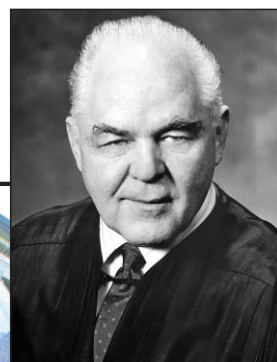


In Memoriam
Judge Howard T. Markey
1920-2006

The Happy Warrior



BY PAUL R. MICHEL

He had already been chief judge of a national appellate court for 10 years when Congress made him chief judge of the U.S. Court of Appeals for the Federal Circuit in 1982. His testimony had helped persuade Congress to create the new court. As far as I know, Howard Markey, who died earlier this month at the age of 85, was the only judge to be chosen as chief by Congress. Later, it renamed the Federal Circuit's courthouse in his honor.

Under Chief Judge Markey's decisive leadership, the new circuit court quickly unified patent law while earning praise for its work in government contract, government personnel, and inter-

national trade cases, as well. Commentators also appreciated the court's speedy decisions and efficient, economical operations. In fact, the judges had fewer clerks than other appellate benches and no central staff attorneys to help them. With such a lean staff, Chief Judge Markey regularly returned unspent appropriations. A plaque in his office promised: "The best possible decision in the shortest possible time and at the least possible cost." He delivered.

Leadership for Howard Markey began with setting a vigorous example. He simply heard more appeals, wrote more opinions, gave more speeches, drafted more articles, taught more law school classes, and judged more moot courts than any other member of the court. And he did so despite all his administrative duties. Meanwhile, he chaired both the board of directors of the



U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT/DEGO M. RADZINSKI

American Inns of Court and the Committee on Codes of Conduct of the Judicial Conference of the United States. He traveled constantly and sat with every regional circuit court, the first and only judge to do so.

Despite a life in overdrive, he was the happiest and funniest man I ever met, routinely reeling off five or six successive jokes without pausing to recollect, or even to breathe. Family members report that he had a perfect memory, an asset especially helpful to a tireless storyteller, which he was.

He chain-smoked his way through the day in chambers, sipping thick black coffee in mugs repeatedly refilled by staff, a habit from his World War II and Korea pilot days. With his endless energy, he even hauled coolers filled with beer and sodas to the court team's softball games on the Mall, occasionally taking

right field. His hitting was better than his base running. But then he once told me, "The only exercise I ever get is jumping to conclusions."

Finally, Howard Markey was beloved by many, from chief justices to janitors. At his funeral service on May 9 in Chicago, friends, former law clerks, and other employees came from China, New York, Washington, and California, among other far-off locations.

Famous for fast decisions, he interviewed potential law clerks in less than 10 minutes. Those he chose reveled in the challenge and never forgot the joy of that adventure. He will be missed by them, by colleagues, by many, and by me.

Paul R. Michel is the chief judge of the U.S. Court of Appeals for the Federal Circuit.