

A PRAYER FOR ST. KEVIN

*Meghan Silhan Mastrocovi**

Judge Duffy’s clerks benefitted from invaluable legal lessons. In my case, I was lucky enough to help him prepare for four sittings on the Ninth Circuit, where he regularly sat by designation. Each sitting presented a heavy caseload, and we lived and breathed the cases during those weeks. He wrote strong dissents. On one occasion, he aptly convinced the panel to adopt his proposed dissent as the majority opinion. We celebrated the occasion with chocolate ice cream.

To be sure, the moments that resonate most are not the legal ones, but those found in the ordinary moments spent with an extraordinary man. To his clerk family, he was not the imposing figure on the bench or the skilled cross-examiner who grilled us during our interviews. He was, above all else, unexpectedly “human.”

For one, he stressed the human aspect of the law, and you felt it in his courtroom. He didn’t just know the names of the court reporters and staff, he knew the names of their children. He was not impressed by legal pretense or esoteric arguments. He pointed out that to be a good lawyer you had to be honest and relatable, because at the end of the day you had to convince twelve human beings of your case—and the jury almost always got it right.

Outside of the courtroom, he reveled in simple pleasures. He maintained close friendships. He had space in his heart—and on his wall—for each of his clerks, hanging his or her picture in chambers at the end of their tenure, and following up with phone calls and lunch dates in the months and years that followed. He hosted an annual event in early January every year, the “Feast of St. Kevin,” which gave us the opportunity to rehash courtroom battle stories and share a few laughs together. It was one of the days he looked forward to most every year.

And to be sure, where Judge Duffy went, laughter followed. He had a quick wit and a wry smile. He once mused that the difference between human beings and the rest of God’s creatures was that God had given us the ability to have a “good belly laugh.” It followed, he reasoned, that when you shared a laugh with someone, you were in the presence of God. I hadn’t thought of laughter as a form of prayer before, but it has since proven to be an especially effective form of grace.

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In January of 2020, shortly before the onset of the pandemic, Judge Duffy called me. He hadn't been well and would have to postpone the annual "Feast of St. Kevin" until he was on the mend. He was thinking of hosting the Feast on April Fool's Day, which he thought would be an appropriate day to mark the occasion. I didn't know that would be our last conversation, or that he would depart us only a few months later—and on April Fool's Day, no less. He may have been human, but his sense of intuition was something divine.

In the two years since his passing, I have often thought of our final words, and the fact that his clerk family has been unable to gather to celebrate his life in the spirit of "St. Kevin." But if God speaks to us through laughter, I'd like to think that our "St. Kevin" does, too. And while we haven't been able to break bread in his honor, it is the stories of this remarkable human that continue to connect us. To laugh is to feel his presence, and it brings some comfort to know that he is now truly our Saint, the patron Saint of laughter, with the most fitting Feast Day.