

HONORABLE KEVIN THOMAS DUFFY

*The Honorable Loretta A. Preska**

It is a joy and an honor to write a few words about our beloved former colleague, Judge Kevin Thomas Duffy. Believe me when I tell you that behind that seemingly gruff exterior resided one of the greatest ladies men of the Western World. Kevin was a dedicated colleague to everyone, but his comradery with women was particularly special.

To set the stage, I note that, at the time he departed, Kevin had served with ONE HUNDRED PERCENT of the then-twenty-two female judges who have served the Mother Court. We ladies all rejoice at having served with the consummate gentleman—Kevin Thomas Duffy.

Of course you know that in Kevin’s forty-four years on the bench, the vast majority of the court reporters were women. He loved them and treated them with great respect and consideration and insisted that lawyers do the same. In return they loved him and protected him. For example, one day a particularly odious criminal defense lawyer was arguing a motion asking for the moon and the stars. When he finally concluded, Kevin ruled, saying “bullshit.” There must not be a bullshit key on court reporting machines because the transcript said “motion denied.” The court reporters’ gratitude for Judge Duffy’s kind treatment, however, did not end there. As we know, court reporters are everywhere and see and hear everything. For forty-four years, they duly whispered to Kevin Duffy everything that went on—the good the bad, and the ugly. There was nothing he did not know about what was going on in the courthouse—thanks to the court reporters.

Now Kevin’s fondness for women and their fondness for him did not necessarily endow him with perfect pitch on all matters. For example, in a copyright case over the fabric design in a woman’s dress, Kevin found no infringement. He quoted Judge Edward Jordan Dimock, saying:

[T]he designs are enough alike so that a woman wearing plaintiff’s [design] in brown and green would exclaim “There goes my dress” if she saw a woman wearing [defendant’s design] in the same color scheme. My belief is, however, that there would be no such exclamation if [defendant’s] were light green and cerise.

In the opinion reversing him, Judge Irving Kaufman—well-known as one of Kevin’s favorites—ascribed the failure to Kevin’s relative youth. He wrote: “But perhaps the error was really the result of a young district judge’s failure to appreciate with the wisdom and experienced eye that only middle

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age can bring to the subject of feminine wear the substantial similarity we appellate judges discern in appellant's and appellee's designs."

Kevin's fondness for women also did not mean that he was soft on them when they appeared before him for sentencing. Silvia Baraldini was one of the defendants convicted in the five-month Brink's robbery trial that Judge Duffy tried in 1983. She accused Kevin of "latent racism against my comrades," said the defendants were revolutionaries, not criminals, and offered her "unswerving commitment to revolution, independence and socialism." For her part in the conspiracy that resulted in the death of two police officers and a private security guard, Kevin sentenced Baraldini to forty years in prison. Apparently being a woman didn't help.

We are all familiar with Judge Duffy's gruff public persona, but I would like to offer a look at his soft, mushy, private side. While parading around as the world's greatest cynic, Kevin always did his best to help the system work. And he didn't limit his assistance to the Mother Chiefs, as James Zirin called Kimba Wood and me. (Or is it the Chief Mothers? I forget.) Indeed, Kevin lent assistance to any judge in need—those who asked and those who didn't or couldn't ask—and he liked it all the more if his fingerprints were nowhere to be found.

During my years as Mother Chief he counseled me regularly, drawing on his decades of experience in our courthouse, his encyclopedic knowledge of the Mother Court's history, and the detailed information he received from the court reporters. His advice was always wise and was particularly strong if the question was one of ethics. He undertook any burden, no matter how onerous, without being asked. If I was whining about some dog of a case, he offered to take it straightaway. Even after his own ten years of servitude under a Marshals Service detail, when a later terrorism case was being wheeled out and my children were still young, he insisted, in no uncertain terms, that I transfer the case and the burden to him. If I recall, his articulation included feigned threats of physical violence. Such was the persuasiveness of Kevin Thomas Duffy. All of this work was quiet, but indispensable to the cause of justice that Kevin worked toward in his fifty-five years of public service.

But of course, the most important woman in Kevin's life was his beloved Irene, wife of over sixty years, better known as "the RJ"—the Real Judge Duffy. All of us courthouse ladies thank Irene for sharing Saint Kevin with us for these many years.

We miss Kevin's pranks, his gossip, and his random acts of kindness doled out generously to all of us, and especially us courthouse ladies. Rest in peace, dear Kevin.