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Honoring Kevin Thomas Duffy on the Occasion of His 20th Anniversary on the Federal Bench

John D. Feerick*

Fordham Law School is proud to pay tribute to Judge Kevin Thomas Duffy for his twenty years of service as a member of the United States District Court for the Southern District of New York. The following reflections present a well-rounded picture of Judge Duffy: a view from the Second Circuit, a view from a fellow district judge, a view from an academic, a view from a former law clerk now an Assistant United States Attorney, and a view from Judge Duffy's alma mater. These Tributes are a common expression of deep friendship and admiration for Judge Duffy, and their words reveal a judicial career that embodies the highest standards of our profession.

Judge Duffy is a graduate of Fordham College and Fordham Law School's evening program. During law school, he clerked for Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit. After graduation, he joined the office of the United States Attorney for the Southern District of New York, where from 1958 through 1961 he served as an Assistant U.S. Attorney. From 1961 to 1966, he was an associate with the New York law firm of Whitman & Ransom, and from 1966 to 1969, he was a partner at the firm of Gordon & Gordon. In 1969, he was named Regional Administrator of the Securities and Exchange Commission in New York.

In 1972, President Nixon appointed him to the federal bench, and in the following two decades, he has earned a reputation as an independent and exceedingly fair jurist while handling some of the most diverse and challenging cases of our time. Among his

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noteworthy rulings are cases that involved the attachment of Iranian assets by American companies and banks, the 1981 Brink's robbery and murder, actions brought by the New York City Council under the Voting Rights Act, the Environmental Protection Agency's violations of the Toxic Substance Control Act, and the trial of the late, alleged underworld boss, Paul Castellano.

Although the opinions of judges are constantly reported in the press and examined by legal scholars and practicing attorneys, they give only a glimpse of the contributions made by a judge during his career. One of the best ways to understand the contributions of Judge Duffy is through the observations of those who have worked as his law clerks and interns.

Among each year's graduating class at Fordham and at other fine law schools, there are a number of students who are selected for state and federal clerkships, and none of those coveted positions is valued at Fordham more highly than a clerkship with Judge Duffy. Many of our students have been fortunate to serve with him. Those who have clerked or interned with him have consistently remarked on his fairness, command of the courtroom, loyalty and compassion. The many communications that I have received from the Judge's former law clerks speak admiringly of him as a judge and a person.

One former clerk said: "Working for Judge Duffy was the first 'legal' job I ever had, and it was an introduction that made me feel I had chosen the right profession [T]he time that I spent in [his] chambers was the most valuable experience I ever had [I remember] the intellectual playfulness and good humor in chambers [where] the Judge was always ready to discuss topics from poetry to Irish peasantry." Another student said: "I recall the tremendous sense of responsibility and seriousness attendant upon the sentencing of a criminal defendant. I distinctly remember being awestruck at these hearings. During sentencing the Judge always strove and succeeded, in administering justice on an *individual* basis. Although I was only an intern for the Judge, he has never stopped taking an interest in me or my career. I can and still do turn to him for advice. My debt to him is large."

Another former law clerk spoke of Judge Duffy's quick wit.

He mentioned, for example, one case where, in observing an attorney “asleep at the wheel,” Judge Duffy passed the following note to [his clerk]: “I don’t believe it. [Counsel] is letting in the worst kind of evidence. He is obviously entitled to a full refund from his law school. I pray it’s not from Fordham.”

One clerk spoke of Judge Duffy’s sense of perspective, making reference to a defendant—an unemployed parolee living in a welfare hotel—who found himself in the wrong place at the wrong time and ended up being indicted by the federal government on a relatively minor drug possession charge. Having pleaded guilty, he came before Judge Duffy for sentencing. The Judge quickly sized up the situation and sentenced him to time served (he had been unable to make bail), directing the Assistant United States Attorney to the fictional case of *United States v. “Rachmanus”* (Yiddish for “compassion”) as precedent.

In regards to his hallmark of loyalty, perhaps Judge John Sprizzo said it best when he noted, “[w]ith friends like Kevin Duffy, you don’t need many friends.”

Judge Duffy’s twenty years as a federal judge have been a period of intensive involvement in the life of our law school. He has served as a mentor to a generation of Fordham students who have clerked or interned in his chambers. He has given unselfishly of his talent, time and energy in returning to our school to judge many moot court competitions over these years—especially on hot July nights when we hold our Mulligan Moot Court Competition. In fact, I can think of no occasion when he has declined an invitation from our Moot Court Board. I cannot describe how much it means to our students that such a respected member of the federal judiciary will judge the finals of the competition. Our students always look forward with great enthusiasm to those special occasions when he graces the bench in the moot courtroom and imparts his particular brand of judicial wit and style to the proceedings. Such events have consistently been the high point of the academic year. In my tenure as Dean, I can think of no alumnus who has been more generous in this regard than Judge Duffy.

In addition to the commitment that Judge Duffy has made to Fordham law students, he has taught securities law and trial

advocacy as an adjunct professor at Brooklyn, New York University, and Pace law schools. He is also the co-author of a book entitled *Impeachment of Witnesses: The Cross-Examiner's Art*. Furthermore, Judge Duffy has served as the Vice President of the Board of Directors of the Fordham Law School Alumni Association for over 15 years and has rarely missed a meeting.

Judge Duffy has been a skilled advocate, a dedicated jurist and teacher, a giving alumnus, and perhaps most importantly a loyal friend. It is with great pleasure that I introduce this series of Tributes to Judge Duffy, and it is with sincerity that I look forward to many more years working with him.