

1986

## Forewords

James R. Thompson Governor  
*Governor State of Illinois*

William G. Clark Chief Justice  
*Illinois Supreme Court*

Michael J. Madigan House Speaker  
*State of Illinois*

Follow this and additional works at: <http://lawcommons.luc.edu/lucj>

---

### Recommended Citation

James R. Thompson Governor, William G. Clark Chief Justice, & Michael J. Madigan House Speaker, *Forewords*, 18 Loy. U. Chi. L. J. 311 (1986).

Available at: <http://lawcommons.luc.edu/lucj/vol18/iss2/2>

This Prefatory Matter is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Loyola University Chicago Law Journal by an authorized administrator of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

## Forewords

*Governor James R. Thompson\**

Allow me to commend you for your tireless efforts in compiling the first annual *Illinois Law Survey* published in the *Loyola Law Journal*. I am certain that the *Survey* will prove to be an invaluable resource for the legal community throughout the state and will further the understanding of Illinois law throughout the country.

During the *Survey* period—July of 1985 through July of 1986—the General Assembly and I considered a wide variety of legislative initiatives. The issues ranged from tort reform and solid waste management to increased penalties for driving under the influence. These laws will have a profound effect upon the people of Illinois for years to come.

The Illinois Constitution gives me the authority to sign and veto legislation. Illinois also provides me with the amendatory veto to change specific language within a bill. I personally review each piece of legislation that the General Assembly approves and I will not allow a bill to become law without my review. Yet I cannot perform this function without keen and cogent analysis of what we have enacted in the past. It is this analysis, which resources such as your *Survey* provides, that can assist me in my review.

---

\* Governor of the State of Illinois since 1977. University of Illinois, Washington University; J.D., 1959, Northwestern University.

*Chief Justice William G. Clark\**

As a candidate for retention in this last election, I have given a great deal of thought to my last ten years on the Illinois Supreme Court. The last decade has been both challenging and rewarding.

There have been some very significant changes in the law of Illinois since 1976 when I took office. This issue of the *Loyola Law Journal* reviewing Illinois law in fourteen substantive areas should be of great assistance to students, practicing attorneys, and judges.

When speaking at the Illinois Judicial Conference in September, I reviewed what I believe to be some of the most significant changes in the law of Illinois since 1976. For instance, in the area of negligence, with the case of *Alvis v. Ribar*,<sup>1</sup> Illinois adopted comparative negligence in its pure form and abolished the common law doctrine of contributory negligence. With that opinion, Illinois became one of the thirty-seven states to adopt some form of comparative negligence. The adoption of comparative negligence was a striking departure from past precedent in Illinois.

In *Kelsay v. Motorola, Inc.*,<sup>2</sup> our state, for the first time, recognized a cause of action for retaliatory discharge. The court in *Kelsay* believed that it was necessary to recognize this cause of action to insure that the public policy behind the enactment of the Workers' Compensation Act was not thwarted.

In *Torres v. Walsh*,<sup>3</sup> we held for the first time that the doctrine of *forum non conveniens* may be applied on an intrastate basis. In *Elliot v. Willis*,<sup>4</sup> we held that loss of consortium was compensable as a pecuniary injury under the Wrongful Death Act. In *Redarowicz v. Ohlendorf*,<sup>5</sup> Illinois became the fifth state to extend the implied warranty of habitability to subsequent purchasers of new homes. These are just a few of the significant changes that have taken place in the civil law area since 1976.

There also have been many significant opinions in the criminal law area. For example, in *People ex rel. Carey v. Cousins*,<sup>6</sup> the Illinois Supreme Court held for the first time that the Illinois death

---

\* Chief Justice of the Illinois Supreme Court since 1985. Loyola University, University of Michigan, Michigan State University; J.D., 1946, DePaul University.

1. 85 Ill. 2d 1, 421 N.E.2d 886 (1981).
2. 74 Ill. 2d 172, 384 N.E.2d 353 (1978).
3. 98 Ill. 2d 338, 456 N.E.2d 601 (1983).
4. 92 Ill. 2d 530, 442 N.E.2d 163 (1982).
5. 92 Ill. 2d 171, 441 N.E.2d 324 (1982).
6. 77 Ill. 2d 531, 397 N.E.2d 809 (1979).

penalty statute, which gives the prosecutor discretionary authority to request a death-sentencing hearing, is constitutional and violates neither the separation of powers provision of our constitution nor the United States Constitution. In *People v. Kubat*,<sup>7</sup> we held that the Illinois death penalty statute provides for adequate comparative review, insuring that sentences of death will not be imposed capriciously or arbitrarily.

Another important case in the criminal area is *People v. Almo*,<sup>8</sup> in which we held that a trial judge who receives verdict forms from a jury finding a defendant guilty of both murder and voluntary manslaughter for the same conduct acts properly in refusing to accept the verdicts and in submitting new verdict forms to the jury with clarified instructions. Also in *People v. Donaldson*,<sup>9</sup> this court held that the intent behind the Illinois armed-violence statute is not to permit multiple convictions based on a single act, but only to increase the penalty when a felony is committed with a dangerous weapon. These are just some of the important decisions in the area of criminal law that significantly have altered the law of Illinois.

*Loyola Law Journal's Illinois Law Survey* will review important supreme court and appellate court decisions from July 1985 through July 1986. Accordingly, it will be a more comprehensive review of Illinois law for that period of time, and I am certain it will serve as a great learning tool.

It is with great enthusiasm that I look forward to the next ten years on the Illinois Supreme Court. I hope that the coming decade will be as rewarding and significant, professionally and personally, as the last.

---

7. 94 Ill. 2d 437, 447 N.E.2d 247 (1983), *cert. denied*, 464 U.S. 865 (1983).

8. 108 Ill. 2d 54, 483 N.E.2d 203 (1985).

9. 91 Ill. 2d 164, 435 N.E.2d 477 (1982).

*House Speaker Michael J. Madigan*

It is with great pleasure that I submit this foreword on behalf of the legislative branch of Illinois state government for inclusion in *Loyola Law Journal's* first annual *Illinois Law Survey*. I believe this *Survey* will greatly serve the legal community. This issue will enable attorneys to keep abreast of some of the most important legislation from the recent term.

During the recently concluded 84th General Assembly, almost 6,000 bills were introduced. 1467 of those bills have become law. The volume of legislative bills and enactments highlights the continuing complexities of modern life in Illinois, and the fact that the legislature has become an institution that society relies upon to simplify those complexities. Indeed, few areas of everyday life are left untouched by the legislative process. With so many changes occurring in Illinois' statutory law, the need for a medium to keep attorneys informed of these legal developments cannot be overstated.

Not only are attorneys involved in the formation of new legislation, the public also plays a vital role in the legislative process. For example, legislation often is introduced to address perceived deficiencies in the existing law or to create new opportunities for the continued economic and social advancement of the State of Illinois. Changes in law which address some of these deficiencies or opportunities inevitably reveal inconsistent laws that then must be changed. Thus, legislation is introduced in a subsequent session to address those needs. Some examples of successive legislative changes over the past few years include educational reform, economic development, workers compensation, transportation, health care, child abuse, and unemployment insurance. These developments have been facilitated by extensive public involvement. Only with such involvement could the legislature make informative responses to contemporary problems. This participation is appropriate as members of the public are the ultimate recipients of legislative action.

Most recently, the 1986 session of the 84th General Assembly was virtually dominated by the liability insurance crisis and its collateral issue of tort reforms. Appropriately, an entire *Survey* article has been devoted to that topic. During October 1985, the House of Representatives passed House Resolution 831, which created a joint task force to study and analyze liability insurance costs. The task force then held twelve statewide hearings during February

1986. The Senate also established a select committee on insurance affordability and availability, which committee also held meetings in Chicago during the month of February.

These series of meetings reiterate my previous comments concerning the importance of the public's role in the legislative process. With the assistance of the public, the task force was able to compile the information required for the legislature to ultimately forge a conference committee report to Senate Bill 1200 to address the liability insurance issue. Along with changes in the common law doctrine of joint and several liability and modifications in comparative negligence, the tort reform legislation also includes changes in punitive damage claims. As an indication that the liability insurance issue may possibly require additional consideration, the Governor has called a special session of the General Assembly to run concurrently with the 1986 fall veto session.

In closing, I wish to express my gratitude to Loyola University School of Law and *Loyola Law Journal* for the opportunity to submit this foreword on behalf of the Illinois General Assembly. I am sure this issue will prove to be a valuable resource concerning legal developments in Illinois.

