

2021

Tribute to Judge Duffy | Recollections of Judge Kevin T. Duffy

Robert B. Fiske Jr.

Senior Counsel, Davis Polk & Wardwell, LLP

Follow this and additional works at: <https://ir.lawnet.fordham.edu/flro>



Part of the [Law Commons](#)

Recommended Citation

Robert B. Fiske Jr., *Tribute to Judge Duffy | Recollections of Judge Kevin T. Duffy*, 90 Fordham L. Rev. 61 (2021).

Available at: <https://ir.lawnet.fordham.edu/flro/vol90/iss1/7>

This Essay is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Law Review Online by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

RECOLLECTIONS OF JUDGE KEVIN T. DUFFY

*Robert B. Fiske, Jr.**

I first met Judge Kevin Duffy in 1957 when we were both sworn in as Assistant United States Attorneys in the Southern District of New York. Both of us were protégés of Judge J. Edward Lumbard—I had worked in his office during the summer of 1954 when he was U.S. Attorney, and Kevin had just finished clerking for him. He had strongly urged both of us to join the U.S. Attorney’s Office (the “Office”). We both looked up to him enormously. (Later, when Kevin became a district judge, and Judge Lumbard was on the Second Circuit, they had an arrangement where for one month during the year they would exchange law clerks; Judge Lumbard’s would get the experience of being district court clerks, and Kevin’s would get the experience of being circuit court clerks.)

Kevin and I became very good friends in the Office, particularly after Hazard Gillespie became U.S. Attorney and made Kevin the Assistant Chief of the Criminal Division and myself head of the Organized Crime Racketeering unit, where we worked very closely together. We were part of a very close-knit executive staff of approximately seven or eight people; but we didn’t realize how close we were until when, in his first year as U.S. Attorney, Gillespie was invited to the Second Circuit Judicial Conference and was allowed to bring along his executive staff. The conference was held at the Equinox House in Manchester, Vermont. There wasn’t enough room at the hotel for all the attendees, so some people had to be parceled out to surrounding houses around the area. The criteria for being in the main building was either importance or seniority. By either criterion, the Duffys and the Fiskes were at the bottom of the totem pole, so we ended up in a house ten miles from Manchester with two rooms in the basement sharing a bathroom—we learned very quickly to sing in the shower.

After leaving the Office, we stayed good friends, and I watched with great admiration as Kevin became first, the youngest Regional Chairman of the Securities and Exchange Commission and then, not too long after that, the youngest United States District Court Judge in the Southern District of New York at age thirty-eight. There is a great story about Kevin which reflects his quixotic sense of humor; in his very first few days, he was sitting in his chambers on the sofa in the waiting room when two lawyers came in. They looked at Kevin thinking he was the law clerk and asked if the judge was in.

* Senior Counsel, Davis Polk & Wardwell, LLP. He was U.S. Attorney for the Southern District of New York from 1976-1980.

Kevin played along with them for about ten minutes before letting them know—to their great chagrin—that, in fact, he was the judge.

When Paul Curran, who had been an assistant with both Kevin and me, became U.S. Attorney, he tried a major case against a drug czar named Carmine Tramunti and Kevin was the judge. When I became U.S. Attorney following Paul, I also tried my first case before Kevin, and he commented at the time that he guessed he was the judge who was assigned to break in new U.S. Attorneys for their first trials. I had actually received a note from Kevin upon becoming U.S. Attorney. It came in an envelope with the return address “Honorable Kevin T. Duffy” up in the left-hand corner and I thought, “oh how nice, I’m getting a congratulatory note from Kevin.” I opened it up and it read, “Bob, I see you are going to be the next U.S. Attorney. I can’t wait for you to come up here so I can hold you in contempt.” When we started the trial against the head of the Armed Forces of El Salvador, who was charged with gun running, I did the opening statement, making a comment which I thought was appropriate: that the jury would not hear me explaining the law to them. I was about to say they would get that from the district judge when I was interrupted by Kevin saying, “you bet your life you won’t.”

We used to have annual reunions of the assistants who served with Hazard Gillespie, spearheaded by a wonderful colleague named Jon Rosner, and I always looked forward to spending time with Kevin and his wife Irene—the “Real Judge Duffy.” My wife Janet and I had many great times with them over the years. He was a very kind, caring, and loyal friend who was admired and beloved by all of us who knew him well.