

## KEVIN THOMAS DUFFY: I NEVER CALLED HIM KEVIN . . .

*Charles LaBella\**

Where to begin . . .

Clerking for KTD was my first job after graduating from Fordham Law. I was a kid in the law working with a tenured professor who was also the chair of the department. The first lesson was that you worked with KTD. While many of my fellow graduates who were working as clerks were working *for* a particular judge, I didn't work *for* KTD, as he was quick to remind me, I worked *with* him. It was a collaboration. While I knew nothing really, he insisted we worked as a team. That was the first lesson and one I never forgot. The second lesson quickly on the heels of the first was: No bullshit! If you thought he was going to step in it, you said it out loud. No subtle hints, no multiple cushion shots as in a game of billiards. Just say it out loud. A tough lesson for a very green lawyer, but one he insisted on. He wasn't offended by my mistakes but he embraced them with a sense of humor, and had a knack to turn them into a lesson in the funniest and most humane way. I always walked away with a smile, never feeling small in the presence of a legal giant. That was an art, a gift he gave to generations of clerks.

It took me years as a litigator to fully appreciate KTD's artistry on the bench. And yes, it was artistry. Nothing was by chance, mistake, or inadvertently done. Every word, every phrase, every exchange, every glance (or glare) was thoughtful, intentional, and well thought out. Everything was said with a purpose. He brought humanity to the bench. Knowing when to balance, modulate, or to let the lightning loose. From *Rachmones* to the maximum sentence, it was all there. And whatever end of a ruling one found themselves, he was real, and everyone knew he was real. He would never hide behind a screen or in a booth pulling levers like the Wizard of Oz. He was right in front of you, no smoke, no mirrors, no bullshit. Never! He looked everyone right in the eyes. And the notes from the bench, they were my hornbook on how to be a trial lawyer. I am not sure I ever got there, but I know had the best professor.

The clerkship years flew by and while I learned at a furious clip, I was gone too soon. I didn't want to leave, but like a mentor, KTD sent us on our

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way to find our own paths. Yet he was always there over the years to help, and at times guide, and if need be, cajole if he thought you missed the hint. KTD cared what happened to you. He really did. We were not just clerk #17, #28, or #54 . . . we were part of his judicial family. After I moved to the west coast, I did miss quite a few gatherings, but when I came to New York for an event or just a visit, it was comfortable, like family. He always made you feel like you were coming home. We would begin where we left off.

Sure, the Judge taught me how to write like a lawyer, think like a lawyer, and act like a lawyer. But the life lessons were what were so special. The life lessons were the gems each clerk took with them long after the two-year clerkship was over. These lessons kept each of us returning to visit and to schmooze with him over the years. There is a family bond—invisible but very real—that continues to link us all, wherever we go, whatever we do.

The last few visits I had with KTD began and ended at Grand Central Station. My last lunch with KTD was on October 19, 2018. I remember it as if it were yesterday. We walked across the street for a long chatty lunch, then I walked him back to Grand Central. We hugged, and he got on his train back north. As we said goodbye, he put his hands on my shoulders and said: “You take good care my friend.” I thought there would be another lunch . . . I thought there would be another joke . . . I thought there would be another lesson . . . I thought there would be another time.

I said goodbye to the Judge that day at Grand Central, but I wasn’t ready to really say goodbye. I wasn’t really ready to go on without KTD in my life, and I am still not ready to call him Kevin. So, until we meet again, Judge, you take good care my friend.