



**HOWARD THOMAS MARKEY**  
*(November 10, 1920—May 3, 2006)*

Howard T. Markey was born on November 10, 1920, in Chicago, Illinois, the son of Thomas Joseph and Vera Marie (Dryden) Markey. His father was a railroad telegrapher and his mother wrote for a newspaper as a vaudeville critic. On March 17, 1942, he married Elizabeth Pelletier of Chicago. Their children: Jeffrey Howard, a lieutenant colonel in the United States Air Force; Christopher Gerard, social worker and teacher; Thomas (deceased); and Jennifer Catherine.

Judge Markey attended primary schools in Maywood, Illinois, and St. Philip High School in Chicago. Thereafter, he attended the University of Arizona and Loyola University in Chicago, receiving his law degree from the latter in 1949, *cum laude*; was editor of the law review; did graduate

work in law at John Marshall Law School, Chicago, receiving a master of patent law degree in 1950; and was in private practice in Chicago during the period 1949–1972, specializing in patent, trademark, and related law.

As with many young men of the time, his education was interrupted by World War II, in which he served from 1941 to 1946. His military duty was in various capacities, including flying cadet, flight instructor, engineering officer, and test pilot, and he was one of the first pilots of American jet aircraft (1944–1946). He was recalled to active duty during the Korean War during which he was deputy commander of the 315th Air Division in Japan and Korea with the rank of lieutenant colonel. Thereafter, he was commander of an Air National Guard Wing (1954–1970). A brigadier general at the age of thirty-eight, in 1958 he commanded the Illinois Air National Guard until 1970. For the next six years he was deputy commander for the Reserves, Tactical Air Command. He achieved the rank of major general in 1973. For his service he received the Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Soldier's Medal, Purple Heart, Air Medal, Bronze Star, Military Merit ULCHI (Government of Korea), and nine service medals. In 1974 he received the Man of the Year Award from the Air Force Association.

On May 3, 1972, President Nixon nominated Howard T. Markey to be the Chief Judge of the U.S. Court of Customs and Patent Appeals (CCPA). The United States Senate confirmed the nomination on June 21, his commission was issued the same day, and he entered on duty June 26, 1972. His formal investiture was on July 21, 1972, in the CCPA courtroom, presided over by Chief Justice Warren E. Burger.

On October 1, 1982, the Federal Courts Improvement Act of 1982 created the United States Court of Appeals for the Federal Circuit, combining therein the appellate functions of the CCPA and the United States Court of Claims. By the terms of that Act, Howard T. Markey became Chief Judge of the new court.

In civilian life Judge Markey has been honored by the award to him of the George Washington Honor Medal by the Freedoms Foundation, Valley Forge (1964); the Citation of Merit, John Marshall Law School (1972); Medal of Excellence, Loyola University School of Law (1973); Old Master Certificate, Purdue University (1970); the Jefferson Medal of the New Jersey Patent Law Association (1977); the American Judicature Society's Herbert Harley Award (1985); the Thomas More Award (1986); and an honorary doctor of science degree by the Worcester Polytechnic Institute (1982). In the years 1982–1990, he received seven honorary

doctor of law degrees, respectively, from New York University Law School, Western State University College of Law, the Dickinson School of Law, Loyola University School of Law, St. John's University Law School, Franklin Pierce Law Center, and the William Mitchell School of Law.

Ever active in legal, military, and civic affairs, he served as chairman or vice chairman for the Federal Judiciary in the annual campaign of the United Way for the National Capital Area (1973–1987), on the board of the Supreme Court Historical Society, chairman of the American Inns of Court Foundation, national president and chairman of the board of the Air Force Association, member of the American and Federal Bar Associations, on the World Association of Judges, was founder of the Thomas More Society of America, and a fellow of the American Law Institute and the American Judicature Society. He lectured on intellectual property law at Loyola University, on appellate advocacy at George Washington University, and on judicial ethics and technology and the law at the Federal Judicial Center.

As the senior member of the Judicial Conference of the United States, having served thereon from 1972 to 1990, he was a member of its Committee on Court Administration, its Board for Certification of Circuit Executives, chairman of the Ethics Advisory Committee on Codes of Conduct, and a member of the Conference Executive Committee. He was also chairman of the Conference Committee on the Bicentennial of the Constitution (1985–1988), and chairman of the International Appellate Judges Conferences (1987–1988).

Chief Judge Markey was in demand as a public speaker. In addition, he wrote extensively on judicial matters, publishing in fifty–seven different law reviews and other like publications of interest to lawyers and judges. His principal contribution to the law was in the administration of the two United States appellate courts of which he was Chief Judge. He reduced the interval between the filing and final decision of cases from three years to seven months and did so on a self–reduced budget without hindering the court's work. He also was the first active judge to sit with every federal circuit court of appeals. He sat in over 1,400 cases (268 criminal), wrote opinions covering over 250 cases for the regional circuit courts in every field of law, in addition to 5,000 cases and 800 opinions for the United States Court of Customs and Patent Appeals and the United States Court of Appeals for the Federal Circuit.

Judge Markey served as Chief Judge of the Federal Circuit for eight years, voluntarily vacating that position on June 27, 1990, but remaining

as an active Circuit Judge. On April 30, 1991, he left the bench to become Dean of the John Marshall Law School in Chicago where he served until he retired in 1994.

On September 26, 1990, Judge Markey was honored at a testimonial dinner in Washington, D.C., attended by several hundred lawyers and friends. Tributes were paid to Judge Markey by over a dozen speakers, including retired Chief Justice Warren E. Burger. The latter remarked that, had he been empowered to make the appointments, Judge Markey would have been a Justice on the Supreme Court.

At this testimonial dinner, the Federal Circuit Bar Association and Judge Markey's law clerks presented to the court a splendid oil portrait of the Chief Judge, and it hangs near the main courtroom where he presided as Chief Judge.

On October 23, 1998, Judge Markey was honored at a special joint session of the Federal Circuit and the United States Court of Federal Claims acknowledging the redesignation of the National Courts Building as the Howard T. Markey National Courts Building.

On May 3, 2006, in Hinsdale, Illinois, Howard Thomas Markey died after a lengthy illness. He was 85 years old.

Judge Markey is survived by his sons, Jeffrey (Kathleen) Markey of Wadsworth, Illinois; Christopher (Peggy) Markey of River Forest, Illinois; daughter Jennifer (Michael) Thomas of Marietta, Georgia, seven grandchildren and four great-grandchildren; and by his sister Catherine of North Ridge California. Judge Markey was preceded in death by his wife, Elizabeth Pelletier Markey, and his son, Thomas.

Funeral services will be held on Tuesday, May 9, 2006, with visitation at 5:30 p.m. followed by a 7:00 p.m. mass at Old St. Patrick's Church, 700 West Adams Street, Chicago, Illinois. Burial will be at the Arlington National Cemetery. Memorials can be made to the American Inns of Court Foundation.