name,
and she picked up a sugar shaker and hit him on
14 the head with it.

15 And, of course, the great part of the
story is there were two Idaho University Ag
students sitting at the bar as this partially
16 dressed stripper goes running behind the bar.
Behind her was a great big goon who was the
17 bouncer and one of the owners of this bar. And
these two guys watched this all happen and they
18 are in east Idaho studying the peach aphid that
infects the Russet potatoes.

19 And, of course, the bartender, if he
couldn't get his treat then he resorted to what
20 crude men do and he beat her up, knocked out a
tooth, blacked her eye, broke her nose, tossed her
21 out into the snow. This was in the middle of
January in east Idaho where the snow falls this
22 way (indicating horizontally).

23 Q. Been there.

24 A. It flies horizontally, not vertically.
They went out and picked the girl up, took her to
the hospital. And I couldn't of had --

25 Q. Excuse me. The Ag students?

A. The two Ag students, the two graduate
Ag students. I couldn't have had two nicer,

1 geeky, intellectual, bright, unassuming,
2 unthreatening people take care of this young
3 woman. They took her to the hospital. They went
4 over got her a hotel room, paid for her hotel
5 room.

6 Of course, when I interviewed them I
7 said, "Why did you do that?" And they were just
8 really outstanding young men. They just said,
9 "Who was to take care of her?" So they did.

10 So we tried that case. The law firm on
11 the other side kind of giggled at my case and I
12 got a tremendous verdict out of it. Nobody on the
13 jury liked strippers, nobody on the jury liked
14 people who benefit and profit from strippers, so
15 we started with an even playing field and that is
16 the approach I took in my case.

17 Q. So what happened to the bartender?

18 A. Oh, they just -- his name was Linus
19 Bowman and the other Larry Tyson. They came into
20 court -- have you ever seen people who haven't
21 been to church forever and they wear a suit that
22 didn't fit them very well?

23 Q. Hm-hmm.

24 A. And they had those glasses on that
25 indoors they lightened and outside they turned
dark. They just looked like Mafia. I couldn't
have dressed them better myself. So the Skyway
Lounge in Idaho Falls, it was a place that there
were years later found out there was a lot of drug
dealings going on. It is no longer in operation.

26 But I got a good verdict out of it.
27 And so that was my very first trial, the stripper
28 and the bartender.

29 From there it was more important cases,
30 but that was an important case to me because I
31 reminded the jury that this was a girl doing the
32 best she could to make a living and these guys
33 took advantage of her and then beat her up. When
34 I sat down, three or four of the ladies on the
35 jury were doing this (indicating wiping eyes) and
36 I sat down and John Hansen reached over and
37 wrote "C+." That was John's way of giving you a
38 great compliment.

39 Q. Did he ever give you an A?

40 A. Oh, yes. John Hansen was a great,
41 great partner. You know John Hansen, of course.
42 He has been a State Senator.

43 Q. Yes.

44 A. He is one of the great people of this
45 world. So I was with him until I left to be a

1 state district judge. As a lawyer, I tried a lot
2 of cases in Federal court, I tried them in Moscow,
3 Coeur d'Alene, Pocatello, Boise. Ray McNichols,
4 Fred Taylor and Marion Callister were the federal
5 judges that presided over my trials. I tried one
6 of my very best cases in front of Jerry Schroeder
when he was a state district judge. It was a
paraplegic case where we did everything we should
have. We made a video of a day in the life. Of
course, that was before video so we did it on
film.

Q. Slides.

7 A. Actual 16mm movie film. I handled a
8 big coal mining case in Utah in Federal court. So
9 I was really lucky. I could kind of pick and
10 choose what I wanted to do. Unless you are
11 somebody with a great specialty like Ken Pedersen,
12 a lot of lawyers now do not have that freedom.
Mr. Pedersen, who is here, can pick and choose
what he wants to do and that is because he is a
specialist with an engineering or mathematical, or
science background that let's him be that
specialist as a lawyer.

So I was really fortunate, I could pick
and choose. And I tried big and small cases, I
tried products liability cases, I tried medical
malpractice cases. I represented both doctors and
also sued doctors in malpractice actions. I
represented hospitals, I also sued hospitals. But
I had a real general practice as well. I
represented Boise Cascade, I represented big
companies, banks, insurance companies on
transactional things.

I represented Alcoa Aluminum in all of
Idaho. You wonder what is Alcoa doing out here,
but you look at all the fields with irrigation
systems. So I had a real interesting practice.

But I was probably most known for
representing people who had been killed or injured
in railroad-crossing accidents or injured railroad
workers under the Federal Employers Liability Act
or under the Safety Appliance Act. That is what
led me into Federal court a lot. But I just loved
being a lawyer. I enjoyed being a lawyer. I
still get calls from old clients.

Q. Oh, really.

24 A. They will call and say, "Larry." I
will say, "Hi, Bill." "Hey, got a question."
25 "Bill, you know I can't practice law." "I don't
want you to practice law. Here's the situation,

1 tell me what to do." And I will tell them, "That
2 is practicing law." So they will say, "Oh, all
right. I just wanted to say hi."

3 But I loved being a lawyer. I loved my
4 clients. I really enjoyed being a lawyer. I am
so grateful for it.

5 Q. Katie, in your office, told me to ask
you about a special case when you were a lawyer of
a young woman that you still keep in touch with.

6 A. Yes. That is Melissa Espinosa.
Melissa was a 18-year-old girl, Hispanic girl.
Her father was Hispanic, her mother was Puerto
7 Rican. She lived in Burley. Graduation night
from high school they had a kegger. Her boyfriend
8 became jealous because she was a beautiful girl.

9 He got jealous, he tossed her in his
pickup, went racing down the road, rolled his
pickup, killed him and she became a paraplegic.
10 We are still friends. When I was in Seattle not
long ago, I had dinner with her and her husband.
11 And not long ago, they were guests in our home.

12 There are some people that touch your
life. I have never seen more courage ever than
this young woman. Jerry Schroeder presided over
13 that case. And he told me, to my great
satisfaction later, he said, "I have never seen a
14 finer piece of lawyering in my life than you did
in that case."

15 Q. Oh, nice.

16 A. Coming from Jerry --

17 Q. Yeah, you bet.

18 A. Coming from Justice Schroeder, that
came as a great compliment.

19 Q. He doesn't throw around a lot of
compliments, I don't think.

20 A. Well, he was sure good to me. I was
one lawyer with nine defendants and each of the
nine defendants had their own, each of the nine
21 defendants had their own counsel, so I was all by
myself. One by one -- the reason I sued so many
people was to get the case out of Burley because
22 there is quite a little bit of bias towards the
migrant farm people. Even though this young woman
came from a solid home, she was still Espinosa.
23 And I did my research and found that there was a
lot of bias towards the Mexican people.

24 So I joined the Highway District, the
sign district, the fencing people who put up these
25 fences. I sued about nine different parties. As
the case progressed, I would dismiss them. And

1 when it all came down to it, I ended up with the
2 driver by the time I was ready to go to trial.
3 Then the defense motion was to take it back to
4 Burley because the estate of the boy who was
5 killed, his family were really nice people, very
6 prominent farmers, good people.

7 Q. Um-hmm.

8 A. And I knew I didn't have an awfully
9 good chance of getting a verdict that wasn't -- I
10 didn't think I could get a jury there and I so
11 told Judge Schroeder. And he called Judge Granada
12 to see how long it would be before the case could
13 be tried down there and it was about a year and a
14 half. Jerry Schroeder said, "I will just keep
15 it." And Jerry Schroeder is such a good judge.
16 In fact, that is when I realized, even though I
17 worked in front of some great judges, Henry Martin
18 in Idaho Falls, Art Oliver in Pocatello, Boyd
19 Thomas in Idaho Falls. I worked before some
20 really good judges. I worked before Bruce
21 Jenkins, a U.S. District judge in Salt Lake a lot.
22 But it was Jerry Schroeder that inspired me to be
23 a judge. I said, "I want to do that. If I can do
24 something as well as he handled this case, I want
25 to do that." And that is what made me want to be
a judge.

Q. So you were a district judge in the
Seventh District?

A. Seventh District, uh-huh.

Q. Did you find that to be a big
transition? I imagine that is kind of a silly
question.

A. No, it is not a silly question because
I was intimidated by it. All those years, nearly
15 years, I had been a lawyer advocating strongly.
I wondered if I could be a fair impartial person.
Could I be as fair to the defendant as I was to
the plaintiff and vice versa? And I was very
intimidated by the criminal process because I had
precious little criminal experience. I
represented a man on extradition that had been
charged in Arizona/Nevada with multiple murders.
He was a serial killer. He was arrested in Arco
and I was appointed to represent him in
extradition proceedings, but that is about the
only big criminal case I had. I never had a
criminal trial.

So when I went on the bench, I knew
that was my shortcoming and I found criminal law
is pretty well set out in procedure, everything is

1 pretty well mapped out. So I quickly got over the
2 intimidation of that. I had to because I drew the
3 Paul Ezra Rhoades murder cases as a brand-new
4 judge and that was a very interesting experience.

5 Q. For this purpose, can you amplify a
6 little bit on that.

7 A. Sure. In Idaho Falls, this would have
8 been in 1987, there were two murders within a few
9 days of each other, and then there was a third one
10 down in Blackfoot. The one was a particularly
11 heinous murder. A special ed teacher, a woman by
12 the name of Susan Michelbocher had stopped at
13 Albertson's and, of course, you know in Idaho
14 Falls it is mighty cold in the winter, so she left
15 her van running -- remember those vans that didn't
16 have windows, they were custom vans?

17 Q. Um-hmm.

18 A. She left it running while she went into
19 the store to get some hot chocolate or cocoa
20 because she wasn't feeling well and she was
21 delivering her teaching packet to her substitute
22 teacher. She was a special ed teacher. There is
23 something special about those people who do the
24 special ed teaching.

25 And, of course, this man was ultimately
charged with murdering and sodomizing, doing
terrible things, unspeakable things to this
wonderful, beautiful woman and young mother. Her
husband was an engineer at the Site, as I recall.
And there was another man who was killed at a
shooting at the convenience store. And all three
murders, including the one down in Blackfoot, were
charged against Paul Ezra Rhoades. I drew the two
Bonneville County cases and Judge Herndon drew the
Bingham County case.

I was a brand-new judge. I had not
been a judge very long and I drew these two
capital cases. And that made me grow up real
quick as a judge because this was a serious thing.
I changed venue. I didn't think I could give
Mr. Rhoades a fair trial in Idaho Falls.
Publicity was just rampant. The sheriff and the
chief of police got on television and said, "We've
got our man. He did it. We know he did it.
We've got all the evidence."

And so you could imagine how unpopular
I was in Idaho Falls. My barber told me, he said,
"You are the most unpopular man in this town
taking this case away from us. We could have
found him guilty right here."

1 So I came to Boise, selected a jury,
2 then brought the jury back over to Idaho Falls.
3 The case was tried for three weeks and he was
4 found guilty. Then there was a plea in the second
5 case and, as I recall, another plea down in
6 Blackfoot. But I had handled two of the cases and
7 one of them went to jury verdict.

8 Q. What ultimately happened to him?

9 A. He is still on death row, his case is
10 still processing through the Federal now.

11 Q. And he is Paul?

12 A. Paul Ezra Rhoades.

13 Q. How you spell that, Rhoades?

14 A. R-H-O-D-E-S, R-H-O-A-D-E-S, I think.

15 Q. One of them.

16 A. He came from a hard-working family.
17 His mother was a waitress at the Bonneville
18 Restaurant. I liked her and I had to quit going
19 there because I did not want her to feel
20 uncomfortable. A very lovely woman. His father
21 was a hard-working, hard-drinking man. He had a
22 lot of brothers. But that was my first exposure
23 to intense criminal practice. And I found I
24 enjoyed the criminal courts, I enjoyed helping
25 people work through their problems.

 We didn't have drug courts then, we
didn't have mental health courts, but I would do
anything I could to keep a young man out of
prison. I would work with them. I would tell
them, "It is an ugly place in there. Bad things
happen to young men in there. I will put you on
probation." I would work with them closely. I
guess it was an informal drug court or criminal
court of some kind. But I did everything I could
to keep young men out of prison, because it is
just not rehabilitation, they get abused, they
come out angry and unemployable. So I worked
pretty hard with them.

 Q. Do you have any examples of people that
you remember and how they turned out?

 A. No, I don't have any. I did not keep
in touch with them. Once they kept on the
straight and narrow on probation, I wouldn't see
them. I had very few people come back because I
would talk to them as an older brother. Of
course, I was a young man then, I was only in my
early 40s. That was 22-plus years ago. But I
enjoyed that. I enjoyed almost that as much as
anything I did.

 The funniest thing that ever happened

1 was when I was a judge in criminal court. One
2 morning a tall lanky fellow comes in standing
3 there with his hair all matted and messed up. He
4 had on a pair of Jockey undershorts. That is all
5 he had on, Jockey shorts. His lawyer was going on
6 making his presentation. And finally at the end
7 of the hearing I said, "I need to ask you, why are
8 you here in your underwear?"

9 And he said, "Well, sir, last night I
10 fell asleep in the hot tub with my girlfriend and
11 woke up and I knew I had to get here early. My
12 lawyer said you are a real hard ass." I said,
13 "Well, that is about the most honest question I
14 ever had answered. Thank you very much. Next
15 time take the time to get some pants on."

16 So if there is anything humorous that
17 happened, that is one of them. There has been a
18 lot of interesting things that have happened that
19 were humorous like that.

20 But I quickly got over being
21 intimidated by the criminal practice and realized
22 that the real hard, sophisticated, intellectual
23 work is that in the civil cases because there is
24 so many theories, there is so much expertise by
25 these lawyers now that understand these things far
better than the judges do.

1 Of course, we have small law firms
2 within our courthouse. Judge Lodge has three
3 really experienced lawyers, I have three really
4 experienced lawyers. Judge Winmill, Judge
5 Williams do was well. So we have to have these
6 high-quality lawyers help us because we know that
7 the lawyers come in with three or four lawyers
8 backing them up.

9 I have loved being a judge. I had an
10 opportunity -- one of the things most interesting
11 is when I applied to be the district judge, nobody
12 else applied in Idaho Falls for the vacancy. Boyd
13 Thomas retired and the judicial counsel had to
14 open it up three times because nobody else
15 applied, which I interpreted it is a being a
16 referendum that they approved of me, the lawyers
17 did.

18 And finally the Judicial Council
19 concluded that they couldn't do the impossible.
20 The reason they kept opening it up is that the
21 statute says you have to send at least two names
22 to the Governor.

23 Q. Right.

24 A. I was the only applicant. Of course, I

1 liked that delay because I kept wrapping up my
2 cases. I still had work to do. Finally, they got
3 me on the phone and said, "Well, you are the only
4 applicant, we are going to send your name to the
5 Governor and Governor Evans will act on it." And
6 they said, "Anything you have a question on?" I
7 said, "Could we wait another month, I am in the
8 middle of a big trial?" And Mike McNichols, if
9 you don't know Mike McNichols, you need to know
10 Mike really well because there is a guy that
11 doesn't pull any punches. He said, "Well, do you
12 want the job or not?" I said, "Of course, I do."

13 I took that job and loved every minute
14 of it. Governor Evans appointed me to the
15 district bench and I enjoyed that a lot.

16 Then I had another opportunity when
17 Robert Huntley resigned and Allen Shepherd died.

18 Q. To go to the Supreme Court?

19 A. I had an opportunity to do that. I
20 applied, and Cece Andrus appointed me. I will
21 always be grateful to Cece Andrus because he gave
22 me a wonderful opportunity.

23 Then when they created a new U.S.
24 magistrate judge in 1991, I was encouraged to
25 apply for that position. Hal Ryan was very
26 encouraging. Made no promises, but said, "Why
27 don't you apply?" And I will always be grateful
28 to Ed Lodge and to Hal Ryan for appointing me to
29 this position.

30 And I know that Candy Dale and Ron
31 Bush, who will be succeeding Judge Williams and
32 myself in a few months, will always be grateful to
33 those judges who appointed them as well.

34 Q. Going back to the Supreme Court. What
35 stands out to you as an important experience or
36 judgments? Were there any cases that reign as
37 supreme to you?

38 A. Yes. My very last one. Well, my very
39 first one and my very last one, they are the
40 bookends that I think about. My very first case
41 that I wrote involved a decision made by the
42 Bonneville County Commissioners allowing a cabin
43 district to be built in that beautiful pristine
44 valley of the Snake River just east of Idaho
45 Falls. There was a lot of environmental
46 opposition to it. The issue was whether or not
47 the county commissioners made the right, did all
48 the right steps. Not whether it was the right
49 decision, but went through all the right steps. I
50 drew that case.

1 I could always tell -- I will talk
2 about the personalities in the court, too, because
3 we were all so different, McDevitt, Johnson,
4 Bakes, Bistline and Boyle. We were all so
5 different. Talk about diversity, that was it.

6 Q. Excuse me. Can you give a nutshell
7 about each one.

8 A. Sure. Bob Bakes, solid, strong,
9 soft-spoken, still water runs deep. Chuck
10 McDevitt, experienced in the world of business. I
11 loved Charlie. Byron Johnson, brilliant. Steve
12 Bistline, sturdy, determined, fun.

13 I will talk more about them in just a
14 minute. Those are the nutshells.

15 Q. Thank you.

16 A. But the first case I drew was whether
17 or not the Bonneville County Commissioners took
18 all of the right steps in approving this
19 subdivision. Well, in our oral conference, the
20 Supreme Court after hearing the argument walks
21 around and shakes the hand of all the attorneys,
22 then go back into the conference room and have
23 what they call oral conference.

24 Because I drew the case, I explained
25 why the case should be affirmed and then it went
to the next junior. I always enjoyed calling
Justice McDevitt Junior because he came on the
Court a week after I did and he was my Junior. I
am still close friends with Charlie.

26 Q. Uh-hmm.

27 A. He said, "I agree with Boyle." And
28 then it was Johnson, then Bistline, then Bakes,
29 but before Steve said a word, I knew he was going
30 to dissent because, as you know, Justice Bistline
31 is known as the "great dissenter." And there was
32 one of the kindest nicest men I have ever worked
33 with. I really cared for Steve Bistline, but when
34 he would pick up his pencil, he would often write
35 mean things. When he would dictate his dissents,
they were sometimes mean.

36 When I got his dissent -- I could
37 always tell when he was going to dissent because
38 he would say, "Well, I need to, I need to think
39 about this." That is the way I knew I was going
40 to get a dissent. The dissent started like this:
41 "Justice Boyle is killing the eagle. Justice
42 Boyle is killing the deer. Justice Boyle --" So
43 I looked at that and I thought, "Wow, I don't want
44 that to be how I am known in my first case."

45 So to make a long story short, I walked

1 down the hall and said, "Steve, you got a minute?"
He said, "Well, Larry, come in." He was
2 wonderful. If you didn't know Steve Bistline, you
missed one of the great people of this world.
3 "What can I do for you?" I said, "Steve, I've got
your dissent here and, boy, it makes me sound like
4 I am murdering everything from the beaver to
polluting the water and everything." He said,
5 "Oh, does that bother you?" I said, "Well, it
really does." I said, "You can do the same thing
6 without saying I am killing everything." He said,
"Well, why don't you take a crack at it?" I said,
7 "What do you mean?" He said, "Write my dissent
the way you would like it." I said, "I'll do it."

8 I walked down the hall, sat down with
my law clerks and we had a strategy meeting. We
9 drafted a beautiful dissent. I took it back to
him. He said, "Well, this is better than mine,
10 isn't it?" I said, "It really is." He stopped me
on the way out and he said, "Thank you for coming
11 down, Larry. That has never happened. In all my
years, that has never happened."

12 Steve Bistline and I developed a very
close friendship. And, of course, he died a few
13 years ago. But there was a fine, good, legal mind
and a good man. I really, really cared about
14 Steve Bistline. So that was my first case.

Q. Okay.

15 A. My second case, Jack McMahon called me
from the Attorney General's Office. The issue was
16 venue. One of the subheadings said "principle
place of business." Well, we had misspelled
17 principal. There is P-L-E and P-A-L, and when you
are working on many drafts, this had gone through
18 my two law clerks, through me, plus the clerks for
Johnson, McDevitt, Bistline and Bakes, and not one
19 of us picked up that the word "principal" was
misspelled before it went out.

20 Within an hour I got a phone call from
Jack McMahon. "Justice Boyle?" "Hello, Jack, how
21 are you?" "Hey, you have misspelled principal."
So we were able to retrieve it before it got too
22 widely disseminated. So those are the two first
things I remember.

23 My last one was a very interesting case
involving the Snake River Adjudication. I had
24 already accepted this appointment to the Federal
court and this was my last case I was
25 participating in at the Supreme Court and I
dissented. And I was joined in that dissent by

1 Justice Johnson and he wrote his own dissent. It
2 had to do with the McCarren Act. The McCarren Act
3 exempts the Federal government from paying filing
4 fees. Well, most of the water rights in this
state, the federal government has some interest in
all of them. And so the State wanted those filing
fees from the U.S. Government.

5 I wrote a strong dissent that said the
6 McCarren Act exempts the U.S. Government from
7 having to pay those filing fees. And Justice
8 Johnson wrote his own. Well, the other three,
Bistline, Bakes and McDevitt, probably the
smartest of the five us at that point, went ahead
saying the federal government had to pay filing
fees.

9 Well, it went up to the U.S. Supreme
10 Court and it came back very quickly, a nine to
11 zero ruling adopting my dissent. It wasn't
12 authored by anybody. It was an en banc U.S.
Supreme, nine to nothing en banc that essentially
said, "In a sharply divided Idaho Supreme Court,
here is our holding," and they just tracked my
dissent. That was probably one of the highlights.

13 And, of course, Governor Andrus said,
14 "Oh, there you go, Larry, costing me all that
15 money." I am still close and have great respect
16 for Cece Andrus. Perhaps it is generated in part
because I miss the old days, I really miss the
days of the Frank Church, Cece Andrus, John Evans
Democrats. Idaho has lost a lot by not having two
strong political parties.

17 Of course, if I could tell you candidly
18 why I became a Democrat, it is because of my
experience in Ireland. In Ireland if you are a
Catholic, you belong to the Green Party.

Q. Um-hmm.

19 A. And if you are a Protestant, you belong
20 to the Orange party and your politics and your
21 religion become one. Well, I am a Latter-day
22 Saint and I did not want my religion to be my
23 politics, so I became a Democrat. And that worked
24 out nicely because Beverly's father was a Democrat
and on my wall I have a picture of Frank Church,
Ray, Beverly and I together. I miss those days of
having bipartisan politics. Not necessarily not
having Democrats, I just miss not having the
voices from both sides coming together rather than
an almost in-unison choir.

25 Did I answer your question?

Q. Yes.

1 A. Good.

2 Q. I was thinking that perhaps right now
3 we will stop just for a minute.

4 A. Sure.

5 Q. Pause just for a minute. We'll take a
6 five-minute break and then put in another tape. I
7 am concerned both tapes work.

8 (Whereupon, break taken.)

9 Q. This is the beginning of part two of
10 the interview with Chief Magistrate Judge, the
11 Honorable Larry M. Boyle.

12 A. Is it working?

13 Q. It is.

14 This is Part Two of our interview with
15 Judge Boyle.

16 Before we concluded, we were talking
17 about your career, your history as a justice with
18 the Idaho Supreme Court and spoke of your first
19 case, second case and your last case. And one
20 thing I was wanting to do, and then you can move
21 to become a magistrate judge, during which time
22 were you a juror?

23 A. It was when I was over at the Federal
24 court.

25 Q. So if you want to tell me about your
transition from being a justice of the Idaho
Supreme Court to being a magistrate judge for the
Federal court, I would like to hear about that.

A. Okay. When that opportunity came up, I
knew that if I left the Supreme Court I would feel
badly because I enjoyed that great academic
challenge and the requirement that you build
consensus within a five-person court. I knew I
would miss that, but I had to make a decision. I
think I made the right decision because I enjoyed
the trial courtroom so much.

There is a certain sense of isolation
over at the Supreme Court that we don't have at
the Federal court because everyday we are in court
with lawyers. I like lawyers. I love to see a
good lawyer at work. And at the Supreme Court
there were 30-minute hearings, very formal, and
there was not the interaction with the public.

I bump into people on the elevator all
the time at the Federal building. I see lawyers
that I know and like and I missed that. And I
missed the spontaneity of the trial courtroom. I
was a trial lawyer, I was a trial judge. I really
enjoyed those three years on the Supreme Court,
but I did, I have to be honest and candid, that I

1 missed the action of a courtroom. That is why I
made that move.

2 And yes, there are times when I would
3 think, did I make the right decision? I think I
4 did. And when I see good people like Warren
5 Jones, and Joel Horton, and Jim Jones, and Dan
6 Eismann, and Roger Burdick, good people, I know
that they -- I know that court is in good hands.
I didn't know Joel Horton until he was appointed,
and I have since become acquainted with him
through several meetings.

And I really believe that the addition
of those two -- if you want to talk about
politics, everybody thinks Butch is kind of a
cowboy, but I have watched his appointments to the
Courts and he is making good, solid appointments,
at the state district level and at the Supreme
Court, with Warren Jones and Joel Horton. Butch
Otter is doing really well in, I believe, making
really solid judicial appointments.

11 Q. What does -- let me see how I can
phrase this.

12 Could you characterize, give us a
13 typical case that comes before you as a magistrate
for an example of cases?

14 A. We have both civil and criminal
15 responsibilities. Even though we have the
16 identical number, Judge Williams and I, each have
17 the same number of criminal cases that the
district judges have, plus we have more. Now,
every felony that is filed by indictment, or
information, or complaint first comes to Judge
Williams and myself.

Let me just comment on Mike Williams.
I have never had a better law partner in my life
than Mikel Williams. He and I have worked for 16
years so well together. We cover for each other,
we help each other. I have never had a better law
partner than Mike Williams.

So anyway, every time there is a felony
case that comes before the Federal court, it has
to come through one of us, because we do all the
preliminary proceedings. We do the Bail Reform
Act hearings, detention hearings, probable cause
hearings. So we do a lot of numbers of criminal
cases. We also have a misdemeanor calendar that
the district judges don't ever see.

But there is where the similarity ends.
Our experience with the felony criminal load ends
once we either bind them over to the district

1 court or schedule the case for trial. Then, for
2 example, the Duncan case that is coming up, Judge
3 Williams took a grand jury return of an
4 indictment, a preliminary examination, or an
5 arraignment, detention hearing and is done. So
6 the work that Mike Williams or I would do in the
7 Duncan case might take a total of three or four
8 hours total.

9 As the trial judge in Duncan, Judge
10 Lodge is burdened beyond anything you could
11 imagine with motions, motions, motions. And he is
12 going to have one of the most intense,
13 highly-publicized trials among all the ones he has
14 had.

15 So even though we have the same
16 number -- in fact, we have more numbers of
17 criminal cases when you factor in misdemeanors --
18 but that is where the similarity ends, because
19 once we are through with it, then the district
20 judges get bogged down for weeks and months of
21 hearings and motions. So our time with the
22 criminal stuff is relatively brief.

23 Our biggest time is spent, in hours, is
24 in the civil cases. So the magistrate judges,
25 Judge Williams and I, have concluded that about 80
percent of our time is spent on civil litigation.
Even though we have a higher number of criminal
cases we're handling, but -- I feel badly for the
district judges because they are overwhelmed with
criminal cases, drug cases, immigration cases.
Just week after week.

So the typical day for me, for example,
yesterday, I took three or four felony pleas for
Judge Winmill, I handled two or three detention
hearings. That all took the morning. Then I
spent the next five hours working on a decision in
a big civil case that is going out tomorrow.

I have three lawyers that work for me.
We work together as a team. If I have, for
example, if I have Kate Ball primarily assigned,
then I have her work reviewed by Kira Pfisterer or
Dan Gordon. So everybody in the office is
familiar with virtually every case.

We critique each other and then we have
a session where I will say, "Tell me every reason
I am wrong in my thinking." And at first they are
a little nervous to do that, then it becomes kind
of fun. I say, "Do not make so much fun out of it
now."

A typical day would involve four or

1 five criminal matters, three or four civil
2 matters. And the civil matters take, whether it
3 be discovery, or summary judgment, or motions in
4 limine, those cases take up a lot more time than
5 our criminal cases. And the district judges also
6 have their civil cases and they also have their
7 criminal cases. So we're all busy.

8 I start a civil trial, a jury trial, on
9 Monday. It will take me most of the week. Then I
10 have to recess on Friday because I have a criminal
11 calendar in Pocatello. Then I will pick up the
12 civil case again a week from Monday. So that is
13 kind of what we do.

14 In criminal matters we do all the
15 preliminary proceedings, we do bail detention
16 hearings, we do all the preliminary stuff. Civil
17 cases we take, once the parties consent to have a
18 magistrate judge take their case, then we become a
19 district judge, and the appeal doesn't go to a
20 district judge, it goes to the Ninth Circuit.

21 I need to tell you a funny story. We
22 have a new Circuit Chief Judge Alex Kozinski and
23 he is going to be fun. I can't wait to see what
24 Alex Kozinski does with the Ninth Circuit because
25 there is a man that you can't categorize. He is
brilliant, he speaks about nine languages. He is
a first-generation American. His parents were
Romanian. And Alex Kozinski has a head full of
brains and I can't wait to see what he does.

Anyway, he wrote the decision on appeal
on a case that was appealed out of my court, and
when I got the decision back he said, "This case
presents a gorgon-head type of analysis." And I
thought to myself, I don't know what gorgon head
is, so I had to look it up. And that is one of
the things where the monster has not just one
head, but also has four, five, six, seven heads.

I wrote to Kozinski a few weeks ago and
I said, "I cannot find that decision, can you find
it for me? I said, "I enjoyed the gorgon-head
case, can you help me find it?" So I get this
great e-mail back from the chief judge of the
Ninth Circuit. He said, "Yes, I am glad you liked
the allusion." So I had to look up what the word
"allusion" meant as well. So anyway, we are going
to have a new chief judge effective tomorrow, Alex
Kozinski, will be our new chief judge of the Ninth
Circuit replacing Mary Schroeder.

So that kind of gives you some idea.
In the civil cases where it is a district judge

1 case, we might do some discovery, some motions. I
2 will pick a jury occasionally for Judge Winmill in
3 a felony case. Even though we can't, we don't
4 have any felony jurisdiction even by consent of
5 the parties, because a criminal is entitled to a
6 trial by an Article III judge under the
7 Constitution, and we have no jurisdiction. Even
8 though the attorneys will occasionally think,
9 well, let's have one of the magistrate judges try
10 this case, we can't. But we can -- I have seated
11 juries for Judge Winmill.

12 Judge Lodge kind of takes care of his
13 own. Judge Lodge is real old school independent.
14 He wants to do it from start to finish. And I
15 have got to tell you a story -- can I tell you a
16 story about Ed Lodge?

17 Q. I wish you would.

18 A. Okay. When I was a brand-new State
19 district judge, Bob Bakes pulled me aside and Bob
20 was my mentor. I was a law clerk in that building
21 and then came back later as a district judge and
22 then a Supreme Court justice. We were having a
23 meeting of all the district judges and he pulled
24 me aside and he said, "I want you to watch Ed
25 Lodge. That is what a district judge should be."
And I've always watched Ed Lodge. I still do. I
still watch Ed Lodge.

Q. Well, you are obviously a man who loves
his work.

A. I do. I enjoy the law. I enjoy what
it can do.

Q. It sounds like there hasn't been
anything you've disliked.

A. Oh, there has been. There have been
things I have never enjoyed. As far as work or
the law?

Q. Either.

A. I did not enjoy construction work
because I felt that I needed to think more than
just carry the shovel around.

Q. Um-hmm.

A. Those were great experiences. Young
men and women who don't have to work hard as kids
sometimes don't appreciate the value of a good
education. And, boy, it was just hammered into
me. I had messages, "You need to go to school."

There are things I haven't liked. I
haven't liked sentencing somebody that maybe
doesn't need to go to prison. That's been hard.
But by and large, I have enjoyed my work. I don't

1 like discovery disputes. I think lawyers are
2 better able to resolve those than what they do
3 sometimes. With electronic discovery in the
4 computer world, I think we are going to see the
5 client say, "No more hundreds of thousands of
6 dollars in discovery," because it is just endless
7 now with e-mails and electronic data and things.

8 I do not enjoy contentious lawyers. I
9 will never embarrass a lawyer in a courtroom ever
10 in front of their client or in front of a jury and
11 I have never done that. When that happens, when I
12 see a lawyer that isn't doing what he or she
13 should do, I say, "Let's take a brief recess," and
14 take counsel in chambers. And I will say, "What
15 the hell are you doing in there? You are
16 alienating that jury, you are annoying me, you are
17 making the other lawyers squirm. What is going
18 on?" That is about the extent of how I will
19 confront lawyers. I will never do that in a forum
20 where it might hurt their client or embarrass them
21 personally. Those things I don't like to do.

22 But I do like to see, I like to see a
23 good lawyer that can just in an unemotional,
24 academic, yet interesting way paint a picture
25 step, by step, by step. Oh, I love to see a good
26 lawyer work because they don't waste the Court's
27 time. I am a great student of Lincoln. We worked
28 together, Rita, on those articles.

29 Q. Right, we did.

30 A. I love to study Lincoln and Marshall.
31 Thurgood Marshall's integrity was never
32 questioned. He was a great, great man. And
33 Lincoln, we think of him as old honest Abe, kind
34 of a country hick. There may have been the second
35 best lawyer behind Thurgood Marshall. And I think
36 what Lincoln started by preserving the Union was
37 based on his legal background. And then when he
38 freed a people by the Emancipation Proclamation,
39 the work wasn't done. It never finished until
40 Marshall came along and started step, by step, by
41 step with his civil rights cases, and ending with
42 the Kansas case, Brown v. Board of Education.

43 So that is what I love to see. I love
44 to see a lawyer give up a point. Lincoln was
45 famous as a lawyer because he would give up nine
46 of ten points to the distraction of his clients
47 and his partners. But on the tenth point, that
48 was the nub of the action. He would drive it home
49 like driving a thumbtack with a sledgehammer. So
50 that is what I like to see.

1 I learned as a young lawyer a Lincoln-
2 type approach from a fine old lawyer in Idaho
3 Falls named Tom White. He is dead now. But I
4 remember when he conceded a point to the judge.
5 He said, "Your Honor, I can't mislead you. I do
6 not have a strong case on that count and I will
7 withdraw that." And boy, that taught me a
8 powerful lesson. I like to see that because it
9 builds so much credibility. When a lawyer says to
10 me, "We filed our motion on points A, B and C. I
11 think that those are not our strongest position,
12 but points D, E and F are really strong." I trust
13 that. It makes me trust this presentation. So
14 that is what I like.

15 Q. When was the last time that you said to
16 yourself, "Wow, I really did a good job today"?

17 A. Oh, my. I guess I don't know that I've
18 done that in a long time. I am doing that, I try
19 to do that in my written work. I try to write it
20 with appellate quality so that the lawyers, they
21 may not agree with the result or the decision, but
22 they will know how I got there so that they can
23 appeal it.

24 Q. Um-hmm.

25 A. I always set out how I got from point A
to point Z and I do that not just -- it is hard
work to do that. I came across Judge McNichols'
decision in the Sunshine Mine case about ten years
ago. I wish I would have kept it, I can't find it
now. All those old cases have been destroyed and
micro filmed and so forth. But Judge McNichols
decided a summary judgment question where the
victims' families had sued the Union for improper
supervision and safety inspections of the mine.
They had already gone after the Bunker Hill
Company.

Now their families sued the Union
because they did not inspect closely enough. And
in Judge McNichols case, there was the case
caption on the top fourth of the page, there was
the introduction of the case, turn it over and the
finding was yes, the Union was negligent, but it
was not the proximate cause. And that entire case
was dismissed on a page and a third.

We can't do that now. The lawyers
demand more of us than just a quick thing like
that. Judge McNichols had such a powerful
presence he could get away with that. He was a
great judge. He was a strong military officer, he
was a naval officer. I talked with Mike McNichols

1 one time. I said, "I was always scared of your
2 Dad. That is why I was always ten minutes early."
3 And he said, "He made that his mantra, that he
expected lawyers to respect that position," and I
surely did.

4 When is the last time I have said I
have really done a good job? I will do that about
5 2:00 tomorrow afternoon on this big case I am
6 sending out. I get a lot of satisfaction out of
7 finding a principle-based decision and being able
8 to articulate it well enough so that the lawyers,
even if they don't like the decision, know how I
got there and then I give them that road map so
they can appeal it. I don't hide things. I
tackle the issues as best I can so then I feel
good about it.

9 Probably one of the things I feel best
about right now is what I view as my premature
10 retirement. I will be 65 in June. I am in
11 excellent health. I should be wiser, I should be
12 a stronger, better judge than I have ever been,
13 but I decided that these positions come up so
14 rarely, and there are so many fine lawyers out
there that want to be a Federal judge, that I
decided to share this position. Because Judge
Williams was there 24 years, I will have been here
15 16 -- 40 years between us and during that entire
time there have only been two vacancies and I
wanted to share that.

16 I just felt that there are some good
17 people and I can still keep working. That was the
18 win/win; I could stay on working and give this
opportunity to two different people. That is what
Judge Williams and I talked about a year ago and
we decided to do it for that very reason.

19 Q. What are you looking forward to?

20 A. I'm going to stay working full time.
I'm going to go on recall, which is the equivalent
21 for magistrate judges of senior status. So I will
22 be able to take a lesser caseload. We will let
23 Judge Dale and Judge Bush take the heavier part of
24 it, but we will be there as backups, be there to
finish our own cases up, we'll be there to help
lawyers resolve cases. There are a lot of things
we will be doing. So we will be working actively,
but I am looking forward to finishing up a couple
of books.

25 I have written a novel based on my
father's experience with the FBI and his being a
missionary in Belgium for two-and-a-half years

1 back in the mid-'30s when Hitler was building his
2 war machine. How my father went to Vienna the
3 week after Austrian Prime Minister Schuschnigg
4 capitulated. When Dad arrived in Vienna, the
5 railroad station was full of black and red
6 swastika banners. He saw the abuse of Jewish
7 people while he was there.

8 He couldn't get a hotel room. He was
9 asked to bring something back by a Vienna merchant
10 and he realized they were being followed by the
11 Gestapo. My father was slapped around and beat up
12 on a train leaving Vienna because he had been
13 talking with this person. They tore their
14 suitcases apart, tore the insides of the linings
15 out.

16 And I started writing my father's life
17 story. I thought, "Wow, this is good." Of
18 course, he went to work for the FBI because of his
19 language skills and then he was asked by the FBI
20 to take an assignment where he would lose his
21 identity and end up back in French-speaking
22 Europe. This was before the United States got
23 into the war. Of course, my mother said, "No, he
24 won't do that." His superiors said, "Good
25 choice." So I wrote a novel out of my dad's
26 story.

27 I have an agent in New York that has
28 looked at it and says it is very nice and very
29 sweet, but your lead character is too sweet. It's
30 got to be gritty and tough. I said, "My father is
31 not anything except sweet." So I am changing it
32 around a little bit to make him a little more
33 gritty.

34 Q. You need a tough guy in there.

35 A. He is a tough guy. Let me tell you how
36 I know he is tough, then I will tell you how I
37 know how to do my own laundry.

38 Q. Yes.

39 A. When I was about five years old, my
40 father left the FBI and moved to Pocatello. I was
41 born in Seattle, lived in Seattle and Portland
42 when he was with the FBI. He left the FBI to go
43 to work for the railroad, and we moved to
44 Pocatello. He was an investigator for the
45 railroad. And when he got there he and mother
46 started a laundry. The first self-service laundry
47 ever in Pocatello.

48 And I remember how my mother and Dad
49 bought a little store building. The store was
50 probably not much bigger than this room, maybe 20

1 X 20, big plate glass windows in front. They
2 bought washers and put the washers around the
3 outside and two great big huge industrial dryers.
4 They got the railroad account and the Idaho State
5 College athletic department account.

6 So as a little boy we would get in our
7 little Plymouth station wagon and I would go up
8 with Dad up to Idaho State College. Idaho was a
9 college then, ISC, and we would get the socks and
10 the athletic supporters and the towels and the
11 uniforms and, of course, it just mortified my
12 mother when I would come back with a big athletic
13 supporter wrapped around me or a boxing mouthpiece
14 in my mouth or something like that. But I learned
15 how to separate the socks from the jocks from the
16 towels from the uniforms.

17 When Dad was building that laundry
18 Pocatello was a big Union town and if you tried to
19 do your own work, they would close you down. So
20 every morning Dad would go up to the Union hall,
21 "I need a laborer to tear this floor out." No
22 laborers. He did that week in, week out. So he
23 tore the floor out himself. He had to dig a hole
24 to put a big boiler, a big water tank and boiler
25 down in the bottom underneath the floor. No
laborers. So here I am one night, I am a little
five-year-old boy, Dad is down in this hole about
up to his chest, hands the bucket up to me and I
drag it out and dump it in the trailer, bring the
bucket back and so forth.

16 One night, I will never forget it, I am
17 standing there while Dad is filling up this bucket
18 and two men came in and said to my Dad down in the
19 hole -- now keep in mind here is a man who has
20 never raised his voice. He is 93 now and he is
21 still fighting to stay alive (November 2008). But
22 he was down in the hole and these guy said, "Let's
23 see your Union permit." My Dad looked up and
24 said, "Don't have one." "We are going to shut you
25 down." My Dad leans his arm on his shovel and
said, "Listen, you two goons." That's what he
called them was "goons." He said, "I have been to
that Union hall every day for three weeks, and if
I don't get this laundry finished, I am going to
lose my shirt." The guy said, "Not our problem,
pal. This a Union town. My Dad said, "I am not
through talking to you. Now, I am going to finish
this hole, but if you're still standing there when
I climb up out of it, I am going to introduce you
to the back side of my shovel," and he started to

1 climb out and those two guys took off.

2 And my Dad said, "Remember, son, what
3 Teddy Roosevelt said." And I said, "Who was Teddy
4 Roosevelt?" I was a little five year old. He
5 said, "Carry a big stick and speak softly." That
6 is the greatest lesson I ever learned from my
sweet old Dad. And I will never forget those guys
hightailing it. Finished the laundry and the rest
is like I have told you, Rita, we would go up and
do laundry and I learned how to work at an early,
early age.

7 Q. It sounds like it. We have about 20
minutes. I would like to talk about your kids.

8 A. Okay. That is always easy.

9 Q. And what you think is important to tell
them, what you have told them, what you have
learned from them.

10 A. Okay.

11 Q. And then I would like to go back down
the path to your experiences, different political
events during times of your life.

12 A. Let me talk about my family.

13 Q. Yes, please.

14 A. Well, my life really began when I met
15 Beverly. Up to that point it was just starting an
16 education, working, trying to figure life out.
17 When I met her, that was one of the key components
18 to figuring life out. If I have learned anything
19 from Beverly, it has been to really like life and
enjoy life and to trust other people. Beverly has
been a great, great companion to me. She's been a
great mother. And I am convinced that it is the
mothers who teach children. I was out working,
trying cases all over the country and when I would
come home, the home was clean, the home was
organized, the kids were in bed, the kids were
happy. And I never had to worry about that.

20 Our oldest boy, Brian, was born in
1970, so he is nearly 38 now. He is a lawyer in
Idaho Falls and he is a good young man.

21 Our second son is Jeffrey, who is
22 publisher of a magazine called IQ. He went to law
school just to get the education. He is
publishing this magazine.

23 My third son, Bradley, is an engineer
24 of sorts. He imports wooden doors, old wooden
doors that are made out of alder wood. His
company sends the lumber over and these Chinese
25 companies manufacture the doors. He has had quite
an education learning that capitalist communists

1 are very interesting to work with. So that has
2 been a great education. He spends a lot of time
in China, back and forth to China.

3 My fourth son, David, was the
4 intellectual of our family. He was a
valedictorian, went all through college on a full
academic full-ride scholarship.

5 My daughter, Melissa, what a joy she's
6 been. She was one of these little talented people
who could do everything right. Sing, she was ALL-
PAC-10 women's volleyball player. Just a joy.

7 And then my youngest boy, who I have a
special fondness for, is a child that my wife just
really wanted to have. I thought we were through,
8 we had a girl and four boys. So all of these kids
have taught me a lot of things.

9 What I have tried to teach them is to
10 have a faith in God and to respect that and
respect others who may not. All five of the boys
11 have served LDS church missions. We have many
languages spoken in our home. They speak
12 Portuguese, Japanese, Spanish, something else. So
the boys all speak different languages.

13 My daughter married an interesting
young man who -- the reason I say "interesting" is
14 because he is an athlete. My daughter, after
going to school at Washington State, vowed she
would never date a jock. Then she went to work in
15 Seattle covering the Mariners for King 5. She
hated that job because she would go home late at
16 night by herself at midnight. So she went to work
for the Seattle Seahawks and again said, "I will
17 never marry a dumb jock."

18 Well, on a weekend she flew down to
Salt Lake City where all of her girlfriends that
19 played volleyball at BYU and Utah were, and she
meets this tall slender Tongan fellow, six foot
five. Looks like a basketball player, but he is a
20 receiver. Falls in love. I said, "I thought you
weren't going to marry a dumb jock." She said,
21 "Oh, Daddy, your eyes twinkle. Phillip's not
dumb."

22 My oldest boy married a Mexican girl, a
girl from Texas with a Mexican background.
23 Another boy married a girl whose family is from
Switzerland. So we have brown skin and blue eyes
24 and blonde hair and dark hair. So we are kind of
a United Nations' family.

25 I love my kids, but I have tried to
teach them to serve other people as best I can.

1 And they are all independent and they are all --
2 the only one that's not married is my youngest
3 boy, he is 22. He just got back a year ago from
4 his church mission in the Canary Islands, and we
5 met him there and toured Europe with him.

6 My third son, who is the engineer, and
7 his wife went to Europe with us. We even went
8 back to Ireland where I served as a young man on a
9 church mission. So that is my family.

10 We have ten grandchildren. Our oldest
11 granddaughter is 20, our youngest grandchild is a
12 year. We have them all up and down. We will
13 probably be great-grandparents before too long; a
14 beautiful granddaughter in her 20s, so who knows.
15 I will have to have help with my walker.

16 Q. And what have they taught you?

17 A. They have taught me that my wife is a
18 brilliant woman. They go to her for counsel. My
19 kids go to Beverly for counsel. They trust her.
20 Beverly is a strong, strong, very intelligent
21 woman. She was the dean's list in our family.
22 Beverly was, in college, Beverly was a very, very
23 bright academic student and she taught me how to
24 unconditionally love these children. Sure, they
25 are going to make a mess, sure they are going to
break things, sure they are going to stay out
late, sure they are going to do things that I did
when I was a kid. She is very forgiving and very
understanding. So I have learned a lot from
Beverly. She has been a great teacher to me.

16 Q. In our lifetime, since we are
17 contemporaries, I think I have had some similar
18 experiences. And I know that this is an old
19 question that people spring on each other, but
20 where were you and what was your reflection when
21 JFK was killed in Dallas?

22 A. Okay. I was driving a railroad train.
23 When I showed up at the place where we picked up
24 our trains, it was in Pocatello out by Ross Park,
25 a cloudy, gray day in Pocatello in November. And
as we were going to hop on a train, somebody
yelled, "Kennedy just got shot." And we took our
train, we went up to Idaho Falls and back at the
beet and the sugar factories. When we got back I
ran into the shanty, that is what they called it,
it was a nice building, they just called it the
crew shanty, and I said, "How is Kennedy?" They
said, "Not well. He's dead. He died."

25 Of course, I thought of that day as a
junior in high school where I reached out and

1 touched his hand and I am really grateful for
2 that. I'm really grateful that I had my own
3 little private moment that I can say I touched
4 Jack Kennedy.

5 So I was working as a 19 year old, as a
6 19 year old driving trains. That is when I knew
7 when Jack Kennedy was killed. It is just like
8 yesterday. Just like 9/11 is to all of us now.

9 Where was I when Martin Luther King was
10 killed? You have to understand how deeply that
11 hurt because of my relationship with a lot of
12 black people in Pocatello. I was in school and I
13 heard it, I heard about that that evening some
14 friends said that he had been killed.

15 I remember the night that Bobby Kennedy
16 was killed. I was out on a date and heard it on
17 the radio. I can still see the dashboard of my
18 car as I am driving when Bobby Kennedy got killed.
19 Bobby Kennedy had just been to BYU and spoke at
20 their educational government forum. And he would
21 have been president, he would have been president
22 without any doubt.

23 So those three men, boy, they came and
24 left in a hurry. Unfortunately, people --
25 somebody wanted to kill them. It is just beyond
me. I can't understand why somebody would want to
do that to those people.

Q. As far as political stature, statesman-
like stature, do you see anybody currently that
fits maybe your view of one of those people?

A. If I had to think of a real statesman,
I think I would say Robert Bakes, Chief Justice
Bakes. There is a real gentleman. Ed Lodge has
that dignity and stature. Cecil Andrus, he is in
private business now, but Cece was a man of great
stature. I think we're -- it is really hard to
find people with stature. It is kind of hard
to -- frankly, Larry Craig was a man that had
great statesman stature until all these recent
events. What a tragedy that is for him and for
us.

If I had to say statesman, Frank
Church. Probably politically the greatest
statesmen I knew were Frank Church and Cece
Andrus. I worked for them in Idaho Falls. I
would go and put my sign back up every morning in
my yard, somebody would knock it over. Idaho
Falls is Republican country. And I had a lot of
invitations to get involved in politics and run
for the legislature, but I didn't want to do that.

1 People have asked me why I left the Supreme Court
2 and one of them is the fact that I wanted to be in
a trial court, but also I didn't want to run for
election.

3 I was at New York University for the
4 summer of 1990. I was one of 20 Supreme Court
5 justices invited to spend three months at New York
6 University. I learned something there, I did not
7 realize it was a Catholic institution. I thought
8 NYU was a state school. That was interesting
9 because I just assumed it was like Boise State or
10 Idaho State or whatever.

11 Within a week the justice for the
12 Michigan court told us he had to go back to raise
13 money, because his opponent had raised a million
14 dollars more than him. And about four or five
15 days later the justice from the Texas Court of
16 Appeals, which is Texas's highest appellate
17 criminal court, he left because he had only raised
18 \$2-1/2 million. So we started talking about it
19 and somebody said to me, "Well, Larry, how much
20 did your reelection to the Idaho Supreme Court
21 cost?" (See, I got the short term. Cece Andrus
22 gave me the short term, gave Chuck McDevitt the
23 longer term. He said, "Do you have any problem
24 with that?" I said, "No, sir. I will take either
25 one of them.") And people asked me, "Would you go
out and campaign?" And I said, "I would never do
that. I would file my filing fee and let the
chips fall where they may." I think that the
Constitution does allow the electorate to elect,
but a vacancy due to death or resignation
mid-term, that is the governor's call. I have
always felt so strongly about it.

But NYU they asked me how much did I
spend to get reelected? I said, "Oh, about \$90."
They said, "You mean \$90,000?" "No, \$90." "You
mean less than 100?" I said, "Less than \$100."

So when I got back I called the
secretary of State. It was \$84 that I spent on my
reelection to the State Supreme Court. That was
for postage and stationery. We had to get
petitions signed back in those days, envelopes,
write thank you notes and stuff like that. A
little less than \$90. About \$84.

When I was a district judge I had to
run for reelection because I took Boyd Thomas's
seat and I think I spent \$35.

Now elections I just believe, I know
there are contrary views of it, but I believe that

1 a judge going out and glad-handing, and shaking
2 hands, and patting backs, and raising money, it
3 just, it just is a step in the wrong direction for
4 an independent judiciary. And that was one of the
5 real motivating factors why I like the Federal
6 court is I did not have to go out and test the
7 water before I made a decision.

8 And yet there are people, I know that
9 Justice Johnson, Justice Eismann, they all feel
10 that it is the public's right to do it and I
11 disagree with that. I believe that it does not
12 build the judiciary, it turns it into like a state
13 legislative or a state Congressional office. And
14 I would never run for -- if somebody ran against
15 me, if I were a judge, I would just run and go to
16 work, and if I didn't get reelected, then I would
17 go practice law and make more money.

18 Q. We are going to wind up in a few
19 minutes. I wanted to ask Ken if he has questions
20 that I haven't asked that he would like to throw
21 into the pot.

22 A. I don't know if this is fair because I
23 always get to ask Mr. Pedersen the questions and
24 now he is going to ask me the questions.

25 Q. I want this to be on the record. This
could get ugly.

A. I don't think so. I know Mr. Pedersen
pretty well and there is a lawyer of dignity. So
with that...

Q. (MR. PEDERSEN) Thanks, Judge. You,
too, have done very well. Like I mentioned
earlier, I just got lost in the story. It is very
interesting, Judge, and I really appreciate it.

A. My pleasure.

Q. (MR. PEDERSEN) Rita, you have done
great, too.

Judge, you just asked me to remind you
about that fish-finder case, which was a patent
case.

A. A fascinating case. It is easy to --
it is very simple, according to science people and
I am not one of them, to design a sonar unit that
will show depth. And I learned in this trial how
hard it is to design a horizontal finder. Only
big expensive units of government can do that.
But the case had to do with a local businessman
here in Meridian who designed a fish finder that
would go sideways, as well as it would go
horizontal, as well as vertical. I presided over
that case many years ago. And what I learned was

1 fascinating.

2 There was a professor from the
3 University of Wisconsin, who is apparently the
4 world's leading sonar expert, and he came in and
5 testified how simple it was to have sonar. And he
6 said, "I will give you an illustration." He had a
7 bunch of tennis balls hanging on strings different
8 heights. So you had a ball here, a ball here, and
9 ball here, and a ball here (gestures). So he
10 dimmed the lights in the courtroom. He put on a
11 flashlight and he said, "Sonar is like this light.
12 When the light hits a yellow tennis ball, the ball
13 lights up." Go to the next one, it lights up, the
14 next one, it lights up. And this old professor,
15 he looked like -- who was Pinocchio's dad?

Q. Geppetto.

9 Q. (MR. PEDERSEN) Geppetto.

10 A. Geppetto. He looked like him. He was
11 the most believable person I have ever met in my
12 life. White hair, a little white moustache. He
13 said, "That's all sonar is, a little ping, a
14 little sound that goes out. Instead of lighting
15 it up, it bounces off, the light bounces off.
16 That is why you see the ball light up," he said,
17 "but the ping comes back and the ping comes back."
18 He said, "That is how simple it is." Then we got
19 into all these technical things, Ken, that you are
20 so familiar with. But that was the most
21 fascinating case.

22 A very humorous thing happened. We
23 sealed the courtroom because of all these business
24 secrets that were coming out during testimony. We
25 wouldn't let people come in the courtroom and if
they did, we would have to ask who they were
because they might be intellectual spies. Midway
through one afternoon, it was very intense, there
was a very strong lawyer from Oklahoma, a very
aggressive lawyer. Steve Andersen was local
counsel with one of their Denver office people.
His name was, I want to say, James Hartley. Fine,
fine lawyers.

26 One day in the middle of the hearing a
27 very dignified gentleman came in and sat in the
28 back of the courtroom. The courtroom was totally
29 empty, and this very distinguished gentleman came
30 in and the lawyer from Oklahoma just freaked out.
31 He said, "I want to know who that guy is and I
32 want to know right now who he is." I said, "Oh,
33 that is fine. I would like you to meet Steve
34 Trott. He is a Ninth Circuit judge who has an

1 office down the hall." We had a good chuckle.

2 So in every case there can be some
3 humorous things. But I learned how simple sonar
4 was, but how on earth they make it? I understand
5 now how it kind of works. But I learned one of
6 the great things about being a lawyer is you learn
7 so much, whether it be engineering, or
8 electronics, or medicine, or whatever it might be.
9 You have to learn a lot.

Did I answer your question?

6 Q. (MR. PEDERSEN) Yes.

7 One topic I would like to just inquire
8 about is, and I just had the pleasure of reading
9 Judge Johnson's transcript for his historical
10 record, and he had a comment there about where he
11 thought we were heading in the right direction in
12 our judicial administration and where he thought
13 we needed to make some turns to head in a better
14 direction.

11 And one example he made of a better
12 direction was more trial judges I think in Ada
13 County. And what about the Federal court, the
14 Federal bench? Do you have any reservations, or
15 any suggestions, or do you have any worries, or
16 concerns, or do you have any statements about good
17 directions where we have been heading?

14 A. Well, a good direction we are heading
15 in this district is we are going to have two more
16 trial judges. Excellent people, Candy Dale, a
17 fine, fine commercial and employment lawyer. She
18 will take to the work like a duck to water. Ron
19 Bush, a proven litigator, a good state district
20 judge. So we will have now instead of two, we
21 will have four. So that is one thing we are
22 headed in the right direction.

23 We cannot get another district judge.
24 That has to be approved by Congress. Now, one of
25 the greatest experiences I had as a Federal judge
was I served at the appointment of Chief Justice
Rehnquist on a national committee for eight years.
It is usually a three-year appointment, but I got
an extension for three years, and then a two more
year extension all by Rehnquist. One of the major
functions of that committee is to approve the
creation of new magistrate judge positions subject
to Congress funding them. So we would make a
recommendation and the Judicial Conference would
adopt ours, then Congress would fund. One of the
great experiences of my life.

Unfortunately, we do not have that same

1 mechanism for district judges. That has to be
2 created by Congress based on filings and we just
3 cannot get a third district judge. We may be able
4 to sometime, but right now they are bringing in
5 district judges from other districts to try these
6 felony cases because Judges Lodge and Winmill are
7 swamped and we can't help them.

8 But one of the good things we have done
9 is Judge Williams and I very methodically walked
10 through this about what can we do to help take the
11 pressure off? And now we have two more new judges
12 that will be on board in little less than four
13 months and one a little less than ten months from
14 now. Outstanding, there were outstanding people
15 who applied. Justice Trout, Chief Justice Trout,
16 was on the short list and other judges.

17 It was a selection that I just don't
18 know how hard it must have been for Judge Lodge
19 and Judge Winmill because by statute they have to
20 make that choice. To their credit, they had Judge
21 Williams and I shoulder to shoulder with them
22 trying to analyze what is best to do. But the
23 decision actually had to be made by the district
24 judges. But more than 40 outstanding people
25 applied.

So I think if we have done anything --
to answer your question, something I feel really
good about is what I am doing now by letting
somebody else come on so we have additional help.
I feel really good about that.

16 Q. (MR. PEDERSEN) Great.

17 A. One thing we are not doing well is we
18 are pricing legal services out of affordability
19 for the ordinary working people. The cost is
20 staggering. There are now law firms in big cities
21 charging \$1,000 an hour per lawyer. And I don't
22 think any one of the four of us in this room, and
23 I made a lot of money as a lawyer, probably made
24 as much or more money than anybody in town. I
25 could not afford, if I had to pay a lawyer to
defend me vigorously or to represent me vigorously
in a case, I couldn't afford it. And there may be
other folks in this room that have greater
resources than I do, but I couldn't afford it.

23 One of the things we are doing is,
24 unfortunately, we are making legal services
25 available only to wealthy corporations or wealthy
individuals. And that is what worries me is that
we do not have a lot of resources that we can turn
to. Lawyers have to make a living. We cannot

1 expect lawyers to do it for free. I award more
2 money I think to lawyers than other judges do when
3 they are entitled to an award of attorneys' fees
4 because the lawyers need to be paid properly. And
5 I make sure that lawyers who come in to take court
6 appointments are properly paid.

7 So if we are doing some good things, we
8 are getting more judges. If we are not doing some
9 good things, we are pricing ourselves out of
10 affordability for lawyers.

11 Q. For an end note, is there anything we
12 did not ask you that you think would be important
13 to share?

14 A. I haven't talk much about the writing I
15 am doing. I am really looking forward to
16 finishing this book with Dr. Covey. It is going
17 to be entitled Peacemakers. It is a book that is
18 going to be written for lawyers, those that hire
19 lawyers, those who educate lawyers, and those who
20 do not want to hire lawyers.

21 And it is about the peacemaking
22 process. It is not an ADR book. It is about
23 concepts. How people can avoid conflict and when
24 in conflict, how to extricate themselves from it.

25 Part of my thesis in it is that a
lawyer who can develop a reputation as being
bright, affordable and prompt, and that can
extricate a client from a problem or a difficulty
at a reasonable cost is the lawyer that we all
should be. So that is one of my theses in the
book.

Dr. Covey, Stephen Covey, has his own
thesis. His thesis is a little different than
mine, but we are tag teaming this project and we
have been working on it five years. I hope I live
long enough to finish it. But I found that giving
birth to a book is hard labor. And I want to
finish my novel.

I have another one that I want to work
on and going senior or going on recall, it is
called recall status, it means we come back to
work. It doesn't cost the government anything.
It is a win/win. I don't get paid any more, but
both Mike Williams and I really want to stay
involved and help.

So if you didn't ask me anything,
probably just as well you did not ask me a lot
between my 16th and 19th years. The '55 Chevy
makes a statement all of its own. I made a lot of
money beating other guys between point A and point

1 B with my little '55 Chevy and that is all that
2 needs to be said. I think before I die I may buy
another one just to have another '55 Chevy.

Q. (MR. PEDERSEN) Great car.

3 A. I loved being a lawyer, Rita. I like
4 lawyers, I respect lawyers. We are fortunate,
indeed, here in Idaho we really have a good bar.
5 I am always curious when a respected Idaho lawyer
comes into my courtroom and a younger, lesser
6 lawyer from a big city law firm comes in and this
experienced lawyer from Idaho sits there and the
7 younger lawyer from Michigan or Texas or wherever,
California, makes the argument. I keep thinking,
8 "This young lawyer has no clue what my thinking
process is and that lawyer seated there knows me
9 well. Why isn't that experienced lawyer doing
it?"

And my -- Rita, I enjoyed my work with
10 you on those three articles. I look at that as a
real good piece of literature for the Idaho Bar.
11 But the conclusion that I came to is maybe there
aren't the real giants now that we have in
12 history, the Clarence Darrows, the Hawleys and who
are the new Jess Hawleys and who are these new
13 giants? And I have concluded that maybe these
giants were just fine lawyers that stayed the
14 course ethically and professionally, and maybe
they were not giants at all, they were just fine
15 lawyers. And I think all of us can accomplish
that.

16 As a judge, I have just been honored to
have this great opportunity. And maybe in a year
17 or two when I finally say, "Okay, enough is
enough, these two new judges, they do not need us
18 anymore." By that time we may have, we may have a
third district judge or maybe Judge Lodge will go
19 senior and we will have three district judges, two
magistrate judges. At that point then maybe I
20 will step back and do some other things.

Beverly and I may want to serve as
21 grown ups go on a mission for our church together.
Bob Bakes right now is in New Zealand -- no, he is
22 in Australia, doing the water adjudication for the
LDS church. The LDS church has vast ranches in
23 Australia, and Bob Bakes is down there as the
associate general counsel for the LDS church
24 helping the adjudication, but the Australians have
a different catch to it. In Idaho it is first
25 come, first serve, first in right and so forth.
Not down there. Who needs it the most gets the

1 water. So it is a real tricky situation. So
Beverly and I may do something like that.

2 Or I just may enjoy doing some golfing,
and traveling, and writing.

3 This has been a thrill for me. Thank
you, Rita.

4 Q. Thank you very much, Judge.

A. Thank you, Ken, very much.

5 Q. (MR. PEDERSEN) Thank you, Judge, very
much for letting me observe and learn really.

6 A. Last question.

7 Q. (MR. PEDERSEN) Your book, will it be
published by Covey?

8 A. We will be coauthors. Of course, his
name will probably be a little bigger than mine on
the cover because he is the best seller and I am
9 the new guy. But it will be published,
co-publishers. Not something "with," but "and."
10 So it is going to be published. Simon and
Schuster will publish it.

11 Q. (MR. PEDERSEN) Simon and Schuster will
be the publisher.

12 A. Most of his books are published by
Simon and Schuster.

13 Q. (MR. PEDERSEN) Good luck with that.

14 A. I really want to go do some teaching.
I have been so grateful for the Bob Bakes, the Ray
Rigbys, the Thomas Boyles, my Dad, the Lou
15 Racines, the Wes Merrills, and the Jess Hawleys
for teaching me. I want to be able to share -- I
16 would like to just download what I have learned
for this next generation of young lawyers. And
17 people like Ken are doing that, they are teaching
and helping.

18 I have had a real good life. I am very
happy.

19

(Whereupon, session concluded.)

20

Interview, Part II

21

February 8, 2008

22 QUESTIONS BY RITA RYAN:

23 Q. This is a follow-up interview with
Judge Larry Boyle. The date is February 8, 2008.

24 In the room are, of course, Judge Larry
Boyle, Lisa Yant and Rita Ryan.

25 Judge, I wanted to follow up on our
first interview and talk a little more
specifically about some of your cases, your

1 history, your career as a lawyer, as a judge and
2 some other possibilities. So I am going to start
3 with you as a trial lawyer. What are the most
4 memorable cases that you can recall?

5 A. The very first trial I had was a case
6 involving a young woman who was a stripper. I
7 mentioned this case earlier, but it was my very
8 first jury trial and bears mentioning again
9 because it laid the foundation for my career in
10 the trial courtroom as both a lawyer and a judge.

11 That was the very first trial I ever
12 had. I got a really nice verdict for her. It was
13 a very interesting experience. She was a very
14 interesting young woman that was doing the best
15 she could to make a living. Her name was Marjorie
16 Farnsworth. I still remember.

17 Q. We touched upon that a little bit in
18 the previous interview, but I am sure there are
19 other cases.

20 A. Another important case to me was a
21 widow whose husband was a milkman in Utah. He was
22 teaching a new man the route and their truck was
23 hit by a train. Her name was Kay Walker, the
24 daughter of a neighbor of ours in Idaho Falls.

25 I represented her in a lawsuit against
Union Pacific after several law firms in Utah said
essentially, "You can't win a railroad crossing
case in Utah." Well, win we did. My father was
the lead investigator for me and we settled the
case just before trial in Utah federal court.

She remarried a nice man and we still
receive wedding announcements from them when a
child or grandchild gets married. I remember her
particularly because she and her family were so
grateful for our help.

I represented major corporations. I
represented Boise Cascade, did all their legal
work in east Idaho. I represented Alcoa, I did
all of their work in Idaho. I represented
insurance companies, banks and credit unions. I
also had a great practice involving cases against
Union Pacific because I had a railroad background
as a young man.

But the two cases that I would have to
say are my signature cases, one involved a young
man who was a coal miner down in central Utah. He
was involved in a coal mining cave-in and he was
made a quadriplegic, which is C3 level, which is
about right here. About all he could do was talk,
move his eyes and that is about the extent of it.

1 It was a very interesting case.

2 The case was referred to me by a client
3 I had in Utah. She happened to be in the same
4 hospital with her husband when this young woman
5 was in the hospital with her husband. The coal
6 miner's wife called me and asked me to take a look
7 at it and I did.

8 It was really a remarkable experience
9 because we built a mock-up of the coal mine, we
10 did a full-size mock-up of the area where he was
11 hurt and we made a mock-up of the big hydraulic
12 jacks that hold the roof up inside of a coal mine.
13 You can imagine all the great pressure from all
14 the weight above. They had this huge series of
15 jacks, hydraulic jacks. We built a complete
16 mock-up of the mine. It filled up nearly half of
17 the huge courtroom. We had it in federal court in
18 Salt Lake City.

19 The other one was a young woman from
20 Burley who was injured terribly in a car accident.
21 She was a paraplegic, a L4-5 level paraplegic and
22 we are still very close friends. The coal miner
23 died a few years ago. This young woman is still a
24 good friend of my wife and I. We see her on
25 occasion. She is a lovely, very talented young
woman who works in Seattle and has remained a very
close friend over the years with my wife and
myself.

Then, of course, the Kay Walker case I
mentioned.

Those are the three cases, if I had to
say that I did something really good for somebody
and helped somebody, I would have to say those two
cases because I helped them secure their future.

Of course, I represented major
corporations. I enjoyed my practice and my
clients very much.

Q. In those cases, one case was obviously
against the mines.

A. Right.

Q. So because the actual injury was caused
by the mines and so they got a good settlement?

A. Oh, a tremendous settlement. We are
talking many millions of dollars.

Q. That's good.

A. With the young woman, we sued the
estate of the driver of the pickup that she was a
passenger in. Of course, it was covered by
insurance; it did not hurt the young man's parents
or family. There was a great deal of insurance.

1 It was a case involving Jerry
2 Schroeder. He was the district judge. And he
3 handled it so beautifully it really inspired me to
4 become a judge. I really have great regard for
5 Justice Schroeder. He became Justice Schroeder
6 after he was a state trial judge.

7 Q. We talked a little bit last time about
8 when you were a Supreme Court justice and you
9 talked about some of the other justices and some
10 of your experiences with them. But we did not
11 talk at all about your colleagues at the federal
12 court and of those judges that you had a certain
13 amount of reverence for and close friendships
14 with. One of the ones that you mentioned, well,
15 you mentioned Hal Ryan, Marion Callister and Bud
16 Hagan. Would you like to talk about them to us?

17 A. You bet. Let me visit with you for
18 just a minute about one that I did not mention.
19 That was Ray McNichols. I tried many cases in
20 Judge McNichols' courtroom here in Boise, as well
21 as also in Moscow. He liked to go to Moscow
22 because he lived in Orofino.

23 So the reason we have a beautiful
24 courthouse in Moscow is because Judge McNichols
25 wanted to have it close to his home. That is why
in Coeur d'Alene we have a small, antique historic
courthouse, but in Moscow we have a very, very
nice courthouse. That is all due to the sheer
presence of Ray McNichols.

 He was a great trial judge. I learned
a lot from him. When he said we would be in
recess until half past the hour, I knew that
wasn't 1:31, it was 1:29. I learned great lessons
from him. He was a great trial judge and he was
always good to me.

 Marion Callister. I didn't know Judge
Callister as well as I do the others. I tried a
couple of cases in front of him as a lawyer. One
of my biggest verdicts came in a case in Pocatello
where Marion Callister was the trial judge, but I
didn't know him as well. By the time I got to the
Court he was not well and I did not see a great
deal of Judge Callister.

 But Hal Ryan, I tell you, we miss Hal
Ryan. He and Ed Lodge were a great team. Hal
Ryan was a classy, classy man. I really miss Hal
Ryan. He was a good friend. He would walk in
about 1:15 on Friday and say, "Why are you working
on holy day?" I would say, "Holy day?" He would
say, "Yes. Every Friday is a holy day. Go home."

1 Of course, I never did. I didn't pay any
attention to that. But Hal Ryan was a classy man.

2 Ed Lodge is a classy, quality man. Bob
Bakes told me, Justice Bakes, one of my great
3 mentors, told me if I wanted to see what a good
district judge is -- Ed Lodge was a district judge
4 at the same time I was in the state system -- he
said, "Watch Ed Lodge. There is somebody you
5 ought to pattern yourself after." And I have
tried very hard to do that.

6 Q. What specific characteristics or
qualities does he have?

7 A. Judge Lodge is modest, he is
thoughtful, he is quiet, but those still waters
8 run real deep with Ed Lodge. He is cowboy, he is
a jurist, he is a family man and he is really fun
9 to be with.

10 He and I and my father and his son
Eddie went back to Notre Dame to watch a football
game. Of course, Judge Lodge attended Notre Dame
11 as a freshman in college, missed Idaho and came
home. But I have really high regard for what I
12 view as a very quiet, thoughtful man with deep
character, Ed Lodge. I have a lot of regard for
13 him. I have learned a lot from Ed.

14 Q. Bud Hagan, that is a name that is new
to me.

15 A. Judge Hagan was a bankruptcy judge. He
was Idaho's second bankruptcy judge. Merlin Young
16 was the first U.S. bankruptcy judge and Bud Hagan
became the second one. Bud Hagan was a former
state district court judge. A very respected man.
17 He was a very pleasant man, a very thoughtful, fun
guy.

18 Ed Lodge, Hal Ryan, myself, Mike
Williams, that constituted the federal judiciary
19 when I came here, along with Judge Pappas, who was
a brand-new bankruptcy judge.

20 Bud Hagan was highly respected. He was
a judge here in Boise, a district judge, became a
21 bankruptcy judge. He practiced in a big firm. He
practiced in the firm that was the predecessor to
22 Holland & Hart. His name was Alfred, but
everybody called him Bud.

23 Q. That's right.

24 A. Bud Hagan was a really fine, fine man.
I really, really cared about him. It was so sad
he died. He had cancer and died. He was the
25 first Idaho bankruptcy judge to serve on the BAP,
the Bankruptcy Appellate Panel. And, of course,

1 that tradition has been continued with Judge
2 Pappas who is now serving on the BAP. It is an
3 intermediate bankruptcy appellate panel. They do
4 not have to appeal to the district court or they
5 don't have to go to the circuit, they go to the
6 BAP we call it. Bud Hagan was our first judge on
7 the BAP.

Q. You have three lawyers in your office?

5 A. Yes.

Q. You were telling me that you have a
6 philosophy about hiring law clerks. Now, I don't
7 know the difference between a lawyer in your
8 office and a law clerk, I have to confess.

A. Same thing, just different names. I
9 have a philosophy. I have always tried to give as
10 many young people an opportunity to learn
11 something after law school, because as Lisa can
12 tell you, the young lawyers sometimes don't know a
13 lot and you have to train them. But I have had
14 many, many law clerks, primarily because I wanted
15 to give them an opportunity to learn before they
16 went out into practice.

I figured with me being now close to
17 going on the equivalent of senior status for
18 magistrate judges, I wanted to have some really
19 strong lawyers in the office who could stay over
20 and carry on with my successor.

Between the three of them, Kate Ball, a
21 very bright young woman who worked with Judge
22 Winmill, Judge Trott, Judge Nelson, our two
23 circuit judges, and practiced law privately over
24 at Holland & Hart. She is my administrative
25 assistant and senior staff attorney.

Kira Pfisterer is a young woman who was
26 with Stoel Rives. A very capable young lawyer.
27 And Dan Gordon was a partner over at Banducci
28 Greener. So between the three of them they have
29 nearly 20 years of experience. I wanted to have
30 somebody really strong in the office so whoever my
31 successor was would come in with a staff that
32 really knew how to help him or her.

My successor is going to be Ron Bush.
33 His father was a good friend of mine. He was a
34 very respected lawyer in Idaho Falls, Gene Bush.
35 So I am really pleased that Ron is going to be my
36 successor. But I have gone with career clerks now
37 so that they can help who replaces me.

Q. What does the expression "elbow clerk"
38 mean?

A. An elbow clerk is a one- or two-year

1 term clerk. I am not sure where that started, but
2 they sit at your elbow or at your side and help
3 you with your cases. An elbow clerk is what I
4 have always had until now. I am so proud of some
5 of these young men and women who have been my law
6 clerks. They are just almost like a family.
7 Judge Ryan used to refer to the children of his
8 law clerks as "grand-clerks." So we stay close to
9 these young people.

10 I am really proud of them. I have one
11 that is now a state judge. I have one that is now
12 a law professor at Brigham Young University Law
13 School. Virtually all of them have done very,
14 very well in private practice.

15 Can I go back and make a note about my
16 other colleagues at the court, my current
17 colleagues? I mentioned Judge Lodge. Let me
18 refer to Judge Winmill. Judge Winmill and I have
19 been friends for many, many years. When I left
20 private practice, not knowing very much about
21 retirement plans, I hired Lynn Winmill to take a
22 look at my paperwork and give me some direction in
23 winding up my affairs in the practice. So Lynn
24 and I go back many, many years. He and I have a
25 great friendship. We have traveled together. He,
Judy, Beverly and I have spent some time together
traveling and we are just very good friends, have
a lot in common.

15 Judge Williams is a real true man for
16 all seasons, Mike Williams. He is as good a man
17 as I know. A guy who would be willing to carry
18 more than his share of the work. He is a
19 thoughtful, kind, bright, good human being that
20 can do anything. He and his wife, Lorette, just
21 biked across Austria last fall. He is an
22 accomplished skier. He is an accomplished sailor.
23 He has done night sails out in the Pacific, out in
24 the Channel Islands. And whenever we go on a trip
25 to San Diego or wherever it is, he always wants to
hire a sailboat and take us out. We all get
seasick, he gets seasick, but we have so much fun.
I am really grateful I have had 16-plus years of
working with Mike Williams, Lynn Winmill and Ed
Lodge.

23 Bankruptcy judges. Jim Pappas is a
24 dear friend of mine. He grew up in Pocatello as I
25 did. He was one of the finest lawyers I ever
worked with. I represented clients that he was on
the other side of bankruptcy cases. He was so
thorough. I knew that Jim Pappas would find every

1 hair on the dog's back. So it was always fun to
2 work with him because I knew that I had to be at
my best.

3 Terry Myers, another fine judge. We
4 are so blessed, as you know, with the people we
5 have coming over to work with us. The six of us
6 get along so well, there are friendships. We
7 don't do a lot of social stuff with each other,
8 but we are really good friends.

9 We have Candy Dale coming. Oh, what a
10 treat she is going to be. She is so smart and so
11 capable. And Ron Bush is coming, a very capable
12 lawyer and judge. It is just going to be a great
13 addition to have them there.

14 People have asked me why, I am in such
15 good health, why I am leaving. Well, I am really
16 not leaving. I am going to stay on on senior
17 status as a recall magistrate judge. But I wanted
18 to get us some help. We get two more good judges
19 there with Mike Williams and myself, it will take
20 some pressure off of Ed Lodge and Lynn Winmill
21 because eventually we are going to have to get a
22 third Article III judge. It is just not working
23 with Congress right now. But those are the
24 current people I work with right now and what a
25 treat they have been.

1 Of course, I have enjoyed every place I
2 have ever been. I enjoyed my law practice, I
3 enjoyed state district bench, I love what I am
4 doing here. So Beverly tells me I must be easy to
5 please because I have thoroughly enjoyed
6 everything I have ever done.

7 Q. I think part of it has to do with their
8 personalities and your personality. They are all
9 so normal people and very impressive as well. All
10 my interactions when I was at the Bar were always
11 very positive. One of the reasons I wanted to
12 stay and work with the Legal History Society is
13 because I liked the federal court so much. So
14 when Judge Winmill was starting this whole thing,
15 I said, "Well, is there anything I can do to help
16 because it is fun for me."

17 A. One thing I wanted to mention about Ed
18 Lodge, I think Ed Lodge is as happy on a horse as
19 he is on the bench. I think he is happier on a
20 horse than the bench sometimes. There is a great
21 picture of him. It looks like it should be in a
22 country western photograph. This man on this big
23 mount, a man and his horse, Ed Lodge. It looks
24 like it could be an ad for Marlboro country or

1 something.

2 So I have a lot of regard for my five
3 colleagues in federal court and I am really
4 looking forward to the two new judges coming.

5 Q. It looks like just an abundance of good
6 talent, doesn't it?

7 A. It is a good group. It is really a
8 good group of people and they will fit in nicely,
9 the two new ones.

10 Q. Here is a question I really don't know
11 much about. You were talking about court
12 procedures and administrative responsibilities.
13 How do they interact, both at the Supreme Court
14 and the federal court?

15 A. Well, the federal court has the
16 Administrative Office of the Courts in Washington,
17 D.C. They have a big staff that helps us on
18 everything from committees we serve on, to our
19 employment benefits, what we should be doing as
20 far as putting money away in the Thrift Savings
21 Program. They are really some of the most capable
22 people I have worked with. They are out of the
23 Washington office, the administrative office.
24 They are helping us go through this recall and
25 retirement program.

We have the same type of quality people
at the Ninth Circuit in San Francisco that help
us. All of us, all of the judges, have served on
either local or Ninth Circuit committees. And
when we do that, they have a staff that helps us
on our committee work.

The same thing at the State Supreme
Court. Patti Tobias is a successor to Carl
Bianchi. They are helping me right now arrange
for my retirement under the state retirement
system.

So I am just always amazed at the
really capable, caring people who help the judges
take care of those things so we can do our
judicial work and not have to worry about a lot of
administrative things.

Then, of course, I want to talk about
Carl Bianchi for a minute. He is retired now. He
left the Supreme Court after 20 years and went to
work as the Director of Legislative Services At
the Legislature. Carl Bianchi was a very capable,
intense man who really accomplished a lot. I
really, really enjoyed working with Carl. He was
very driven. He was very focused. He knew what
he was doing.

1 And we have someone like that with Cam
2 Burke. Different personalities. Carl was a
3 small, slim, wiry guy. Cameron is a big bear of a
4 man and yet they help us in everything we do.
Cameron Burke is as involved with the six judges
at the federal court as Carl Bianchi was directing
the state court system.

5 I worked with a lot of the people at
6 the Administrative Office of the Courts in D.C.
7 and in San Francisco. How grateful I am for their
8 help because they keep us from making mistakes
with our retirement programs, they help us from
making mistakes on committees. Every one of these
institutions has somebody like that with a memory
of what has happened within the institution.

9 I think of people like Terry Nafisi at
10 the Ninth Circuit. Terry and I worked very
11 closely for a couple of years when I was chairing
12 the Magistrate Judges Committee. She has just
been there so long. She remembers everything.
She has a great filing system. If I call and say,
"Terry, what about this?" and she will send it to
me. So we are just really blessed.

13 Everything from deputy clerks, to court
14 reporters, to people who help us at the
15 courthouse, they are all part of this
16 administration. Like Lisa, they are all part of
the Court family. We all like each other, we all
work together so well and all that is all done
with the administration, the directors in the
various courts.

17 People don't realize how much
18 administrative work the judges have. When Ed
19 Lodge was the chief judge, he would go to chief
20 judges' meetings. He had a lot of administration
that he had to take care of. Lynn Winmill now is
doing that. And whenever we get a new judge, a
new district judge, that person will be the chief
judge and will take care of administration.

21 I was amazed at the Supreme Court when
22 I was there, how much administrative work the
23 justices have to do. I was surprised we had a big
24 motion practice. I did not realize the Supreme
25 Court justices had a motion practice. Everything
from continuances to overlength briefs to
admission of new lawyers. Just a lot of
administration. And we would have a meeting once
every month on motions. One of the judges was in
charge of the motions and that judge would send a
memo around saying vote "yes" or "no" and the buck

1 slip would go around and you would check "yes" or
2 "no" and then the motion would be granted or
denied.

3 There is just an enormous amount of
administration in all of the courts. My goodness,
4 we couldn't possibly keep up with the filing and
everything, the reporting and everything that has
to go on.

5 Q. That is my view from the outside had to
do with seeing everybody seems to work together so
6 well. There is so much work, it is a good thing
that they do.

7 A. I don't know how Judge Winmill and
Judge Lodge can possibly keep up with the enormous
8 criminal calendar they have. Judge Williams and
I, and soon Judge Dale and Judge Bush, we see it
9 come in ever so briefly. We do the initial
appearances, the arraignments, the bail hearings
10 and we do not see them after that. I don't know
how Ed Lodge and Lynn Winmill have possibly kept
11 up with the enormous criminal calendar they have.

12 I know they work hard. I see their
cars there early. I come into the office at 7:00
and often Judge Lodge is already there and he has
13 come all the way from Canyon County. Judge
Winmill's car is always there. It is kind of fun
14 to get there early so we can see who gets there
first. We have fun doing that.

15 Q. Switching gears just a little bit. You
touched upon women in the law and I wanted to talk
16 a little bit about your law school class and some
of the judges that you know, women judges that you
17 know. Some observations.

18 A. My law school class had about 100
students start. We graduated just over 40.
19 Nearly 60 percent either dropped out or flunked
out. In my law school class there were two women
20 and one of them is Darla Williamson who is the
administrative judge for the Fourth District. She
21 was a good law student. I enjoyed working very
much with Darla. We were friends all through law
school, still are friends.

22 I thought, "Why are there no more women
here than this?" because I live with a very
23 intelligent woman who would have been an excellent
lawyer. My wife Beverly would have been a superb
24 lawyer. She comes from a lawyer family; her
father is a lawyer, her brother is a lawyer and
25 Beverly has that same mind. She is very
analytical and I think why not.

1 Of course, now we are seeing that half
2 or more of all law schools are now women. It has
3 been very interesting. I haven't tried to do
4 this, I have just tried to hire the smartest,
5 brightest, most capable person to be my law
6 clerks, and about 60 percent of my law clerks over
7 the years have been women.

8 Right now I have two women, Kira, Katie
9 and one man. And women and men think differently.
10 It is just so interesting. I really like this
11 balance of having men and women in the office. We
12 will sit down and we will debate a point and it
13 has always been interesting to me to see that
14 women think like Beverly. They think differently,
15 they have a totally different perspective on
16 things.

17 Q. I am kind of chuckling because being a
18 woman, I kind of know this.

19 A. Well, we men are slow learners. And,
20 of course, I am really pleased that my successor
21 at the State Supreme Court was Linda Copple-
22 Trout. My leaving that court to come to the
23 federal court opened the way for a very capable
24 person. Linda is a good friend and I just was so
25 pleased that she succeeded me.

 Now, you will hear that I use the word
"succeed" because I said one time when we were
talking with Linda and some friends, I said, "Yes,
I am really pleased that Linda replaced me." She
said, "Oh, Larry, nobody could possibly replace
you. I succeeded you."

 You know, Linda Copple-Trout, so
capable, Darla Williamson, Cathy Silak, Betty
Richardson, U.S. Attorney Betty Richardson. So I
think it is really wonderful that there has been a
gender balance happen within the courts.

 The next step is going to be some
ethnic and racial balance. There is a small
percentage of minorities in the federal courts and
there is quite an effort to change that. Coming
from Pocatello with a large population of Native
Americans, growing up there I went to school with
so many Indian kids and a lot of African-American
kids. I hope to see more minorities in the courts
across the United States.

 Q. Amen.

 You mentioned Darla Williamson. How
about Deborah Bail?

 A. Deborah Bail was the first woman to
serve on the district bench. Debbie Bail and I

1 are friends. That is one of the neat things about
2 being an Idaho lawyer, we all know each other.
3 And Debbie Bail, a single mom, she adopted this
4 little girl. And I asked her whatever happened to
5 her little girl. She said, "She is grown up now.
6 She is all grown up." How the time has passed.
7 Almost in the blink of an eye to see how Debbie
8 has raised that lovely child.

9 I have high regard for Deborah Bail.
10 She was a real ground breaker. And there was some
11 resistance at first by some of the older lawyers.

12 Q. Really.

13 A. Yes. Just because it was a departure,
14 a change and change doesn't go well. But she got
15 over that real quick. Debbie and I speak on the
16 same new lawyer programs every year together. I
17 have a lot of respect for Deborah Bail, Darla
18 Williamson, Cathy Silak, Linda Copple-Trout. Who
19 knows? If we get a new district judge, maybe one
20 of them will get that position. I would hope so.
21 Somebody like them anyway.

22 Q. You mentioned, just touched upon you
23 had experiences with Sandra Day O'Connor. Would
24 you tell us a little bit about that or her.

25 A. What did I tell you about? Did I tell
you about her meeting my father?

Q. No. You only told me that you had some
experiences with her, so we want to hear about it.

A. Sandra Day O'Connor is probably one of
the greatest things that ever happened to the
federal judiciary. She finished second in her
class at Stanford right behind William Rehnquist,
he was first in the class. He got a very nice job
at a big East Coast law firm and she was offered a
job as a secretary. Of course, she turned that
down. Sandra Day O'Connor is a smart lady. I
really feel that she has done more for women than
perhaps anybody else in the legal profession.

I would see her at conventions. In
private she wanted to be called Sandra, she was
not "Justice" O'Connor. I would see her in the
elevator in a pair of shorts and golf shoes and
golf hat with her golf clubs. She would say, "Hi,
Judge." I would say, "Your Honor." She would
say, "Oh, Sandra is good enough." We would see
her at Sun Valley. She loved to come to Idaho. I
have been on committees where I have been on
panels with her.

But my favorite memory of Sandra
O'Connor was when she met my father in Spokane.

1 She was the Ninth Circuit justice. I invited my
2 father to come over. He was living in Portland at
3 the time. So we flew him over to Spokane and he
4 stayed with Beverly and me at our hotel during the
5 Ninth Circuit conference. When I told him Sandra
6 Day O'Connor was there, he said, "Oh, could I meet
7 her? She has just been -- I am such a fan of her.
8 She is one of the people I really admire."

9 I said, "Sure, I will introduce you to
10 Justice O'Connor," because she is very
11 approachable. Of course, the reason that she
12 retired was not because she was tired of being a
13 judge, her husband has Alzheimer's, John has
14 Alzheimer's.

15 So I approached her and said, "My
16 father would like to meet you." And so Dad was
17 standing there talking to her and her husband John
18 was standing beside her. And, of course, my Dad
19 thought I was really a big shot because she said,
20 "Hello, Judge." My Dad says, "She knows you?" I
21 said, "Well, yes, she does, Dad." I said, "It was
22 a pretty safe bet," because all of us there were
23 judges.

24 Q. But he thought you had arrived.

25 A. So I introduced them. Right at that
time they were coming out with the wrap up of who
Deep Throat was in the Watergate. And when she
heard my father was with the FBI, she said, "Oh,
Mr. Boyle," she got right up close to him and
said, keep in mind her husband was standing right
there beside her, she said, "Mr. Boyle, what do
you think about Deep Throat?" My Dad leaned back
and his eyes kind of glazed over. He said, "Well,
Sandra, I guess I have forgotten about that." And
her husband John said, "Tom, that is okay. I
forget things, too."

Anyway, the Deep Throat revelation with
the *Washington Post* was what she wanted to ask.
So anyway, as we walked away, he said, "Larry,
isn't she wonderful?" I said, "Yes, Sandra
O'Connor is wonderful."

So to make a long story short, he
really thought I was a big shot because Sandra Day
O'Connor called me personally, "Hello, Judge."

Q. It is nice for your father to be
impressed with you, right?

A. Oh, I hope he is proud of me. I am so
grateful. He was a man that I never heard raise
his voice to me. He should have raised his voice.
He should have raised his voice a whole bunch of

1 times, but he didn't.

2 Q. I think we may have to sidetrack into
this childhood, but let's go on with --

3 A. Sure.

4 Q. We only mentioned this once. You have
worked on or I don't know if you are still on the
5 national 12- judge-member committee working with
federal judges throughout the U.S. Can you
6 explain that a little bit to us?

7 A. Yes. I am glad you raised that. I was
appointed by Chief Justice Rehnquist to a
three-year term on the committee for
8 administration of the magistrate judge system. It
is a committee made up of a district judge from
each of the federal districts and then three
9 magistrate judges as at-large members. I was
appointed. Judge Procter Hug, who was the chief
judge of the Ninth Circuit, pulled me aside one
10 day and said, "Larry, I have nominated you to
fulfill a vacancy on a national committee. I hope
11 that they follow my recommendation." They did and
I was appointed.

12 It was one of the grand experiences of
my federal service because I not only served for
13 three years. People are coming in and out all the
time. People rotate in and off that committee.
14 They only have three-year terms or at most,
six-year terms. The first one a three-year
15 period, then a second three-year period. And when
it came time for me to go off that committee, the
16 Chief Justice asked if I would stay two more
years. It became an unprecedented extension of an
17 appointment.

18 And I have just made wonderful friends.
I can go to Florida, New York City or to places in
Chicago, places in between. For example, when I
19 wrote that article for *Litigation Magazine* about
my jury service, the reason that I was asked to do
20 that was Elaine Bucklo was on the board of editors
for *Litigation Magazine* and Judge Bucklo pulled me
21 aside and asked if I would, because I missed one
of the meetings because I was on jury duty. And,
22 of course, that was a big deal to the people on
the committee. They all wanted to hear about it
23 and so forth.

24 But I met some wonderful people. The
best example I can give you is back in January
Beverly's father took each of his children and
25 their spouses on a Caribbean cruise. I knew we
were going to spend a full day in San Juan, Puerto

1 Rico. So I called Judge Daniel Dominguez who was
2 on that committee with me, a good friend. I said,
"Dan, what do you recommend we do?"

3 Of course, it was really funny because when
4 he would call back to the office one of the young
5 attorneys would say, "I don't know if this is a
6 crank call or not, but there is some guy with a
7 very heavy Latin accent. It sounds almost like a
8 Latin movie star." He would say, "Hello, this is
9 Judge Dominguez. Could I talk to Larry?"

10 So he said, my colleague, said, "Don't you
11 worry. I am going to take care of you. I will be
12 your tour guide." So he spent a full Saturday
13 with us showing us not just what people usually
14 see about San Juan, but he took us down the side
15 streets into old San Juan, and showed us all of
16 this wonderful stuff. And it was a highlight
17 because my father-in-law said, "Well, tell us
18 about the relationship with San Juan and the
19 United States, with Puerto Rico and the Puerto
20 Rican citizens. What is the reason they are not a
21 state yet?" and so forth, and he answered all of
22 these questions. And we had an absolutely
23 wonderful full day with Judge Dominguez, my good
24 friend.

25 He had just gotten off the golf course
and he brought me two golf balls because wherever
I go, I bring back a golf ball for Judge Pappas.
He collects unique golf balls. I have brought him
golf balls from Thailand and the Virgin Islands
and Puerto Rico. So Dan Dominguez brought me two
golf balls from this fancy country club he belongs
to in San Juan. So those are the kind of
friendships.

That committee was charged primarily
with review of reappointments and with creation of
new magistrate judge positions. So it was a very,
very important committee because we would get
requests from districts that badly needed new
magistrate judge positions and others who did not.
We had to tell many of them, "No, there is not a
need for new magistrate judges because the
magistrate judges you have are doing the work, so
it ought to go back to the district judges." So
we would have to tell them "no." We would tell
the ones that really deserved it "yes." And then
a new position being created by the judicial
conference subject to funding by Congress.

So that was a wonderful assignment. Of
course, the people in the East want to meet in the

1 West. And the people in the West want to go
2 somewhere else in the East. Of course, our
3 December meeting was always held in a place like
4 Key West or some resort place in Arizona, or
5 Florida, or California. In the summer we would
6 meet in a northern city.

7 The most fun was having all these
8 judges go to a dude ranch in Montana. You should
9 have seen some of them try to ride a horse. If it
10 wasn't the funniest thing you ever seen. You
11 hear, "Whoa, horsy stop." These are district
12 judges so dignified hanging on for dear life.
13 "Horsy, please stop." So we had some good
14 experiences there.

15 But I can go to Florida and call a
16 friend. I can go to New York and call a friend.
17 I have met all of these district and magistrate
18 judges from all over the United States. In eight
19 years I would guess there has been as many as 30
20 or 35 judges that came and went while I was there.

21 Q. What time frame was that, Judge?

22 A. I went off in 2006, so it would have
23 been in 1998 was my first three-year term. Then
24 in 2001 I got another three-year-term to 2004.
25 Then in 2004 to 2006.

Q. That is pretty unusual, to be extended
like that?

A. It was highly unusual. Part of it was
motivated by the fact that we had so many people
going off at one time. But the other part was
because of my state court service, I brought a
different perspective and they kind of liked that.
So the chair at the time recommended if we are
going to extend some people, leave me on. So I
got the call and so, "Gosh, I guess I will."

Q. Gee whiz, huh?

A. Gee whiz.

Q. Let me think about it.

A. It was a grand experience and it gave
me some insight. Frankly, helped us avoid some
problems. Because in our district Judge Winmill
wanted to have a statewide survey like the Bar
has. I told him he can't do that. The
regulations do not allow even the names of the
applicants to be known to the public.

Judge Winmill, who is a very open man,
who really deals in transparency, he wants
everything to be open. And he was really struck
with the fact that the regulations say that even
the names of the applicants must be held in strict

1 confidence.

2 The reason for that is, maybe the
3 applicants do not want their law firms to know
4 they are leaving or applying. When I told him he
5 couldn't do it, he and I sat down and went through
6 the regulations. "You are right."

7 He got a waiver for that. Those that
8 agreed could be part of a survey and those who
9 didn't want to be part of a survey, their names
10 were not disclosed. I think what has happened,
11 because of our experience, I believe that the
12 committee is going to change that regulation and
13 approval.

14 One of the things I am happiest about
15 is that the committee is going to come to Coeur
16 d'Alene. I really promoted Idaho. I said, "You
17 have to come to Sun Valley or Coeur d'Alene."
18 They are going to come to Coeur d'Alene. And, of
19 course, they all bring their golf clubs and they
20 are going to want to play that nice golf course.

21 Q. You are going to visit them and maybe
22 speak?

23 A. Of course. I am going to up and go to
24 dinner with them and go golfing with them, I
25 think.

26 Q. I wanted to go back and talk about your
27 family. We touched on a little bit about your
28 wife and your admiration for your wife, good
29 mother, good wife and a whole bunch of other
30 things.

31 A. The smartest person I know. She had to
32 be really smart to put up with me all those years.
33 We celebrated our 39th anniversary.

34 Q. Is that right? Congratulations.

35 A. Starting our 40th year.

36 Q. And you said that she came from a
37 family of lawyers. Why did she not become a
38 lawyer?

39 A. She wanted to be a mom. She said, "One
40 lawyer in the family is enough." She was a
41 champion student, a star student, but she was very
42 content to play a supportive role in my life. She
43 would have been a great lawyer. She is a real
44 peacemaker, real capable. I am so proud that I
45 have two sons that went to law school. They just
46 benefitted greatly by having that experience.

47 I am so grateful I went to law school.
48 I just have had a remarkable experience as a
49 lawyer and as a judge on three courts. Something
50 I would have never imagined as a youngster growing

1 up that I would ever have this type of experience.

2 Q. You said your father-in-law had kind of
3 suggested or asked you why you were not
4 interested?

5 A. Well, he pulled me aside, I was working
6 for a bank, and he said, "Take a look at who you
7 are working with at the bank and let's talk when
8 you are up here next time." So I started
9 watching. It was First Security Bank. The
10 president of Idaho was Ralph Comstock and he was a
11 nephew.

12 Q. I knew Ralph.

13 A. He was a nephew to Mariner Eccles who
14 owned the First Security banks. So we had a
15 nephew relationship there. My immediate boss was
16 a cousin to Mr. Comstock. I started to think,
17 "You know, maybe I want to have a little more
18 independence than this. There is so much family."
19 One of the regional directors of the bank, vice
20 president of the bank was another relative. I
21 just thought, "Maybe I need to take a look at what
22 I am doing." I had a great job. Ray, my
23 father-in-law, encouraged me to go to law school.
24 I said, "I haven't got any money." He said,
25 "Don't worry, I will take care of that." And he
26 did.

27 I went to law school. Beverly and
28 myself put our little U-Haul trailer behind our
29 Plymouth and headed up White Bird and about
30 halfway up the hill at Lewiston and these were the
31 old hills, these were not these new fancy roads,
32 all the switchbacks.

33 Q. Right.

34 A. She said, "Larry, I'm pregnant." I
35 thought, "I just left a good job. I am going to
36 flunk out of law school. What am I going to do?"

37 Q. Fly off this hill.

38 A. Of course, I was a guy that wanted to
39 be a bachelor and have a red Corvette and I ended
40 up with six children. I am not sure how that
41 happened.

42 Mike Williams is not aware of this, but
43 we are writing an article for the Advocate for
44 him. It was submitted today. But Judge Lodge
45 wrote a little piece to put in it, and Judge
46 Winmill did, and I put in a little quote. But
47 Judge Lodge talked about what is really important
48 in his quote. You will have to read it. Lisa has
49 read it. It talks about earthly wealth and all
50 those things are not nearly as important as what

1 Mike Williams has done. He's got a great family.

2 So I think the happiest part of my life
3 is my family. I have a brother who is a lawyer in
4 Salt Lake City. He moved his practice from
5 Dallas, Texas, to Salt Lake City. He is my
6 younger brother by 12 years. A Mormon kid from
7 Idaho who spent his whole career representing the
8 Catholic church in Dallas. He became very, very
9 close to the leadership of the Catholic church in
10 Dallas and they wanted somebody who was not
11 subjective. They wanted somebody of a different
12 faith. He had a wonderful career and has a great,
13 great regard for the Catholic church. So he has
14 moved back to Salt Lake because his wife has
15 cancer and he wanted to be a little closer to
16 family.

17 My sister married one of the brightest
18 people I know. He graduated second in his class
19 from BYU's charter class. So we are just full of
20 lawyers. Now my two sons. I am so grateful that
21 I have had this experience in the law. I don't
22 know what I would have done without it.

23 Q. You will continue. You have a good
24 balance, you will get to do things on your own in
25 terms of writing the book. In fact, two? Are you
going to go ahead with your novel?

26 A. Yes, I am going to write when I am able
27 to. I guess I am feeling a little bit of the
28 effects of being nearly 65 because in the past I
29 could work all day, go home and work all night.
30 Not all night, but until late at night. I am
31 finding now when I go home, I need to have dinner
32 and maybe just do some reading and not some
33 intense work. But I fully intend when I take this
34 partial retirement, I am going to spend a lot of
35 time during the day working on my two books; one
36 with Covey and the other one with my father's
37 story that kind of inspired it.

38 Q. Can you tell us for the purposes of
39 this history, tell us your father's story of what
40 happened to him and then tell us what you are
41 going to do with your novel.

42 A. You bet. Let me just, I mentioned my
43 sister and my brother. I would like to mention my
44 brother Robert. Bob just moved his practice from
45 Dallas to Las Vegas. Bob is an architect and he
46 designs courthouses of all things. So whenever we
47 have had a problem with our courthouse, if we did
48 not like the design or something, my brother
49 became our "deep throat" as we would call him.

1 For example, in my courtroom you will
2 notice there are a couple of pillars there right
3 by the witness box and right back by the jury box.
4 When they were designed, they were four-feet
5 square. In those smaller courtrooms it just
6 looked awful. The architect said, "You can't make
7 them any smaller because of fire codes," and so
8 forth. Well, but the pillars themselves were only
9 about eight inches square and they had all this
10 stuff around them. They showed us the part of the
11 code that required us to do that.

12 So I faxed it to my brother in Dallas.
13 I said, "What can we do? Here is the floor plan."
14 I sent him the plans. He called me back and said,
15 "Tell your architect to turn the page and give you
16 the next page." He said, "He is giving you the
17 criteria for the weight bearing floors, the
18 basement, the first and second floor."

19 So every time we work on a courthouse,
20 whether it is our new courthouse in Coeur d'Alene,
21 our new courthouse in Pocatello, our remodeling of
22 our courthouse in Pocatello, I always pass it on
23 to my brother and say, "Bob, tell us where we are
24 making a mistake." I didn't want to leave him
25 out.

Q. In fact, I wanted to go back over your
family. You have one sister and two brothers?

A. One sister and two brothers.

Q. And your sister's name is?

A. Jean.

Q. And your other brother's first name?

A. Robert and Tom. Thomas is the lawyer
and Robert is the architect. Jean has been a
homemaker. All the kids are raised now, so she is
now working for Jet Blue as a reservationist. So
when you call Jet Blue, you are apt to get my
sister.

Q. Where does she live?

A. In Salt Lake City.

Q. Your dad's story.

A. My father's story. My Dad was a very
interesting man. He was a lot like Ed Lodge;
quiet, thoughtful, very capable. I will tell you
two stories. I will start with the most recent
one. When I was about six years old -- did I tell
this where the two union people came in?

Q. Yes.

A. So my Dad was quiet and thoughtful.

Q. But he could be tough.

A. He was a tough guy in a thoughtful,

1 nice way. When Dad was 19 years old he decided he
2 wanted to serve a mission for the LDS church and
3 he was called to serve in the French speaking, the
4 French mission. That included parts of
5 Switzerland, the French-speaking parts of
6 Switzerland, Belgium and France. Of course, you
7 can imagine, you think of missionaries, you think
8 of going to the Congo and helping cure diseases.
9 My Dad goes to Paris. Imagine.

10 So he went to Paris and even in his
11 last years I could still say something in French
12 and he would be able to speak it just perfectly.
13 He went back to France many, many times. People
14 thought he was a native because his dialect and
15 his accent was so perfect.

16 When he was released from his
17 missionary experience, he was counseled by the
18 president of the mission not to go into Germany
19 because back in those days it was very common for
20 the missionaries to tour. Some of them would tour
21 three or four months. But then they cut that out
22 because kids would get in trouble or have problems
23 or something. They want to get them right home to
24 their parents and then the kids could do what they
25 want.

1 But here is Dad. He was 21. Back in
2 those days it was a three-year mission to a
3 foreign country, so he was nearly 22 by the time
4 he got home. But he was counseled not to go to
5 Austria or to Germany because of the Nazis. This
6 was in 1938. We all know what happened in 1938.
7 Hitler had just marched into Austria without
8 firing a shot. Premiere Schuschnigg of the
9 Austrian government felt it was better to
10 capitulate than it was to fight. Hitler was
11 really spreading his empire.

12 And so when they were counseled not to
13 go to Austria, they booked a train to Vienna, two
14 21-, 22- year-old kids. And when he got off of
15 the train in Vienna, this massive railroad
16 station, just from everywhere you could see black
17 and red swastika banners. Some of the little
18 small, narrow streets they had strung banners on
19 wires so thick you couldn't even see the sky in
20 some of those narrow streets. There were German
21 soldiers everywhere.

22 They couldn't get a room because the
23 Nazis, the German Army, had requisitioned all the
24 big hotels. While they were on a street car this
25 man overheard them speaking English and he asked

1 them, he said, "Are you boys English or American?"
2 They said, "We are Americans." "What are you
3 doing here?" They told him. He said, "Where are
4 you staying?" Dad said, "Well, at a hotel." He
5 said, "You will not find one, but I have
6 connections, I can help you."

7 So this guy got them a room. He said,
8 "Now you owe me a favor. Will you take a package
9 back to the United States?" He had asked them
10 what boat they were on, when they were going to
11 get there and what port they were going to. He
12 said, "Will you take a package back?" Dad said,
13 "Sure." He said, "I can't give it to you now, but
14 if you will go to a certain postal station in a
15 suburb tomorrow, it will be waiting for you
16 there." Dad said, "Why can't you give it to me
17 now?" He said, "We are being watched. The
18 Gestapo is watching us."

19 So Dad, the next morning he and his
20 missionary traveling companion caught the subway
21 out and they noticed that everywhere they went
22 there was a certain man close by. You always
23 think of spies, I asked Dad, I said, "Well, did
24 they have hats and trench coats?" He said, "Oh,
25 no. They could look like the butcher, the baker,
26 the candlestick maker." He said, "But we saw this
27 one man always close by. So we started catching a
28 different subway, a different trolley car, a
29 different bus, there he was."

30 And when they got to the little postal
31 station it was closed and on the window it said
32 "Closed in honor of the Fuhrer's birthday." It
33 was Hitler's 49th birthday. And they again saw
34 that same man pretending like he was looking in a
35 store window and it really unnerved them. They
36 did not go back to pick up the parcel.

37 But when they were leaving Austria,
38 they were searched. Their suitcases, the linings
39 were torn out. Dad and his companion got slapped
40 around a little bit, roughed up. That is what
41 prompted me to write this novel because it is so
42 exciting. My novel assumes they did pick it up.

43 When Dad got back to the States, he was
44 hired by the FBI because of his great language
45 skills and he was a code breaker. He worked all
46 of the years in the FBI breaking codes. He was
47 asked when he was in Baltimore to talk with his
48 boss who was a man named Howard Farnsworth.
49 Mr. Farnsworth said, "We have a special assignment
50 for you if you are willing to take it." Dad said,

1 "Well, what is it?" He said, "Well, you will lose
2 your identity, you will go to South America and
3 you will totally lose your identity and from there
4 you will go on this assignment." And Dad said,
5 "Well, what is it? He said, "Well, you will end
6 up in French-speaking Europe and if you have a
7 problem, we will just deny we know you."

8 So he went home and talked to my mother
9 and my mother said, "Absolutely not." So Dad went
10 back to Mr. Farnsworth, Supervising Special Agent
11 Farnsworth, and said, "I'm not going to accept
12 it." And Farnsworth said, "Good choice, Tom.
13 Good choice."

14 So my book assumes Dad picked up the
15 parcel and he also accepted this assignment. The
16 name of the book is going to be *The Rosario*
17 *Exchange* because there is a fun component to it.
18 Rosario is a town in Argentina.

19 Q. *The Rosario Exchange?*

20 A. I have an agent. She told me I had to
21 make Dad gritty.

22 Q. Gritty?

23 A. Dad was never gritty other than the day
24 he chased the goons out of the laundry. So that
25 is my dad's story.

26 Q. That is a great story.

27 A. He died the Saturday before Christmas
28 and we buried him on Christmas Eve. My son who
29 spoke at the funeral said, "Grandpa always wanted
30 us to be together, always wanted us to be together
31 at Christmas and here we all are." He also
32 observed, he said, "You know, every time I turned
33 around Grandpa was in Finland, or Ireland, or
34 Paris, or China, or Japan. I am sure Heaven is a
35 disappointment to him."

36 Q. That is a great story.

37 A. So we had a good laugh at that.

38 Q. I think we are getting close to summing
39 up. You talked a little bit about your goal in
40 life and this probably would be a good way to end.

41 A. My goal in life, as it has been
42 throughout my whole professional adult life, has
43 never been to hurt anybody. Whether I have been
44 as a judge, as a lawyer, but to always try to do
45 something good. There is a phrase a wise man said
46 that our mission in this life should be to live,
47 to learn, to love, and leave a legacy. I am
48 hoping to be able to fulfill all of those.

49 I assume I still have 15 to 20 years to
50 live, I hope, and I hope to do good things. I

1 hope to do good things during the remainder of my
2 life, whether it be serving my church as an adult
3 couple as missionaries, or teaching, or writing.
But I hope that I will do something good during
the rest of my life.

4 A lot of it is going to be around
family, focused and centered around family. I
5 love to listen to that minister on the radio that
talks about Focus on the Family. I can't remember
6 his name. He always talks about those things.
But whether it is serving my church, it will be
7 serving my family for sure. I want to do good
things and I hope that in the process it will
shift from not wanting to hurt anybody.

8 I always worried as a lawyer that I
would compound my client's problem. That
9 motivated me more than you can imagine. I do not
want to hurt anybody as a judge financially by
10 making a bad decision or to unnecessarily punish
somebody who has been convicted of a crime. I
11 think my focus is going to change from not wanting
to hurt anybody, to making sure that I do good for
12 other people. So that is what I am hoping to do
as I slow down my legal career.

13 I fully expect I will have another
career. I would like to be doing some teaching up
14 at the law school. I want to help young lawyers.
A lot of what I have tried to do, you and I have
15 worked together extensively, Rita. As you know,
that three-part series I wrote you made better by
16 your involvement and your help. I want to do
things like that.

17 I want to do things that will help the
legal profession. I want to do things that will
18 help people. I do not want to just retire and go
skidding around the world. I do intend to skid
19 around the world some, but doing good things, I
hope.

20 Q. Thank you very much, Judge Boyle.

21 A. Thank you, Lisa and Rita. Thank you
very much.

(Whereupon, oral interview concluded.)

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R E P O R T E R ' S C E R T I F I C A T E

I, LISA K. YANT, Certified Court
Reporter, do hereby certify:

That I am the reporter who reported the
oral history in machine shorthand and thereafter
the same was reduced into typewriting under my
direct supervision; and

That the foregoing transcript contains a
full, true, and accurate record of the oral
history, which was heard at Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set
my hand March 18, 2008.

Lisa K. Yant, Court Reporter, CSR, RPR, CFRR