

## James A. Dooley 1976-1978

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A Chicago native, James A. Dooley was born on August 7, 1914 to James and Agnes Dooley. Educated at Loyola University and Loyola University Law School, he



received his law degree in 1937. An epileptic “in the days when modern drugs were not yet developed,” Dooley “was quite a guy to overcome that,” longtime friend and later Illinois Secretary of State Michael Howlett remembered. “He had great courage. He never took a backward step from anybody.” The two met as youngsters at a neighborhood Knights of Columbus gymnasium.<sup>1</sup>

Opening his practice in Chicago in 1941, Dooley soon began specializing in personal injury claims. “When Dooley became a trial lawyer,” explained his friend Leonard Ring, “the courts were defense-oriented. They might award \$10,000 to someone who lost a leg, but only if it was a child. Through relentless determination and work, Jim whittled away and turned the entire philosophy around.”

Ring described one personal injury case of a severely burned fireman. “In those days you could not recover damages for injury to a firefighter. It was considered an assumed risk. Jim got \$235,000 for the fireman, which in those days was considered tremendous, but more important he turned the law around so that a fireman can recover

damages if the owner of the property is negligent and so contributes to bringing the fire on.”<sup>2</sup> Ring also recalled a case in which Dooley represented a woman blinded in her home by an exploding can of Drano drain cleaner. “Dooley won her a settlement of \$900,000 and helped establish the idea of a company being held liable for its products.”<sup>3</sup>

Dooley married Virginia Rose Proesel on February 18, 1955, and they became the parents of one daughter. He served terms as president of the Illinois Trial Lawyers Association from 1951 to 1955, and the Association of Trial Lawyers of America from 1953 to 1954. He became a director of the International Academy of Trial Lawyers, serving as president in 1966. A delegate from the Illinois State Bar Association to the International Congress of Comparative Law in Paris, he served on the Chicago Board of Managers, 1957-1958.<sup>4</sup> In addition, he lectured at the University of Chicago Law School, Northwestern University School of Law, Loyola University Law School, and DePaul University Law School.

In 1951, Clarke College conferred Dooley with the honorary degree of LL.D. for his leading work in the profession. He received awards from the Loyola Law School Alumni in 1967, the Law Science Academy of America in 1970, and Loyola University in 1975. A frequent contributor to various law reviews and legal publications, Dooley wrote *Modern Tort Law; Liability and Litigation*, published in 1977.<sup>5</sup>

Regarded as one of Chicago’s foremost courtroom lawyers, Dooley participated in more than 2,500 civil cases. Perhaps the most celebrated case of his practice was representing football linebacker Dick Butkus against the Chicago Bears and its team physician. Once the heart of the Bears’ defensive unit, Butkus in 1974 filed a \$1.6 million lawsuit against his former employers, charging that improper medical attention to his

knee injuries significantly reduced the longevity of his career. He accused the physician of improper surgeries and the organization of causing him to be injected with high-powered drugs and pain-killers during the 1972 and 1973 seasons, resulting in permanent knee damage. After a series of pretrial hearings, Dooley negotiated a \$600,000 out-of-court settlement for Butkus.

Following the 1976 retirement of Illinois Supreme Court Justice Walter V. Schaefer, Dooley sought the support of Chicago Mayor Richard J. Daley and the Cook County Democratic organization for the position. When Circuit Court Judge and Daley law partner Joseph A. Power received the party backing, “A couple of judges,” Dooley explained, “talked me into running as an independent. It was unprecedented but I decided to do it.”<sup>6</sup>

As an independent Democrat, Dooley pledged to make judicial appointments from the high court on a merit basis. “No one can do more damage or harm to the public and to the judiciary than an inexperienced or an ignorant judge.”<sup>7</sup> The Cook County Electoral Board ruled that some of his nominating petitions were defective and removed his name from the ballot, but Dooley, arguing his own case, won a reversal of the decision. “It was when they took my name off the ballot that any doubts I still had about running were resolved,” he said. “And once I made the decision to run, I ran to win.”<sup>8</sup> With strong suburban support and a nearly \$140,000 campaign funded primarily from his own considerable wealth, Dooley upset Power by a margin of 29,000 votes. In the general election campaign Butkus campaigned for Dooley, and Daley pledged “100 per cent” support. Dooley defeated Republican Reginald G. Holzer by nearly 2 to 1 for the ten-year term.<sup>9</sup>

Days before being sworn in as a Supreme Court justice, Dooley in late 1976 won a \$1,250,000 personal injury settlement for a twenty-five-year-old Vietnam war veteran who became a quadriplegic as the result of an accidental shooting by a Chicago grocery store security guard.<sup>10</sup>

Taking his Supreme Court seat on December 12, 1976, Dooley soon, according to Ring, “came to love the bench and politics so much he called being a Supreme Court justice ‘the best job in the state’.” Dooley’s “written opinions were notable for their lack of complicated legal phrases,” observed one Supreme Court reporter. “He stated the basic dispute in the first sentences of an opinion, and only then resorted to legal proofs.”<sup>11</sup>

Dooley drew upon his law-practice experience in delivering the 1977 Court opinion in *Sahara Coal Company, Inc. v. Illinois Industrial Commission*. Sahara employee Bob Bundren aggravated an existing back injury when the bulldozer he was operating struck a rock and swerved suddenly. Even though the sole medical expert described the disability as existing “a few weeks,” both the Industrial Commission and the Saline County Circuit Court affirmed an arbitrator’s award of temporary total disability for approximately one year. The physician testifying for the employer, Dooley noted, “did not examine the claimant during the year in question,” even though the claimant had “constant medical treatment over that period.” The Supreme Court affirmed the circuit court judgment.<sup>12</sup>

The most celebrated and probably most controversial case during Dooley’s tenure involved a peaceful demonstration by the swastika-bearing National Socialist Party of America (American Nazi party) in the predominantly Jewish Chicago suburb of Skokie.

Only Justice William G. Clark dissented from the Court's January 1978 per curiam opinion upholding the organization's constitutional right to free expression.<sup>13</sup>

Less than three months later, on March 5, 1978, after a tennis match, the physically active sixty-three-year-old Dooley died of a heart attack at his suburban Miami, Florida, winter home. He had been on the Illinois Supreme Court bench for only fifteen months of the ten-year term. "A grievous loss," said Chief Justice Daniel P. Ward. "He brought great scholarship and industry and vast experience to the court."<sup>14</sup> Following a funeral Mass at Holy Name Cathedral, Dooley was buried at All Saints Cemetery in Des Plaines, Illinois.<sup>15</sup>

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<sup>1</sup> *Chicago Tribune*, March 10, 1978, Dooley file, Illinois Supreme Court Library.

<sup>2</sup> *Chicago Tribune*, March 10, 1978.

<sup>3</sup> *Chicago Tribune*, March 10, 1978.

<sup>4</sup> "Introducing James A. Dooley" 1976 campaign literature, Dooley file, Illinois Supreme Court Library.

<sup>5</sup> *Chicago Daily Law Bulletin*, March 6, 1978, pp. 1, 3.

<sup>6</sup> *Chicago Tribune*, Aug. 22, 1976, Sec. 1, p. 6.

<sup>7</sup> *Pantagraph*, (Bloomington-Normal), March 6, 1978, p. A-3.

<sup>8</sup> *Chicago Tribune*, Aug. 22, 1976, Sec. 1, p. 6.

<sup>9</sup> *Chicago Tribune*, Aug. 22, 1976, Sec. 1, p. 6.

<sup>10</sup> *Chicago Tribune*, Dec. 1, 1976, Dooley file, Illinois Supreme Court Library.

<sup>11</sup> *Chicago Tribune*, March 10, 1978; *Daily Journal* (Kankakee), March 6, 1978, Dooley file, Illinois Supreme Court Library.

<sup>12</sup> 66 Ill. 2d, 353-56.

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<sup>13</sup> 69 Ill. 2d, 605-19.

<sup>14</sup> *Daily Journal* (Kankakee), March 6, 1978, Dooley file, Illinois Supreme Court Library.

<sup>15</sup> *Chicago Sun-Times*, March 7, 1978, p. 58.