



Memorial Service

Held in the Supreme Court of Illinois
at the May 2002 Term on the
Life, Character, and Public Service
of the Late Justice William G. Clark and
Justice Michael A. Bilandic

Wednesday, May 22, 2002
2:00 p.m.

Illinois Supreme Court
Springfield, Illinois

SUPREME COURT OF ILLINOIS
JUSTICES

MOSES W. HARRISON II, Chief Justice
Collinsville, Illinois (5th District)

CHARLES E. FREEMAN
Chicago, Illinois (1st District)

MARY ANN G. MCMORROW
Chicago, Illinois (1st District)

ROBERT R. THOMAS
Wheaton, Illinois (2nd District)

THOMAS R. FITZGERALD
Chicago, Illinois (1st District)

THOMAS L. KILBRIDE
Rock Island, Illinois (3rd District)

RITA B. GARMAN
Danville, Illinois (4th District)



Justice William G. Clark
July 16, 1924 – August 17, 2001



Justice Michael A. Bilandic
February 13, 1923 – January 15, 2002

At 2:00 p.m. on Wednesday, May 22, 2002, other business being suspended, the following proceedings were had:

CHIEF JUSTICE HARRISON:

Good afternoon, ladies and gentlemen, my name is Moses Harrison. I'm the Chief Justice of the Illinois Supreme Court, and it is my pleasure to welcome you this afternoon on behalf of the entire Court to this special session of the Supreme Court. The Court has specially convened this afternoon for the purposes of conducting memorial services for two former members of the Court, Justice William G. Clark and Justice Michael A. Bilandic.

We're pleased and honored to have with us today the families of both Justice Clark and Justice Bilandic. We welcome Justice Clark's wife, Rosalie, and their children and their spouses, and his brothers John and Don. We likewise welcome Justice Bilandic's wife, Heather, his brothers Steve and Nick, and his sister Eleanor. Justice Bilandic's son, Michael, could not attend today because he is studying for an advanced degree at the University of New York City; it was just simply impossible for him to be here although he intended to come. We're also honored to have with us this afternoon several former members of the Supreme Court. Present are Justice Seymour Simon, Justice John J. Stamos, and Justice John Nickels and his wife Merita. It's a tribute to Justice Clark and Justice Bilandic that you have joined us for the services in their honor, and I am delighted to see each of you again.

I would like to extend the same sentiment to the many personal friends of Justice Clark and Justice Bilandic who have gathered here this afternoon, as well as the many dignitaries including the Honorable Richard J. Mills, Federal District Court Judge; the Honorable Jeanne E. Scott, Federal District Court Judge; Lieutenant Governor Corinne G. Wood; Senate Minority Leader Emil Jones; Speaker of the House and Mrs. Michael J. Madigan; and House Majority Leader Barbara Flynn Currie, who are all in attendance.

As I look over this group that has filled our court room this afternoon, I see representatives from every branch of government and every level of government. I wish I had sufficient time to ac-

knowledge each of you for the record. I will note, simply, that your presence is a measure of the extraordinary influence these two jurists had on the civic life of our state. Over the course of this afternoon's proceedings you will hear details of Justice Clark's and Justice Bilandic's accomplishments from those who knew them best. Compared to most of the people here today, my association with Justice Clark and Justice Bilandic was limited. It would be presumptuous of me to attempt an overview of their careers or the significance of their work when there are so many here who are much better equipped to do so.

As we begin, however, I would like to mention how gracious and helpful both Justice Clark and Justice Bilandic were to me personally during my career on the bench. Although Justice Clark and I never served on the same court together, he was a member of the Supreme Court when I served on the Fifth District Appellate Court, and I frequently benefited from his counsel and advice when we would meet at judicial functions. Justice Bilandic was also an important mentor as well as a trusted friend. Justice Bilandic was famous for his afternoon walks through Springfield when the Court was meeting during term, and I was privileged to be among the regulars who were invited to walk along with him. Mike used these walks to clear his mind and share his ideas and wind down from the day's business. There was no subject we didn't cover, and some of the best advice I got about judging I got while keeping Mike company as he followed his regular course through town. I miss those walks. We shall hear tributes by others in a moment, but before we do, Justice Mary Ann G. McMorrow would like to make some opening remarks of her own.

JUSTICE MCMORROW:

Thank you, Chief Justice Harrison, Justices of the Supreme Court of Illinois, retired Justices of the Supreme Court, other judges, distinguished guests and mostly, very importantly, family and friends. Chief Justice Harrison, thank you for the honor and the privilege of permitting me to participate in this memorial service. Before I proceed with my remarks, I wish to advise you that retired Justice Ben Miller called me last week and asked me to convey to

you his regrets for not being able to be with us this afternoon. He is in Martinique in the French East Indies. Justice Miller served with both Justice Clark and Justice Bilandic, and he asked me to tell you who are here today, that he thought both Justices were terrific and wonderful men and that he respected and admired them.

We are gathered in this beautiful place, in this magnificent edifice, to pay homage to the lives and the careers of two very special and beloved members of the Supreme Court of Illinois: Justice William Clark and Justice Michael Bilandic. We also gather to show the families and those who are near and dear to William Clark and Michael Bilandic that we share their profound sense of loss. We will leave these halls and this courtroom today with fond remembrance of two lives well lived. In the memorial service for Justice Walter Schaefer, Justice Clark said, and I quote, “Members of the Court are always sad and reflective when we participate in memorial proceedings. Still, it is a time to reflect on greatness.” Yes, it is fitting and proper that we reflect on the greatness of these two extraordinary jurists.

In many ways Justices Clark and Bilandic were quite similar, and yet we recognize that both of these Justices were very unique. Both served in all three branches of government and both achieved the highest level of office and service in each branch. Equally important, both were always kind to attorneys and were considerate and compassionate men. Both were dynamic leaders. The Supreme Court Justices who served with them were recipients of their scholarship and their erudition and, yes, their wit, for both were endowed with the ability to make us happy and to make our challenging and difficult jobs enjoyable. They were able to find humor where levity was appropriately needed. They shared distinctive qualities with us. The biographies of these two jurists are noted in your program, and no purpose would be served by my repeating the biographical data. I leave review of the accomplishments of these Justices to those in the program who have been selected to present tributes to them.

I wish to highlight that Justice Clark was known as a judge for all people from all walks of life. The legislation that he proposed and got passed and the decisions he made on the Court were for the betterment of the indigent as well as the affluent, for the oppressed

and the successful. He sponsored legislation promoting fair employment practices and protecting small estate owners. He advocated greater care for the mentally ill and for tuberculosis patients. He sponsored legislation that resulted in the annexation of O'Hare Airport to the City of Chicago. As Attorney General, he spearheaded laws preventing consumer fraud, and he actively enforced water and air pollution control laws. He called for an unconditional end to all bombings in Vietnam. As a retired Appellate Court Justice, Frank Bart, who served with Attorney General Clark, stated that everyone in the Attorney General's office during Justice Clark's tenure learned a great deal from him. He said they learned professionalism from Justice Clark. I regret that Justice Clark departed the Court, before I came onto it. In fact, I was elected to his seat on the Court and for the past nine-and-a-half years, I have occupied the room he lived in, and I enjoy the small refrigerator he left for me. Justice Clark was kind to me in other ways; it was he who would assign me to the appellate court from which my career spiraled, and I will always be grateful to him.

Justice Michael Bilandic also taught us many things. He had vast experience and insights into the workings of government, how government works, the relationship among the three branches of government, the need for preservation of the independence of each branch, and the needs of each branch. He authored Court opinions in several landmark cases. Other states have looked to those opinions he drafted for guidance. He was a brilliant lawyer, and we learned much from him. He was also tremendously popular. It seemed he knew everyone and everyone enjoyed him. As you may know, the *Chicago Daily Law Bulletin* profiles various judges several times each week, and two weeks ago the *Chicago Daily Bulletin* profiled a judge of the Circuit Court of Cook County named Robert B. Boharek. In his interview with the *Chicago Law Bulletin*, Judge Boharek stated something which I thought was quite amusing, and I want to share it with you today. In 1990, Judge Boharek ran as the Republican nominee for a vacancy on the Illinois Supreme Court. He ran against Justice Bilandic, who at that time was an Appellate Court Justice. In the interview, Judge Boharek said that he knew he faced an uphill battle in running against Mike Bilandic. He said,

and this is what I think is funny, he said, I quote, “I lost by more votes to Michael Bilandic than there are people in China.”

Justice Bilandic had a keen interest in sports, and he enjoyed watching and talking about sporting events and athletes. He enjoyed his almost daily walks with several members of the Court. His lovely wife, Heather, inspired him to service and display his artistic talents. Members of the Court and our staffs were frequently invited to see his works of art, which he displayed on his chamber walls. He was a gifted artist and photographer. He also became interested in the culinary arts. He told me that Heather, who was a gourmet cook and who baked such fabulous cakes for his birthdays and brought them to the Court for his colleagues, his staff, and his friends to enjoy, that she taught him to always go to the grocery store and purchase fresh ingredients before starting a recipe. When Court was in session in Springfield, he liked to eat his breakfast in the kitchen with our cook, giving her cooking advice rather than sitting with us at the dining room table; doesn't that sound just like Mike? Michael Bilandic excelled in everything he tried. He was a kind and compassionate man. He was concerned with the poor and the homeless, and he tried to help their condition by going to the McDermott Foundation Center or other agencies on Thanksgiving Day to assist in the packaging or serving of turkey dinners for the poor, the aged, the homeless, who came to the Center hoping for a turkey dinner in celebration of Thanksgiving.

Although they have left us to go to their eternal home and their eternal reward, both will be long remembered in the Supreme Court of Illinois, the institution they served so well. May memories comfort you, Rosalie and Heather and the other members of your families. Know that Mike and Bill were very proud of you, and you can take comfort in knowing that you made them so happy when they were here. At the wake and funeral services for my good friend, attorney Edward G. Proctor, a card was distributed, which in my opinion describes and befits our two Justices. The author is unknown, but the descriptions on the card are appropriate in this memorial service for Michael Bilandic and Justice Clark. I wish to share it now with you, “In the home they were kindness, in business they were honesty, in society they were courtesy, in work they were

fairness, toward the unfortunate they were sympathy, toward the weak they were help, toward the wicked they were resistant, toward the strong they were trust, toward the penitent they were forgiving, toward the successful they were congratulatory, and toward God they were reverent and obedient.” May they rest in peace. Thank you.

CHIEF JUSTICE HARRISON:

Thank you very much, Justice McMorro, for your very inspirational words. Our colleague Justice Thomas R. Fitzgerald would also like to present an open statement at this time.

JUSTICE FITZGERALD:

Thank you, Mr. Chief Justice, Chief Justice to be, Chief Justice emeritus, honored guests, particularly Mrs. Clark and Mrs. Bilandic. I have the honor today, I think, to speak for the four newer members of the Court. Justice Thomas and Kilbride and Garman and myself have been going through a now two-year-long introduction period, and I'd like to discuss with you one of those things that I believe are germane to today's proceedings. As we become a member of a Court such as this, our thought process begins to change from "I" to "we" because the Court never speaks as a single individual. It always speaks as the Court and always addresses itself as "we," and that has a remarkable effect on the relationships between the members of the Court. As you all know, it is common in courts such as this for us to refer to each other as brother and sister, and that is not an empty statement—it is a statement that clearly describes the relationship that exists between people who serve on a Court such as this. The more interesting thing is it includes far more than the seven members of the Court who sit here and have the privilege of sitting here today. It includes all of those who have gone before. Indeed, when we cite a case from the nineteenth century, we note what we said, not what that nineteenth-century Justice said. So, that "we" includes not only us but all those who have served, and to the retired Justices who are here today, my gratitude for your service.

The four of us never served with Justices Clark or Bilandic—we knew more of them than we knew them—and yet they are

in our family like big brothers. It is their examples and lessons that help us in our day-to-day duty. Indeed, in a very real sense under the doctrine of *stare decisis* we look to their learning and their language from years gone by. One of the first cases I had the honor of authoring on this Court was a case that really did no more than restate what Justice Bilandic had said just a few years before, but it's even more than the written word that we look to. I would like, in this brief time allotted to me, to focus in on two qualities of character that both of these men shared, and those qualities are courage and dignity.

In 1968, Justice McMorrow made reference to it, the then Attorney General Bill Clark, popular throughout the state, on the verge, many thought, of becoming Governor, took a position of conscience during the campaign relative to the war in Vietnam. It may have cost him the election, but it was an act of personal courage to do so and a lesson to us who serve today. When he then retired into private life, he did with dignity that led to his election to this Court in 1976. Justice Mike Bilandic, who I knew a bit personally, but knew a great deal publicly, was a veteran of the South Pacific; that's all he ever said. It wasn't until after he died that people like me and many people learned for the first time that he had been involved in the landings at Iwo Jima, an act of, at least from my perspective, extraordinary courage. To my knowledge, Mike Bilandic through his storied public career never sought one time to draw upon that experience, and that act of dignity matched completely the act of courage he had earlier displayed. It is proper today that we gather together to honor these two fine men, but I think it is equally proper that we express our gratitude and thanks for the lessons and legacies that was their private and public life. Thank you.

CHIEF JUSTICE HARRISON:

Thank you, Justice Fitzgerald, for your very appropriate remarks. At this time, we turn now to those who come forward today to offer personal tributes to Justices Clark and Bilandic. Our first speaker is the Honorable Allen Hartman, Justice of the Appellate Court.

JUSTICE ALLEN HARTMAN:

Mr. Chief Justice, Rosalie, Heather, honored guests, and friends of Mike Bilandic and Bill Clark. Most of us gathered here this afternoon knew Mike Bilandic quite well, but we knew him in many different ways. Each of us has our own memories of the man, and I am honored to have been asked to share with you a few of my personal recollections. Some of us knew him as a colleague on the Illinois Supreme Court or on the Illinois Appellate Court or were with him when he served as alderman and mayor of the City of Chicago. Some of us did double and triple duty with Mike in several offices, and I was one of those fortunate people. I would like to share my own views of Mike Bilandic the man. To me, Mike was a many-faceted individual, highly intelligent, highly imaginative, highly principled, and highly creative. He was always a diplomat, he was always amiable, and he had a great sense of humor. He always acted with honor and with decency. He was without pretense or guile, completely honest and candid. He was to me the personification of that old saw, "what you see is what you get."

Aside from his fit in the United States Marine Corps, Mike's public service began in earnest when he became a member of the city council of the City of Chicago as alderman representing the 11th ward. Anomalously, he actually didn't want that position in the beginning that so many others had sought, and he declined Mayor Richard J. Daley's many suggestions that he become the alderman, until, in Mike's own words, he had to say yes or else leave town, and he wanted to stay in town. I was first introduced to Mike in Corporation Counsel Dick Curry's office. I was then the first assistant, and Dick anointed me as ambassador from the corporation counsel's office to the realm of Alderman Michael A. Bilandic, assuring him that I would fulfill any of his needs in our office. I say realm because Mike's imagination and creative thinking knew no boundaries. He was intellectually curious about everything. More than that, he wanted to do something about the city's problems, which were many.

Two examples come to mind that illustrate his concern, both in the field of environmental protection. One day he came into my office lugging this great big brown briefcase filled with books and

wanted to talk about the eutrophication of rivers, lakes, and streams. I said, "Mike, what's that word?" "Eutrophication." "I want to get the dictionary. How do you spell it?" He knew how to spell it, and he knew what it meant. It meant the choking off of rivers, lakes, and streams, which led to their destruction by the over-abundance of plant life and poor water quality that was caused by the introduction of phosphates into the water. He wanted me to write an ordinance that would prohibit the use of phosphates in the detergents made for use in the City of Chicago. What I didn't know, Mike said I would find in the books that he brought me. He brought me a virtual library. Mike got his ordinance, and the corporation counsel got all the federal lawsuits that came with it, filed by manufacturing giants like Procter & Gamble, which claimed damages in the millions of dollars by reason of this ordinance. To my utter amazement, we won those lawsuits. Not only that, but other municipalities from around the country copied our ordinance.

Another environmental triumph came with Mike's interest of floating asbestos fibers, which were caused by spraying asbestos onto new building construction as fireproofing materials and the wrecking of existing buildings containing asbestos. Even one such fiber, he explained, ingested by breathing and embedding itself into the lungs of a workman or an employee or a resident could cause serious lung disease and death. He required of me another ordinance prohibiting the spraying of asbestos onto new construction sites and the moisturization of construction containing asbestos when being torn down. This ordinance also became another trendsetter for Mike in environmental regulation, and it too eventually became a model for the country.

Another interest of Mike's was the overhaul of city government, made possible by our then new 1970 Constitution. I had been appointed executive director to the Chicago Home Rule Commission in 1971, and I was extremely pleased to learn that Mike Bilandic, then still an alderman, had been appointed a commission member. Why was I so pleased? If you listen to these prestigious, powerful, and influential committees led by him: chairman of the committee on environmental control, chairman of the revenue subcommittee of the finance committee, ultimately becoming chairman

of the finance committee, vice-chairman of the committee on committees and rules, member of the committee on buildings, committee on zoning, committee on planning and housing, and to top it off he was Mayor Richard J. Daley's city council floor leader. Those areas of governmental activity were intricately involved in the very mandate of the home rule commission. He was a tremendous resource for ideas in just about every aspect of city government that we were studying. When our report was published, Alderman Mike Bilandic, a major force for good government in the city council, led the charge to have the recommendations transposed into law, and most of them were.

There was another talent possessed by Mike Bilandic, not often mentioned, and that was his ability to extemporize. There was a faction of the city council that needed to have their views aired on evening television news broadcasts, and they would reserve these comments until the late afternoon on council meeting day and use this time to excoriate the mayor or blast some city program being administered. The remarks were quite uncomplimentary, to say the least. Seeking audience growth, the news channels accommodated these speeches and these arguments. After a while the tactic was met with an antidote, and the person was none other than Mike Bilandic. At about four o'clock in the afternoon on such an occasion, when a faction of aldermen would raise their hands and ask to be recognized, Mike would raise his hand also, and the chair, Mayor Daley of course, for some reason always recognized the alderman from the 11th ward first. I can't recall the specific subjects that Mike chose to talk about, but let me give you a fictitious example. He would start off by saying "Mr. Chairman," as the mayor was then addressed, "my colleague from X ward complains about the fact that this proposal before us is untimely. I suggest we could not have waited for a better moment to consider this ordinance. Why, do you ask? Well, what is time after all? Ordinarily we think of time as a measurable period during which an action or process exists or continues," and Mike would go on and on and on and on for an hour to an hour and a half until the television cameras folded, and they left the council chambers, and then Mike could sit down.

I was a circuit judge by the time Mike became mayor of Chicago, after Mayor Richard J. Daley's death, and I didn't have a day-to-day contact with him during this period, but I do know that Mike approached this new challenge with great humility and appreciation for having had such a fine tutor and mentor as Mayor Daley the elder administering to the needs of a metropolis the size of Chicago. Mike loved being mayor, he was a very good one, catastrophic snowfalls to the contrary notwithstanding. Mike Bilandic was good for Chicago. He was the mayor who introduced the very popular, very successful, and much copied summer festival "Taste of Chicago." We also know that Mike was an avid runner and competed in marathons as well as several triathlons. He had to learn how to ride a bicycle to get into these races and how to swim better as well as run. He always would brag, wryly, that he always finished first in his class, the class of mayors and former mayors.

After Mike left the mayor's office and had been elected to the appellate court, I'd be walking with him to or from lunch and motorists would stop at traffic signals, and they'd beep their horn at Mike, and they would holler out, "Hey, Mayor Bilandic, how's the new job?" He always waved back to them and tell them it was, "Teeeeerrific." I once asked him if it bothered him to be addressed as mayor instead of judge, and he said no. His service as alderman and mayor gave him the greatest opportunity to improve, genuinely, the everyday lives of people in the community. Of course, this all came presumably before he became fully conversant with the potentials of judicial power.

Everyone that's heard about Mike's artistic talents, his marriage to Heather, who had been executive director of the Chicago Council on Fine Arts, no doubt had considerable influence on Mike's persona. As with everything else, what Mike did, he did thoroughly and he did well. He started with black and white photographs and color photographs, then pencil drawings, then water colors, then ink drawings and charcoal drawings. He did it all, and he was serious about this interest in art forms. He was a student at the Evanston Arts Center, the Art Institute of Chicago, and at Tree Studios. He once told me he wasn't the worst student in the class, and if worse came to worst and he decided to leave his legal profession, he could

always become a starving artist. I think he liked charcoal drawings best because this medium lent itself to one of Mike's philosophies, that often there are many shades of gray between absolute black and white.

My experience with Justice Mike Bilandic, after his election to the Illinois Appellate Court, illustrated to me his approach to problem solving and gradations of black, gray, and white. It was my privilege to serve with Mike in the same appellate division, the Second Division First District, and working with Mike on the court was pure pleasure. We could and did agree on many public cases, the resolutions of cases before us, but we occasionally disagreed. He was always willing to listen to competing points of view and analyze and discuss them. At the end of the day, we might continue to disagree on some issues but without becoming disagreeable. One could say that Justice Mike Bilandic was "Mr. Congeniality" of the appellate court for his time. There were never any instances that I could recall when we could not talk to each other and call upon each other's counseling, advice, or suggestions in resolving problems that arose from time to time. No one had a personal agenda, least of all Mike. It was a solid division with scholarship, lawyering, and ethical consideration at its highest levels. Coming to chambers each day, going to court, discussing legal issues, even non-legal issues, with judges like Mike Bilandic, made work a pure joy. The camaraderie we experienced was not that of trade-off or giving in for fear of offending, currying favor of a colleague, but that we could talk, even argue, openly, sincerely, among ourselves in order to effect the best, most defensible, and the ultimately just result.

One last and, to me, the most important quality possessed by Justice Mike Bilandic was the size and quality of his heart. It is ironic that his physical heart gave way before his philosophical heart did. He was both thoughtful of and kind to people almost to a fault. He extended his friendship and generosity by both word and deed to his colleagues, his associates, his friends, and even to strangers. I will cite four very short examples. I was a recipient, for example, of his one consideration when he came in unannounced to my mother's funeral—I didn't even know he knew about it—simply as an act of friendship. When he was the mayor, came to the hospital room

when I was operated on twelve years ago—just showed up, brought a book, shared a few laughs, and walked out. He once asked me for the name of my barber. He said his own barber was ill, he had to make an appointment, and would I do something to help. I said sure. He told me later that his barber Pat was 94 years old, didn't always make his appointments, and didn't always remember his appointments. I envisioned an aged man with shaking hands holding a razor to my dear friend Mike's neck. And I asked the obvious, I said, "Mike aren't you afraid?" and he said, "Well, you know, he's aging, he doesn't have many customers anymore. He would be hurt if I quit seeing him. Besides, he needs the money." Mike indeed kept seeing and supporting this aged barber until the barber passed on. The last example involved one of the mass swearing in ceremonies for new lawyers that we held up in Chicago. Mike's office received a call advising him that a young man scheduled to be sworn in that day had been involved in a serious accident and was hospitalized. After the morning ceremony at Arie Crown Theater was concluded, Chief Justice Mike Bilandic, unannounced, unheralded, went to the hospital where this young man lay and swore him in as the newest lawyer in Illinois. What a man, what a man. Assuming that what Matthew said is true that, "Blessed are the pure in heart, for they shall see God," then I am certain Mike Bilandic has a front row seat. Thank you.

CHIEF JUSTICE HARRISON:

Thank you, Justice Hartman, for your heartfelt remarks. We shall hear next from the Honorable William R. Quinlan, retired Justice of the Appellate Court.

JUSTICE WILLIAM R. QUINLAN:

Mr. Chief Justice, may it please the Court. Rosalie Clark, the rest of the Clark family, Heather Bilandic and the Bilandic family, distinguished guests, friends of Mike and of Bill. Today we honor two Justices of great distinction. The Court has asked me to speak in memory of Justice Michael A. Bilandic. Mike Bilandic played a significant role in my professional career, and I was most fortunate

to share a small part of his. Thus I am especially honored and privileged to have been asked by the Court to participate here today.

Justice Michael A. Bilandic was a statesman, a teacher, an artist, a lawyer, a jurist, a legislator, Chief Justice, husband, father, brother, and friend. Mike Bilandic was truly a man for all seasons. His life touched the greatest of men as well as the simplest. He treated all the same, with great respect and dignity. He was a decent, caring man who loved his wife, his son, and his family and was extremely proud of his Croatian heritage. I, too, was one of those people touched by Mike. My career in government and the Court were linked to Mike in several ways. I was Mike Bilandic's corporation counsel when he served as mayor of Chicago and had the opportunity to work with him during those years as he skillfully handled many crises such as strikes, a snow storm, and an El crash, just to name a few. Later as a trial judge, I tried the first asbestos case in Cook County. My decision and the verdict of the jury was subsequently challenged all the way to the Supreme Court. Justice Bilandic was the author of the opinion, which affirmed the case in my ruling in pushing the case to trial and resolving the disputes of the lawyers regarding the process. They had tried not to try this case, and it was forced to trial and ultimately diverted any sustainment.

I also personally experienced Mike as a mentor and teacher after I was appointed to the Illinois Appellate Court, where I served with him. I was part of a hearing panel with Mike and was assigned to write an opinion—it was my first major opinion. The case involved a products liability claim against a manufacturer of automobile tires. I worked very hard to draft that opinion, tried to ensure that it was inclusive of all of the issues involved and would appropriately present the analysis of the panel. My draft, unfortunately, was quite lengthy. I sent the draft to Mike and waited; after a short period Mike called me to his office and said he wanted to discuss the case. When I arrived, with some trepidation, Mike warmly invited me into his office and asked me to sit down. He told me he liked the opinion and then offered in his own way to make some suggestions to tighten the opinion and make it a bit more precise. Of course I was elated, but this was just Mike Bilandic, always a very kind,

thoughtful individual who tried to help you solve your problems. I do now believe that this was probably one of the better opinions I wrote in the entire time I was on the appellate court. I was also the beneficiary of many of his Supreme Court opinions, cases I presented and had the honor to present before this Court, winning many, and losing my share as well. Mike was always a friend and a colleague, but most importantly, he was a good judge who applied the law fairly and equally.

Mike Bilandic began, actively, his political career in 1969, and that was when he became an alderman for the 11th ward. This began Mike's long career in government and the courts. As an alderman, he was recognized as an effective legislator who was always well prepared. Soon after Mike's election, he became chairman of the city council's environmental committee. In 1974, Mike Bilandic was chosen by his colleagues to replace Alderman Keane as chairman of the powerful finance committee and as council floor leader. When I first met Mike in 1971, he was then the alderman of the 11th ward and the chairman of the environmental committee. I found Mike to be a most dedicated alderman who continually developed new ideas for legislation or changes in government. He was very hard working, inquisitive, and tenacious. His efforts, as we have heard today, and work were very successful and effective in passing new legislation to protect the citizens and the environment. As we heard, he passed legislation involving phosphates, pushed legislation on banning lead paint in Chicago, which is dangerous to the children of Chicago, and he was a pioneer in legislation to control asbestos use in construction.

Mayor Daley died on December 20, 1976. There was no provision or process for an immediate successor. Indeed, his death had caused a vacuum since the only process available was for succession by election of the city alderman as active mayor. Mike ran against numerous other colleagues. He ultimately succeeded and was selected as acting mayor. Any new mayor would have found it very difficult to succeed Mayor Daley and fill the shoes of a six-term mayor. These were big shoes to fill. Nevertheless, Mike Bilandic handled the transition very well. As corporation counsel, I was privileged to work with Mike during that time, and I can assure

you Mike began that transition as soon as he had taken the oath on December 28, 1976.

In his own sure and delivered style, Mike did not avoid any challenge but confidently took up the issues and initiatives that Mayor Daley had begun and initiated. During his two-and-a-half years in office, Mike organized, as you heard, the first Chicago-Fest, which was the predecessor to today's Taste of Chicago in Chicago. He arranged for city insurers and low-interest mortgage loans for low-income families. He lent his political support and his ability as a runner to the first Chicago marathon, which has continued every year since then and is now one of the great marathons in the world. In fact, Mike ran the first marathon the day before, and he did this to assist the people who were running it to determine whether there were any hazards in the course. This, of course, was consistent with two of Mike's great loves, running and the City of Chicago.

Mike's years in office saw him personally grow as well. His first year he married his wife Heather. It was one of the most noted social events of that year. Also during the years he served as mayor, their son Michael was born. Mike's years as mayor were also very tumultuous. There were numerous labor stoppages, a CTA crash, and a record snowstorm. Within a month of Mike's swearing in as mayor, he had to face strikes by gravediggers. Both the cemetery owners and gravediggers ultimately sought the expertise of Mike in resolving their matters. Bodies had begun to pile up waiting to be buried, and after a twelve-hour-long negotiating session, Mike was able to negotiate a new contract and resolve that dispute. Another dispute arose in February 1979, when members of the Lyric Opera threatened to withhold their services. With only hours left before the season was to be canceled, Mike was able to negotiate a resolution to that dispute. On another occasion, a dispute arose between the butcher's union and management of various food stores in Chicago. The union notified the stores that fresh meat would not be sold after 6 p.m. Fortunately, this dispute also was resolved through the efforts of Mike Bilandic and the mayor's office.

On February 4, 1977, one of the worst train crashes in Chicago transit history occurred during Chicago rush hour. An elevated train struck the rear end of another train as the first train rounded the

turn on the El tracks at Lake and Wabash Street. On impact, the lead train car jumped the rails, plunging twenty feet to the pavement below, dragging the next three cars with it. Twelve people were killed, and 180 people were injured. As confusion and fear abounded, many passengers were rescued by Chicago fire and police officers. Mike Bilandic was on the scene personally and supervised the relief and rescue efforts, comforting many of the victims himself. No mayor, before or since, has been tested with as many significant crises in such a short period of time.

Mike also was there for the greatest, if not the worst, snow-storm in the history of the City of Chicago. A total of 35 inches of snow bombarded the city in a two-week period of time. It snarled traffic in the city with buried autos, blocked streets, transportation problems, and tied up O'Hare. Mike continually worked with city department workers and heads of departments to clear the snow from the street, free the autos, and get back to work. The program eventually worked and in fact later became a model for the rest of the country. Unfortunately, it didn't work fast enough for the public. Mike lost the primary election that year.

Although Mike's time as mayor had been a stressful time, Mike handled stress with great stability. He never became rattled and addressed each crisis with the same professionalism he demonstrated in every other challenge he had faced. Mike did not dwell on the loss of the 1979 mayoral race. He went back to the practice of law. He did not despair but took this as an opportunity to grow and move on to other endeavors, which took him to perhaps his greatest triumph, that of election to the appellate court and ultimately the highest court of this state. Any lesser man could have been crushed by these events, but Mike Bilandic took it all in stride and saw each challenge as an opportunity.

Nearly five years after departing from city hall and without any party backing, Mike ran for and won election to the Illinois Appellate Court. Mike quickly developed a reputation as a solid and thoughtful jurist who was known for his carefully drafted and precise opinions, as I found out later. When he ran for Illinois Supreme Court, he received no campaign contributions and instead personally funded his own campaign. In 1995, he was selected Chief Justice

by his colleagues. During his time on the Court, Mike's extensive background and expertise in government was reflected in many of his opinions, where he was noted for his attention to the issue of separation of powers and his respect for the executive and legislative prerogatives. Although Mike may not be with us physically anymore, he nevertheless continues to speak to us through his work. While it is not possible for us yet to measure the depth and legacy he has left behind, we can and do salute his great contributions to law and justice, to government, and to the people of Chicago and the great state of Illinois.

While on the Supreme Court, Justice Bilandic authored more than 225 opinions and reviewed a thousand more during his time. Additionally, he wrote hundreds of other decisions while serving on the Illinois Appellate Court. One of Justice Bilandic's most important decisions on the Supreme Court was a 1997 opinion in *Johnson v. Edgar*. In that opinion, Justice Bilandic was highly critical of what had arisen as a common practice in the Illinois General Assembly of rolling numerous unrelated measures into a single bill to obtain passage. Writing for the Court, Justice Bilandic struck down the law passed by the General Assembly because it violated Illinois's Constitution against bundling the numerous subject matters into one piece of legislation. His opinion initiated the Court's doctrine regarding the single-subject rule, which led to the overturning of several legislative enactments in the mid-90s and continues to influence the basis for many opinions today.

In 1999, Mike authored *Petrovich v. Share Health Plan*, which held HMOs may be held vicariously liable with negligence of independent contracting physicians. Patients were entitled for the first time to sue the HMO for a physician's negligence. Mike also later wrote, in 2000, an opinion in *Jones v. Chicago HMO*, which ruled that health maintenance organizations would also be held liable for negligence involving patients' medical care. This decision enabled patients to sue the HMO for institutional negligence. Both of these decisions created a watershed for patient's rights on their HMO programs. Another important decision resolved a clash of rights between grandparents and parents, concerning the grandparents' right of visitation with their grandchildren. Justice Bilandic

authored the opinion in the Court for *Lulay v. Lulay* in 2000. Justice Bilandic wrote that the state's grandparent visitation statute was unconstitutional, but he nevertheless noted, "We are not unsympathetic to the plight of the grandparents"; "nevertheless we cannot allow the state to use its power to impose its judgment that visitation may be better for grandparents over the decision of fit parents."

Mike Bilandic has been, as you heard today, described as a multi-dimensional man of great intellect and a keen sense of humor. He was indeed intellectual, but one who applied common sense to his intellectual judgments. Mike served in all three branches of government, served each with honesty and integrity. Mike was kind and considerate, very conscientious, hard working, and always willing to listen to other points of view. In short, he was an outstanding lawyer and an exceptional judge. Mike's contribution to the courts and the profession were great, but as Justice Ward of this Court once noted at a memorial to another justice, "In our society there are no monuments to commemorate the services of judges and lawyers." He also observed St. Paul's in London, which was the finest creation of the great architect Sir Christopher Wren. We have no monument or sculpture, either, to honor Wren's genius, but there was inscribed in the center of the floor at St. Paul's these words: "If you search for and if you must have a monument, look about you." Thus, to apply Justice Ward's analogy here, to find a monument to Justice Michael Bilandic we need only look about us, at the records of the City of Chicago, the decisions at the appellate and Supreme Court, where his services were recorded for all to see. Mike's service within the profession of the Court he loved and served so well are all around us and live as long as these great institutions live themselves. Thank you.

CHIEF JUSTICE HARRISON:

Thank you, Justice Quinlan, for your insightful remarks. Next, it is my pleasure to introduce the Honorable Philip J. Rock, former President of the Illinois State Senate.

SENATOR PHILIP J. ROCK:

Mr. Chief Justice, Madam Chief Justice elect, Justices of this

Court, Rosalie and the Clark family and Heather and the Bilandic family, elected officials, distinguished guests, ladies and gentlemen. I truly thank the Court and the Clark family for the opportunity to participate in this memorial service. I stand before this Court humbled but privileged and grateful for the opportunity to say a few words in praise of this great man and distinguished jurist. To speak really on behalf of all of us who were fortunate to have been touched by him in his lifetime. What is said will add no luster to his name, for his work through a lifetime of public service in all three branches of Illinois government set the standard of excellence for the rest of us to follow in the years to come.

Our great men are common property of the whole state. William G. Clark was and is the property of all of Illinois, and we all share in the family's loss. In 1962, well prior to any federal civil rights acts, the NAACP in Cairo, Illinois, said of then Attorney General Clark, "We regard the opinion of Attorney General Clark concerning the public character of the Cairo swimming pool to be completely consistent with the highest public interest." And that, I suggest to this Court, has been the hallmark of Bill Clark's entire career: in the "highest public interest."

Bill Clark graduated from DePaul and was admitted to practice in 1947. He was appointed by Governor Stevenson as a public administrator of Cook County and then was elected to the Illinois General Assembly, where he served in both the House and Senate, returning to the House to serve as majority leader of the 71st General Assembly. Bill Clark was elected Attorney General of Illinois in 1960 and reelected in 1964, and under his leadership that office truly became, for the first time in our state, that of the people's lawyer. Environmental protection, consumer fraud, and charitable trusts were just some of his far reaching initiatives that to this day endure.

Bill Clark grew up in a household that revered and respected government and politics. In 1968, as the Illinois Democratic Party's candidate for the United States Senate, as Justice Fitzgerald pointed out, Bill Clark called on the President of the United States and the national party leadership to halt the bombing of Vietnam. I quote, "We have taken so many risks for war, can we not take this one risk for peace," and that's what Bill Clark said, and that's what the 1968

Democratic Party platform reflected, at his insistence. In 1976, after a period as senior partner at the prestigious firm of Arvey, Hodes & Mantynband, he was elected to the Illinois Supreme Court and then elected as Chief in 1985, and he served this Court until 1992. He had received national and statewide recognition, honorary degrees and awards—frankly, too numerous to relate.

His judicial opinions, as you know best, are well read and highly regarded, spread through 88 volumes of the *Illinois Reports*. Those opinions reflect his fundamental instinct for fairness, his ability to make the right decision and his concern and compassion for those less fortunate. Those opinions reflect that he has been faithful to the law, unswayed by partisan interests, public clamor, or fear of criticism. Truly, his entire public life has been in the highest public interest. Finally, let me suggest, as I look out in this audience to see his family—wife Rosalie, daughter Merrilee, sons Bill, Don, Robert and John, all the spouses, the grandchildren, brothers John and Don—the part of Bill Clark’s legacy to the people of Illinois is the legion of young and not-so-young lawyers he hired and mentored and for whom he served as a role model. Many are here today, judges, teachers, legislators, litigators, political activists, elected officials, pro bono advocates, private practitioners, all proudly known as Clark alumni, fulfilling their responsibilities in the highest public interest because of Bill Clark. One of the great poets wrote that one must wait until evening to see how splendid the day has been, and we who are fortunate enough to be his friends can take comfort in the fact that William G. Clark, in the full evening of his life, surrounded by his beloved wife and family, his judicial prowess and integrity unchallenged, his mind and his heart clear and strong, could look back on his life and say the day has indeed been splendid. So say we all, Mr. Justice. I thank the Court.

CHIEF JUSTICE HARRISON:

Thank you, Senator Rock. Our final tribute will be presented by Mr. William G. Clark Jr., one of Justice Clark’s sons.

MR. WILLIAM G. CLARK JR.:

Mr. Chief Justice Harrison, honorable Justices of the Illinois

Supreme Court, Mrs. Bilandic, mother, distinguished guests, and family. When I saw my name on the list of speakers for today's event, I telephoned my mother to ask her advice and get some ideas regarding the content for my anticipated speech. Being a wife of a long-time politician, the first question my mother asked was "Who else is on the program?" I informed her that the first speaker would be the Chief Justice of the Illinois Supreme Court, the Honorable Moses Harrison; second speaker would be Illinois Supreme Court Justice Mary Ann McMorro; followed by Supreme Court Justice Thomas Fitzgerald. The next speaker that was listed on the program that I received would be Appellate Court Justice Allen Hartman; followed by retired Appellate Court Justice William Quinlan; after Justice Quinlan, Honorable Phillip Rock, former President of the Illinois Senate was scheduled to speak; and finally after Senator Rock, it would be my turn. After I provided her with that information I said, "So, mother, what do you think, what should I say?" There was a long silence on the other end of the telephone, and her response to me was, "Well son, that's gonna be one tough act to follow."

One of the outstanding qualities that made my father a good judge was his strong sense of independence. He would do what he thought was right even if it was the unpopular thing to do. My father's strong sense of independence was clearly demonstrated in the spring of 1976 when he decided that he would become a candidate for the Illinois Supreme Court in the Cook County Democratic primary election. My father decided that he would run for that office with or without the support of the regular Democratic Party of Chicago. As it turned out, the regular Democratic Party did not endorse my father's candidacy in the primary election. Based upon past history, his odds of winning were remote. A less independently minded person would never have attempted to run for that office.

No judicial candidate had ever successfully run without that endorsement before. As a result my father was clearly the underdog in that primary race, and political experts had given him virtually no chance of success. What the experts had forgotten, however, was that my father was born and raised in a political family and a veteran of fourteen previous elections in the State of Illinois. As a result, he

had his own built-in group of campaign workers consisting of family and friends that would rival the regular Democratic Party of Chicago if not in sheer numbers, at least in dedication and commitment. Many of those same people are here in the room today and no doubt vividly recall working in that campaign until all hours of the morning, distributing Clark candy bars at shopping centers, churches, and train stations; licking envelopes until their tongues were numb; and sending friends out to everyone they knew.

The primary election took place on St. Patrick's Day in 1976, and out of 402,129 votes that were cast, my father received 279,129 or 70 percent of the total; it was an unprecedented victory. Two days later in the March 19, 1976, edition of the *Chicago Tribune*, the editorial page headline read, "Voters Win A Judicial Race" and described the campaign as an historic event and meaningful primary victory. For the first time in modern history, a judicial candidate won a primary election without the endorsement of the regular Democratic Party. Without a strong sense of independence, my father never would have run in that election, and he maintained that sense of independence during his entire career as a Supreme Court Justice.

By the time my father retired, after nearly sixteen years on the Supreme Court, he had authored 524 majority opinions and 224 dissents. In most of those cases, my father served as an advocate for the underprivileged and disenfranchised members of society. He became a spokesman for compassion and mercy. I can recall during those years that my father's briefcase would be overflowing with petitions for leave to appeal. He truly enjoyed reading those briefs, and he had an uncanny ability to cut through all of the conflicting, complicated legal issues and arrive at a decision that was fair and sensible. My father loved being a member of the Illinois Supreme Court. Springfield became his second home. He enjoyed late-night gin rummy games with the fellow Justices. He had fun talking about crappie fishing with the night watchman and delighted in receiving homegrown tomatoes and green peppers from the Supreme Court elevator operator. His law clerks became members of our extended family, and I can remember my mother becoming just a little bit jealous when my father would tell her about the special homemade

cookies that Ruth, the Supreme Court cook, would prepare for the Court on special occasions.

Upon his retirement in December 1992, my father had completed 32 years in public service, not only as a judge but also as a member of the Illinois House of Representatives, the Illinois Senate, and as the Illinois Attorney General. Of all his elected offices, however, he was happiest being on the Illinois Supreme Court. If he had remained healthy, he probably never would have retired. My father was very loyal to his friends, and they were equally loyal to him. His inner circle of politicians, lawyers, and judges, as Senator Rock mentioned, affectionately referred to themselves as the Clark alumni. They would meet several times a year at O'Brien's Restaurant in Chicago, and they would trade stories and discuss politics. My father would sit at the head of the table and kept everyone's undivided attention with his wonderful stories.

One of the many stories that my father loved telling involved his favorite leisure-time activity, fly-fishing. As the story goes, in the year 1960, he took a fishing trip to the Arctic Circle, and while fly-casting on an unnamed stream flowing out of Great Bear Lake, far into the wilderness, he caught two Arctic grayling on a Royal Coachman drive fly. He described them as beautiful with deep vibrant blue and dark green colors. On the day of his catch, he decided they were such magnificent fish he would bring one home and have it mounted to hang on the wall of his office. Because he and his fishing companions were hungry, they decided to cook and eat the second one for dinner. To my father's surprise, the fish he brought home to have mounted turned out to be the largest Arctic grayling that had ever been landed on a dry fly up to that point in time and was certified by *Field and Stream Magazine* as an official world record catch. To this day, the world-record fish, along with the certification from *Field and Stream*, hangs on the wall of my father's home office. Now for most fisherman, having a certified world record catch would be a good enough story, but not for my father. In fact, whenever he told the story, he always mentioned that on that particular day he caught two grayling, the one he had mounted was a world record catch, but as the story goes, the one he and his companions had for dinner was nearly twice as large.

My father loved to help young people. About three weeks ago, I received a telephone call from a young man who said his name was Larry Polecki. He told me that he found my number in the Sullivan's Directory of Lawyers, and he asked me if I was the son of a retired Illinois Supreme Court Justice who had been hospitalized last summer at the Northwestern Rehabilitation Institute. When I asked him to tell me why he was looking for my father, he informed me that he was a college student in his last year at Purdue University. During the break from school last summer, he said he worked as an intern at the Northwestern Rehabilitation Institute and had gotten to know my father while my father was a patient there. Larry said that he worked the night shift, and because my father had a hard time sleeping they would have long conversations that would last sometimes all night and into the early morning hours when Larry's shift would come to an end. During those discussions, my father told many interesting stories about his career as a lawyer and a judge. He also encouraged Larry to apply to law school after his graduation from Purdue, despite the fact that Larry said he would not be able to afford the tuition. This young man wanted my father to know that he had taken his advice and submitted his application to Valparaiso Law School. Along with the application, Larry submitted a written essay describing the conversations he had with my father at the Rehabilitation Institute last summer. He was very disappointed to learn of my father's death because he wanted to tell my father that not only was he accepted to law school but also that his essay describing the late night reflections of my father's legal career was so outstanding, he was awarded a full tuition scholarship. My father would have been very happy and proud to know that even at the end of his life he had such a positive impact on a young person.

Nearly seven years after my father's retirement, Steve Neal of the *Chicago Sun-Times* described his service to the people of the State of Illinois as having set the standard for leadership in three branches of government and as putting principles before politics. He also described my father as a strong and influential voice for constitutional rights, judicial reform, and the independence of the judiciary. Steve Neal's flattering comments describe my father's professional career, but on a personal level, he was a loving and

affectionate companion to my mother, an exemplary father to his five children, adored and revered by his eleven grandchildren, and admired and respected by his many loyal friends and associates.

On behalf of my mother Rosalie Clark, my father's constant companion of more than 54 years, my father's two brothers John and Don, my sister Merrilee, my brothers John, Donald, and Robert, all of our spouses, children, cousins, family members, and friends of the Clarks, I sincerely thank Justice Moses Harrison and the entire Illinois Supreme Court for the honor that you have bestowed upon my father and our family. Thank you.

CHIEF JUSTICE HARRISON:

Thank you, Mr. Clark, for those warm words in honor of your father. The tributes bestowed on our late colleagues this afternoon are a powerful reminder of the value of lives well spent. Their eloquence, however, only hints at the loss we have suffered by their absence. The void that comes with the passing of all great men has come again with the loss of Justice Clark and Justice Bilandic. They shall be missed.

Madam Clerk, the memorial services presented here today are to be spread of record and memorialized in the *Illinois Reports*. In addition, transcripts of these proceedings are to be presented to Mrs. Clark and Mrs. Bilandic as a token of this Court's gratitude for the invaluable contributions their husbands have made, not only to the judiciary, but to the people of the State of Illinois. Finally, I would like to remind everyone that a reception will be held in the old appellate courtroom immediately after this ceremony concludes. You are all welcome, and I hope that you all attend.

