

For Immediate Release

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

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Southern District of Indiana Grieves the Loss of Senior Judge Larry J. McKinney

INDIANAPOLIS, Indiana – September 22, 2017: As announced yesterday by the United States District Court for the Southern District of Indiana, Senior District Judge Larry J. McKinney passed away unexpectedly this week.

“The entire court family is stricken by the news of Judge McKinney’s passing,” said Chief Judge Jane Magnus-Stinson. “He challenged us to remember that our work was about the litigants and not about us; he also set an example to value family above all else. Judge McKinney was an amazing combination of intellectual, every man, and rascal. We are heartsick for his family and for each other. Our loss is tremendous.”

Magistrate Judge Tim A. Baker, who as a young attorney served as a law clerk to Judge McKinney, said, “Judge McKinney was a tremendous judge and, if possible, an even better person. He loved trying cases, but he also relished his out-of-court interactions with lawyers and colleagues. He had a quick wit, a gleam in his eye, and a humble persona. I consider myself blessed to have known him, and I join with so many others in mourning his passing.”

Judge McKinney had a passion for the law and enjoyed sharing that passion with others. He was particularly fond of speaking to groups of students who visited the courthouse on field trips, regularly volunteering for such opportunities. Before answering questions from the students, he shared with them various truisms that he had picked up throughout his life – from the importance of education to the belief that all people were capable of success, no matter their background.

Judge McKinney modeled that belief through his role in the Re-Entry And Community Help (REACH) program, which assists ex-offenders as they transition from incarceration back into the community. Every month, Judge McKinney met with ex-offenders and, with the support of the U.S. Probation Office, U.S. Attorney’s Office, Federal Community Defenders, and law students, provided program participants with the necessary resources to obtain driver’s licenses, housing, and jobs. Judge McKinney’s encouragement of REACH participants, some of whom he himself had sentenced, allowed numerous individuals to accomplish personal goals and become contributing members of society.

When it came to legal matters, Judge McKinney took a special interest in patent law. In an interview from 2009, he explained the reason behind this:

...the answer to this question can be traced back to something my dad told me. Dad said, "Son, if you want to be successful in life, you have to learn to like what other people don't like." Subsequently, sitting around the courtroom I listened as other folks complained about how difficult patent cases were, how they really overwhelmed the docket, and how they really did not want to be involved in such cases. Based upon these factors I concluded that I needed to teach myself how to understand patent issues, and, I needed to learn how to enjoy these types of cases."

Judge McKinney left his mark on the Southern District of Indiana in other tangible ways. During his term as Chief Judge, from 2001 through 2007, the Court was at risk of losing its presence in Terre Haute, when the old federal courthouse was sold to Indiana State University. Recognition of the continuing need for a federal judicial presence in Terre Haute, owing partially to the fact that the nation's only federal death row is located there, spurred Judge McKinney to go to authorities in Washington, DC and insist that another courthouse be built or provided. He was successful in his efforts, as a new courthouse opened in 2009.

During his 30-year career on the federal bench, Judge McKinney handled thousands of cases. Some of his most memorable and important were:

Best Lock Corp. v. ILCO Unican Corp.*, 896 F. Supp. 836 (S.D. Ind. 1995), *aff'd* 94 F.3d 1563 (Fed. Cir. 1996), *rehearing en banc denied

One of Judge McKinney's first patent cases, in which he concluded that the patent that described a key that was one-third wider than a standard key within a "thin walled offset portion," was invalid as anticipated by prior art; and that the design patent on a portion of a key blade blank was functional and invalid.

***Indianapolis Colts, Inc. v. Metropolitan Baltimore Football Club Ltd. Partnership*, No. IP 94-727-C, 1994 WL 592855 (S.D. Ind. June 27, 1994), *aff'd* 34 F.3d 410 (7th Cir. 1994)**

After the move of the NFL Colts to Indianapolis from Baltimore, Judge McKinney issued a preliminary injunction that prevented the Canadian Football League's new Baltimore football team from calling itself the "Baltimore CFL Colts."

The Brightwood Boys, 1:99-cr-59 USA v. Williams et al.

In 1998 through 2002, Judge McKinney presided over a large-scale drug distribution conspiracy case. Twenty-two individuals were indicted; eleven individuals plead guilty and eight were convicted after an 8-week jury trial over which Judge McKinney presided. Defendants appealed and argued, in major part, that Judge McKinney erred when he allowed the government to use wiretaps of the

Defendants' cellular and residential telephones to obtain evidence of the conspiracy and play them at trial. His decisions were affirmed.

Concrete Price Fixing Criminal Conspiracy

In 2005, the Government filed an information against 5 concrete manufacturers in the Indianapolis metropolitan area, alleging that they had conspired to fix prices. In a related case, filed in 2006, the Government charged certain individuals within the companies with conspiracy to commit price fixing and making false statements to federal law enforcement investigators. Although the corporate entities and some of the individuals pled guilty, other went to trial and were found guilty. Judge McKinney sentenced the individuals to 2 years of imprisonment, and ordered that they pay significant fines. The sentences were affirmed on appeal.

In addition to his love for the law, Judge McKinney enjoyed baseball, traveling, fine single malt Scotch, and above all, spending time with his family. In his oral history, he explained that his grandchildren were the light of his life and that he looked forward to spending more time with them as he reduced his caseload. His love for his wife and two sons was also plainly apparent to all who knew Judge McKinney.

President Ronald Reagan nominated Judge McKinney as District Judge for the Southern District of Indiana on May 5, 1987; Judge McKinney was confirmed by the Senate on July 17, 1987, and received his commission three days later. He assumed senior status on July 4, 2009. Prior to joining the District Court, he served as Judge of the Johnson Circuit Court for eight and a half years.

Judge McKinney graduated from MacMurray College in Jacksonville, Illinois, in 1966, and from the Indiana University Maurer School of Law in 1969. He began his career in the law as an Indiana Deputy Attorney General and a law clerk to the Indiana Attorney General. From 1971 to 1974, he was a member and partner in the law firm of Rodgers & McKinney. From 1974 until his election to the Johnson Circuit Court bench, he was a member and partner in the law firm of Sargent & McKinney.

Judge McKinney's funeral service will be private; a memorial ceremony at the Birch Bayh Federal Building and United States Courthouse will be scheduled at a later date. In honor of Judge McKinney, flags at federal courthouses throughout the Southern District of Indiana were lowered to half-staff and will remain so through the end of the day.