

IN MEMORIAM: JUDGE RICHARD D. CUDAHY

Member, United States Court of Appeals for the Seventh Circuit (1979-2015)
Member, Energy Bar Association

Judge Richard D. “Dick” Cudahy is well-remembered by his friends and colleagues of the Energy Bar Association as a long-time member of, and contributor to, the EBA’s substantive programs, as speaker, panelist, and author. Judge Cudahy, both as practitioner and as appellate Judge, maintained active participation in the EBA’s programs and publications, for which he was honored in 2010 with the Energy Bar Association’s President’s Award.

The Energy Bar Association is only one organization of the many that benefited from his active avocation of speaking and writing on energy regulatory issues and economic regulation. Among these were the American Bar Association’s Section of Public Utility, Communications, and Transportation Law and the American Constitution Society. This year, the Public Utility Law Section honored Judge Cudahy with its Samuel A. Porter Lifetime Achievement Award, and the ACS is sponsoring the Ninth Annual Richard D. Cudahy Writing Competition on Regulatory and Administrative Law.

Judge Cudahy fit all of his extra-judicial writing and speaking into his prolific work on the Court of Appeals. His judicial colleague Judge Richard A. Posner graciously described Judge Cudahy as having “established himself as one of the nation’s most productive and influential appellate judges, with particular interest and expertise in regulatory and commercial cases, and with a strong liberal voice,” documenting that Judge Cudahy’s 1,721 published opinions between his taking the bench and the end of 2011 made Judge Cudahy an “unusually prolific judge, penning separate opinions at a higher rate than his colleagues both nationwide and on the Seventh Circuit.” *Yale Journal on Regulation*, Vol. 29, No. 2, Summer 2012, at 355.

In the mid-1970’s, Judge Cudahy served as Chairman of the Wisconsin Public Service Commission, where he was, among other matters, an early advocate for the notion that there is, in fact, elasticity in demand for electric power, and that electricity should be priced accordingly.

More of Judge Cudahy’s EBA colleagues are familiar with his professional work than his personal history. Born into a successful Irish-American family deep into the commerce and politics of Wisconsin (his uncle served as U.S. Ambassador to Ireland), Judge Cudahy graduated from the United States Military Academy at West Point and served as an officer in the Army Air Force before attending Yale Law school. After graduating from Yale in 1951, Judge Cudahy served as a law clerk at the U.S. Court of Appeals for the 2nd Circuit and, then, as a Legal Advisor at the U.S. State Department.

Judge Cudahy entered private practice in Chicago, associating with the firm Isham, Lincoln, and Beale, where he remained until becoming the President and Chief Executive Officer of the meatpacking firm, Patrick Cudahy, Inc., which he managed until its sale a decade later. While in the family business, he kept his hand in law by part-time teaching at both Marquette and the University of Wisconsin-Madison Law Schools. Judge Cudahy during this time also served as the President of the Milwaukee Urban League, at a time of great volatility in race relations in Wisconsin.

Judge Cudahy also sustained a high level of activity in Wisconsin and national politics until his ascension to the bench. A strong supporter of John Kennedy in the 1960 Wisconsin Primary, Judge Cudahy remained friends with John, Bob, and Ted Kennedy, as well as the extended clan. In the late '60s, Judge Cudahy served as Chairman of the Wisconsin State Democratic Party, and he was the Democratic candidate for State Attorney General in 1968. Judge Cudahy also played an active role in Jimmy Carter's presidential campaign.

Throughout his life, Judge Cudahy maintained deep personal interests in fishing, travel, history (particularly the Civil War), and community involvement, through philanthropy and other means. But the most important to him in life was his family, his wife, Janet S. Cudahy, MD, seven children and twelve grandchildren.