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IN MEMORY OF KEVIN THOMAS DUFFY: VOICES FROM THE FORDHAM LAW SCHOOL COMMUNITY

*John D. Feerick**

Judge Kevin Thomas Duffy was a Bronx born Irish Catholic of immigrant parents, who would scale the heights of the legal profession and serve with integrity as an Assistant U.S. Attorney, practicing lawyer, adjunct law professor, director of the New York regional office of the Securities and Exchange Commission, and a federal district court judge on the United States District Court for the Southern District of New York. Lawyers who knew him shared with me glimpses of his life as a judge and as a person.

Professor Constantine Katsoris (“Gus”), Wilkinson Emeritus Professor of law at Fordham, sat next to Irene Krumeich, his classmate, and through her met Kevin Duffy, a classmate in Fordham’s evening program. Kevin was Irene’s future husband and father of their four children, Kevin, Irene, Gavin, and Patrick, and eight grandchildren. Gus, years later, mused and teased in a tribute to Kevin Duffy that, “Irene is intelligent, attractive, articulate and sweet” and that “Kevin is intelligent, attractive, and articulate, but a tad more bitter-sweet,” explaining that, “[h]is immense sense of humor would be best described, by a connoisseur of martinis, as a wee-bit-dry.”¹ But after hearing from Kevin’s peers on the bench, attorneys who appeared before him, and his law clerks and interns, Gus opined that “[o]n the outside [the Judge] appears tough, but beneath is a warm and compassionate human being. He is tough but fair. What better tribute could a judge ask for.”² Gus also noted that Judge Duffy was a supporter of feminist causes “long before it became politically correct.”³

Stephen Fearon, a highly respected Fordham graduate who was a practicing lawyer for many years and a friend of Judge Duffy, said in an e-mail to me:

Since the untimely death from the COVID virus in April 2020, much has been written about Kevin Thomas Duffy and his singular contributions to the cause of justice during the 44 years he served as a judge on the Southern District of New York. It is well known that when he was appointed to the

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¹ Constantine N. Katsoris, *A Tribute to Kevin Thomas Duffy*, 3 FORDHAM ENT., MEDIA & INTELL. PROP. L.F. 15, 15 (1992).

² *Id.* at 16.

³ *Id.*

Court on October 17, 1972, at age 39, he was the youngest Article III judge in the country. It is also well known that during his long tenure on the Court he presided over many celebrated cases involving organized crime multi-defendant trials as well as several terrorist bombing cases and was often commended by the Court of Appeals for his masterly handling of these complicated cases.

On the occasion of Judge Duffy's twentieth anniversary as a judge, six tributes to him appeared in an issue of the *Fordham Entertainment, Media & Intellectual Property Law Forum*.⁴ J. Edward Lumbard, a senior United States Circuit Judge for the Second Circuit, for whom Judge Duffy had clerked during his years as a Fordham evening student, wrote in his tribute:

It is in the district courts that the most important work of the federal judiciary is done. This work is best done when cases are disposed of with a minimum of delay. Over the past 20 years, Judge Duffy's labors, in the supervision of his calendar, have been a major contribution to the outstanding record of the Southern District of New York.⁵

Of Judge Duffy's cases, two of his earliest set the tone for his judicial career. One involved a hostile corporate takeover and a court proceeding to enjoin it, in which, said Fearon, Judge Duffy presided with "industry, intelligence, and efficiency," resulting in a "paradigm and an exquisite piece of judicial brilliance." In another early case, involving organized crime and multiple defendants, Judge John Keenan in his 1992 tribute said that, "the young and relatively inexperienced Judge Duffy" brought to the case "a level and degree of expertise and dedication . . . difficult for some non-lawyers to comprehend."⁶ In that case, "[s]everal defendants pleaded guilty; some cooperated and testified; three became fugitives prior to trial; . . . another, who was on bail, fell down a flight of stairs and fractured his skull during trial; and, an attorney for another of the defendants died suddenly during trial."⁷ Thirteen of the defendants were convicted and the convictions were upheld by the Court of Appeals. "Through it all," said Judge Keenan, "Judge Duffy presided with poise, calm and good grace."⁸

Judge Duffy built on these foundations of excellence for the next twenty-four years until his retirement. During that period, as in his first twenty years, he presided over many difficult and complicated multi-party trials, including most notably the trial of four defendants alleged to have been responsible for the bombing of the World Trade Center in 1993 that resulted in the deaths of six individuals and injuries to hundreds of others. The trial resulted in the convictions of all four and, effectively, sentences for life. Following this case, he subsequently undertook the handling of several other terrorist trials, including two trials of Ramzi Yousef, one for an airline bombing overseas,

4. See 3 FORDHAM ENT., MEDIA & INTELL. PROP. L.F. (1992).

5. J. Edward Lumbard, *Kevin Thomas Duffy: A Judge in Action*, 3 FORDHAM ENT., MEDIA & INTELL. PROP. L.F. 5, 7 (1992).

6. John F. Keenan, *Some Thoughts on Judge Kevin Thomas Duffy*, 3 FORDHAM ENT., MEDIA & INTELL. PROP. L.F. 9, 10 (1992).

7. *Id.*

8. *Id.*

and one for masterminding the World Trade Center bombing. In upholding the convictions, the Second Circuit Court of Appeals stated: “The fairness of the proceedings over which he presided is beyond doubt.”⁹

As a price for presiding in the World Trade Center bombing case, Judge Duffy was subsequently placed under federal protection for a decade in order to guard against the risk of an assassin’s bullet. Although the constraints placed on his normal life were not insignificant, he never allowed that to take away from other parts of his life.

At Fordham Law School, he was a favorite of students for judging moot court competitions, especially during hot July nights in two of the school’s major competitions. As I noted in my 1992 tribute, the students “look[ed] forward with great enthusiasm to those special occasions when he grace[d] the bench in the moot courtroom and impart[ed] his particular brand of judicial wit and style.”¹⁰ Robert J. Reilly recalled students telling him when he was Fordham’s assistant dean of students:

[A]n internship in Judge Duffy’s chambers was particularly sought after as he had a reputation of sitting down with each intern individually, to make sure that they were being given substantive, interesting assignments so that their experiences would help develop both their writing skills and their understanding of the law and Court.

He “wanted them to be able to count their internship as a course unto itself,” said Reilly.

The Fordham alumni were also the beneficiaries of his extra-judicial service. He served as an officer of the alumni association and a member of its board of directors. Former Alumni Association President Michael Stanton Jr. called Judge Duffy’s relationship with the association “foundational,” stating that “the association would not be what it is today without his contributions and abiding presence.” Stanton added: “so much of the success the association has had is a function of graduates, like Judge Kevin Duffy, who were always present, offered guidance, and could always be counted on as matters developed.” Other leaders of the alumni association, when I reached out to them, weighed in with their reflections of this special graduate. James Tolan, another former president of the alumni association, said:

Beneath this seemingly austere man, I found Kevin a warm and caring friend. He had a little boy’s fondness of celebrating his birthday—his face lit up when a little cupcake with a candle was placed before him and happy birthday was sung. He loved to cook and commanded his outdoor grill like a master chef. And the food was delicious. Kevin portrayed an ironic sense of humility by always coming to dinner with a large bottle of soda, which only he consumed. He always demonstrated a devotion to the love of his life, Irene, the “real Judge Duffy.”

9. *United States v. Yousef*, 327 F.3d 56, 173 (2d Cir. 2003).

10. John D. Feerick, *Honoring Kevin Thomas Duffy on the Occasion of His 20th Anniversary on the Federal Bench*, 3 FORDHAM ENT., MEDIA & INTELL. PROP. L.F. 1, 3 (1992).

Maureen Bateman, a former president of the American Irish Historical Society and a former trustee of Fordham University, recalled meeting Judge Duffy at the Archdiocese of New York's annual Al Smith dinner, stating:

He was on his way to a room for the honored guests, of which I was not one. He took me by one arm and his wife Irene by another, and we walked into the room with Judge Duffy saying out loud, "these ladies are with me." Obviously, no one questioned him and we had a great time.

Rose Gill, a Fordham graduate who was the longest-serving chair of the New York City Conflicts of Interest Board, spoke of her friendship with Judge Duffy's daughter Irene and also the close relationship her family had with the Duffys. She noted that her father, James Gill, was a classmate of theirs at Fordham, adding:

Judge Duffy had an astonishing talent for all things construction, constantly doing renovations, repairs, building and projects in his homes. His workshops were filled with gear and tools, all copiously labeled. It was amazing, especially for someone who was known for his legal acumen and black robes up on the bench.

As an Assistant U.S. Attorney in the Southern District, Rose reflected that "her colleagues knew they had to be prepared, courteous to everyone in his courtroom, and humble." She added: "The judge took his work seriously, but not himself. He could be tough on the outside, but you also knew he was hysterically funny and warm." And, away from the bench, she said, "he loved the water and boating and enjoyed to his soul his home in Long Island where he spent so many years with his family."

Georgene Vairo, a former distinguished professor of law and associate dean at Fordham, said that Judge Duffy was her perfect mentor:

Whenever I had to navigate a sensitive and professional situation, he would be the one person I would call. Not only was his advice spot on, he conveyed his ideas supportively. That in turn gave me the self-confidence to deal with those situations successfully. He was the epitome of a Fordham Law alumnus; kind to young graduates as I was when I got to know him well and to my recently passed brother Peter whom Judge Duffy hired when Peter was a student at Fordham Law. Of course, he was Irish to the core, but he also was such a mensch.

I now conclude with a few reflections of my own. Over the past forty years, as a dean for twenty and a teaching professor for twenty, I have often been asked for the names of the most famous of the school's graduates. The name of Judge Kevin Thomas Duffy has always been on my list. Since the beginning, I called him Judge and he said call me Kevin, but I never did so out of respect for the position he occupied with distinction. Throughout the years I served as dean of the school, I called on him for his advice with respect to school issues, to participate as a member of a panel on an educational program, to meet sometimes with accreditors of the law school, to serve as a moot court judge, to attend an alumni event, to give a talk on a legal subject, or just to be present on an important school occasion. I have no recollection of him ever saying no. He was always there for his alma

mater and often came to occasions with his beloved wife, Irene, the “real judge” he might say, noting her status as a prominent New York State Family Court judge who served on the New York City Criminal Court and New York State Supreme Court.

Among my earliest memories of Judge Kevin Duffy is a call I received from him when I was a practicing attorney asking me to serve as the interest arbitrator of a major collective bargaining dispute in the health care industry, noting that my acceptance would avoid a strike and that “it would not take much of my time, perhaps a weekend given my experience level at Skadden.” It was hard for me to say no to a federal judge, even though serving as a neutral was not part of my skill set. Despite my hesitation, I took it on and found myself conducting hearings and writing arbitration awards over the rest of the year, with one of the parties declining to pay my fee when it was all over. At the end of it all, the awards totaled 291 pages, and, thankfully, they brought peace and reconciliation to the industry as Judge Duffy had hoped. I will always be indebted to him for opening my eyes to the importance of serving as a neutral, rendering impartial and independent judgment in the field of alternative dispute resolution. He modeled for me the best of judging.

For Fordham Law School, Judge Kevin Thomas Duffy will occupy a revered place in the school’s history. His prominence was recognized, along with that of Irene Duffy, in 1984 when they were presented at the Waldorf Astoria Hotel with the Fordham Law Alumni Association’s Medal of Achievement by the school’s alumni president, Paul Curran, in the presence of an alumni audience approximating one thousand graduates. It was the first time in school history that the medal was presented to a husband and wife judicial combination. In 2017, Robert Reilly (a recipient of the honor himself in 2018), presented both of them with the George J. Mitchell Lifetime Public Service Award on behalf of the Fordham Law School Center for Social Justice I founded at the school in 2006. Of Irene Duffy, he said that “her sharp intellect, grasp of procedure, sensitivity, and caring, were characteristic of her time on the bench.” Of her husband, he said that, “in some minds the fairness of the entire American judicial system was under scrutiny during the period of Judge Duffy’s handling of these terrorist cases, and his careful and proper oversight affirmed international credibility in the U.S. administration of justice” He added of both of them: “[T]hese two lives bound together have promoted the fairness, impartiality, and legitimacy of our justice system for over 60 years at the local, state, federal, and international levels.”