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A TRIBUTE TO JUDGE ROBERT A. SPRECHER
1907-1982

BY LUTHER M. SWYGERT*

Robert Sprecher led a useful life. He contributed to the accommodation of our legal system to the ever-changing needs of our society. Perhaps an even more significant contribution was the model he provided for a humanistic approach to life itself. His death on May 15, 1982 brought to a close a meaningful existence; to those who knew him, a sense of appreciation and respect and loss.

At the time of his death Judge Sprecher was sixty-five years old and a circuit judge of the United States Court of Appeals for the Seventh Circuit. He had served on that court eleven years, having been appointed a circuit judge by President Nixon in 1971.

Before becoming an appellate judge, Robert Sprecher had had an interesting career, first as a law student and then as a practicing attorney in Chicago. He took his undergraduate degree at Northwestern University. Thereafter, in 1941, he was awarded a Doctor of Jurisprudence degree from Northwestern University Law School. He was first in his class during his senior year and the editor of the Illinois Law Review, later renamed the Northwestern Law Review. While in law school he was elected to the Order of the Coif and to Phi Beta Kappa.

After his admission to the Bar of Illinois in 1942, Judge Sprecher became associated with the firm of Sidley, Austin, Burgess & Smith from 1942 to 1945. Subsequently, he was a partner in the firm of Wham, Welch, Sprecher & McKee and then a partner in the firm of Crowley, Sprecher & Barrett until his appointment to the bench in 1971.

Beginning in 1948 Judge Sprecher was active in bar examination matters. For more than twenty years he was a member of the Illinois State Board of Law Examiners. During that period he was active in the National Conference of Bar Examiners and was Chairman of the Conference in 1959-60. He wrote the final draft of the Code of Recommended Standards for Bar Examiners and for Bar Examinations, and the Illinois Lawyers Manual. He wrote the first Handbook for Bar Ex-

* Judge Luther M. Swygert, United States Court of Appeals for the Seventh Circuit, served with Judge Sprecher and was the Chief Judge of the Seventh Circuit at the time Judge Sprecher was appointed to the Court of Appeals.

aminers for the National Conference of Bar Examiners in 1968. He was Special Assistant Attorney General of Illinois in 1957-62.

In 1945 Judge Sprecher was the winner of the American Bar Association Ross Essay Contest. In 1950 he was presented the Illinois prize for an essay on "Illinois Administrative Law" in the State Administrative Law Contest conducted by the American Bar Association, and in 1965 he was the recipient of the American Bar Association Samuel Pool Weaver Constitutional Essay award.

Judge Sprecher on occasion lectured at the Northwestern University School of Law, the Northwestern University Business School, and the DePaul University Law School. He was also the author of a great number of law review articles and book reviews.¹

It is difficult to define precisely the essence of a personality. The uniqueness of each individual person defies a categorical, complete description. One can only hope to sketch in broad outlines those outstanding characteristics which form the components of the whole.

One of Judge Sprecher's outstanding qualities was his devotion to the law and his exacting methodology as a lawyer and judge. His research was exhaustive. His scholarship, incisive legal reasoning, and natural intelligence were manifest throughout his legal career. He made complex, difficult tasks seem easy. His prose was clear and lucid; it carried the mark of a master craftsman. As a lawyer he became an

1. Among Judge Sprecher's many articles were: *The Threat to Judicial Independence*, 51 IND. L.J. 380 (1976); *The Mentally Retarded Citizen and the Law*, PRESIDENT'S COMMISSION ON MENTAL RETARDATION 479 (1976); *Mr. Justice Douglas* (Dedication of Issue), 51 IND. L.J. 6 (1975); *Chief Judge Luther M. Swygert* (Dedication of Issue), 51 CHI-KENT L. REV. 3 (1974); *What Law Students Should Know About Bar Examinations*, 13 STUDENT LAW. 6 (1968); *Ethical Advertising and Solicitation*, *Law Lists*, 53 A.B.A.J. 121 (1967); *Admission to Practice Law*, 40 STATE GOV'T 21 (1967); *Due Process Generally in Bar Admissions*, 35 B. EXAMINER 34 (1966); *Optional Questions on the Illinois State Bar Examination*, 53 ILL. B.J. 520 (1965); *Bar Admission Agencies: Their Right To Be Informed*, 51 A.B.A.J. 248 (1965); *The Lost Amendment*, 51 A.B.A.J. 554, 665 (1965); *Grading and Regarding a Bar Examination*, 31 B. EXAMINER 53 (1962); *Code for Bar Examiners*, 29 B. EXAMINER 73 (1960); *Security and Bar Examination Questions*, 26 B. EXAMINER 53 (1957); *Professionalism*, 32 ILL. ENGINEER No. 12 (1956); *Adequacy of Examiners' Staffs*, 24 B. EXAMINER 10 (1955); *A Brief History of the Illinois State Board of Law Examiners*, 36 CHI. B. REC. 89 (1954); *Lincoln as a Bar Examiner*, 42 ILL. B.J. 918 (1954); *Admission to Practice Law in Illinois*, 46 ILL. L. REV. 811 (1952); *Illinois Administrative Law*, 31 CHI. B. RECORD 265, 321 (1950); *The Development of the Doctrine of Stare Decisis and the Extent to Which It Should Be Applied*, 31 A.B.A.J. 501 (1945); *The Right of Minority Stockholders to Prevent the Dissolution of a Profitable Enterprise*, 33 KY. L.J. 150 (1945); *Recent Amendments to the Price Control Act*, 43 MICH. L. REV. 188 (1944); *Price Control in the Courts*, 44 COLUM. L. REV. 34 (1944); *The Valuation of Stock in a Closely-Held Corporation for Federal Gift and Estate Tax Purposes*, 31 KY. L.J. 326 (1943); *From Clifford to Stuart*, 31 GEO. L.J. 477 (1943); *The Conflict of Equities Under the "Deep Rock" Doctrine*, 43 COLUM. L. REV. 336 (1943); *Industrial Disputes in Time of War and Peace*, 36 ILL. L. REV. 290 (1941).

expert in appellate procedure. The preparation and writing of appellate briefs were frequently done on a referral basis from other lawyers.

Judge Sprecher had a deep concern for fairness and justice, both in individual cases and in the judicial system as a whole. He had little respect for complex and technical legal arguments which did little more than obscure the answer to the basic question in issue. Balanced against this strong sense of fairness was an overriding respect for the law and for precedent. The cases which were the most difficult for Judge Sprecher to decide were those in which a strict application of the law seemed to point to a result other than that which equity would dictate. Although Judge Sprecher never allowed his personal views concerning equity to prevail over a clear application of settled law, he was willing to distinguish precedent effectively where appropriate and necessary to do justice.

Judge Sprecher's concern with fairness and respect for the law were merely particular examples of a broader group of characteristics properly classified under the term judicial temperament. He was not afraid to break new ground in appropriate cases or to fill in existing gaps in the law, but at the same time he did not roam about at large in search of opportunities to impose his personal policy judgments on others or to reverse trends in the law which he personally found disagreeable. He also did not sidestep issues which had to be squarely confronted, no matter how difficult or politically sensitive. Judge Sprecher's opinions in the civil rights, free speech, abortion, and other controversial areas provide ample evidence of his independence, courage, and judicial integrity.

Judge Sprecher enjoyed immensely the fact that he was a part of a collegial body, rather than a single decisionmaker. He appreciated and respected the views of his colleagues. In writing his opinions for the court, he would take whatever steps were necessary in an attempt to accommodate the views of the other judges on the panel. Similarly, he was troubled when he disagreed with his colleagues, and would rethink his position thoroughly before deciding to make his disagreement explicit in the form of a separate opinion.

Something also should be said about Judge Sprecher's work habits. It is well known that he was exceedingly efficient and that his was often the shortest backlog on the court. He took great pride in this fact, but he would never allow his desire for efficiency to interfere with the quality of the work which came from his chambers. Even the most

routine unpublished order was the product of careful research and analysis.

Outside of the law, Judge Sprecher's main interest were his family and the fortunes of his favorite baseball team, the Chicago Cubs. For several years he organized an annual trek to Wrigley Field with his brethren to attend a game.

As a person, Bob Sprecher was a quiet man, compassionate, self-effacing—even shy. Though courageous and independent in his thinking and approach to problems, he expressed his views in a temperate, inoffensive manner. He never argued for argument's sake. As one of his colleagues has said, "He was a model as a person and a judge."

Robert Sprecher shall be remembered as an outstanding member of the Chicago bar and as an eminent, learned jurist.

A monument of granite
Chiseled with dates
Of birth and death
Is not the only one
That tells the story.

There is also a monument
In the hearts of those
Who knew and cared and loved.
Chiseled with memories
Of a life that touched them all
And leaves a pleasant glow.