

Daniel P. Ward 1966-1990

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Daniel Patrick (Patrick Daniel) Ward was born on August 30, 1918, the son of Chicago streetcar motorman Patrick Sarsfield Ward and his wife, Jane Convery Ward.¹ Daniel attended Chicago and Oak Park parochial schools and graduated from Marmion Military Academy in Aurora. After attending St. Viator College, he graduated from DePaul University College of Law in 1941 and was admitted to the Illinois bar that year. He taught law at Southeastern University, Washington, D.C., before serving with the United States Army 41st Combat Engineers in World War II.



Opening a private law practice in 1945, Ward served as assistant United States Attorney for the Northern District of Illinois from 1948 to 1954, including three years as chief of the criminal division. He married Marilyn Corleto on June 23, 1954, and they would become the parents of three daughters and a son. Named dean and professor of law at DePaul University College of Law in 1955, in 1960 the scholarly Ward was chosen by Democratic Mayor Richard J. Daley to challenge Republican Cook County State's Attorney Benjamin Adamowski. "Politicians were amazed to discover the zest with which he entered the political fray," remembered *Chicago Tribune* columnist Kenan

Keise of Ward, “often being the last to leave a campaign rally.”² Ward won the election, and in 1964 the National District Attorneys Association named him the “nation’s outstanding prosecutor.” Reelected that year by the widest margin of any Cook County Democrat, Ward also served on the American Bar Association Committee on Fair Trial—Free Press, following the Warren Commission Report on the 1963 assassination of President John F. Kennedy.

In 1966, Ward resigned his position as State’s Attorney to seek the First Judicial District vacancy on the Illinois Supreme Court, to succeed the deceased Justice Joseph E. Daily. Ward won the seat, and was reelected in 1974 and 1984, serving as Chief Justice from 1976 to 1979. “As judges we have to protect constitutionally insured rights,” a position he maintained throughout his tenure. “I’m a firm believer that the law has a responsibility to keep abreast of society, that we certainly can’t be held back by dead hands, if you will. Our society is evolutionary, it’s changing, and the law is something that has to govern society. While courts are not legislatures, courts have to ensure that we do keep abreast.”³

In 1969, Ward wrote the opinion in *Continental National Bank v. Toll Highway Commission*, regarding the state’s Toll Highway Authority Act. The legislation provided for dissolution of the Highway Commission and the transfer of toll highway management and operations to the newly established Highway Authority. Continental National Bank, on behalf of Commission bondholders, brought action in the Cook County Circuit Court seeking to have the Act declared unconstitutional, citing vague and conflicting language regarding transfer of the property and other assets: “that it leaves in doubt the status of the Commission and the relationship between the Commission and the Authority; and

that it fails to bring into existence a fully functioning Authority to administer existing toll highways in this State.” Ward upheld the circuit court judgment in affirming the Highway Authority Act. “It is not faultlessly drawn, as some of the numerous points raised by the appellant in behalf of the Commission’s bondholders disclose, but, with respect to the objections presented for decision here, it does meet constitutional standards.”⁴

Other noted decisions authored by Ward included the 1985 *Chicago National League Ball Club, Inc. v. James R. Thompson, Governor, et al.* Ward’s ruling upheld state legislation and a Chicago ordinance banning night baseball games at Wrigley Field, the only major league stadium with no night games. The Cook County Circuit Court had ruled against Chicago National League Ball Club, Inc. in its constitutional challenge to the state and city laws. “When the statute and ordinance are tested by the standards applicable to equal protection and special legislation challenges,” Ward wrote in affirming the circuit court decision, “it appears that they are a reasonable attempt to protect the property and other rights of residents who live near the stadium.” Three years later, a Chicago City Council ordinance would allow the Cubs a limited number of night games each season.⁵

Ward delivered the opinion in a 1989 case that attracted national attention, *People v. Chicago Magnet Wire Corporation*. The Cook County prosecutor’s officer had charged five officials of the Elk Grove Village corporation with aggravated battery, reckless conduct, and conspiracy to commit aggravated battery by knowingly permitting hazardous working conditions in their plant. The Cook County Circuit Court, determining federal preemption of state law, dismissed the indictments against the company. In the unanimous opinion reversing the circuit court decision, Ward wrote “There is nothing in

the structure of OSHA [Federal Occupational Safety and Health Act] or its legislative history which indicates that Congress intended to preempt the enforcement of State criminal law prohibiting conduct of employers that is also governed by OSHA safety standards.”⁶

Ward delivered a nine-page dissenting opinion in the 1989 *In re Estate of Longeway*, in which a majority of the Justices held that a guardian could refuse sustenance to a comatose, terminally ill patient. “Allowing a guardian to substitute his judgment for that of an incompetent ward,” he wrote, “creates a grave risk that due to the guardian’s own personal values, biases, or mistaken beliefs concerning the ward, there will be wards who will undergo the death described in frightening terms in the majority opinion, without ever having had such an intent to do so. It is fully understandable that the inherent risks of and the consequences of mistake which necessarily accompany the decision to terminate another person’s life-sustaining treatment and take his life have led thoughtful commentators to reject the notion of substituted judgment.”⁷

In addition to his Court responsibilities, Ward served in administrative capacities, as liaison to the executive committee of the Illinois Judicial Conference, on the Committee on Character and Fitness, Attorney Registration and Disciplinary Commission, State Board of Law Examiners, and Committee on Professional Responsibility.

After twenty-four years as an Illinois Supreme Court Justice, Ward in 1989 announced his planned retirement the following year, stating that his only concern for a successor would be someone qualified to be a “fine judge”; “I have no preferences as to those superficial things of race, sex, what have you.”⁸ Ward planned to remain in the

legal profession, “but to a less intense degree,” he explained. “This job has been a joy, the apex to a career in law, but it has been demanding. Now it is time for new challenges.”⁹

He became of counsel to the Chicago firm of Bell, Boyd & Lloyd. His memberships included the Chicago and Illinois State Bar Associations, and the American Judicature Society.

In 1978, while Chief Justice, the popular Ward served as grand marshal of the Chicago St. Patrick’s Day Parade, walking through the downtown Loop with Governor Jim Thompson and Mayor Michael Bilandic.¹⁰ Ward held honorary doctoral degrees from John Marshall Law School and DePaul University. “When one hears his name,” remembered one colleague, “one immediately thinks of integrity. His large, robust body houses a giant intellect and a boundless magnanimity toward his fellow man.”¹¹

Ward died on April 23, 1995, of complications from emphysema at Loyola University Medical Center, Maywood. Funeral services were held at Divine Providence Catholic Church, Westchester, followed by burial in Queen of Heaven Cemetery, Hillside. Justice Mary Ann G. McMorrow described her former Supreme Court colleague as “one of the most admired and respected jurists in Illinois history.” Chief Justice Michael Bilandic, to whom Ward administered the oath of office as Chicago Mayor in 1976 and who succeeded Ward on the Supreme Court in 1990, called him “one person that I believe everyone loved and respected.”¹²

¹ Familysearch.org/pal:/MM9.1.1/N73M-RHV

² *Chicago Tribune*, April 25, 1995, Sec. 2, p. 8.

³ Illinois State Bar Assn., *Bench & Bar*, Oct., 1990, p. 2.

⁴ 42 Ill. 2d 385-405.

⁵ 108 Ill. 2d 357-72.

⁶ 126 Ill. 2d 356-76.

⁷ 133 Ill. 2d 55-65.

⁸ *Chicago Tribune*, Nov. 14, 1989, Sec. 2, p. 3.

⁹ Illinois Supreme Court press release, Nov. 11, 1989, Ward file, Illinois Supreme Court Library.

¹⁰ *Chicago Tribune*, March 17, 1978, Sec. 2, p. 1.

¹¹ Illinois State Bar Assn., *Bench & Bar*, Oct., 1990, p. 1.

¹² *Chicago Daily Law Bulletin*, April 24, 1995, Ward file, Illinois Supreme Court Library; *Springfield State Journal-Register*, Sept. 13, 1995, p. 9.