



ROBERT C. UNDERWOOD

FOURTH DISTRICT



CASWELL J. CREBS

THIRD DISTRICT

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE
SEPTEMBER TERM, 1988, ON THE LIVES AND PUBLIC
SERVICES OF THE LATE JUSTICES ROBERT C.
UNDERWOOD AND CASWELL J. CREBS

At the hour of 2 p.m., September 20, 1988, other business being suspended, the following proceedings were had:

CHIEF JUSTICE MORAN:

Mr. Marshal, the Supreme Court of Illinois is reconvened.

MR. MARSHAL: Oyez, Oyez, Oyez. The Supreme Court is reconvened.

CHIEF JUSTICE MORAN: The Supreme Court has specially convened for the purpose of conducting memorial services for two former distinguished members of this court, Justice Robert C. Underwood and Justice Caswell J. Crebs. We are honored to have with us this afternoon to participate in these ceremonies, Mrs. Dorothy Underwood, her daughter, Susan, Susan's husband, John Barcalow, as well as Tammy and Jeff Barcalow. We are also pleased to welcome Gene and Loretta Talley. Loretta was Judge Underwood's secretary for over 25 years.

Also present with us this afternoon are several members of Justice Crebs' family. We are honored to have with us Mrs. Mary Crebs, her daughter, Mary Correll, and her husband, Judge David Correll, as well as their children, Michael and Mark.

I might note at this point that Justice Crebs' daughter, Catherine Ferrell, is unable to be with us. Catherine

lives in Fountain Valley, California, with her husband, W. Richard Ferrell, and their two children, Malia and Andrew. I'm sure that both Bob and Cass would be pleased to know that a former seat mate of theirs is present here today, Justice Thomas E. Kluczynski, and his wife, Melanie. Thank you all for being present.

Speaking this afternoon on behalf of the Illinois State Bar Association will be its president-elect, Leonard F. Amari. Mr. Amari received his undergraduate degree from Northern Illinois University, and attended John Marshall Law School, where he received his Juris Doctorate with honors in 1968. He was awarded the John Marshall Law School Distinguished Service Award in 1984. May I introduce Mr. Amari.

MR. LEONARD AMARI:

Justices, Ladies and Gentlemen. On behalf of the 32,000 members of the Illinois State Bar Association and John DeMoss, its executive director, I take great pride in participating in this memorial service for two obviously outstanding and remarkable men. Unfortunately, I'm at somewhat of a disadvantage. I'm a little bit junior to the late Justices Crebs and Underwood, and I didn't personally know them but to sit one evening at a dinner for the Supreme Court with their families and the justices. But I've been taking a few moments to read their biographies and their literature and their resumes and some articles that have been written about them to try to find a common thread, a common thread that, in hindsight, I could see that both of them shared, and I find in reading their biographies and their literature that each of them shared three elements in their lives, in their professional lives and their social lives, and that is involvement, participation and leadership.

If I began to read to you the membership in the various organizations—religious, social, legal—that Justice Underwood participated in, we would be here for quite a long time, and the same would be said about Justice Crebs. The biographies of the two men would take up probably the rest of the afternoon just to read what they participated in, and that would not take into consideration the leadership roles that they engaged in in the various bar associations, local and statewide, and the committees of the Supreme Court and the various Supreme Court committees throughout the States.

The men and their lives and their biographies are a tribute to the quality of the men and their families. Justice Crebs, for example, participated in for over—from 1950 until 1976—26 years over nine different committees of the State Bar Association and section councils. Again, these are tributes to the man, to the men, and I take great pride in being here on behalf of the 32,000 members of the Illinois State Bar Association to honor these two great men.

The term “great” in our society is almost a cliché. We hear the term daily—great catch, great shot, great hit—but it is not too often that I have the opportunity of using the term “great” when it is obviously applicable. And I think—and I say this with all respect to the two justices, to the two late justices—that they were indeed great men, with the full impact of the word “great,” because these were two impact individuals, an impact on their society, their community and their profession.

I would have hoped to share with you some personal experience that I had with Justice Underwood and Justice Crebs, but my meeting was so fleeting; in anticipation of being here today I wanted to try to recapture a visual reaction that I had when I did, in fact, sit with

them at the Supreme Court dinner sponsored by the Illinois State Bar Association. The thing I remember most about Justice Underwood, besides his gigantic hands, was a certain commonness about him, a certain humility, a certain worldliness. Obviously, I was impressed to have the opportunity of sitting with the former Chief Justice of the State of Illinois. The legal profession is something I've always wanted to participate in, and then I found myself sitting at a table with a man of that caliber and again the thing that stayed with me the most was his great presence and his great humility; and with Justice Crebs and it wasn't so long ago that we shared a table at the Supreme Court dinner. The thing that stayed with me the most was his humility, was his gentleness; and I treasure those moments for having been able to share with them and with the families and to have known them as I have and again to speak to you today.

We are indeed all of us—the family and the profession and the community—enriched by having these men be members of the family, the communities, the legal profession. The People of the State of Illinois were tremendously benefitted by their lives. Thank you very much.

CHIEF JUSTICE MORAN:

Thank you, Mr. Amari. The next person really needs no introduction. He is known by the legal community throughout the State of Illinois. Professor John E. Cribbet. Professor Cribbet was Dean of the University of Illinois College of Law from 1967 until 1979. He was Chancellor of the Urbana-Champaign campus from 1979 to 1984—and Corman Professor of Law from 1984 to 1988. While he officially retired in May of this year, he continues to teach and write at the University of Illinois and elsewhere. Professor Cribbet.

PROFESSOR JOHN CRIBBET:

May it please the Court, Dorothy and Mary, and friends of two great judges. This year, 1988, has been a year touched with an ineffable sadness for the University of Illinois College of Law and for me personally. It has witnessed the death of two of our most distinguished graduates and dedicated public servants—the Honorable Caswell J. Crebs, Class of 1936, and the Honorable Robert C. Underwood, Class of 1939. It may seem odd to quote Gilbert and Sullivan in connection with these two sons of Illinois, but there is a verse in the Lord Chancellor's Song from *Iolanthe* which is appropriate. You will remember it.

“The Law is the true embodiment
Of everything that's excellent.
It has no kind of fault or flaw,
And they, my lords, embody the law.”

Even though secreted in the interstices of a musical comedy, the lines parse true for the men we honor today. Neither one of them would have proclaimed that the law has “no kind of fault or flaw” for they saw it warts and all, but both recognized that the law, frail vessel though it sometimes may be, represents our best hope for a free society. They believed, to the depths of their being, in the rule of law and they devoted most of their professional lives to being of service on the bench. And thus, they, my lords, did, indeed, embody the law.

It is a difficult task to pay tribute to two judges so widely admired by the legal profession and by the public at large. A mere recital of their accomplishments revealed from their extensive resumes would turn to dust on the page because outlines such as that are only skeletons of two warm-hearted, dedicated, intelligent human

beings whose concern for the public welfare was animated by a personal integrity that was recognized by all who knew them. I cannot give you an exact photograph of Cass and Bob; my tribute is more in the style of the French impressionists. But I am reminded of John Ruskin's favorable criticism of the English impressionist, Turner, as opposed to more realistic artists said he, "A photograph is no more true than an echo." My brief comments are but an echo of the lives of two men who made us proud to call ourselves lawyers. But they were more than outstanding judges, accolade enough in itself; they were also leaders in their respective communities, admired by many who knew little of their strenuous intellectual life in judicial robes but saw them as models of civic responsibility. They believed in the importance of higher education, understood the role of the law schools as the needle's eye through which the new members of the bar must pass, and they backed that belief and understanding with action, not mere words. In short, they were statements of the law and we are all better for having been privileged to know them and work with them.

I have spoken of Cass and Bob in tandem because they had so much in common—devotion to the law, a strong sense of civic responsibility in all areas of life, long service on the bench, and pride in family and friends. But their careers were not wholly parallel, even though both forswore the financial rewards of private practice for the psychic income of public service. Judge Crebs' career was primarily on the trial bench and, when he was first elected as one of three circuit judges in Illinois' Second Judicial Circuit, he was only 32, at that time the youngest judge to have been elected to that office. He served from 1945 until he voluntarily retired in 1964. Some retirement! Thereafter, he served by ap-

pointment on the Fifth Judicial Appellate Court and was twice assigned for service on the Illinois Supreme Court. He was the only person in the history of Illinois to have been appointed to the State's highest court on two different occasions. His services to his alma mater were very wide and varied, but I remember him best as President of the College of Law Board of Visitors and for his interest in the equal opportunity program of the College. He early recognized the importance of increasing minority of representation at the bar and he established and funded a scholarship for minority students. His interest in legal education never flagged, and he was always available as a sounding board for new ideas, new ventures, and new plans for meeting the problems of the future.

Justice Underwood also had a considerable period of service on the trial bench, having been a judge in the county court of McLean County from 1946 to 1962. In 1962 he was elected to the Supreme Court of Illinois and served until his retirement in 1984. From '69 to '75 he served as Chief Justice of that court. Thus, he graced the Supreme Court for 22 years.

I do not use that word "graced" lightly. His calm, considerate demeanor, his well-written, carefully researched opinions, and his administrative style during the six years when he served as Chief Justice all bear testimony to the grace with which he adorned the bench. His was not a calm tenure on the bench. In Mr. Justice Holmes' fine phrase, it may have been quiet here but it was "the quiet at the eye of the storm." In the years since World War II, the law of Illinois, like that of most States and the nation, was changing rapidly in response to a changing society. The common law, the statutory law, and the constitutional law were in a state of flux. It was a time when one needed to hold fast to old truths

while searching for new meanings. The basic core of the common law needed to be preserved at the same time that new methods and techniques were etched into the familiar doctrine. Ideas can be as explosive as acts, and the Court, like a university, is a repository of ideas—ideas that must acquire flesh if they are to serve society's practical needs. This is certainly not the time to trace the developing law that formed the grist for Justice Underwood's voluminous opinions, but to quote Mr. Justice Holmes again: "A man can labor greatly in the law as well as elsewhere." Justice Underwood labored greatly, and successfully, to keep the trust which the electorate had bestowed upon him.

I knew Justice Underwood for over four decades, and my admiration for him wavered only once. In 1947, when he was a county judge in Bloomington, Illinois, I, fresh from admission to the bar, tried my first case under his eagle eye. I believe it involved contracts, it certainly could not have been property, and, despite my impeccable argument, the judge ruled against me. I'm sure the client has long since forgotten the case but I have not and it remains a minor blot on Justice Underwood's escutcheon. Of course, he was a young judge at the time and he may have not fully understood the historic impact of the arguments that I was making. Suffice it to say, he survived this fall from grace, and I had no further reasons to doubt his wisdom. On the other hand, this defeat drove me into academe, and I've never had an occasion to try another case in front of his bench.

Justice Underwood was always close to his alma mater, and he served it as well as he served the Court and the People of the State of Illinois. As he left the Court, he gave his personal judicial papers to the University of Illinois Library, where they will be a rich resource for scholars who wish to write the history of a fascinating

epoch in the life of an important institution—the Supreme Court of Illinois. In 1987, the University of Illinois Alumni Association gave Justice Underwood its highest honors when, at commencement, he received the Alumni Achievement Award.

I am privileged, Your Honors, to have been a part of today's memorial service, here in this courtroom which was so central to the lives of these two great justices. I hope the echos of my brief, impressionistic remarks will reveal something of the affection and the pride which so many feel for the lives of Caswell J. Crebs and Robert C. Underwood.

CHIEF JUSTICE MORAN:

Thank you, Professor Cribbet. Representing the McLean County Bar Association is the Honorable James A. Knecht, Justice of the Fourth District Appellate Court. He earned his bachelor's degree at the Illinois State University and his law degree from the University of Illinois in 1973. During 1973 and '74, Justice Knecht clerked for Justice Underwood, who, at that time, was serving as Chief Justice of this Court. Justice Knecht served as an associate and circuit judge in McLean County from 1975 until his election to the Fourth District Appellate Court in 1986. Justice Knecht.

JUSTICE JAMES KNECHT:

May it please the Court, Mr. Chief Justice Moran, members of the Court, members of the bench and bar, family and guests.

When a member of my profession appears before a court of review, the task is usually to argue a case or a principle—but there can be no argument today, and there

is no need to persuade—we know the merit and the worth of those we gather to honor.

I am a representative today of the McLean County Bar Association—the bar which sent Justice Robert C. Underwood to the bench, and the bar which was honored by his membership for almost 50 years. I also represent the judiciary of the Eleventh Circuit, where he began his legal career, and the justices of the Fourth District Appellate Court, who have admired him, and followed his lead.

In addition, I was privileged to serve as Justice Underwood's law clerk in 1973-74, so I speak, too, on behalf of the young lawyers who learned the law while serving as his clerks. He gave us faith in ourselves and, thus, faith in the system.

On November 10th of 1984, Justice Underwood's past law clerks gathered in reunion to honor him, and to enjoy his company. At that gathering, I had the honor of giving a formal toast, which I hope captured how each of us felt about him.

It was a pleasure then to make that toast and convey our feelings while he was there to hear and appreciate. The substance of the toast was as follows:

“We will leave it to others to toast and chronicle your long career—your scholarship and your reputation among your colleagues.

We toast you and the relationship between judge and clerk which is a special one.

We fortunate few have been pleased by your company—profited from your wisdom—and learned by your example. In teaching each of us, you have left a mark on the law just as surely as with your opinions.

You were a shining example of the law and integrity to each of us when first we ventured forth from law school.

For your example, you have our admiration. For the opportunity to be your clerks, you have our gratitude. For your principles, you have our respect. For your gentle good humor and kindness, you have our affection.

In the evening of your memory, we hope you will remember us—just as we remember you.

Shall we then lift our glasses and our hearts, and toast a true gentleman—Mr. Justice Underwood.”

That was my toast.

And that is what he did for us—he lifted our hearts—both as a human being and as a man of the law.

The bar of McLean County, and the bar of this State were honored by his presence and well served by his stewardship.

He was a leader who exercised power with thoughtful compassion. He spoke and acted with moral authority and with courage.

His wise counsel helped me make personal and professional decisions which led me to the bench as a career, and I saw him extend that helping hand to others, and practice a leadership that was a vital and powerful force in our profession.

He understood the value of community—the value of tradition and the value of honor. His was a balanced approach to both the life and the law—he knew of compromise and he knew of collegiality with his judicial brothers, and his fellow lawyers. How proud we were that he resumed the practice of law in Bloomington on his retirement from the Court.

He was a courtly and gracious gentleman who understood that in quiet places, there is reason—and in quiet people, there is reason and purpose.

I learned from him that private happiness is not enough to make our lives complete. What really gives purpose and meaning to our lives is a sense that each of us should make a contribution to our profession, to our community and to our country. To serve others. He served others—he made a contribution.

Most simply put—he was the best of us all. He was a man of dignity and substance.

It is an honor to be a judge—to be a member of his profession.

Bloomington and Normal are empty now of his voice and his presence, and this Court is empty of the sound of his footsteps. But we are not empty—we were made full by his life, and the memories of him abound. We miss him—and today, and for all our days, we will remember and honor his memory.

CHIEF JUSTICE MORAN:

Thank you, Justice Knecht. At this time, I'd like to introduce the Honorable Charles E. Jones. Justice Jones served as a county judge of Hamilton County until 1964, when he was elected to the circuit court of that county. He served there until his appointment as justice of the Appellate Court for the Fifth Judicial District and was later elected to that position in 1974. He retired from the appellate bench on April 30, 1987, after 33 years of distinguished judicial service. Justice Jones is presently a Trustee in U.S. Bankruptcy Court for the Southern District of Illinois. Justice Jones.

JUSTICE CHARLES JONES:

May it please the Court, Honorable members, ladies and gentlemen. With Justice Crebs' passing there is a stillness in the courtroom and a stillness in our lives.

It is entirely appropriate that time be devoted to give recognition to one who served us all with honor, distinction and achievement, and to make a record of our appreciation. However, it is difficult to impossible to compress a description of a consecrated lifetime of service to law and justice into a few minutes.

Justice Crebs was not at all a complex personality and he was never a difficult one. He left the state of the law better than he found it. He left the judicial system better than he found it. He improved, he persuaded, he taught by example. It must be agreed that he ascended to the heights of his profession, but one might wonder whether he really wanted to be there. He never seemed to be impressed with his achievements, although others were greatly impressed.

Justice Crebs was a graduate of the University of California at Los Angeles and thereafter attended the University of Illinois School of Law, where he graduated with high honors in 1936. That same year he was admitted to the bar. Justice Crebs returned to his home in Robinson to establish a law practice and, in 1940, formed a partnership with Hanby Jones, who himself later became a circuit judge.

In 1945 Justice Crebs was elected a circuit judge for the Second Judicial Circuit. At that time he was the youngest circuit judge in the State. His election as a circuit judge was a fortuitous event for the people of the Second Circuit and all Illinoisans, for he quickly displayed a natural affinity for the business of judging. He was soon recognized as being an outstanding judge and

his reputation spread beyond the fraternity of lawyers and judges. So great was his prominence and ability that in the circuit judge election of 1957 no Democratic lawyers would accept nomination because they viewed Judge Crebs as unbeatable and no one would challenge the candidates of the Republican Party with him on the ticket. The Second Circuit Democratic Judicial Convention was held at Carmi that year. At the close of a long day of fervent partisan speechmaking and exhortation of possible Democratic candidates, all was of no avail. Someone then hit upon the idea that if none would run against Judge Crebs, why not run with him. The idea caught hold, an *ad hoc* committee was appointed to call Judge Crebs with the proposition that he be a candidate on the Democratic as well as the Republican ticket, with the understanding he would not be called upon to campaign as a Democrat. Judge Crebs, of course, readily consented, for it gave him an assurance of election for his third term as a circuit judge. When the committee reported back to the convention, two other candidates were quickly found and the ticket was filled. In the ensuing election Judge Crebs was inevitably elected, but the other two Democrats were not.

From the very first to the very last of his career, Justice Crebs displayed the highest standards of judicial conduct and performance. He was possessed of judicial integrity to the extent that he gave fresh meaning to the word "integrity." While he was certainly a legal scholar, he left no scholarly works. His interest did not lie in the production of treatises; that he left to others that were so inclined. Justice Crebs was concerned with people. Where others saw the rule of law, Justice Crebs saw the people that the law would rule. He was always conscious of the consequences of the law as it applied to people in their everyday lives.

While Judge Crebs had ability in abundance to preside over the trial of a case and render a prompt and correct decision, as a trial judge he was a great compromiser and reconciler. He knew the therapeutic value of a settlement as distinguished from a rancorous lawsuit. On several occasions I have seen lawyers arrive at the settlement of a case, except as to which side would pay the costs. Judge Crebs would reach into his pocket, toss the cost money onto the judges' bench and announce the case as was settled because he was paying the costs. His little ploy never cost him any money because at that point the attorneys quickly settled the matter of the costs.

Justice Crebs knew and understood the precept underlying American law that all people, rich and poor, are equal before the law, and he rendered his judicial decisions by that rule. He knew and understood the meaning of being even handed and free from either bias or prejudice, and he rendered his judicial decisions by that rule. He knew and understood why one accused of a crime was presumed to be innocent until proved guilty beyond a reasonable doubt, and he rendered his judicial decisions by that rule.

Justice Crebs fully understood the truth in the Oliver Wendell Holmes observation that in the final analysis all law must respond to the needs of society as a whole and that as those needs change the law itself must change. But at the same time, he was reflective in his approach and looked with cautious inquiry upon any proposal for a sharp change in law or procedure. His standards as a judge were those to which all judges must surely aspire. His example has unquestionably elevated the standards of judicial conduct and the rule of law.

Without doubt the ultimate recognition of his ability and integrity came when on two separate occasions he was assigned to service with this court to fill vacancies, first in 1969 and again in 1975. Interposed between his dates of service on the Supreme Court, he was assigned to service on the Appellate Court for the Fifth District from 1971 to 1974. The cases he authored and the work of the Supreme and Appellate Courts during his tenure have chronicled his knowledge, wisdom and vision. I sat with him on the Fifth District Appellate Court and experienced first hand his even-handed insight into the decisionmaking process. He was always calm, always ready to listen, always ready to press on his own view, which seemed always to be the correct one. Few indeed are dissents to his opinions. Great indeed was his influence upon the opinions where he served as a panel member rather than author.

As great as his achievements as a judge, however, his chief interest in life was in associating with people. Whether it was with friends or strangers seemed to make little difference to Justice Crebs. He was constantly seeking the company of people with whom to talk. Probably no one has ever been more gifted as a conversationalist than Justice Crebs. His knowledge of current affairs was boundless and he delighted in the give and take of gentle argument.

Compared to most other places it's comparatively quiet and slow-paced down in Robinson and the Second Circuit. The seasons and judges will come and go, but the influence and fine example of Justice Caswell Jones Crebs will be with us for many, many years. We have been honored and uplifted by his presence among us as judge, friend, husband and father.

CHIEF JUSTICE MORAN:

Thank you, Justice Jones. Responding on behalf of the Court, I would like to call upon Justice Howard C. Ryan, who was a dear and close friend of Justice Underwood. Justice Ryan.

JUSTICE HOWARD RYAN:

Thank you Mr. Chief Justice, Dorothy and Mary, family and friends of those of whom we are today honoring, it is my privilege to speak on behalf of the Court in recognition of Justice Underwood.

Robert C. Underwood served as a member of the Supreme Court of Illinois from April 1962 until December 1984. Prior to that he served as county judge in McLean County from 1946 until his election to this Court. Thus, upon his retirement in 1984, Justice Underwood had given more than 38 years of dedicated service to the judiciary of this State.

During his service on this Court he served as Chief Justice for more than six years, serving from September of 1969 to January 1 of 1976. His tenure as Chief Justice was the longest of any Chief Justice of this Court in modern times. He was appointed Chief Justice by his colleagues at a time when serious questions had been raised concerning the ethical conduct of some members of the judiciary in this State, and during his tenure as Chief Justice, this Court adopted Supreme Court Rules 61 through 71 and implemented them; and incidentally, Professor Cribbet was the chairman of the committee that helped write those rules. This Court adopted those rules and implemented them in 1969-1970 and those were the rules that governed the conduct of judges, both their conduct on the bench and their conduct while they are

off the bench. Also, he was Chief Justice during the transition period from the 1870 Constitution to the 1970 Constitution.

Justice Underwood was a true leader. The leadership ability he displayed as Chief Justice led the judiciary of this State through some rather troubled times and brought stability to the constitutional transitional period, during which we were learning to deal with home rule and other new concepts that had been written into the 1970 Constitution. His leadership role did not end, however, with the termination of his tenure as Chief Justice. He was a valuable resource and willing advisor to those who served in that capacity after he had left the office.

I first met Bob when he was a senior at the University of Illinois College of Law, and I was an undergraduate working part-time in the law library. Our paths crossed again when he was county judge of McLean County and I was county judge in La Salle County. More significant, however, were the 14 years we served together on this Court. During this long acquaintanceship, the impression of him, the image that I have of Bob and one that has stayed with me to this day, is that he was a role model, a role model against which others could measure their accomplishments and their conduct. It was an inspiring experience to have known him for so many years and to have served with him on this Court for so long.

Bob announced his retirement more than a year before its effective date so that his successor could be elected, and so that it would not be necessary for this Court to fill the vacancy by an appointment. During that time, numerous organizations honored him. I had the privilege of speaking on several of those occasions, and I often referred to him in so speaking as a steadying influence on the Court. I likened him to a flywheel on a gaso-

line engine or balance wheel on a watch whose steadying influence maintained balance on the Court and prevented it from taking embarrassing, excessive positions.

Both before and after his retirement, Justice Underwood received many honors from universities, bar associations, civic and fraternal groups. To attempt to name them all would be a lengthy task and would risk the danger of omitting some. A most significant recognition, however, occurred on December 12, 1984, when the House and the Senate of the General Assembly met in joint session to honor him, at which time various officers of this State paid tribute to his service as a judge, and to him as a man.

Needless to say, in the 22 years that he served on this Court he authored many significant opinions. It is difficult to classify these in order of their importance, and the mention of some will surely bring to mind others that some may consider of greater importance. Though these may not be the most significant opinions that he authored, three that he authored before I became a member of this Court, come readily to mind as having considerable weight. In *Hickey v. Illinois Central Railroad Company*, found in volume 35 Illinois Second, page 427, this court determined the ownership of space above the Illinois Central Railroad property in downtown Chicago, and also the ownership of a substantial amount of reclaimed land on the lakefront in that area. The decision in that case was the legal foundation for the development in the many buildings in that large area south of the Chicago River and east of Michigan Avenue that is so rapidly developing at this time. In the same volume of the Illinois Reports, we find another of his opinions that had a great impact among the law. *Monier v. Chamberlain*, 35 Illinois Second 351, formed the basis for our present discovery practice in this State. Then, of course,

there is the *Pedrick* case, *Pedrick v. Peoria and Eastern Railway Company*, 37 Illinois Second 494, which has probably been cited more often than any other opinion of the Supreme Court of this State. That case establishes the guidelines to be used in passing on motions for directed verdicts and judgments notwithstanding the verdict. These are but a sample of the many opinions which he authored while he was a member of the Court and which are found in volume 25 through volume 103 of Illinois Reports, Second Series.

His contribution to the law does not lie only in the opinions that he authored. His discussions in the conference room with his colleagues and his counsel to the other members of the Court influenced and shaped the tone of the opinions that others authored. When an opinion was adopted that he thought was erroneous, he voted against it, often authored a dissent but then he would accept it was the law of this State; however to him, it was and always would be, bad law.

His activities in improving the judiciary were not limited to the State of Illinois. During his long tenure as Chief Justice, he served on the Executive Committee of the National Conference of Chief Justices, and in 1974 through 1975, he was vice-chairman of that organization. Similarly, his writing was not confined to legal opinions. He authored numerous articles that appeared in professional journals and publications.

Viewing his efforts from such this recent perspective, it is difficult to assess the value of his contribution to the law and to the judiciary of this State. We must leave the final verdict in that regard to history. However, the evidence before us now is clear and convincing that Robert Underwood must be ranked with the great, "great" as Professor Cribbet described that term, who has contrib-

uted substantially to the law, to the judiciary and to the administration of justice in Illinois.

CHIEF JUSTICE MORAN:

Thank you, Justice Ryan. Responding also this afternoon is Justice Ward, senior member of this Court. Justice Ward.

JUSTICE DANIEL WARD:

Mary Crebs and Dorothy. You will see from that why in an act of wisdom, I have asked the Chief Justice to deliver my remarks today. I was indeed highly honored by the Court to ask to speak on the judicial service of Justice Crebs but, alas, that was not to be. A cold and laryngitis intrude upon this assignment and rather than convert in part this proud ceremony into a painful listening experience for you, I have asked the Chief Justice to deliver the remarks I prepared.

CHIEF JUSTICE MORAN:

Memorial proceedings of this Court are indeed times of sad remembrance, but in a more relevant sense they are occasions for pride in recalling distinguished achievements of colleagues whose services enriched the Court.

Today, we remember with honor two justices of great distinction. The Court has asked me to speak on (and when I say me, I'm speaking of Justice Ward) to speak on the contributions of Justice Crebs. Caswell Crebs was born on January 14, 1912, at Carmi, Illinois. At six years of age his family moved to California, where he attended elementary and high schools in Los Angeles and completed his college undergraduate work in 1932 at the University of California at Los Angeles. He took graduate work and was awarded a Master of Arts Degree by the University of Southern California in 1933. He took

his first year of law at the Law School of Southern California and then returned to Illinois. In 1936, he graduated from the University of Illinois College of Law and was admitted that year to the bar of our State. He engaged in the practice of law at Robinson, Illinois, from 1936 until his election to the circuit court of the Second Judicial District in 1945. He began public service in 1941 as an assistant State Attorney General of Illinois and served in that capacity, concurrently with his legal practice, until 1945. Justice Crebs served as a circuit court judge until 1964, when he entered into his retirement. His service on the Second Judicial Circuit included service as the circuit's chief judge. He retired with a reputation for outstanding judicial ability, and it was not surprising that the Supreme Court called him from retirement in 1968. It was to fill the vacancy in the Fifth District Appellate Court, created by the election to this Court of Justice Joseph H. Goldenhersh. He served on the Appellate Court until October 20, 1969, when he was assigned by the Supreme Court to fill the vacancy on the Supreme Court caused by the death of Justice Byron O. House. His assignment to this Court was completed in December 1970 and the Court, reluctant to leave his judicial talents unused, appointed Justice Crebs in November of 1971 again to the Appellate Court in the Fifth District. He served there with customary excellence until 1974, when he again retired. His superb abilities were called on again in September 1975, upon the retirement of Justice Charles H. Davis of this Court, when this Court, in an action without precedent, recalled Justice Crebs again to serve on the Supreme Court. He served again on the Court until December 1976 when, to the happy relief of his dear wife, Mary, he was permitted to resume retirement.

Justice Crebs retired from the Court but he did not retire from life. The retirement years were happy ones with his wife, Mary, and their daughters, Catherine Ann and Mary. His interest in the law and its challenges never abated. Mary and he were in attendance at bar association meetings, including the annual meeting at which the Supreme Court is honored by the Chicago and Illinois State Bar Associations. Mary and he attended each year the convention of the American Bar Association and, as I have said, his interest in legal developments were undiminished in his retirement. Every time I saw Cass he was eager to comment on recent significant opinions of this Court.

Justice Crebs had the affectionate respect of his colleagues in every court on which he served. I have heard many speak of him and each time the comment was warm and admiring. He was intelligent, independent in judgment, and learned in his profession. His contribution was great but in our society there are no monuments to commemorate the services of judges and lawyers. St. Paul's in London is the finest creation of the great architect Sir Christopher Wren. But within the magnificence of the great church there is no monument—no sculpture or plaque—to honor his genius. But in the center of the floor of St. Paul's are the words, quote: "If you search for—if you must have a monument—look about you."

To find the monument to Justice Crebs we look about—to now-dusty files in the circuit courthouses and to the reports of the Appellate Court and of this Court, where are recorded the service he gave to the State and the profession he loved and served so well.

Thank you, Justice Ward.

Mr. Clerk, the memorial services presented here today will be made part of the record of this Court.

It is always with a solemn feeling that we on the Court conduct these memorial services, and they cause us to reflect on the distinction and exemplary services rendered by earlier members. The memories of Justice Underwood and Justice Crebs provide inspiration for not only the recent members of the Court, but also for future members.

I'd like to thank Mr. Amari, Professor Cribbet, Justice Knecht, Justice Jones, Justice Ryan, Justice Ward and all who are here present for their participation in these proceedings which honor the memory of two men who served the legal profession and this Court so well. Thank you very much.

Mr. Marshal, the Supreme Court stands adjourned until 9:30 tomorrow morning.

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SECOND SERIES

VOLUME 129 ILL. 2d

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