

### **Memorial for the Honorable Brian Barnett Duff**

The Honorable Brian Barnett Duff, who served on the United States District Court for Northern District of Illinois beginning in 1985, passed away on February 25, 2016, at age 85. He was born in Dallas, Texas, in 1930, the third of ten children. His father was a prominent physician who convinced several of Judge Duff's siblings to pursue medical careers. But Judge Duff, perhaps in an early sign of independence and rebelliousness, resisted any push in that direction. Judge Duff, like many of our judges, was multi-talented and had several different career successes. He was also a strong family man. He was a graduate of St. John's College Preparatory School in Danvers, Massachusetts, the University of Notre Dame—where he met his beloved wife Florence—and DePaul University College of Law. He was commissioned as an Ensign in the United States Navy in 1953 around the time of his marriage, worked his way to become a Lieutenant in the JAG Corps, and served in the U.S. Naval Reserve from 1957 to 1961.

From 1962 to 1967, he was an executive with Banker's Life and Casualty. As a young father, he worked his way through law school by attending evening classes. He served as vice president and general counsel for R.H. Gore Co., a small insurance company, and was in private practice from 1965 to 1976. From 1971 to 1976, he served in the Illinois House of Representatives and was designated as minority whip for the Republican Party. In 1976, he was elected to serve as a judge on the Circuit Court of Cook County, Criminal Division, where he served until 1979. He purposely volunteered to go to a difficult assignment in the busy criminal courts because he wanted more direct criminal law experience. He always had a drive for self-improvement. In 1979, he transferred to the Law Division, where he remained until 1985.

In 1985, Judge Duff was recommended for a federal judgeship in the Northern District of Illinois by former U.S. Senator Charles Percy. Judge Duff was a close friend and advisor to

Senator Percy. In fact, he was with the Senator on the night the Senator's daughter became a crime victim at his home in Kenilworth. Judge Duff was nominated to our Court by Ronald Reagan and confirmed by the Senate that same year. During his time on the bench, he was known as a hard-working judge who loved to tell stories and had a penchant for quoting Shakespeare. He was also a maverick who relished his independence. He was the first federal judge in the country to determine that Latinos could use the Voting Rights Act to challenge voter registration procedures. *Hernandez v. Woodard*, 714 F. Supp. 963 (N.D. Ill. 1989). As part of the case he oversaw an agreement that allowed the appointment of nine Spanish-speaking deputy registrars in Will County to go door-to-door to register voters for the 1988 general election. He also presided over a case that resulted in one of the largest jury awards for a prisoner in the history of the District; Illinois inmate Tommy Ortiz was awarded \$750,000 for being beaten by a guard and unfairly kept in solitary confinement. Following the jury verdict, Judge Duff wrote an impassioned opinion finding that "an order enjoining the continued placement of Tommy Ortiz in administrative segregation is *demanded* by the constitution." *Ortiz v. Meyer*, No. 88 C 7509, 1992 WL 80505, at \*3 (N.D. Ill. Apr. 8, 1992). During his tenure, Judge Duff authored upwards of 800 opinions on issues ranging from habeas corpus to patent law, and every other legal area of our busy federal District.

In 1996, Judge Duff assumed senior status due to medical issues. Former Chief Judge Marvin Aspen told Judge Duff at the time, "You have served our Court with great diligence and dedication, for which we are all grateful." In his retirement, he continued to read, write, and keep up with his large extended family. He was a long-time member of the Chicago Literary Club, and in an essay he wrote for the Club after his retirement, he wrote that he was "blessed to have had a robust life with many challenges, adventures, opportunities, and friends." He quoted the words of

Albert Camus: “The struggle to reach the top is itself enough to fulfill the heart of man.” Judge Duff was so determined to self-improve that he returned to Notre Dame to study English literature in the later stages of his judicial career. On the lighter side, he was an avid Cubs fan who was pleased by the team’s recent success. He was a loving husband to his wife Florence for 62 years, a devoted father to his children Ellen, Brian, Roderick, Kevin, and Daniel, and a doting grandfather to his 11 grandchildren. Judge Duff often gave me advice, and he always reminded me to consider my family first. He always asked about my family and their well-being.

On March 16, 2016, Judge Duff was honored by the Chicago City Council for his many years of public service and his “love of life and ability to live it to the fullest.” The City Council noted: “[T]he hard work, sacrifice and dedication of the Honorable Brian Barnett Duff serve as an example to all.” This was a well-deserved tribute to Judge Duff, and we were fortunate to have him serve on our Court.

Rubén Castillo  
Chief Judge  
Northern District of Illinois