

## Horace L. Calvo 1988-1991

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A four-term member of the Illinois General Assembly before serving on the Illinois Supreme Court, Horace L. Calvo was born in Chicago to working-class parents, Horace L. and Mary Drew Calvo, on January 4, 1927. The family moved to Mount Sterling, and young Horace graduated from St. Mary's Academy, Springfield Junior College, and the University of Illinois. He attended but did not graduate from Lincoln College of Law in Springfield and St. Louis University Law School. He served in the U.S. Army Air Corps from 1944 to 1947, and on June 28, 1947 he married Josephine Beth, daughter of William and Elizabeth Faust Beth.<sup>1</sup> They became the parents of two sons and two daughters.



Calvo received his law license in 1956, at a time when a law degree was not a state requirement for legal practice.<sup>2</sup> He practiced in Granite City until 1975 in the firm Calvo, Mateyke & Hill, specializing in worker compensation cases. From 1961 to 1968, he served as an Assistant Illinois Attorney General under William G. Clark, later an Illinois Supreme Court Justice. In 1968, Calvo won election to the Illinois House of Representatives, representing the Granite City area. He was a member of the House Committee investigating allegations of judicial impropriety against Supreme Court justices Roy J. Solfisburg Jr., and Ray I. Klingbiel.

“Observers considered the committee a high-powered group,” reported the *Chicago Sun-Times*, “indicating the depth of concern in the General Assembly over the allegations against the two justices.” As a result of the committee investigation, both Solfisburg and Klingbiel resigned from the Court.<sup>3</sup>

In 1975, the Supreme Court appointed Calvo a judge of the Third Judicial Circuit, comprising Bond and Madison counties, in the Criminal Felony and Civil Law divisions. He also served two terms as Chief Judge of the circuit. In 1987, he was assigned to the Fifth District Appellate Court in Mount Vernon, comprising thirty-seven counties across southern Illinois. Often called a “people’s judge,” Calvo earned praise for his common-sense approach on the bench. “Each case must be judged on its own merit,” he commented, “and no two are alike.”<sup>4</sup>

In 1988, Democratic voters in southern Illinois followed the endorsement of local party leaders, nominating Calvo over three other candidates for the Supreme Court vacancy created by the retirement of Justice Joseph Goldenhersh and the temporary appointment of his successor, Joseph Cunningham. Calvo’s lack of a law degree became an issue in the campaign. “You learn the law by your experience after you pass the bar exam, not before the exam,” Calvo told reporters, adding that even though he did not complete the degree requirements, he had accumulated some 1,200 hours of law courses.<sup>5</sup> Garnering labor support in the metropolitan areas of St. Clair and Madison counties, he defeated fellow Fifth District Appellate Court Justice Thomas M. Welch of Collinsville in a hard-fought campaign for the ten-year Supreme Court term.<sup>6</sup> At the swearing-in ceremony, Calvo remarked, “Did I ever think I would be ever here today? Not in my wildest dreams. It proves that the American dream does exist, can exist, and that if you work hard enough at your profession, it can happen for all of us.”<sup>7</sup>

In a *Chicago Daily Law Bulletin* interview after the election, Calvo said that the voters considered his “professional service and performance as a judge,” not relying “on school background alone.” He described his judicial temperament as moderate, but conservative on criminal law issues, and said that he would “try to make Justice Goldenhersh proud of his successor.”<sup>8</sup>

During what became a brief Supreme Court tenure, Calvo authored more than forty opinions, including six dissents, that often reflected his pragmatic and populist approach to the law. In *Business and Professional People for the Public Interest v. The Illinois Commerce Commission*, Calvo delivered the complex opinion that rejected the utility’s request for a rehearing of the Court’s December 1989 decision that disallowed a \$480 million rate increase and ordered retroactive consumer refunds.<sup>9</sup>

The 1989 *People v. R.G.* case involved a runaway minor child who did not want to return to his parents. The DuPage County Circuit Court ruled against the child, citing provisions of the Minors Requiring Authoritative Intervention (MRAI) statute as “violative of substantive and procedural due process, and equal protection provisions.” Illinois Attorney General Neil Hartigan appealed the decision, and Calvo delivered the opinion reversing the circuit court and upholding the constitutionality of the MRAI statute. He wrote that the statute “permits the State to temporarily refuse parental demands for the return of a runaway who does not want to go home. . . . The statute survives strict scrutiny because of the State’s compelling interest in providing shelter and care to runaways.” Calvo’s predecessor and eventual successor, Justice Cunningham, described the decision “as a fundamental component of juvenile laws.”<sup>10</sup>

In 1991, Calvo wrote a strongly worded dissent in *Wilder Binding Company v. Oak Park Trust and Savings Bank*. He disagreed with a majority of the Supreme Court justices who, reversing the Cook County Circuit Court, denied reimbursement to the bindery for the bank's payment of forged checks, each for less than \$1,000 but totaling some \$20,000. "Defendant did not manually verify signatures written for under \$1,000, and had no system for verifying signatures on checks under that amount," Calvo argued. "Defendant's automatic payment of all checks drawn for less than \$1,000, without manual verification of the signatures on those checks, conclusively established defendant's failure to exercise ordinary care" under the requirements of the Uniform Commercial Code (Ill. Rev. Stat. 1983, ch. 26).<sup>11</sup>

During his judicial career, Calvo was an active member of the Illinois Judges Association, serving a term as president, and chaired the Illinois Courts Commission. A founding member of the Lawyers Assistance Program, Calvo served for many years on its Board of Directors. He also held memberships in the American, Illinois, Madison County, and Tri-City Bar associations.

Less than two years into his Supreme Court tenure, Calvo was diagnosed with cancer.<sup>12</sup> Several months later, on June 3, at age sixty-four, he died at Jewish Hospital in St. Louis. Funeral Mass was held at St. Cecilia Catholic Church, Glen Carbon, with all of his fellow Supreme Court justices in attendance, followed by burial in Calvary Catholic Cemetery. "His strength was his down-to-earth approach to the resolution of legal problems," Illinois State Bar Association Past President Maurice Bone remembered of Calvo. "He was more of a people person than a legal technician. His presence and wisdom will be missed."<sup>13</sup> On behalf of the Supreme Court, Chief Justice Benjamin K. Miller expressed deep regret at Calvo's death and remarked on his many

contributions to justice in Illinois. “In addition,” Miller stated, “his wry wit and judicial and legislative experience added to the collegiality of the court.”<sup>14</sup>

<sup>1</sup> *Cemeteries of Brown County, 1825-1972*, Astoria, Ill.: Brown County Board of the Schuyler Brown Historical and Genealogical Society, 1975, p. 162; “Illinois County Marriages,” <https://familysearch.org/pal:/MM9.1.1/X253-6J4>.

<sup>2</sup> Since 1967, a lawyer must have obtained a law-school degree prior to taking the bar examination.

<sup>3</sup> Kenneth A. Manaster, *Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens*, (Chicago: University of Chicago Press, 2001), pp. 19, 289; *Chicago Sun-Times*, 13 June 1969, p. 3.

<sup>4</sup> *Granite City Journal*, 30 November 1988, p. 1.

<sup>5</sup> *St. Louis Post-Dispatch*, 11 March 1988; *Chicago Tribune*, 17 March 1988, Sec. 2, p. 4; 4 June 1991, Sec. 2, p. 9.

<sup>6</sup> *Chicago Law Bulletin*, 9 November 1988, Calvo file, Illinois Supreme Court Library.

<sup>7</sup> *Pantagraph* (Bloomington), 6 December 1988, Sec. B, p. 4.

<sup>8</sup> *Chicago Law Bulletin*, 9 November 1988.

<sup>9</sup> 136 Ill. 2d, 192-248; *Chicago Tribune*, 4 June 1991, Sec. 2, p. 9.

<sup>10</sup> 131 Ill. 2d, 328-65; 142 Ill. 2d, xxix.

<sup>11</sup> 135 Ill. 2d, 121-40.

<sup>12</sup> *Belleville News-Democrat*, 6 June 1991, Sec. B, p. 3.

<sup>13</sup> *State Journal-Register* (Springfield), 4 June 1991, p. 15.

<sup>14</sup> *Chicago Tribune*, 4 June 1991, Sec. 2, p. 9.