

Roy J. Solfisburg Jr.
1960-1969

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A lifelong Aurora resident, Roy John Solfisburg Jr. was born in the city on September 9,



1916, the son of Roy J. and Helen Solfisburg and grandson of Christopher and Elizabeth Love Solfisburg.¹ Roy Jr. attended local schools and graduated from East Aurora High School. After attaining his law degree from the University of Illinois in 1940, he joined his father's Aurora law firm and during World War II served as a lieutenant in the United States Navy.² He and his wife, Edith Squires of Marietta, Ohio, would become the parents of three daughters and two sons.

Solfisburg served as Aurora corporation counsel from 1949 to 1953, a commissioner of the Illinois Court of Claims from 1953 to 1954, then as Master in Chancery of the Kane County Circuit Court.³ Politically active, he for a time was a Republican precinct committeeman and Kane County Republican party chairman. Elected to a circuit court vacancy, Solfisburg won election to the position in 1956. "Lawyers say that Judge Solfisburg is methodical," wrote a local newsman, "knows constitutional law, and that he justified selection by others judges of the circuit as chief judge by excellent administration of the 16th Circuit's technical housekeeping." A year later the state Supreme Court justices appointed him a judge of the Second District Appellate Court.⁴

In 1960, Solfisburg defeated incumbent Charles H. Davis for the Republican nomination for the Sixth District Supreme Court seat. Then, demonstrating what a local newspaper reporter termed “a master politician’s knack,” Solfisburg won a decisive victory over the Democratic candidate, Rockford trial lawyer B. Jay Knight.

Solfisburg began his Supreme Court tenure in June 1960 and was Chief Justice during the 1962-1963 term. In a 1966 case, *People ex rel. Conn v. Randolph*, the Court considered the case of several attorneys seeking expenditure reimbursements from the State of Illinois, represented by Director of Public Safety Ross Randolph. They were appointed to defend four prisoners alleged to have murdered three guards during a riot at a state prison in Randolph County. Although all of the attorneys resided in the southern-Illinois area in which the crime occurred, the Randolph County Circuit Court granted a change of venue to Sangamon County, approximately 150 miles distant. Those appointed attorneys, including David N. Conn, petitioned the Supreme Court for reimbursement above the statutory \$500 compensation per defendant in a capital case. The attorneys contended that during the three-month trial, they lodged at their own expense and incurred significant costs in preparing the defense. The trial court had approved reimbursement of their itemized statements totaling approximately \$31,000, but the treasurers of both Sangamon and Randolph counties stated that “there were no funds” to cover the payments.

“Never before in the history of the State of Illinois has Court appointed counsel been asked to devote so much time, energy, incur so many expenses, and to expend so much of their own personal funds for the defense of any indigent persons in a trial of such lengthy duration and complexities,” Solfisburg wrote in compelling the Department of Public Safety to cover the reimbursements from its fiscal appropriation. “We hold that upon the record presented here the

petitioners are clearly entitled to payment of their costs and fees forthwith, as ordered by the trial court. A permanent solution of the problem presented is an appropriate subject for the legislature.”⁵

In 1967, fellow Justices elected Solifsburg to a three-year term as Chief Justice. He delivered the Court opinion in a noted product liability case, *People ex rel. Gen. Motors Corp. v. Bua*. The plaintiff had claimed injuries resulting from a defective tie rod on a 1961 model Corvair, manufactured by General Motors. In a pretrial discovery order, Cook County Circuit Judge Nicholas J. Bua directed the company to produce voluminous records of model years 1960 through 1965, to determine whether the Corvair was negligently designed and manufactured. When General Motors had not produced the discovery documents several weeks later, Bua held the firm in contempt and entered a default judgment of liability as a sanction for failing to comply with his directive. General Motors appealed to the state Supreme Court, which determined Bua’s pretrial discovery order as too broad.

“We think that it was an abuse of discretion to order the production of complete records for Corvair model years through 1965 in the absence of a showing of relevancy or materiality,” Solifsburg wrote. “Although we have determined that the production orders in this case were too broad we believe the trial judge has exercised extreme patience in this case, and it is to be hoped that counsel will adopt a spirit of co-operation with regard to further discovery so that all material matters will be expeditiously produced in order that the truth seeking purposes of the rules will be served.”⁶

In 1969, the *Chicago Tribune* reported that several Chicago attorneys and the National Conference of Metropolitan Courts recommended the highly regarded Solifsburg for the United States Supreme Court seat vacated by Justice Abe Fortas.⁷ A few months later, however,

Chicagoan Sherman H. Skolnick, chairman of the Citizens Committee to Clean Up the Courts, requested that the Illinois Supreme Court investigate the integrity of its decision in the 1967 case *People v. Isaacs et al.* The Court had exonerated Civic Center Bank & Trust Company of Chicago's general counsel, Theodore J. Isaacs, on charges of conspiring to defraud the state while serving as Director of the Department of Revenue. Skolnick claimed that Solfisburg and Associate Supreme Court Justice Ray Klingbiel acted with impropriety, having purchased Civic Center Bank & Trust stock from Isaacs at a reduced price shortly before the Court decision.⁸

Chicago Bar Association President Frank Greenberg chaired a five-member Special Commission of the Supreme Court to investigate the allegations, with Chicago antitrust attorney and later U.S. Supreme Court Justice John Paul Stevens as independent counsel. The Greenberg Commission interviewed twenty-one witnesses and examined more than one hundred exhibits before determining on July 31, 1969 that both Solfisburg and Klingbiel had engaged in "positive acts of impropriety" that tainted the Supreme Court decision regarding Isaacs. Commission members concluded that public confidence in the Court could "best be restored by the prompt resignation of the two Justices."⁹ Although Solfisburg denied any wrongdoing, he and Klingbiel resigned.¹⁰ "In all the previous history of the law courts in Illinois," reported legal historian George Fiedler, "no supreme court justice had ever been successfully impeached, nor removed by address, nor forced off the bench by demands of resignation."¹¹ Marvin F. Burt completed Solfisburg's term to 1970.

Over the next few years Solfisburg developed a private practice in Aurora, even arguing two cases before the Supreme Court,¹² and in the early 1980s taught constitutional law at Aurora College. He held honorary degrees from Kent College and John Marshall law schools, and was a member of Trinity Episcopal Church, Aurora Union League, American Legion, Aurora Elks

Club, the American, Illinois, and Kane County Bar associations, and a past president of the Exchange Club. He retired shortly before his death, which occurred at age seventy-four on April 19, 1991, in Fort Myers, Florida. Interment followed graveside services at Spring Lake Cemetery in Aurora.

¹ ancestry.com (Roy John Solfisburg). Some sources list his birth year as 1912.

² *Aurora Beacon-News*, 7 June 1960, clipping in Solfisburg file, Illinois Supreme Court Library.

³ *Aurora Beacon-News*, 22 April 1991, Sec. C, p. 3.

⁴ *Aurora Beacon-News*, 7 June 1960.

⁵ 35 Ill. 2d, 24-33.

⁶ 37 Ill. 2d, 180-97.

⁷ Kenneth A. Manaster, *Illinois Justice; The Scandal of 1969 and the Rise of John Paul Stevens* (Chicago: University of Chicago Press, 2001), pp. 57-58.

⁸ *Time*, 29 August 1969, www.time.com.

⁹ Bill Barnhart and Gene Schlickman, *John Paul Stevens; An Independent Life* (DeKalb: Northern Illinois University Press, 2010), p. 144.

¹⁰ *Chicago Tribune*, 25 April 1991, Sec. 2, p. 8.

¹¹ George H. Fiedler, *The Illinois Law Courts in Three Centuries, 1673-1973* (Berwyn, Ill.: Physicians' Record Co., 1973), p. 334.

¹² 49 Ill. 2d, 441; 101 Ill. 2d, 428; Manaster, p. 301.