
Volume 34

Issue 2 *A Tribute to Judge Byrne & Symposium:
Balancing Career & Family: A Work/Life
Symposium*

Article 8

1-20-2007

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Recommended Citation

Pamela Rymer *Friend, Mentor, Colleague: A Tribute to Judge Matt Byrne*, 34 Pepp. L. Rev. Iss. 2 (2007)
Available at: <https://digitalcommons.pepperdine.edu/plr/vol34/iss2/8>

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Friend, Mentor, Colleague: A Tribute to Judge Matt Byrne

Judge Pamela Rymer*

Friend, mentor, colleague. That's what Judge Byrne was to all of us privileged to know and to work with him. "Ask Matt" was a mantra that I, and my fellow judges, invoked over and over. It is impossible to believe that he can't respond, as he did over and over, for Matt has always been there for us.

It never mattered whether what we asked was big or little, simple or complex. He was always there. And the touching thing is, he was there for us as a friend, mentor, and colleague all the while that he was there one hundred percent for the Central District of California, for the proper administration of justice in our country, and for the rule of law throughout the world.

I had been a business litigator with little exposure to criminal law before my appointment to the district court, and was quite nervous about it. Inevitably, I sought Matt out. He freely shared his wealth of experience. From time to time I would pop into his chambers and ask to run something by him. Inevitably, he would say "of course." Perhaps for some of the same reasons that he was a remarkable settlement judge, Matt was a great sounding board. He listened, counseled, and reassured. Matt's magic as a mediator is legendary. I witnessed it first-hand in practice, when he was able to settle a multiparty antitrust action that none of us thought was settleable. Charm helps, and he had it in abundance. He also knew what he was talking about, and that helps, too. But the defining thing is that Matt had a knack for bringing people—even lawyers and judges—together.

One example of Matt as a remarkable settlement judge occurred while I was on the district court, presiding over a major criminal prosecution of a large corporation and several of its officers. Pretrial motions raised a number of issues of first impression, and it was apparent that the matter would take months to try. It occurred to me that if it were a civil case, it would be ripe for settlement. Although plea bargains in individual cases

* Judge Rymer has been a judge on the Ninth Circuit since 1989. Prior to 1989, she served as a judge for the United States District Court for the Central District of California beginning in 1983.

were common, judges could not be involved in the process and up until then, there was no such thing as a “settlement conference” in a criminal case. Still, I floated the idea and all counsel turned out to be amenable—if Judge Bryne were the “settlement” judge. So we asked Matt, characteristically he said, “of course,” and also predictably, he ended up resolving the entire case. I have no doubt that this would never have occurred but for Matt. The fact that he pulled it off was a testament to his skill. More importantly, for the United States Attorneys Office and all defense counsel to agree to this first-ever process in a high-stakes case was a testament to the bar’s respect for Judge Byrne. How Matt treated his fellow judges also demonstrated how he was always there for the court and for his colleagues. One such act happened long after I had moved from the district court to the court of appeals. Over the years a number of district judges had left the court for retirement or different appointments. When Matt became Chief Judge, he arranged for a black tie dinner to be held in our honor and he presented each of us with a beautiful photograph of 312 North Spring inscribed “with deep appreciation and affection of your colleagues on the United States District Court.” This was so Matt, always there for the court as an institution, and for his colleagues individually.

On a completely different note, for several years it fell to me to arrange tennis games and put a tournament together for the Ninth Circuit Judicial Conference. Frequently we would have a Supreme Court Justice, or other VIP, who wanted to play. So, naturally, I asked Matt and, as always, he said “of course.” He could be counted on to host a good match that was fun for all, and . . . to lose.

In ways both sublime and ridiculous, Matt has been there for us, and always will be. That’s the mark he made as consummate friend, mentor, and colleague.