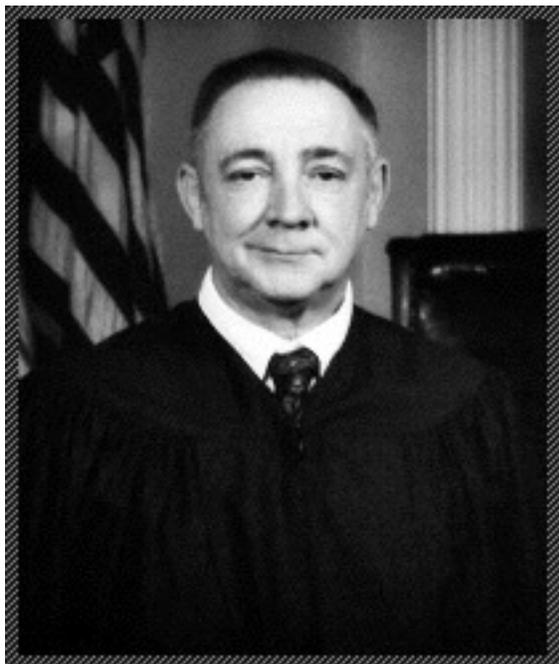


Philip J. Rarick 2002 – 2004

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Philip J. Rarick was born in Troy, Illinois on November 10, 1940. As a young boy and into adult life, he helped tend his family's farm and weeded crops on nearby farms. "Working



outside and working with my hands came naturally to me," he told an interviewer. "I was fortunate that I escaped the coal mines," he added, "All of the men in my family were coal miners. I'm the first male to graduate from high school in my family."¹

Rarick attended Southern Illinois University Edwardsville, graduating in 1962, while working as a millwright helper at Granite City Steel to pay his tuition. "It was hot, dirty and dangerous work,

and I loved every minute of it." He married Janet N. Arnovitz in 1963, and they became the parents of a son, also named Philip.

Earning a law degree from St. Louis University in 1966, he began his career with an East St. Louis law firm, primarily defending personal injury clients. Soon he opened a practice in Collinsville, became the city attorney, the Collinsville and Jarvis townships attorney, and then Madison County assistant state's attorney. In 1972, he became a partner in Harrison, Taylor & Rarick, which the next year became Harrison, Rarick & Cadigan.²

In 1975, Rarick was appointed Third Judicial Circuit associate judge and in 1982, was elected a Madison County circuit judge, serving through 1987. During his tenure, he presided over criminal cases that included the high-profile trial of James Lippert for the murder of his wife. Rarick sentenced the convicted man to a forty-year prison term. In the trial of Randy Brackett, prosecutors contended that his beating and raping of an elderly woman caused her death. After the guilty verdict, Rarick imposed a sixty-year sentence on Brackett. “You listen to each side. It’s more than being an umpire,” Rarick explained of the cases he heard. “It’s based on law and evidence.”³

Rarick spent thirteen years with the Third Judicial Circuit in Madison County before winning election to the Fifth District Appellate Court in 1988. He was retained in office ten years later. For fourteen years, he traveled between the Mount Vernon Appellate courthouse and his home in Troy. In addition, from 1992 through 1999 he was a member of the Illinois Courts Commission and an alternate member from 1999 to 2000, hearing cases of judicial misconduct. He served on the executive committee of the Illinois Judicial Conference from 1987 to 2002 and as chairman of the Conference’s Complex Litigation Study Committee from 1988 through 2001.

In September 2002, the Supreme Court appointed Rarick to replace retired Fifth District Justice Moses Harrison. The two men had been law partners from 1972 to 1975 and served together as judges in both trial and appeals courts.⁴ Rarick said that he was “greatly honored” to follow in Harrison’s footsteps. “It’s big shoes to fill, and I just don’t mean size 11 or 12. He is a great man and a great jurist.” Fifth District Appellate Judge Terrence J. Hopkins called Justice Rarick “the most easy-going judge in the state,” and added, “He’s as common as can be. He has an intellectual capacity that sometimes could be underestimated.”⁵

Only a few months into his appointment, the sixty-two-year-old Rarick suffered a stroke. He quickly returned to work on court business while also undergoing extensive physical rehabilitation. Spending five months of the year in Springfield, Rarick usually prepared for cases at his Fairview Heights office. “I have to finish reading everything in these five boxes before I go to Springfield,” he told a reporter in May 2004, a few days before the court started its two-week session. “He’s so down to earth, and he’s shown such courage dealing with the setback from the stroke,” said attorney Mary Nalefsky, Rarick’s administrative assistant.

Among the cases during his brief tenure, Rarick wrote the majority opinion in the 2002 *People v. Stehman*. Employee Michael Stehman had returned to Genoa Pizza in Sandwich, Illinois, after making deliveries in his own vehicle. As he walked toward the restaurant, a uniformed police officer approached him with an arrest warrant for failure to appear in court. The officer handcuffed Stehman and put him in the squad car. After searching and finding drugs in Stehman’s vehicle, the officer arrested him on a criminal offense. Both the trial and appellate courts granted the defendant’s motion to suppress evidence and quash the arrest. “The defendant had voluntarily exited his automobile and begun walking away before the officer initiated contact with him in order to arrest him on a warrant for an unrelated matter,” Justice Rarick wrote in affirming the appellate judgment. “The more general criteria justifying a warrantless search incident to a lawful arrest . . . were not satisfied because the officer did not have any reason to fear for his safety and there was no possibility of destruction of evidence.”⁶

In the 2003 case *People v. Belk*, sixteen-year-old defendant John Belk had stolen a van, and in a high-speed police chase, crashed the van into a car, killing its two occupants. In the Cook County Circuit Court, Belk was convicted of felony murder and sentenced to life

imprisonment. Justick Rarick affirmed the appellate court reversal of the circuit court conviction. “Aggravated possession of a stolen motor vehicle is not a forcible felony for purposes of the felony-murder statute,” he wrote, “because the evidence does not support an inference that Belk contemplated that the use of force or violence against an individual might be involved in attempting to elude police.”⁷

Rarick’s medical condition would cause him to not seek a full term at the expiration of his appointed term in December 2004. In the meantime, he continued to perform Court duties, but explained that “it is not medically advisable to do both the court’s business and be out on the road four or five nights a week campaigning in a 37-county area.”⁸

“Being able to serve on the Supreme Court was [the] greatest honor of my whole life,” Rarick reflected on leaving the bench. “I am disappointed the appointment was cut short. If it weren’t for my health, I would have run and I believe I would have won.”⁹ In retirement, Rarick became an of counsel attorney in Granite City.

¹ *Chicago Daily Law Bulletin*, 13 May 2002, p. 1.

² *Ibid.*, p. 22.

³ *Belleville News-Democrat Magazine*, 6 June 2004, p. 11.

⁴ *Chicago Daily Law Bulletin*, 5 September 2003, p. 24.

⁵ *Chicago Daily Law Bulletin*, 13 May 2002, p. 22.

⁶ *People v. Stehman*, 203 Ill. 2d. 26 (2002).

⁷ *People v. Belk*, 203 Ill. 2d. 187 (2003).

⁸ *Chicago Daily Law Bulletin*, 5 September 2003, p. 1.

⁹ mywebtimes.com, 11 September 2003.