

John J. Stamos  
1988-1990

© Illinois Supreme Court Historic Preservation Commission  
Image courtesy of the Illinois Supreme Court

A Chicago native, John James Stamos was born on January 30, 1924, the youngest of nine children of Greek immigrants James S. and Katherine Stamos.<sup>1</sup> An amateur artist from the



age of seven, John received an Art Institute of Chicago scholarship while attending elementary school. After graduating from Bowen High School, Stamos enrolled in pre-legal studies at DePaul University. With the outbreak of World War II, he interrupted his education to enlist in the U.S. Army, serving with the Army Medical Corps in the European theater. Discharged in late 1945, he returned to DePaul University under the G. I. Bill and received his law degree in 1948.<sup>2</sup>

A Democratic precinct captain in Chicago's Tenth Ward, Stamos maintained a private law practice for several years, while also serving as a trustee of SS. Constantine and Helen Greek Orthodox church. In 1951, he was appointed Assistant Corporation Counsel for the City of Chicago and a year later became Assistant Cook County State's Attorney. In 1955, Stamos wed Helen Voutirtras of Oak Park; they became the parents of four children. After Helen's death in 1981, Stamos married a widowed neighbor.

Following the 1960 election of DePaul University law professor Daniel P. Ward as Cook County State's Attorney, Ward named Stamos to head the criminal division. Six years later, Chicago Mayor Richard J. Daley and other Democratic leaders chose Stamos to succeed Ward, who won election to the Illinois Supreme Court.<sup>3</sup> In the most infamous case of the era, Stamos continued Ward's prosecution of Richard Speck for the murders of eight young women. Ward had rejected Speck's offer of a guilty plea for a sentence of life imprisonment, and the jury convicted him of all charges, imposing the death penalty. In 1966, on appeal to the Illinois Supreme Court, Stamos and his staff successfully argued for affirmation of the verdict and sentence. "After Speck's conviction," Stamos later recalled, "the United States Supreme Court set aside all death cases which resulted in Speck receiving his life sentence after all."<sup>4</sup>

Stamos recalled that after several trials, he and his staff interviewed jurors "and discovered it was an astonishing training experience which I believed improved our trial skills. We really developed insight into what juries perceived, etc."<sup>5</sup> But in 1968, Mayor Daley refused to slate the quiet, sometimes seemingly "aloof" Stamos in the election for Cook County State's Attorney, suggesting that he instead seek the nomination for Illinois Attorney General. Spurning that offer, Stamos instead ran for and won election to the First District Appellate Court.<sup>6</sup> He was retained in office in 1972 and 1982, with an unsuccessful primary bid for the Supreme Court in 1980. During his appellate tenure, Stamos co-chaired the Supreme Court Committee on Judicial Conduct and served for several years on the Illinois Courts Commission.

Viewed as a judicial moderate, Stamos dismissed charges against four juveniles in 1985 accused of beating a man because prosecutors failed to provide a speedy trial. He ruled that by waiting nearly 700 days after the beating occurred, the prosecution performed a "gross

disservice” to both the juveniles and the victim with its “lackadaisical conduct that simply cannot be tolerated.” Stamos wrote a 1986 opinion that struck down a Cook County ordinance regulating adult book stores as a First Amendment violation of free speech. The Illinois Supreme Court later overruled the appellate decision.<sup>7</sup>

In 1988, Justice Seymour Simon resigned from the Illinois Supreme Court, and in April 1988, the Supreme Court Justices unanimously selected sixty-four-year-old Stamos from twenty-five applicants to complete Simon’s term. In naming Stamos, they rebuffed efforts by Chicago Mayor Eugene Sawyer, Illinois Comptroller Roland Burris, and representatives of minority groups who urged naming the first black justice to the vacancy. “I wish to thank the court for appointing me and I hope to continue to merit their confidence,” Stamos remarked after the selection announcement. “It is a bittersweet occasion leaving the appellate court after 19 years.”<sup>8</sup> Governor James R. Thompson praised the appointment, having worked for Stamos in the Cook County State’s Attorney’s office in the early 1960s. “He was chief of the criminal division when I was just a dog-eared assistant state’s attorney,” recalled the Governor, describing Stamos as “one of the finest judges in Illinois and one of the finest human beings I know.”<sup>9</sup>

Among the decisions during his Supreme Court tenure, Stamos delivered the 1989 opinion that affirmed the First District Appellate Court in *Casteneda v. Illinois Human Rights Commission*. After Corroon and Black of Illinois terminated the employment of Raul Castaneda, he filed a discrimination charge with the Illinois Department of Human Rights, alleging violations of his civil rights. The appellate court dismissed his appeal on grounds that he failed to exhaust his administrative remedies by not requesting a rehearing by the entire Commission. “Plaintiff had two opportunities to argue the merits of his case before an administrative law judge

and a three-member panel of the Commission under a statute specifically designed to be the exclusive remedy for the type of wrong plaintiff allegedly suffered,” Stamos wrote in the detailed twenty-four-page ruling.<sup>10</sup>

In the 1990 *In re Estate of Greenspan* case, Stamos delivered the majority opinion that vacated the Cook County Circuit Court’s refusal to allow the public guardian’s termination of life-support systems for the elderly, unconscious, and unresponsive Sidney Greenspan. Stamos cited the 1989 case *In re Estate of Longeway* as precedent that “a patient’s right to refuse medical treatment, including artificial nutrition and hydration, is supported by the common law.”<sup>11</sup>

Also in 1990, Stamos wrote the opinion that reversed the Bureau County Circuit Court case regarding the recently enacted Illinois and Mississippi Canal State Park Act. The circuit court had ruled that provisions of the Act violated the Illinois Constitution by imposing upon the County the obligation of maintaining bridges within the park. Governor James R. Thompson and the directors of the departments of Conservation and Transportation appealed the decision to the Supreme Court. “Where it was the United States government which originally acquired the land for the construction of the Illinois and Mississippi Canal and built the bridges connecting the county and township roads which cross it, there is no violation of the Illinois Constitution’s provisions on special legislation and equal protection,” Stamos explained, “in the fact that section 4 of the Canal Park Act provides that those local governments have an obligation to maintain those bridges once the land was reacquired by the State and converted into a State park.”<sup>12</sup>

For accomplishments during his legal and judicial career, Stamos received the Outstanding Prosecutor Award from the National District Attorneys Association, the Professional

Achievement Award from the Illinois State's Attorneys Association, and the Liberty Bell Award from the Chicago Chapter of the Federal Bar Association. At the conclusion of his appointed term, Stamos decided to retire rather than seek election in 1990, then joined his son James Stamos's Chicago law firm.<sup>13</sup> In addition, the former Justice enjoyed painting at his Northbrook home and trips to the family homeland of Greece. Justice Stamos died at his home on January 28, 2017 and was buried at Memorial Park Cemetery in Skokie, Illinois.

<sup>1</sup> *Chicago Tribune*, 1 December 1966, p. 2.

<sup>2</sup> "Oral History Transcript, Illinois Supreme Court Historic Preservation Commission, John J. Stamos," August 2010, Stamos file, ISCHPC, Springfield, Illinois.

<sup>3</sup> *Chicago Tribune*, 1 December 1966, p. 1.

<sup>4</sup> 41 Ill. 2d 177-215; *Chicago Daily Law Bulletin*, 14 July 2011, [www.chicagolawbulletin.com/News-Extra/martin](http://www.chicagolawbulletin.com/News-Extra/martin); Stamos, "Criminal Court and Other War Stories," pp. 45-46, undated typescript, copy in Stamos file, Illinois Supreme Court Historic Preservation Commission, Springfield. Speck died in prison in 1991.

<sup>5</sup> John J. Stamos, "Criminal Court and Other War Stories," p. 37.

<sup>6</sup> *Chicago Tribune*, 21 April 1988, pp. 1, 6; *Chicago Sun-Times*, 22 April 1988, pp. 20, 32.

<sup>7</sup> *Chicago Tribune*, 21 April 1988, p. 6.

<sup>8</sup> "Supreme Court Clerk" press release [19 April 1988], Stamos file, Illinois Supreme Court Library.

<sup>9</sup> *State Journal-Register* (Springfield), 21 April 1988, p. 1.

<sup>10</sup> 132 Ill. 2d 304-30.

<sup>11</sup> 137 Ill. 2d 1-24.

<sup>12</sup> 139 Ill. 2d 323-50.

<sup>13</sup> *State Journal-Register*, 22 September 1989, p. 15.