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In Memoriam Justice James A. Dooley

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IN MEMORIAM

JUSTICE JAMES A. DOOLEY

HON. WILLIAM G. CLARK*

Jim Dooley's contribution to the esteem of the legal profession and to the development of Illinois law are 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 an indomitable personality, of an unyielding liveliness. For if there was an enduring quality Jim possessed and which impressed all, it was 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.

He possessed, in what seemed like an abundance, the five qualities he deemed basic to holding judicial office: experience, independence, integrity, and decisiveness and common sense. His experience is recorded in volumes of reporters, scholarly journals, persuasive briefs, and last year in his three-volume *Modern Tort Law*. It is memorably marked in the trial and appellate fora of this State. His independence is readily observable in cases he argued and opinions he wrote; he feared not to tread 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 to work fewer hours. He seemed to work endlessly. True, he was, to the end, avidly athletic and perceptibly healthy; but he loved the law. This was his life's work. So we all benefitted by this apparent lapse.

Jim's prodigious 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 services to non-profit organizations and institutions

* Associate Justice, Supreme Court of Illinois. Remarks made at memorial for Justice James A. Dooley, Illinois Supreme Court, Springfield, Illinois, September 25, 1978.

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. 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. He was an eclectic: his writings displayed literary analogy and frequent historical reference. (Coke, Blackstone, Holmes and Cardozo were favorites.) In short, Jim generated excitement. Indifference was an impossible luxury when he was around—and when he wasn't. So even now, though his memory includes sadness over his loss, it ironically induces vivid images of excitement, enthusiasm, contrariness, adaptability, decisiveness, candor, humor.

We miss him.

JUSTICE JAMES A. DOOLEY

PHILIP H. CORBOY

Memorializing Mr. Justice James A. Dooley, who served on the highest tribunal in this State's judicial structure from 1976 to 1978, reminds me of my first acquaintance with him. In the Spring of 1948, as a student in my third year of law school at Loyola University, I had the responsibility of presiding at a Phi Alpha Delta law fraternity function. My duties included introducing Mr. Dooley, who was a former justice of Webster Chapter of the fraternity. Although he was then less than eleven years out of law school, his talk to the embryonic lawyers—class of 1949— was hypnotic.

His economy of words, his enthusiasm, his belief in the subject matter, his competence, his intelligence, his persuasiveness, were all patently *there*. Remarkably, in this same man in juxtaposition to these attributes of the trial lawyer were manifest those of sincerity, honesty and humility. He did not patronize the unsophisticated law students; he spoke neither over their heads nor down to them. In delivering his version of trial tactics in a personal injury lawsuit, he "rapped" with them and they understood him.

I was next exposed to this charismatic advocate when I listened to him give a final argument in the then famous case of *Smith v. Illinois Central Railroad*, which was eventually reported in *Smith*