



**JOHN T. CULBERTSON**

**THIRD DISTRICT**



**MARVIN F. BURT**

SECOND DISTRICT

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE  
NOVEMBER TERM, 1984, ON THE LIVES AND  
PUBLIC SERVICES OF THE LATE JUSTICES  
MARVIN F. BURT AND JOHN T. CULBERTSON

At the hour of 2 p.m., November 27, 1984, other business being suspended, the following proceedings were had:

CHIEF JUSTICE RYAN:

Mr. Marshal, the Supreme Court is reconvened.

MR. MARSHAL:

Oyez, Oyez, Oyez. The Supreme Court is reconvened.

CHIEF JUSTICE RYAN:

The Supreme Court has specially convened this afternoon for the purpose of conducting memorial services for two former members of this Court, Judge John Culbertson and Judge Marvin Burt. We are happy to have with us this afternoon to participate in these ceremonies Judge Culbertson's daughter, Jane C. Fasse, and her husband, Wayne, and children from Atlanta, and Robert Culbertson, Judge Culbertson's brother, and Robert Culbertson, Jr., a nephew. Also present is Woodruff Burt, Judge Burt's son, and his daughter, Elizabeth Philbrook.

Speaking on behalf of the Illinois State Bar Association this afternoon will be its President, Jon W. DeMoss. Jon DeMoss is the youngest president of the Illinois State Bar Association, I should say, that the Illinois State Bar Association has ever had and possibly the youngest president of any State bar association in the United States.



Mr. DeMoss is a graduate of the University of Illinois, had his undergraduate degree in Agriculture and his law degree from the University of Illinois College of Law. He has been an assistant director of the Illinois Institute for Continuing Legal Education and at the present time is serving as the president of the Illinois State Bar Association. Mr. DeMoss.

JON DEMOSS:

May it please the Court.

It is an honor for me to be here to participate in this ceremony on behalf of the Illinois State Bar Association to honor the memories of two fine justices of this honorable Court. There surely is no higher honor for a lawyer in this State than to be selected for service on our highest court. This honor is surely enhanced when a person is called upon for service during a particular time of need, as was the case for both Justices John Culbertson and Marvin Burt. Both of these justices came to the Court in October of 1969 in the wake of two resignations. Both justices were appointed with the understanding that they would serve on the Court until the next election but that they would not themselves become candidates for the seats to which they were appointed. As a consequence, both gentlemen served from October 1969 to December 1970. During this period in Court history, both Justices Burt and Culbertson played a significant role in contributing to the Court's stability. The entire profession owes them a debt of gratitude for their unselfish service.

John T. Culbertson, Jr., was descended from a pioneer Illinois family that settled in the area of Delavan sometime prior to 1850. John Culbertson was born in Delavan on August 7, 1891. He attended and graduated from Delavan High School in 1909 and from the law

school of Illinois Wesleyan University in Bloomington in 1913. He practiced law in Delavan until being elected to county judge of Tazewell County in 1930. In 1934 he was elected circuit judge of the Tenth Judicial Circuit and served continuously in that capacity for the next 34 years. He was appointed to the Fourth District Appellate Court in 1939 and served on that court until 1964. He also served on the Third District Appellate Court in both 1964 and 1968.

In addition to his long and distinguished judicial career, Justice Culbertson served as a member of the board of directors of the Tazewell County National Bank of Delavan and as a member and chairman of the board of directors of the Sheridan Bank of Peoria. He was a member of the Presbyterian Church, the Shrine, the Elks, and Rotary. He was also a member of Phi Alpha Delta law fraternity. One indication of the deep-rooted connection of Justice Culbertson's family to Delavan and to the law is the fact that his brother and nephew are still engaged in the practice of law in Delavan.

Justice Marvin F. Burt was born in Freeport, Illinois, on November 20, 1905. He graduated from Freeport High School and received his Bachelors degree from Harvard University. He subsequently received his law degree from what is today Chicago-Kent College of Law in 1931, at which time he began the practice of law in Freeport, Illinois. Justice Burt served as city attorney for the city of Freeport and a master in chancery of the circuit court of Stephenson County. He served four terms as a Representative in the Illinois General Assembly beginning in 1945. In 1952 he was elected as State Senator. While in the Senate, he headed the Illinois Commission on Care of Alcoholics and actively worked to establish better treatment programs for alcoholics, especially those confined in State mental institutions. Dur-



ing the mid-1950s Justice Burt served as head of the Republican Caucus in the Senate. In 1959 he resigned from the Senate and was subsequently elected to serve as chief judge of the Fifteenth Judicial Circuit in 1960.

In addition to his distinguished judicial service, Justice Burt was a 25-year member of the Illinois Association of Park Districts and served a term as president of that association. During this tenure, he was active in promoting the usage of parks. Justice Burt helped establish the Jane Addamsland Park Foundation and the Pecatonica Prairie Path. The Foundation was named for Stephenson County's most illustrious citizen, Jane Addams, founder of Hull House in Chicago.

I have here a quotation from Daniel Webster which seems to be appropriate for this occasion for both justices. Webster once said, "Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects, himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society." And so it was with Justices Marvin Burt and John Culbertson.

On behalf of the Illinois State Bar Association and our 26,000 members, it is an honor to pay tribute to their memories.

CHIEF JUSTICE RYAN:

Thank you, Mr. DeMoss.

At this time I would like to introduce Mr. Robert J. Schmelzle of the firm of Schmelzle and Kroeger from Freeport, Illinois. Mr. Schmelzle's firm has as one of its members at the present time Woodruff Burt, son of Judge Burt. Mr. Schmelzle received his undergraduate and law degrees from the University of Notre Dame and also has a degree from the University of Miami in estate planning. His concentration is in the area of estate planning and he is a fellow of the American College of Probate Counsel. Mr. Schmelzle.

ROBERT J. SCHMELZLE:

May it please the Court.

The opportunity of representing the Stephenson County Bar Association at this memorial for Mr. Justice Burt is a singular privilege. I have enjoyed his friendship and he has had my sincere respect and admiration throughout many years of professional practice. Mr. DeMoss has given the biographical details and there is no point in repeating those, except I would like to emphasize again that it evidences a long and successful career of public service in Illinois. Very few individuals have had a record of service in the public interest in so many capacities while at the same time pursuing an active and successful private professional career. Judge Burt's service in the Illinois legislature was particularly successful. He originated a new banking act for Illinois, principally to prevent the infiltration of syndicate money into newly forming banks. He participated in the drafting of a new medical practice act to cover all health professions. He drafted the first alcoholism program for Illinois. He served as chairman of the Insurance Committee of the House and of the Senate in recognition of the importance of Freeport as an insurance center. His knowledge and appreciation of parks and recreation contributed im-



measurably to the welfare of all citizens of the State. When he was called to the circuit bench, he served with considerable competence. He brought not only ability but also an ease and a grace to a distinguished discharge of the duties of that office. Basically his success in such service was attributable to a mastery of the sound fundamentals of jurisprudence and of our legal system. In addition, however, he brought to the bench a profound grasp of human nature, a sympathetic appreciation of the foibles and follies of mankind. This faculty was gained in no small measure from both his long legislative experience and the fullness of his living. His success in such judicial service prompted his selection for service upon this Court. Such service was short for the reasons as given by Mr. DeMoss, yet it was memorable by reason of his basic competence and his grasp of all factors pertinent to sound judgment.

No one could properly characterize or appraise Marvin F. Burt without dwelling upon his love for nature and the great outdoors. Though his ability carried him to the highest levels of public service, his heart never left the woods and trails of Stephenson County. His concern for the welfare of the Freeport park system was ever present. His park activity led in turn to the founding and promotion of related organizations such as the Jane Adamsland Park Foundation and Pecatonica Prairie Path. His activity consisted of much more than presiding or board-sitting. Until his very last illness he participated in hiking, boating, swimming, ice skating and fishing and in other opportunities offered by the parks and natural resources of Illinois.

I find myself on the fringe of a minor historical sequence of which these proceedings are the latest episode. The Freeport bar has been privileged to send three justices to the Supreme Court of Illinois. In the course of



my professional practice I have had the good fortune to know all three personally. I revered Justice Oscar E. Heard as a brilliant jurist, while he was casually aware of my existence as a newly admitted young Freeport lawyer. I was well acquainted with Justice Elwyn R. Shaw as a fellow practitioner in Freeport and in fact as the purchaser of his law library and equipment when he went on the Federal bench following service upon this Court. I knew Justice Burt extremely well over many many years professionally, socially and recreationally.

Tying all this together, I suggest the pertinency of this memorial for Mr. Justice Burt of quoting from the remarks of Justice Shaw responding on behalf of this Court at the proceedings memorializing Justice Heard in this courtroom on June 10, 1940. I suggest the words of Justice Shaw to be particularly applicable to Justice Burt and I quote from that response: "As a result of these habits of judicial conduct, he deservedly obtained a very enviable reputation as a trial judge and justly earned the competence and respect of attorneys and litigants. But as to the attorneys, he possessed one other aptitude which was always deeply respected. And this I refer to as treatment of counsel before the bench. While he never forgot or permitted anyone else to forget the dignity of his position, he never took advantage of it. He accorded to each attorney who appeared before him that patient and respectful consideration which he exacted in return. In his private life he had thousands of friends and the general reputation of having had no enemies. He always was a valued member of the community of Freeport where he lived and was always interested in public and civic matters. The core of his life, however, and the one thing to which he always gave all was his family. Never at anytime to the day of his death did he permit anything to remain undone which he might by any possi-

bility do for any or either of them." And that is the end of the quotation from Judge Shaw's response.

All who knew Mr. Justice Burt in Freeport, in the legislative halls of Springfield and in the judicial facilities of Illinois will long cherish the memory of his friendship, his outstanding competence, his character and his example. Truly he is worthy of the recognition this day giving to him by the highest court of Illinois. The Stephenson County Bar Association proudly joins in such expression.

#### CHIEF JUSTICE RYAN:

Thank you, Mr. Schmelzle.

Representing the Peoria County Bar Association is President Robert Hollis Miller. Mr. Miller is a graduate of Purdue University, received his undergraduate degree at Purdue and is a graduate of the University of Illinois College of Law. He is a member of the firm of Davis and Morgan in Peoria. He served in the United States Navy during World War II and in the Korean War. He is a member of the American, the Illinois State, and the Peoria County Bar Associations. Mr. Miller.

#### ROBERT HOLLIS MILLER:

Mr. Chief Justice and other members of this Court.

I am privileged to appear in response to your invitation and participate in this on behalf of the Peoria County Bar Association in this memorial service for Justice Culbertson. Preliminary to the presentation of our formal resolution, I would inject this personal reference. My acquaintanceship with and fond respect for Judge Culbertson began early in 1950 shortly after my admission to the bar. The occasion, my first appearance as an awe-stricken stumbling young lawyer in a court of record, the circuit court of Peoria County. The matter, an



appeal from a hard-won judgment for my plaintiff client bestowed upon him by a sympathetic young justice of the peace. The presiding judge, John T. Culbertson, Jr. As the trial unfolded, Judge Culbertson made it abundantly clear that matters did not always appear to the circuit court as they had to a justice of the peace and in due course, despite all the evidence and persuasion I could muster, he reversed my judgment. Naturally I was crest-fallen at having lost my first lawsuit but I shall always be grateful to Judge Culbertson for the patience, the kindness, and the respect that he accorded me on that occasion. I am satisfied that he carried those good qualities to his grave, and I am satisfied also that many other lawyers could relate similar episodes and would express similar sentiments. He was a gentle man. And now our resolution:

"RESOLUTION OF THE PEORIA COUNTY  
BAR ASSOCIATION IN MEMORY OF  
JOHN T. CULBERTSON, JR.

John T. Culbertson, Jr. was born in Delavan, Illinois on August 7, 1891, the son of John T. and Jennie McKinstry Culbertson. He died at his home in Delavan on July 26, 1982, just a few days short of his 91st birthday.

Judge Culbertson's long and illustrious professional career began with graduation from Illinois Wesleyan Law School in 1913. Following that, he taught in the Kansas City School of Law for two years. He married Helen Read in Bloomington on November 25, 1915 and began practicing law in Delavan the next year. He continued that practice until 1930 when he was elected to serve as county judge in Tazewell County. In 1934, he was elected a judge of the 10th Judicial Circuit of Illinois and



served in that position until 1968, during which time he held court in all of the counties of the circuit. During his tenure, circuit judges were appointed by the Supreme Court to serve as Appellate Court judges and Judge Culbertson was honored with such appointments, serving with distinction on both the Third and Fourth District Appellate Courts.

In 1969, he became Justice Culbertson by reason of his appointment to fill a vacancy in the Supreme Court of Illinois. Despite his elevation to that distinguished status, he remained "Judge" or "John" outside the courtroom to his friends and associates. His portrait adorns the Peoria County Law Library beside those of Justices Clyde E. Stone and Joseph E. Daily.

Throughout his career, Judge Culbertson displayed the finest judicial temperament. He was always cordial to and considerate of lawyers, litigants and court personnel. He tempered justice with kindness while conducting his court with decorum and impartiality. His warm personality was recognized and appreciated by all those who came in contact with him. It was a rewarding experience to appear in his court, and it was also a delight to share his company at informal gatherings. His command of the language was unsurpassed, and he could always be counted on for words of wit, wisdom and good fellowship. He was above all, a gentle man.

Judge Culbertson was, for many years, a director and president of Tazewell County National Bank of Delavan, and he served on the Board of Directors of Sheridan Bank of Peoria, part of the time as its Chairman. He was a charter member of

the Delavan Rotary Club, a member of Phi Alpha Delta Law Fraternity, the Elks Lodge, Delavan Lodge No. 156 AF&AM, Peoria Consistory, Scottish Rite Masons, Mohammed Temple Shrine and Delavan Presbyterian Church.

At his death, Judge Culbertson left surviving, besides his wife, a daughter Jane C. Fasse, two grandchildren, and a brother, Robert M. Culbertson, Sr., himself a Delavan attorney.

Members of the Peoria County Bar Association, along with his many other friends and professional associates, sorely missed Judge Culbertson following his retirement from the bench and were saddened by his passing. To the end that there be a formal record of our esteem for this man, of our gratitude for his contribution to the law, and of our reverence for his memory:

BE IT THEREFORE RESOLVED, by the Peoria County Bar Association, that these expressions be presented to the Supreme Court of Illinois, with the request that they be made part of the permanent records of that honorable court, and that the Clerk transmit a copy hereof to the present survivors.

DATED this 27th day of November, A.D. 1984.

PEORIA COUNTY BAR ASSOCIATION

By Robert Hollis Miller

President"

CHIEF JUSTICE RYAN:

Thank you, Mr. Miller. The documents will be filed with the Clerk.



Speaking on behalf of the Tazewell County Bar Association will be Judge John A. Gorman. Judge Gorman received his undergraduate degree from Illinois Wesleyan University and his law degree from the University of Illinois College of Law. He practiced law with the firm of Goldsworthy, Fifield and Gorman from 1967 to 1979. In 1979 he was appointed an Associate Judge of the 10th Judicial Circuit.

In 1980 he was appointed circuit judge in the Tenth Judicial Circuit by the Supreme Court of Illinois and he was elected to that position in 1982. Judge Gorman.

#### JUDGE JOHN A. GORMAN:

— May it please the Court.

On behalf of the Tazewell County Bar Association, I want to express our gratitude to this Court for the opportunity to participate in a memorial service for Justice John T. Culbertson, Jr. I might state that in the courtroom in which I regularly preside is a color photograph of Justice Culbertson dedicated by that bar association to his memory.

He was, as has been stated, a lifelong resident of Delavan, Tazewell County, Illinois, and a person whom his contemporaries described as a self-confessed country boy of Tazewell County. That county is indeed proud of his long distinguished legal career and of his service to the bar, the bench and to the public. Other than pointing out that he was a graduate of Illinois Wesleyan, I will skip over the other details that have been ably described of his life by my predecessors at the podium.

As a circuit judge, he held court in all the counties of the Tenth Judicial Circuit. During his years of service he was acquainted with virtually every member of the bar who did business in those courts. He also had an interest



in the bar association, and during his legal and judicial career, Justice Culbertson was active in the Tazewell County Bar Association. Having served on various committees and being elected president of the Bar Association in February of 1930 and thereafter serving several years upon the executive committee of the Association. He made his life in our legal community, and he developed all the close friends and associations that you can gather from professional, church and community affiliations that have been previously described.

Judge Culbertson is uniformly described by those who practiced before him as a judge who knew the proper role of the courts and legal system. He was gracious and friendly to attorneys and litigants alike, but maintained a maximum degree of decorum and formality. Even the most seemingly trivial of bench trials and routine of legal matters was dealt with by Justice Culbertson in a way which made the parties realize that the law and not the amounted controversy was the most important consideration before the bench.

Justice Culbertson was not only a fine judge but a good and thoughtful man. He had a polished speaking voice and was frequently invited to participate as speaker in bar association and other functions. Although he maintained respect of pride for his position, he was always a modest, humble and applicable man whose simple personal dignity contributed to any event that he was speaking at. His work as a Justice of the Supreme Court, of course, is described in the records of this Court. His position as a family man, a friend and a colleague is likewise described in the memories of those members of the Tazewell County Bar Association who had the honor to be associated with this great man. When Justice Culbertson died July 26, 1982, he left surviving his wife, who is since deceased, his daughter, Jane

C. Fasse, two grandchildren, and his brother, Bob, whose recent illness prevents him from being in attendance.

His family, his colleagues in the State of Illinois have lost a distinguished citizen, an outstanding public citizen. And the bar of Tazewell County, it can only be noted that many of the senior members have to this day relished the friendship they enjoyed with such a distinguished colleague.

CHIEF JUSTICE RYAN:

Thank you, Judge Gorman.

We are pleased that we also have with us today another former member of this Court, Judge Caswell Crebs, who served on the Court along with Judge Culbertson and Judge Burt, and Mrs. Crebs is also present.

Responding on behalf of the Court will be Justice Robert C. Underwood, who was Chief Justice of this Court at the time Judge Culbertson and Judge Burt served on the Court, and Judge Underwood will soon be leaving the Court and so he will speak at this time on behalf of the Court.

JUSTICE ROBERT UNDERWOOD:

Chief Justice Ryan, my distinguished colleagues, members of the families, and friends of Justices Burt and Culbertson.

Well, Justice Ward and I are the only remaining members of the present court who had the pleasure and privilege of serving with Justices Burt and Culbertson. I think I may speak on behalf of all of us who are sitting here at the bench today when I say that we sincerely appreciate the appearance here today of Mr. DeMoss and



Mr. Schmelzle and Mr. Miller and Judge Gorman representing the several bar associations, and the appropriate comments which you gentlemen have delivered this afternoon. They have spoken to us from other perspectives of the abilities and the accomplishments of our departed friends and colleagues. I should like to take a few moments now to speak of them from the perspective of one who served with them in the very close working relationship which membership on this Court involves. John and Marvin, as they were known to us, together with Judge Crebs, were assigned by this Court to serve on this Court under most unusual circumstances, as Mr. DeMoss has mentioned. Two of our members had resigned in August of 1969. Mr. Justice House passed away the following month. The remaining members of the Court were Mr. Justice Schaefer, Mr. Justice Ward, Mr. Justice Kluczynski and myself, and we constituted a bare constitutional minimum.

It was obvious that should anything happen to any of us, the Court would be totally unable to function since the Constitution requires four votes for action by this Court. One of the problems was that there was some question as to our authority to assign sitting judges to this Court. We were then operating under the Judicial Article, which had become effective in 1964, but the authority under that article to recall retired judges to service with their consent seemed to be clear and the Court felt that the provisions of that article simply had to be construed to give authority to assign those judges to service in this Court in order that this Court might be preserved. The obvious question then, of course, became who was to be assigned. Because public confidence in the Court had been severely shaken by the earlier events that year, it was absolutely essential that individuals who



were assigned here be individuals of impeccable reputation and integrity.

John Culbertson had just retired the year before after an amazing career of some 38 years of distinguished service on the county, circuit and appellate benches, as the gentlemen who have spoken have mentioned. He was well known, he was highly respected, most of us knew him personally. His outstanding record on the appellate benches spoke eloquently of his qualifications, and similarly, Marvin Burt's excellent reputation and record in the House and Senate of the General Assembly together with his performance on the circuit bench of Stephenson County had earned him the respect of both the public and the bar.

Our decision to assign these two judges to service on this Court was generally acclaimed. At the time they were assigned I had just been elected as Chief Justice. I well remember calling Judge Culbertson at the family's summer home on Walloon Lake and asking him whether he was willing to assist us in serving on the Court until the election of new judges the following year. I strongly suspect that John, who at that time, while he was in excellent health both mentally and physically, was also 78 years of age, would have preferred to have remained retired, but John was aware of the crisis that faced this Court and that fact, coupled with his keen sense of obligation, resulted in a decision by him to accept the assignment and to assist us and we made similar arrangements with Judge Burt. Both were sworn in, as has been mentioned, in October of that year. They immediately commenced their duties and served here until the vacancies were filled the following year.

We have already mentioned the difficulty of the times in which they served. One of the things that all seven of us felt compelled to do at that time was to make every

effort that we could to restore public confidence in this Court and the judiciary. And to that end we appointed a committee and asked that committee to establish a code of judicial conduct which could be adopted by this Court. While there was a code in effect in the State, it was not one which had been approved by the Court and was not as binding upon the judiciary as would be the case had it been approved. The committee acted promptly. They proposed to us a code of judicial conduct, and we adopted it without change. And I think the adoption of that code together with the unblemished reputation which Judges Burt and Crebs and Culbertson brought to this Court constituted very substantial steps in restoring public confidence in the Supreme Court of Illinois.

During the period that our assigned judges served on this Court the number of opinions we were writing was substantially greater than it now is. That was due primarily to the fact that we were still operating, as I mentioned early on, under the Judicial Article. The 1970 Constitution, which gave us complete control over our case load, had not become effective at that time. And, I perhaps can best demonstrate the magnitude of the volume of work that the Court faced in those days by telling you that during the year 1970 we wrote 354 opinions, which is an average of 50 opinions per judge. And, that was, of course, in addition to the usual motions, petitions for leave to appeal, petitions for rehearing and a quite substantial amount of administrative work. The Court puts in long hours now during term time, but I think perhaps we put in even longer hours in those days. More often than not, we discussed matters of business during meal times. I recall many nights when we adjourned to the conference room in the evening after dinner and did not go back upstairs until 10 or 10:30 p.m. Despite the amazement which our assigned members in-



dicated at the volume of work of the Court, they uncomplainingly labored at it just as diligently as any of us. Although I do understand that on one occasion John Culbertson, when asked how he enjoyed serving on the Supreme Court of Illinois, very dryly responded the next time he retired he was going to stay retired.

One of the more amusing recollections of those days was that Justices Burt, Crebs and Culbertson when time permitted would take walks around the Capitol area and they enjoyed referring to themselves as the charter members of the Supreme Court "marching and chowder association."

Those of us who served with our departed friends and colleagues understand and appreciate to a greater degree, I am sure, the burdens and responsibilities which the assigned judges carried during their 14-odd months of service upon this Court. We often marveled at Justice Culbertson's vigor and ability to keep pace with if not be ahead of actually those of us who were considerably younger. And Justice Burt, whose previous appellate service had been somewhat limited, made a rapid adjustment to the operations of a reviewing court. Life on the Supreme Court of Illinois is not a simple matter, and it was not a simple matter in those days. And both Justices Burt and Culbertson made substantial sacrifices in order to serve on this Court in a time of need. And that manifestation of selflessness on their part is I think in keeping with the finest traditions of our profession. I expect, too, that those of us who served with them at that time realized particularly the extent to which the people of the entire State of Illinois are indebted to our departed friends and colleagues for their part in assisting in the restoration of public confidence in the Supreme Court of this State.



It was a very real privilege to have had them with us even for so short a period of time. Thank you.

CHIEF JUSTICE RYAN:

Thank you, Justice Underwood.

Although I never had the privilege of serving on this Court with Justice Culbertson or Justice Burt, I did know them both personally and served as a trial judge in an adjoining circuit to both of them. I served in the Thirteenth Judicial Circuit, with the Fifteenth Judicial Circuit to my north and the Tenth Circuit to my south, the south of us. And when we needed to call in a judge for a case that one of the members of our court could not handle, well, we usually looked to the Fifteenth Circuit, and when the Fifteenth Circuit needed to call a judge they usually looked to the Thirteenth Circuit, and I served in the Fifteenth Circuit on several occasions at the request of then Chief Judge Burt. I can recall one time going to Freeport to hear a products liability case, and I think this demonstrates the very great friendliness that Judge Burt constantly displayed. When I arrived there in the morning he ushered me into the chambers, he was sure that I was comfortable, that I had a cup of coffee, he introduced me to the attorneys and then went over to handle his own cases. At noon he came back and took me out to the country club for lunch and then in the evening after court adjourned, he took me to a club there in town for a few refreshments before I drove back to Ot-tawa. The same thing happened the next day, and I somewhat regret the fact that the case was settled on the second day because I was treated so kindly.

With regard to John Culbertson, of course, I knew him even before I was a judge because my office was in Peru, where I practiced law, and this was just a stone's

throw over into Putnam County and into Marshall County. In those days there were only three circuit judges in the Tenth Judicial Circuit and the Judges White, Ingram and Culbertson served those country counties, so to speak, and they would serve them in regular rotation and they would be there one month and then maybe three months later they would be back again. I tried a jury trial in front of John Culbertson down in Marshall County in Lacon where I represented a plaintiff, and I was fortunate enough to get a verdict from the jury. In those days, under the Practice Act, the judgment was not entered on the verdict automatically as it was after 1956. You had to go in with a motion for judgment on the verdict and about the same time the other side would come in with a motion for a new trial. Well, after that verdict I don't think that Judge Culbertson was back in Marshall County for almost six months, so I filed my motion for judgment on the verdict and the defendant filed a motion for the new trial. I think this demonstrates Judge Culbertson's humor and certainly his ability to do fireside equity as well as his knowledge of the law. The defense counsel argued vigorously for a new trial and would cite one Illinois case after another. He would no sooner cite the case than Judge Culbertson would say, now I know all about that case and that doesn't apply. Finally the defense counsel cited an Iowa case. Apparently John wasn't familiar with the Iowa case so he permitted this case to be argued at length. At the conclusion of the argument he said, "Counsel that may be the law in Iowa but that is not the law in Illinois." I took great heart from that because the statute said that you were entitled to interest on your verdict from the date that the verdict was rendered until the date the judgment was entered, so my first approach to my argument for judgment on the verdict was that I was insisting on interest from the date that the verdict



was rendered. After I argued, he said, "Mr. Ryan, I know that the statute says that but we just don't allow interest on verdicts," and he entered judgment for the amount of the verdict.

It was a great pleasure to have had those associations both with Marvin Burt and with John Culbertson. They have contributed greatly to the law of this State, and to the judicial system of this State, not only through their service on this particular court, but their service in other capacities as well. Those other capacities have been adequately described here this afternoon.

There will be a reception on the third floor to which all of you are invited immediately following adjournment of Court.

Mr. Marshal, the Supreme Court stands adjourned until 9:30 a.m. tomorrow morning.

MR. MARSHAL:

The Supreme Court stands adjourned until 9:30 a.m. tomorrow morning.

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BRIAN C. ERVIN  
REPORTER OF DECISIONS

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