

## REMARKS AT THE MEMORIAL MASS FOR KEVIN AND IRENE DUFFY

*The Honorable P. Kevin Castel\**

Father Platt, Deacon Linsenmeyer, Chief Judge Swain, Judge Keenan, Judge Preska, Judge Crotty, Dean Feerick, Dean Diller, Dean Riley, Kevin and Julie, Irene and Harold, Charisse, friends and family of Kevin and Irene.

“The eulogy not only should be short but also funny.” This is the written injunction of Kevin Thomas Duffy issued about fifteen years ago and recently disclosed to me. But there is more: “God knows I have done enough silly things in my life that it should not be too hard to string together a fun talk . . . . [Please] issue a public apology on my behalf to anyone I have wronged or yelled at—when they didn’t deserve it.”

The United States Court of Appeals for the Second Circuit has already made it its business to correct the few wrongs or errors of his judicial life. And I will take the position that if Kevin Duffy yelled at you—you probably deserved it. I do acknowledge a second possibility—that he was only jesting. But he often had a suggestion for people who “couldn’t take a joke,” and those who know that suggestion, keep it *in pectore*.

Kevin Duffy and Irene Krumeich met at Fordham Law School. His family was poor, but he frankly didn’t realize it at the time. He was born at home at the height of the Great Depression. Irene came from a more worldly family with both Irish and Alsatian roots. She had been class president at Monroe High School and graduated from the College of New Rochelle. At Fordham, Irene was selected for the *Law Review*, a rare honor for a female of the 1950s. They were both very bright, but she was more academically proficient. He was a four-year night student working by day for Judge Lumbard of the Second Circuit, and she was a three-year day student, but somehow, they found and fell for each other. As he would be quick to tell you, this was a very favorable development for him. They were married while in law school—Kevin was not going to let Irene get away—and they remained so for sixty-three years.

They were wise and noble judges. Judge Kevin is considered one of the greatest trial judges of the twentieth century. The *Fordham Law Review*

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*Online* has dedicated an entire issue to him, and it is available to you online.<sup>1</sup> Judge Irene's rulings had a profound effect on families, children, and others who thirsted for justice, like victims of crimes. Throughout their lives, Kevin and Irene devoted themselves to their family and to public service rather than the accumulation of wealth.

Kevin's parents were from County Monaghan. I was fortunate to have met both of them. He told many stories about them, many of which were true. Once as a boy he complained to his mother about his older sister's bad behavior towards him. To his surprise, his mother gave him a whack on the backside: "I'll have no informants living under my roof." His father, a carpenter by trade, occasionally spoke Gaelic to him, which he claims to have understood though he knew not a word of the language.

It was never dull being in KTD's presence. When told by the chief judge that in order to keep his chambers as a judge on "Senior Status" he'd be required to work half the load of a judge on "Active Status," he quipped: "Do I get to pick which one?" When the court stenographer transformed one of his barnyard expressions into a more appropriate "Motion denied," he'd remind us: "Be kind to the court reporters or they'll take you down verbatim." When lawyers were poorly prepared, he'd tell them that the great Judge Learned Hand once told him that: "A judge is only as good as the lawyers appearing before him—and today I stink." When he was inclined to be merciful but had no legal support, he'd cite a case called *In re Rachmones*. It's Yiddish. Please look it up. And he perplexed generations of clerkship candidates by looking them in the eye and asking: "Do you believe in the Devil?"

KTD would at times describe certain lawyers as "Elevenments." We came to learn that this was a term that his father applied to sloppy carpenters who couldn't quite measure and mark twelve inches. KTD referred to a party who was likely to lose a jury trial as being "Dead as Kelsey's Nuts," which was a reference to a friend of his father who suffered an unfortunate and peculiar farming accident. At least three times a day, KTD would begin or end a sentence with the invocation, "Jesus, Mary and Sweet Saint Joseph." His Irish roots and his deep, strong Catholic faith explain much about the man.

Kevin and Irene lived and breathed the Sermon on the Mount. Kevin and Irene were allergic to the arrogant, the self-important, and the sycophant but were willing to forgive most any other human flaw. They exalted the meek and humble—waiters at Forlini's, cleaning staff at the courthouse, messengers like Herb Edmonsens, and deputy marshals like John Svinos.

Both Kevin and Irene were at the bedside of their dying friend Judge Henry Werker and his wife Virginia. Kevin was at Henry's side several times a week going over incoming mail and supervising the work of his chambers. He took on Judge Werker's law clerk as his own when he passed. At Judge Werker's memorial service, Judge John Sprizzo remarked to me that, "with

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1. The *Fordham Law Review Online* published thirteen tributes to Judge Duffy's life and work in Volume 90, available at <http://fordhamlawreview.org/online/> [<https://perma.cc/XE5J-Q5WD>].

friends like Kevin Duffy, you don't need many friends." Years later, Judge Sprizzo experienced this firsthand when he fell gravely ill and Kevin took over his calendar. Sprizzo—who like Duffy was no shrinking violet on the bench—publicly attributed his recovery to Kevin. He would explain that members of the bar were so intimidated by the unexpected presence of Duffy that there arose a chorus of prayers for Sprizzo's recovery—and it worked a miracle. This morning Paul and Jane Crotty told me of the many times Kevin visited Paul in the hospital unannounced.

Kevin Duffy showed courage and empathy to a friend who was publicly known to be facing indictment. The man was a former government official who KTD knew from the SEC days, but had become embroiled in the Watergate scandal. He entered Antica Roma restaurant on Mulberry Street, noticed KTD and sheepishly asked for a table as far away as possible so as not to embarrass the judge. KTD would have none of it and made a point of walking over and warmly greeting him. The man had tears of gratitude in his eyes.

Kevin Duffy's service to the nation in presiding over terrorism prosecutions meant that he and Irene were placed under U.S. Marshals Service protection twenty-four hours a day, seven days a week for over ten years. When the protection first began, they were instructed to go about their lives normally but tell no one about the marshal protection. Kevin and Irene took them at their word and decided one Saturday night to go to their favorite restaurant with Denis and Irene McNerney. That afternoon, men in khaki pants and sport shirts arrived at the restaurant with bomb-sniffing dogs and lots of questions about the staff. They would tell the restaurant owner nothing about who or why they were checking. That night, Kevin, Denis, and the two Irenes arrived at the restaurant and had a delightful but uneventful meal. After paying the check, the four headed for the front door and so did the security detail. Kevin was the last one out the door. The owner who knew Kevin as a regular grabbed his arm and pulled him back in the restaurant, and asked who his very important dinner companion was. Pointing in the direction of Denis, Kevin whispered—"big-time mobster."

Kevin and Irene warmly embraced friends—the Rosners, the McNerneys, the Keenans, the Lees—just to name a few. He cared deeply about each of his sixty-five law clerks and guided many through career changes and family crises. I ask each of you to stand.

Irene made new friends here in Greenwich and I enjoyed Irene telling me on the phone that she would have to call me back because her friends were over watching a movie together. It was only during the last months of Kevin's life that Irene and I began to talk regularly by phone. I told her personal details of challenges in my life and she listened intently, offering her spot-on wisdom.

Kevin and Irene appeared to cling to each other even more as the years went by and they faced illness and tragedy. They were wise and tried to appear strong when their hearts were breaking over Patrick's illness. They

loved their children and their spouses, their extended family, and their grandchildren.

I ask each of Kevin and Irene's grandchildren to stand for a moment. Your grandmother and your grandfather loved you very much and bragged nonstop about your accomplishments, communions, confirmations, and graduations. They had great things in mind for you and while they didn't always agree on the vision, they shared the confidence that you would wisely chart your path. The legacy of their lives has now been passed on to you. Think about that legacy and when the time comes, pass it on to your children and grandchildren.

I saved a voicemail from Kevin Duffy that he left three weeks before he passed. He said to me what he would want to say to each of you, and I'm sure Irene would say the same thing but in her own words. He said in a low raspy voice, "I really can't tell you how much I appreciate your friendship. Ah, it's more than friendship, it's love. You take good care of yourself. God bless you. Bye now."