

Memorial Service

in honor of

Justice William G. Clark

and

Justice Michael A. Bilandic

Wednesday, the Twenty-second of May

Two thousand and two

Two o'clock

Supreme Court Courtroom

Springfield

Program

- Opening Remarks Honorable Moses W. Harrison II
 Chief Justice
 Supreme Court of Illinois
- Honorable Mary Ann G. McMorrow
 Justice
 Supreme Court of Illinois
- Honorable Thomas R. Fitzgerald
 Justice
 Supreme Court of Illinois
- Tributes Honorable Allen Hartman
 Justice
 Appellate Court of Illinois
- Honorable William R. Quinlan
 Justice, Retired
 Appellate Court of Illinois
- Honorable Philip J. Rock
 Former Senate President
 Illinois General Assembly
- William G. Clark, Jr., Esq.
- Closing Remarks Chief Justice Harrison

Justice William G. Clark
1924 — 2001



William G. Clark was born in Chicago on July 16, 1924. He received his law degree from DePaul University and was admitted to the practice of law in Illinois in 1947. Justice Clark was the third generation of his family to engage in public service.

Justice Clark served in the Illinois Senate and House in the 1950s, and was Majority Leader of the 71st General Assembly. He was a delegate to the Democratic National Convention in the 1960s and a member of its Platform Committee and co-author of his proposed "Peace Plank" in 1968. He was elected Illinois Attorney General in 1960 and re-elected in 1964.

From 1968 to 1976 Justice Clark was a senior partner in the law firm of Arvey, Hodes, Costello and Burman in Chicago. He was elected to the Supreme Court of Illinois in 1976 and retained in 1986. He was Chief Justice from 1985 to 1988. Justice Clark retired in December 1992.

At the time of his death, Justice Clark was survived by his wife, Rosalie, five children and eleven grandchildren.

Justice William G. Clark
1981 - 1981

"Our holding today in extending the implied warranty of habitability from builder-vendors to subsequent purchasers is limited to latent defects which manifest themselves within a reasonable time after the purchase of the house. The subsequent purchaser should not be denied the protection of the warranty of habitability because he happened to purchase the home about one year after the original buyer. *** The purpose of the warranty is to protect purchasers' expectations by holding builder-vendors accountable; we do not believe it is logical to arbitrarily limit that protection to the first purchaser of a new house." *Redarowicz v. Ohlendorf*, 92 Ill. 2d 171, 185 (1982) (Opinion by Clark, J.).

* * * * *

"When the doctrine of *forum non conveniens* is available in transferring a case from Springfield, Illinois, to St. Louis, Missouri, we feel that a case should be able to be transferred from Chicago to Springfield—two cities in the same State—under the same theory. *** If the reasons for applying the doctrine in certain interstate situations are good ones and in the best interest of justice, and we believe they are, then such reasoning is also persuasive where a comparable situation exists within the boundaries of this State." *Torres v. Walsh*, 98 Ill. 2d 338, 350 (1983) (Opinion by Clark, J.).

Justice Michael A. Bilandic
1923 — 2002



Michael A. Bilandic was born in Chicago on February 13, 1923. He graduated from St. Mary's College in Minnesota with a B.S. degree and from DePaul University College of Law with a J.D. degree. He served as a First Lieutenant in the Marine Corps during World War II and fought on Iwo Jima with the Twenty-eighth Marines of the Fifth Marine Division.

Justice Bilandic began practicing law in Chicago in 1949. He was a member of the Chicago City Council from 1969 through 1976. He was elected Mayor of the City of Chicago in 1976 and served until 1979. He was a former Master in Chancery, Circuit Court of Cook County, and a former Special Assistant Illinois Attorney General. He was elected to the Appellate Court, First District, in 1984, where he served until his election to the Illinois Supreme Court in 1990. He was Chief Justice of the Supreme Court from 1994 to 1997. Justice Bilandic retired in December 2000.

At the time of his death, Justice Bilandic was survived by his wife, Heather, and his son Michael.

"An HMO may be held vicariously liable for the negligence of its independent-contractor physicians under both the doctrines of apparent authority and implied authority." *Petrovich v. Share Health Plan*, 188 Ill. 2d 17, 52 (1999) (Opinion by Bilandic, J.).

* * * * *

"During this century, the law adapted remarkably well to our society's revolutionary conversion from agricultural life to the modern industrial age. Two of the most striking changes were the creation of workers' compensation and strict products liability. These two doctrines collided in *Skinner [v. Reed-Prentice Division Package Machinery Co.]*, 70 Ill. 2d 1 (1977), causing much confusion. The law was later repaired by the Contribution Act and subsequent supreme court decisions, especially *Kotecki [v. Cyclops Welding Corp.]* 146 Ill. 2d 155 (1991). With the close of the twentieth century five short years away, the General Assembly has now altered many of these same legal principles. Has this been a century of legal progress? You be the judge!" Michael A. Bilandic, *Workers' Compensation, Strict Liability, and Contribution in Illinois: A Century of Legal Progress?*, 83 Ill. B.J. 292 (June 1995).

Justice Seymour F. Simon
1913 - 1981

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- | | |
|-----------------|---|
| Opening Remarks | Honorable Robert R. Thomas
Chief Justice
Supreme Court of Illinois |
| | Honorable Thomas R. Fitzgerald
Justice
Supreme Court of Illinois |
| | Honorable Anne M. Burke
Justice
Supreme Court of Illinois |
| Tributes | Honorable Mary Ann G. McMorrow
Justice, Retired
Supreme Court of Illinois |
| | Scott Turow, Esquire |
| | John B. Simon, Esquire |
| Closing Remarks | Chief Justice Thomas |

Justice Seymour F. Simon
1915 — 2006



Seymour F. Simon was born in Chicago on August 10, 1915. He graduated from Northwestern University with a B.S. degree and was elected to Phi Beta Kappa. He earned a J.D. degree from Northwestern University School of Law where he was elected to Order of the Coif and was first in his graduating class. He was admitted to the bar in 1938.

Justice Simon served in the United States Navy during World War II, Pacific Theatre, and was awarded the Legion of Merit. Justice Simon practiced law in Chicago from 1946 to 1974, and, during this period, he served as alderman of Chicago's 40th Ward, president of the Cook County Board, and president of the Cook County Forest Preserve District.

Justice Simon was elected to the Appellate Court, First District, in 1974 and served until his election to the Illinois Supreme Court in 1980. Justice Simon retired from the Supreme Court in December 1988 and joined the law firm now known as DLA Piper Rudnick Gray Cary US LLP, where he was a partner in the litigation department at the time of his death.

In 1997 Justice Simon was elected a Laureate of the Lincoln Academy of Illinois.

Justice Simon was survived by his wife Roslyn, now deceased, three children, ten grandchildren and fourteen great grandchildren.

"The use of peremptory challenges to exclude black jurors solely on the basis of their race has denied the defendant, Stanley Payne, his constitutional rights to equal protection of the laws and to a trial by a fair and impartial jury drawn from a cross section of the community where he was tried." *People v. Payne*, 99 Ill. 2d 135, 140 (1983) (Dis-sent by Simon, J.).

This position was substantially adopted by the Supreme Court of the United States in *Batson v. Kentucky*, 476 U.S. 79 (1986).

* * * * *

"The legal profession and the courts have begun to acknowledge the problem presented by alcoholic, or, as they are sometimes referred to, 'impaired,' attorneys. We must find ways to help them and induce them to rehabilitate themselves. *** [A]s an experiment in dealing with impaired attorneys, we shall require that [respondent] continue, and report at such intervals as the Attorney Registration and Disciplinary Commission shall specify, and until further order, his personal program of rehabilitation, including active participation in Alcoholics Anonymous, the Lawyers' Assistance Program established by the Chicago Bar Association and the Illinois State Bar Association, or some similar program acceptable to the Commission. The Commission may recommend to this court any further conditions it thinks desirable. *** After further experience we may revise our rules, which do not now provide for probation or supervision of impaired attorneys. Meanwhile, this court has inherent authority to use such methods of discipline." *In re Driscoll*, 85 Ill. 2d 312, 315-18 (1981) (Opinion by Simon, J.).

On August 9, 1983, effective October 1, 1983, the Supreme Court adopted Supreme Court Rule 772 formalizing probation as a possible sanction for impaired attorneys subject to disciplinary proceedings.

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