



JUSTICE JAMES A. DOOLEY
FIRST DISTRICT

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE
SEPTEMBER TERM, 1978, ON THE LIFE AND
PUBLIC SERVICE OF THE LATE
JUSTICE JAMES A. DOOLEY

At the hour of 2 p.m., September 25, 1978, other business being suspended, the following proceedings were had:

MR. CHIEF JUSTICE WARD:

This court is convened to memorialize the life and the distinguished career of the late James A. Dooley, a justice of this court. Present in court today are members of Justice Dooley's family, many friends from within the profession, including Mr. Lloyd Tyler, the president of the Illinois State Bar Association, and Mr. Jim Giambalvo, the president of the Chicago Bar Association. The two presidents are here to offer remarks as representatives of their associations and as representatives of the legal profession. The court recognizes Mr. Lloyd Tyler, the president of the Illinois State Bar Association.

MR. TYLER:

May it please the court.

MR. CHIEF JUSTICE WARD:

Mr. Tyler.

MR. TYLER:

Ladies and gentlemen, on behalf of the Illinois State Bar Association we are pleased and honored to participate in this memorial to Justice Dooley. His necrology will not be stated here. It is well known and well recognized that he has many accomplishments both as a lawyer and a judge. In fact, our association has

already eulogized him on several occasions and awarded to him the ISBA Award of Merit. In February of 1978, Justice Dooley himself stated his own concept of the qualifications for a good judge.

1. Experience—knowledge of the law in action.
2. Independence—not beholden to any particular interest.
3. Integrity—to recognize the difference between standards of honor and the oversensitive punctilio of honor.
4. Decisiveness and common sense.—The judge who cannot make up his mind stops the motors of the judicial system. In common sense there is embraced the mores of the day and knowledge of the realities of life.

All of these attributes, which Justice Dooley stated were needed in a judge, existed and were exemplified in Justice Dooley himself. To this we would add:

His scholarship. His *Modern Tort Law* is only illustrative of his efforts in scholarship in the law.

His advocacy. To catalogue his cases before this court alone in the *Illinois Reports* is only a partial demonstration of his skillful representation of his clients through the years.

His involvement. His services to the bar, the Illinois State Bar Association, the Chicago Bar Association, the Law Science Academy, the International College of Trial Lawyers, the Association of Trial Lawyers of America, and its Illinois counterpart were advertence that he assumed through the years to serve, and with relish, I might add, his fellow lawyers.

His courage. His performance, in spite of his own physical disabilities, illustrates his strong will to do well as a lawyer and as a judge. And, last,

His imagination. All through the years Jim Dooley was known as an inventive, innovative, and involved lawyer. From his very first days in the founding of the Law Science Academy he strove to bring new techniques

and new theories to the plaintiff's bar.

In these few remarks we have only touched the complex man that was Justice Dooley. He was a great lawyer and a dedicated judge. He will be missed.

MR. CHIEF JUSTICE WARD:

Mr. Tyler, we thank you for your warm and sensitive remarks. The court recognizes Mr. Giambalvo, the president of the Chicago Bar Association.

MR. GIAMBALVO:

May it please the court.

MR. CHIEF JUSTICE WARD:

Mr. Giambalvo.

MR. GIAMBALVO:

Honorable Justices, bereaved members of the family of Justice Dooley, friends of Justice Dooley. Initially, on behalf of my fellow officers and members of the Chicago Bar Association, I want to express our gratitude to the court for this opportunity to participate in this memorial in the memory of Justice James A. Dooley. Justice Dooley was a member of the Chicago Bar Association during the whole of his career as a lawyer, a period of over 40 years. He served the Association as a member of the Board of Managers, as a member of many standing committees of the Association, and in numerous legal seminars and other meetings sponsored by the CBA. His death was certainly a great loss to the Association, to the bar of Illinois, and to the judiciary of Illinois. Justice Dooley was a lawyer's lawyer in the true sense. During all of his adult life he carried on a kind of romance with our profession. The quality of his success as a lawyer has seldom and will seldom be achieved, yet should be often emulated. I was proud to count Jim among my friends for many years. He started his workday quite early in the morning, as I did, and often we would meet for breakfast. Ultimately the discussion would get around to things concerning our profession and our judiciary, of which Jim was always concerned. I wish to extend to his family and his friends my personal sympathy and condolences, as well as those of the officers and members of the Chicago Bar

Association. Their bereavement should be lessened by the realization that Justice James A. Dooley has earned for himself a high place in the history of our profession and of our judiciary of Illinois. Thank you.

MR. CHIEF JUSTICE WARD:

Thank you Mr. Jim Giambalvo for those articulate expressions. The response to the memorial remarks of Mr. Tyler and Mr. Giambalvo will be delivered by Justice William G. Clark of this court. Justice Clark was a long-time friend of our deceased colleague. Justice Clark.

MR. JUSTICE CLARK:

Mr. Chief Justice, fellow justices, family and friends of Jim Dooley. Jim's contribution to the esteem of the legal profession and to the development of Illinois law is unquestioned. His reported opinions while on this court and his representation of parties in numerous significant cases are evidence of this. But these contributions are only the surface, the veneer, of a great personality, of an unyielding liveliness. For if there was an enduring quality Jim possessed, and which impressed all, it was, I think, his vitality. For some, this image consisted of his insatiable appetite for work. For others, an unremitting ambition for perfection. For still others, a ceaseless flurry of activity. This vitality was demonstrated in positive ways in his life.

His experience is recorded in volumes of law reports, scholarly journals, persuasive briefs, and, last year, in his three-volume *Modern Tort Law*. It is memorially marked in the trial and appellate fora of this State. His independence is readily observable in cases he argued and opinions that he wrote. He feared not to tread on new ground. It is recognized in his determination to seek election to this court despite the odds. His integrity was demonstrated by an unequivocally consistent empathy with society's victims and an unqualifiedly consistent search for solutions. His decisiveness was unflinching. If he lacked anything, it was the common sense not to put in interminable hours of work; but we all benefited by this apparent lapse. True, he was to the end avidly athletic and perceptibly healthy, but he loved the law. This was his life's work.

Jim's prestigious legal talents did not dictate preoccupation with the law, as unfortunately happens to many successful practitioners in our profession. His success in finance was impressive. His enthusiasm for physical exercise, especially tennis and swimming, was continuous. His service to nonprofit organizations and institutions was admirable. He remained a fervently loyal alumnus of Loyola University's law school, and he generously served for many years as chairman of the board of trustees of Clarke College in Iowa.

But all this you know. Some of us know perhaps more intimately than others, but we know. For us on the court his vitality was manifested by dropping into chambers to discuss matters of the moment: judicial administration, opinions, physical fitness, his farm. His vitality was manifested by his unhesitating disagreement where he felt disagreement was warranted. His vitality was manifested by the use of animated language and forceful arguments. His writings displayed literary analogy and frequent historical reference—Blackstone, Holmes, and Cardozo were some of his favorites. In short, Jim generated excitement. Yet indifference was an impossible luxury when he was around and even when he wasn't. So, even now, though memory induces sadness over his loss, it ironically induces vivid images of excitement, enthusiasm, contrariness, adaptability, decisiveness, candor, humor.

Jim was memorialized in the *Congressional Record* shortly after he died. I would like to read just one paragraph, because the entire resolution is, of course, considerably long. "The untimely passing of Jim Dooley leaves a great void at the Illinois Supreme Court and one which will be difficult to fill. Jim was regarded as a formidable judicial presence because of his penetrating insight into how the law actually works, his fine sense of fairness and his independence."

I extend the condolences of the entire court to his wife, Ginney, his daughter, Ginney, and his sister, Mary Connelly.

We miss him very much.

MR. CHIEF JUSTICE WARD:

The memorials presented today will be made a part of the records of this court. This proceeding, relatively brief, draws to a close, but Justice Dooley will be long remembered in the profession he served so well.

In the Harvard Law School there is a tablet containing lines from the Book of the Prophet Daniel, and the words are words of great nobility and inspiration to people of the law, whether they be law students, or judges, or lawyers. And the words there from Daniel are: "They who sleep in the dust of the earth shall awake, some unto glory, and others unto reproach. And they who are learned shall shine as the brightness of the firmament; and they who have instructed many to justice shall shine as stars for all eternity." Our late colleague was learned, and as a lawyer and, too briefly, as a judge, he instructed many to justice. May his good spirit shine for all eternity.

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

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