

## Court Information Release



### United States District Court

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### United States District Judge John F. Grady Passed Away at Age of 90

CHICAGO, Ill. - Chief Judge Rebecca Pallmeyer announced today that John F. Grady, who heard cases for 39 years as a U.S. District Judge for the Northern District of Illinois, passed away on Monday in his Wilmette home at the age of 90. Before assuming senior judge status in January 2015, Judge Grady served as chief judge of the Court from 1986-1990 and earned a reputation as one of the nation's most respected federal trial judges. "Our Court has lost a dear friend and leader, and the nation has lost a devoted public servant," Judge Pallmeyer said.

Judge Grady presided over some of the most important matters to come before the Court in the latter half of the 20<sup>th</sup> Century. In the landmark 1980 antitrust trial brought by MCI Communications Corp. against AT&T Co., Judge Grady entered a \$1.8 billion damages judgment against AT&T, which later settled with MCI after an appeal. Judge Grady was known for ushering in an era of harsher sentences in public corruption cases, imposing lengthy prison terms in 1977 on officials of the agency now known as the Metropolitan Water Reclamation District for accepting \$1 million in bribes in exchange for letting a lucrative sludge-hauling contract. In June 1982, Judge Grady handed down stiff sentences after a federal jury convicted ten Chicago police officers of accepting bribes to allow drug-dealing on Chicago's West Side in what was known as the "Marquette Ten" case.

"He was an extraordinarily talented trial judge," said former Chicago U.S. Atty. Dan K. Webb, who tried the Marquette Ten case before Judge Grady. "He was extremely well-prepared and very fair and impartial to both sides of the case. He will be remembered fondly, and with great admiration, by all lawyers who practiced before him because of his enormous integrity and courage."

In another significant case, Judge Grady in 1983 held that an airline's firing of a pilot who had undergone a sex-change operation was unlawful sex discrimination. Though that ruling was later reversed, Judge Grady was untroubled; he told Seventh Circuit Executive Collins Fitzpatrick in a 2011 interview, "[m]y point was that Congress had not defined 'sex' in the statute, and I thought the term literally applied."

Former law clerks described Judge Grady as a great mentor and friend, and as a judge who was unafraid to set his own course and reach the right and lawful result.

"He had great fidelity to the law and instilled in us the importance of remaining true to our core

values, come what may,” said Berkeley, Calif., lawyer Lawrence Gibbs, who clerked for Judge Grady in 1980 and 1981. “Despite his four decades on the federal bench, presiding over matters of great import, Judge Grady’s views of the law and the litigants before him were always rooted in his background as a sole practitioner in a general law practice in Waukegan. Judge Grady was firmly ‘old school,’ with all the integrity, moral clarity and compassion that implies.”

Judge Grady was born in Chicago in 1929 to John F. Grady and Lucille F. Grady (nee Schroeder). His early education was in Chicago and Springfield, Ill. In 1952 he received his Bachelor of Arts degree from Northwestern University, where he was elected to Phi Beta Kappa. He received his law degree from Northwestern University School of Law in 1954 and was Associate Editor of the Northwestern Law Review.

Judge Grady served as an Assistant United States Attorney in Chicago from 1956-1961 and was Chief of the Criminal Division from 1960-1961.

He then practiced law in Waukegan, Ill. for 15 years, 13 of them as a sole practitioner specializing in civil trial and appellate practice. He also handled occasional criminal cases, including a high-profile 1973 murder trial in which he won a not-guilty verdict for his client, who with two others was accused of strangling two co-defendants in a Waukegan jail.

As a practicing lawyer, he was active in a number of efforts to make legal services more efficient and affordable. He served as a member of the Commission appointed by Attorney General Robert F. Kennedy which, after an extensive study, recommended the creation of what is now the Federal Defender Program, providing free legal representation in federal courts to indigent defendants in criminal cases. He was for many years a member of the Illinois Supreme Court Committee on Jury Instructions, which drafted the model jury instructions now used by state judges in the trials of most civil cases. Use of these instructions has nearly eliminated appellate reversals based on errors in jury instructions.

While engaged in his Waukegan practice, Judge Grady participated in lawyer disciplinary work, performed at that time for the Illinois Supreme Court by the Grievance Committee of the Illinois State Bar Association. He chaired that Committee for a number of years. When the Supreme Court ended its reliance on the Bar Association Grievance Committee and created instead the Attorney Registration and Disciplinary Commission (ARDC), Judge Grady was one of the five charter members appointed by the Court to the Commission. He served until his appointment to the federal bench.

Judge Grady was appointed to the federal bench by President Gerald Ford in 1975, on the recommendation of then-U.S. Senator Charles Percy (R-Ill.), and was confirmed by a unanimous vote of the United States Senate. He prided himself on being nominated based on his record of skill and experience, rather than political connections.

“Senator Percy really took a chance in reaching out for a political non-entity from Waukegan, Illinois,” Judge Grady said in the 2011 Fitzpatrick interview.

During his 39 years of service prior to his retirement on senior status, Judge Grady continued his efforts to make the justice system more responsive to the needs of the public. He was appointed by the Chief Justice of the United States to serve as Chairman of the Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure. The Chief Justice also appointed him to the Judicial Panel on Multidistrict Litigation, a group of seven federal judges who meet periodically and coordinate the pretrial handling of similar cases filed in federal courts throughout the country. This coordination places all similar cases before a single judge, whose orders then apply in all of the cases and avoids the expensive duplication of the pretrial motions and discovery that would occur without coordination.

Judge Grady was the first member of his court to permit jurors to take notes during trials and one

of the first in the nation to allow jurors to orally question witnesses in civil trials. He found that such questioning can greatly enhance jurors' understanding of the evidence, especially where expert witnesses testify in complicated matters involving such things as patents and digital technology.

Judge Grady traced his faith in juries to his time as a sole practitioner in Waukegan, including the 1973 murder case in which his decision to keep certain jurors on the panel surprised the prosecutors. Judge Grady said in the 2011 Fitzpatrick interview that he was looking for a more sophisticated jury for the case.

"I'm a big fan of juries," the judge told Fitzpatrick. "I'm a believer in their competence to handle anything that comes their way. I'm a believer in their sincerity, their diligence and their dedication to getting it right, and I just don't buy these criticisms of the jury from the ivory tower."

Judge Grady will be remembered by his colleagues family for his overflowing love, his wit and pure joy in making others laugh, and his life-long ability to separate right from wrong.

He is survived by his wife Patsy K. Grady (nee Krug), his son John F. Grady (Jennifer) of Wilmette, grandchildren Patrick and Lily as well as a brother, Frank Cheatle, who resides in Casa Grande, AZ.

Private services will be held. Memorial donations may be made to the Juvenile Diabetes Foundation.

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