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Matt Byrne

Michael Lightfoot*

I had the great fortune to meet Matt Byrne in 1968 when he hired me as an Assistant United States Attorney. He had recently been named United States Attorney at the age of 36, making him the youngest United States Attorney in the country. The office was much smaller than it is now. I believe there were only twenty or so lawyers in the Criminal Division, as compared to close to two hundred today.

Matt had already become an accomplished trial lawyer but, more importantly to us, he was a consummate leader. What stood out was his deep sense of integrity and his insistence on doing the right thing, even if it meant losing. I remember one case that had resulted in a conviction, where he later confessed error on appeal after learning that the agents had cheated at trial.

If you made a mistake, Matt let you know it in no uncertain terms, but if you were called on the carpet in court, he would stand at your shoulder defending you. His lawyering skills were unique. On one occasion, a young Assistant had gone down to court one morning to try a perfunctory non-jury case in front of Judge Andy Hauk. Toward the end of the morning, the evidence closed, Judge Hauk found the defendant guilty, and then asked the defense attorney what he wanted to do next. The lawyer replied: "I'd like to do it again with a jury." The judge bristled – "You waived jury!" The lawyer answered that if the court examined the jury waiver, he'd see that the defendant never signed it. Judge Hauk then turned on the young Assistant:

* Michael J. Lightfoot is one of the founding partners of the firm Lightfoot, Vandavelde, Sadowsky, Crouchley, Rutherford & Levine LLP where he specializes in white-collar criminal defense, civil rights cases, and trial and appellate litigation. Mr. Lightfoot served three terms as a lawyer representative to the Ninth Circuit Judicial Conference, several years as the Chairperson of the Central District of California's Magistrate Judge Selection Committee, as a member of the California Judicial Nominees Selection Committee, and as a member of the Ninth Circuit Advisory Rules Committee. He was recently appointed to the Board of Directors of the California Appellate Project. Mr. Lightfoot received his undergraduate degree from Fordham University and his law degree from the University of Virginia Law School in 1964. After law school, he worked as a trial attorney in the Civil Rights Division of the United States Department of Justice in Washington, D.C. Then, in 1968, he joined the United States Attorney's Office in Los Angeles. Three years later, Mr. Lightfoot left the United States Attorney's Office to join the newly formed Federal Public Defender's Office in Los Angeles, where he was later named Chief Trial Deputy. From 1973 to 1985, Mr. Lightfoot taught on the full-time faculty at Loyola Law School.

“You’re responsible for this. I’m going to hold you in contempt. Get your boss down here.” Minutes later, Matt appeared with the Assistant. “Do you know what just happened here?” the judge asked Matt. “Yes, I do, Your Honor.” “What do you think we should do, Mr. Byrne?” Matt answered, “I think we should all go to lunch, Your Honor.” That’s what happened. When everyone came back after lunch, the judge had simmered down, as Matt knew he would, and the matter was amicably resolved.

Matt constantly taught us how to get to the “goal line” while always maintaining our dignity and integrity. He was truly beloved by all of those young Assistants. Three of my colleagues even named their sons after him. When he passed away on January 12, many of us still believed, after more than thirty-five years, that he had been the most influential lawyer in our lives.

Upon his resignation from the U.S. Attorney’s Office in 1970, Matt was appointed to be the Executive Director of the President’s Commission on Campus Unrest following the violent upheaval on university campuses. Governor William Scranton of Pennsylvania was the Chairman of the Commission. Matt worked tirelessly with a staff of scores of lawyers, academics, and journalists to bridge the divide that had arisen because of the Viet Nam war. The Commission’s report,¹ which was widely praised, demonstrated Matt’s judgment and great courage. The report called upon the President to exercise moral leadership as the first step in the healing process.² Shortly after finishing his role on the Commission, Matt was appointed as a United States District Court judge at the age of forty, making him, at that time, the youngest person in the country’s history to rise to that position.³

Matt took enormous pride in his family. His father was himself the Chief Judge of the District back in the sixties. In 1999, at a ceremony where Matt was awarded Loyola Law School’s first Distinguished Jurist Award, he told the story of how his father had become the first lawyer in what was to become a Byrne legacy of lawyers and judges in California—now eighteen lawyers and six judges. Matt’s father, Bill Byrne, had also been a boxer, a railroad man, and then a politician; he had risen to become the California Assembly’s Speaker Pro Tem. Finally, in the mid-twenties, he developed a deep interest in going to law school. Loyola had an evening program, so he met with Father Joseph Donovan, the patriarch of the school. Father Donovan had one ironclad rule: all applicants must have graduated from high school. Bill Byrne told Father Donovan that he had graduated from McLatchie High School in Oakland, which had conveniently burned down

1. PRESIDENT’S COMM’N ON CAMPUS UNREST, THE REPORT OF THE PRESIDENT’S COMMISSION ON CAMPUS UNREST (Arno Press 1970).

2. *Id.* at 215-17.

3. JSEI About, http://www.jsei.org/about/about_jules_wbyrne.htm (last visited Nov. 14, 2006).

several years before and all its records had been destroyed. As Matt said, “who knows where or even if my father went to high school, but that’s how the Byrne legend started.”

Matt was instrumental in starting the Byrne Trial Advocacy Program at Loyola after his father’s death in 1974. He was actively involved in the program right up until his death. He traditionally sat each year with two other Byrnes to judge the program’s championship competition. The Byrne Team—representing Loyola against the best law schools in the country—has been quite successful, winning the National Trial Competition in 2005 and 2006.⁴ Matt himself taught courses in Administration of Justice and Trial Advocacy at Loyola for seventeen years. He was an extremely effective and popular teacher who took great pride in the careers of the many successful lawyers he had taught, some of whom regularly appeared before him.

As those who have appeared before him know, Matt was very demanding of lawyers in court. He told the following story about himself. He was critical of one young lawyer’s trial performance and asked him where he had gone to law school. “Loyola,” came the answer. “Who taught you Evidence?” “A guy by the name of Lightfoot,” the lawyer replied. “I figured as much,” Matt said. “Did you take a course in Trial Advocacy?” “Yes, I did, Your Honor.” “Lightfoot taught you that as well, did he?” “No,” the lawyer answered, “You did.”

Like many great human beings, Matt was a paradox. In court, he could be extremely decisive about the most serious matters, yet it could take him forever to choose a bottle of wine at dinner. Esther Krisman, his assistant for the last thirty years, rued the nights when he had dinner engagements because it took him an hour to settle on a tie and shirt. As humble as he was at his core, Matt did develop a taste for tributes – during his last few years he would wonder out loud with a grin how another month could go by without someone suggesting another tribute dinner.

He would not talk about his accomplishments. Among other things, he had become a world figure in the field of judicial reform. He lectured and taught at major universities and before judges and lawyers around the world. In the last twenty years, he visited over fifteen developing countries in the Far East, Latin America, and the Middle East, meeting with and lecturing leaders of those judicial systems about fundamental reforms.⁵ Steve Mayo

4. Press Release, Loyola Law School Los Angeles, Loyola Law School’s Byrne Trial Advocacy Team, Winner of the National Trial Competition, to Receive Award From American College of Trial Lawyers (May 13, 2005), available at <http://www.lls.edu/media/news/documents/ByrneAwardCeremony5.18.05.pdf>.

5. See *In Memoriam William Matthew Byrne, Jr.*, JULES STEIN EYE INSTITUTE EYE 7 Summer 2006, available at <http://www.jsei.org/About/PDF/EYESummer2006.pdf>.

of the Institute for the Study and Development of Legal Systems, the lawyer who has led these efforts, would tell you that Matt Byrne is the principal reason why significant legal reform took place in several of those countries.

You cannot write about Matt without mentioning his Irish roots and his love of Ireland. No one could match his Irish charm. He loved meeting people and when you met him, you never forgot him. Esther Krisman has recounted how many of the workers in the courthouse approached her in the months following Matt's death and told her what an impact he had on each of them. Gerry McLaughlin, the former Dean of Loyola Law School, once said that when he walked into a room and saw Matt's beaming Irish face, Matt looked like he had just swallowed the sun. But like all true Irishmen, he had another side. His favorite verse from the Irish poet W.B. Yeats was one in which Matt thought the poet was talking about him: "Being Irish, he had an abiding sense of tragedy, which sustained him throughout temporary periods of joy."⁶

Matt spent a fair amount of time in Ireland over the last twenty years. At the memorial service held for Matt on June 26, a series of photos from Matt's life was shown to the hundreds who attended. One in particular was a panorama of a village on the West Coast of Ireland overlooking Galway Bay. It's where Matt spent several of his last days in Ireland the summer of 2005 before he came home and went to the hospital.

Like so many, I loved Matt like a brother. He is irreplaceable for so many reasons. He was extremely loyal and had a profound understanding of human nature. He was a master at bringing people together, in court, in mediations, even in distant places. I remember the Irish Attorney General saying at a Friendly Sons of St. Patrick dinner that Matt was better known in Ireland than most Irish judges.

Matt was a role model for two generations of lawyers and judges in this community. So many went to him with their problems. You always left knowing that his advice was right on the mark whether you liked it or not. He did not just tell you what you wanted to hear. And if the concern was a legal one and touched the court, his court, then the ultimate consideration was what was best for the court, an institution he truly loved.

Over the years Matt befriended so many people in so many places around the world. He would always be energized when he came back. But wherever he went, his heart and soul were in the courthouse that was his home for almost forty years. He was so proud to be a judge. Like his father, he always believed that his lifetime appointment as a judge was just that, for life. That is why he never left the bench, despite the many opportunities.

6. This quote is attributed to William Butler Yeats. See Find the famous quotes you need, ThinkExist.com – Quotations, <http://en.thinkexist.com/> (last visited Oct. 13, 2006) (search "Being Irish, he had an abiding sense").

Matt and I had a mutual friend, a Jesuit priest named Tim Healy. They both took great pride in the fact that Father Healy helped Matt write the Campus Unrest Commission Report in 1970. Father Healy was a poetry teacher. One of his favorite poets was T.S. Eliot. This is a stanza from the last of Eliot's Four Quartets:

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.⁷

There will never be another Matt Byrne.

7. T.S. ELIOT, *Little Gidding*, in *FOUR QUARTETS* 31, 39 (1943).

