

# IN MEMORIAM

## Farewell to Roy Black

Let it be said of you that you fought the good fight, and won.

*A tribute by Marty Weinberg, Howard Srebnick, and Jackie Perczek*

On July 21, 2025, we lost Roy Black, one of the greatest criminal defense attorneys in American legal history, achieving acquittals over a span of six decades. Many of us lost a dear friend, mentor, and teacher. Roy was a noble and humble man who had an extraordinary career, defined by passion and deep purpose. As he liked to say, “I am a student and a lover of the human experience.” For him, understanding and connecting with people — truly seeing them — was one of his life’s most meaningful pursuits.



Photo by Nick Garcia / Nick Garcia Studios

**Marty Weinberg:** I had the privilege of being Roy’s co-counsel in several major Southern District of Florida trials in the late 1990s as well as sharing representation of several other clients who were never prosecuted. I also had the privilege of being Roy’s friend.

We lost a criminal defense lawyer who was not only — decade after decade — the titan of the Southern District of Florida Bar but whose skills and stature, character and courage, and capacity for relentless hard work and imaginative strategic creativity resulted in acquittals while establishing for himself and his law firm an unchallenged national reputation for excellence. For 50 years, Roy achieved greatness as a champion of liberty. He advocated fearlessly and indomitably for his clients. He never flinched from the toughest of cases. He outworked and out-thought countless prosecutors, and he never stopped striving to improve his advocacy even when he ascended to the apex of our profession. He deserves a place on the Mt. Rushmore of special defense lawyers whose professional careers constitute the standard for excellence for us all.

The first time I met Roy was in his office library, filled with books about great lawyers, famous trials, and more. He talked about how he studied trial transcripts, including those from the Old Bailey, to elevate his advocacy. The last time I saw Roy was in the aftermath of his transcendent success in winning the only acquittal for a parent charged in Boston with bribery and fraud aimed at buying an admission slot at a university. Roy’s defense was built on a keen and unique ability to have his jury bond with his client rather than with the prosecution.

Roy never lost his modesty, thoughtfulness, decency, and openness to learning and teaching. Of equal importance, Roy never surrendered the basic belief we all share — that we stand between the perils of overzealous prosecution and the liberty of our clients. His loss leaves a gaping hole in the lives of many who looked up to him as the ultimate professional but also who loved him for all he brought to our lives.

**Howard Srebnick and Jackie Perczek:** That sense of loss is felt so deeply by those of us who stood with Roy every day on the frontlines of justice — his law partners and everyone at Black Srebnick who admired Roy’s brilliance and was shaped by Roy’s guidance.

For more than 30 years, Roy was our teacher and mentor. He was as exceptional as his reputation, but as humble as they came. He loved the law, and he loved people. He was a scholar and a storyteller. Roy was a persuasive advocate, formidable adversary and skilled trial lawyer, possessed of the unique ability to connect with people from all walks of life.

At the age of 77, Roy delivered the opening and closing arguments and surgically cross-examined the key witnesses in the varsity blues trial in Boston. Author Malcolm Gladwell, who studied the trial before interviewing us for his podcast, the “Tipping Point Revisited: *The Georgetown Massacre*,” described Roy as “an apex legal predator completely and utterly intimidating.” And yet when you met Roy in person, he was the consummate gentleman, disarming, approachable, witty, and personable.

More than titles or victories, Roy’s legacy is one of an unshakable work ethic. His excellence did not come from brilliance alone — to be great in the courtroom, Roy was meticulously disciplined and obsessively prepared. Roy’s relentless commitment to excellence was embodied in the words he said a few years ago to a class of young lawyers:

To be the best at anything takes a ridiculous amount of work. ... Nothing in this world can take the place of persistence and preparation. Talent will not; nothing is more common than talented people who are

unsuccessful. Genius will not; unrewarded genius is almost a cliché. Education will not; the world is full of educated nitwits. But persistence and determination, they are paramount. You must be able to withstand and sustain yourself against staggering blows. You must be able to use every cell of your will, every iota of brain power, every nanosecond of highly focused consciousness, to wear blinders and have a single-minded determination to be the most prepared person in the courtroom.

Roy didn't just teach us how to be better lawyers — he inspired us to live with purpose and conviction. Looking back on some of Roy's speeches over the years, one message stands out

as his parting wisdom. It reflects not only on who Roy was, but what he believed each of us could become:

Don't do less than your best. Let it be said of you that you used the full expansion of your soul, your heart, and your reach. That what you did was not just acceptable, but that it was memorable. Let it be said that you reached the zenith of your potential. So that at the end, you can say "I fought the good fight. I fought for what was right. I fought to protect what was important. I used these great skills that I have to help people." The last thing I want to say to each of you is that you should aspire to become the measure by which success is determined. ■

## The Essence of Thomas Durkin

### A Dedication to Clients and the Law

*A tribute by Patrick W. Blegen, Joshua G. Herman, and Robin V. Waters*

Thomas Anthony Durkin was widely recognized for his expertise in national security and criminal defense, though he would often characterize his experience humbly with the well-worn phrase, "In the land of the blind, the one-eyed man is king." Throughout his distinguished career, he represented a diverse clientele, including politicians and individuals accused of terrorism, and was respected for his insightful legal approach. Mr. Durkin, who passed away on July 21, 2025, at the age of 78, devoted over four decades to practicing law alongside his wife and partner, Janis D. Roberts. A South Side Chicago native, he was educated at Leo Catholic High School, the University of Notre Dame, and earned his J.D. from the University of San Francisco School of Law. Additionally, he contributed regularly as a faculty member at National Association of Criminal Defense Lawyers (NACDL) programs, notably teaching courses such as *How to Challenge NSA Terrorism Spying in Non-Terrorism Cases*.

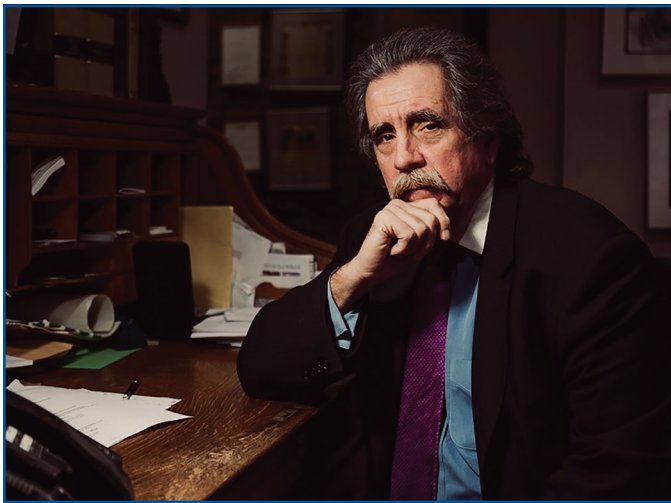


Photo by Jeffrey Marini

Tom embodied the essence of a courtroom warrior, both fearless and uncompromising. His gruff demeanor and im-

posing presence matched his willingness to confront any challenge head-on, never backing down from difficult battles. This courage manifested memorably during oral arguments before Judge Richard Posner of the Seventh Circuit, when Tom directly challenged the judge's demeanor: "What I don't understand is why you're hostile to me in this. Why your tone of voice is hostile." This bold exchange arose in *United States v. Daoud*, where the government had appealed a groundbreaking district court ruling — the first of its kind — requiring disclosure of FISA (Foreign Intelligence Surveillance Act) materials to defense counsel. Tom understood what many judges did not: defense attorneys possess invaluable insights into their cases, clients, and prosecutorial strategies, wisdom earned through years in the trenches defending individuals. His prescient argument that defense lawyers should have always been permitted to review FISA materials takes on added significance today. Had the legal system heeded Tom's advocacy, the subsequent controversies over FISA warrants and FBI surveillance abuses might have been prevented, potentially preserving public trust in government institutions that has since deteriorated so dramatically.

The diverse cases Tom handled helped him to see that there was a clear through-line from the erosion of rights during the War on Crime to the escalation of the War on Drugs, which culminated in the extreme excesses of the War on Terror's indefinite detention, warrantless surveillance, and torture. His practical insights were undergirded by his deep interest in philosophy, history, and religion, which he used to powerfully underscore his argument that emergencies declared in the name of national security (real or imagined) were being exploited to erode the rights of criminal defendants and ordinary Americans alike. Tom spoke and wrote widely on this topic, including in a 2016 Valparaiso University Law Review article titled "Permanent States of Exception: A Two-Tiered System of Criminal Justice Courtesy of the Double Government Wars on Crime, Drugs & Terror." Along these lines, Tom represented several Guantanamo detainees, including Abdul Latif Naser, a

Moroccan man detained without charge for 19 years before Tom secured his release in July 2021. From 2008 to 2009, Tom also represented Ramzi bin al-Shibh, one of the alleged September 11th plotters in the military commission prosecution in Guantanamo.

Tom's advocacy revealed truths that others refused to see about prosecutorial overreach. In the *Daoud* matter, despite his client's *Alford* plea to three serious federal charges — attempting to detonate a 1,000-pound bomb in downtown Chicago during an FBI sting operation, soliciting the murder of the FBI agent involved, and assaulting an inmate while in pretrial custody — Tom crafted a sentencing memorandum that cut to the heart of governmental accountability. He opened with devastating precision:

One of two things has been true throughout the tortured history of this case, from the government's initial investigative decisions, charging decisions, and now its equally wrongheaded sentencing position. That is, either the government set up an elaborate sting operation on a mentally unstable, immature, naïve, and religiously misguided young American-Muslim; or it drove him to mental illness during his pretrial detention insisting that he was too dangerous for pretrial release even to obtain the mental health treatment he so obviously and desperately needed.

Tom's advocacy swayed the district judge, who imposed a 16-year sentence — dramatically below the life imprisonment called for under federal guidelines. However, the government's relentless pursuit continued with yet another appeal, ultimately resulting in a 27-year sentence after Tom was no longer representing the defendant, underscoring both the impact of his advocacy and the loss felt when his voice was no longer in the room.

Society writes off some people as irredeemable, but Tom possessed an extraordinary ability to recognize their humanity. More crucially, he helped his clients rediscover their own worth and potential for redemption. This gift manifested powerfully in his representation of Mohammed Hamzah Khan, who faced charges of attempting to provide material support to ISIS after trying to board a plane in 2014 with his two younger siblings to join the terrorist organization. Khan was just 18 years old at the time. The government's narrative appeared compelling on the surface — that Khan had been “radicalized” and was determined to drag his siblings into a violent extremist organization. Yet Tom refused to accept this simplistic characterization. Instead, he argued that Khan was not a hardened terrorist but rather a young man who simply lacked “critical thinking” skills. This nuanced defense strategy proved successful, securing Khan a 40-month sentence that fell far short of the 180-month guidelines recommendation. Without Tom's compassionate yet strategic advocacy, Khan would likely remain imprisoned today. The impact of Tom's work becomes clear in Khan's own words, posted in response to news of Tom's passing:

In a courtroom that felt cold and stacked against me, Tom was the only person fighting like my life mattered. And not just legally — he fought for my story, my dignity, and my chance to be understood.

Because of Tom, I got a shot at rebuilding my life. He believed in the power of second chances — and because of him, I've been able to finish school, work, and focus on becoming someone better. Even now, years later, his voice is still in my head reminding me to stand tall, to be honest, to do the right thing even when it's hard.

Tom had a strong anti-authoritarian streak and often defended protestors in cases raising First Amendment issues, including Revolutionary Communist Party activists, an indigenous Dakota Access Pipeline protestor, and a group of students arrested during Occupy Chicago — a case that he fought all the way to the Illinois Supreme Court. During “the NATO 3” trial, he helped convince a jury to dismiss the first use of Illinois’ “terrorism” law against protestors of the 2012 NATO conference in Chicago.

New York criminal defense attorney Joshua Dratel, co-chair of the NACDL National Security Committee, collaborated with Tom on terrorism and national security cases for years, forging both a professional partnership and deep friendship. “Tom was fearless, creative, scholarly, versatile, and caring — and he was the same as a friend,” Dratel recalled. “He relished his role as the bulwark between individuals he represented and the power of the government. His clients felt very well protected by him as their advocate.” The bond between the two attorneys reflected Tom's ability to inspire fierce loyalty and respect among his peers, even as he stood as an unwavering shield for those facing the full weight of federal prosecution.

As a trial attorney, Tom stood virtually without equal, securing complete acquittals for clients ranging from politicians and attorneys to businessmen and gang members across federal and state courts throughout the country. While he could devastate a witness through fierce, aggressive cross-examination, his courtroom arsenal extended well beyond intimidation tactics. Tom possessed the rare skill to transform a cooperating gang member's personal narrative into a compelling defense against RICO or conspiracy charges, sometimes moving witnesses to tears through his masterful storytelling. However, any witness foolish enough to challenge Tom during cross-examination faced relentless consequences. Multiple witnesses attempted to flee the stand during his withering examinations, only to be ordered by judges to return and continue answering his probing questions.

Tom's fighting spirit never wavered, persisting even in his final days. While hospitalized and battling cancer, he managed to persuade a district judge to declare a former Chicago politician physically unfit to stand trial on bribery-related charges — a testament to his dedication to his clients and the law.

Beyond his wife and law partner Janis, Tom leaves behind six children, 15 grandchildren, and two great-grandchildren. He also served as a professor of National Security and Terrorism Law at Loyola University Chicago School of Law, where he shaped the next generation of legal minds. His greatest legacy may well be the countless lawyers he mentored and influenced throughout his career, including numerous members of NACDL. “It's remarkable how many of Chicago's finest criminal defense lawyers from my generation learned their craft under Tom Durkin — and it shows,” says Todd Pugh, Chicago criminal defense lawyer and NACDL Second Vice President. ■