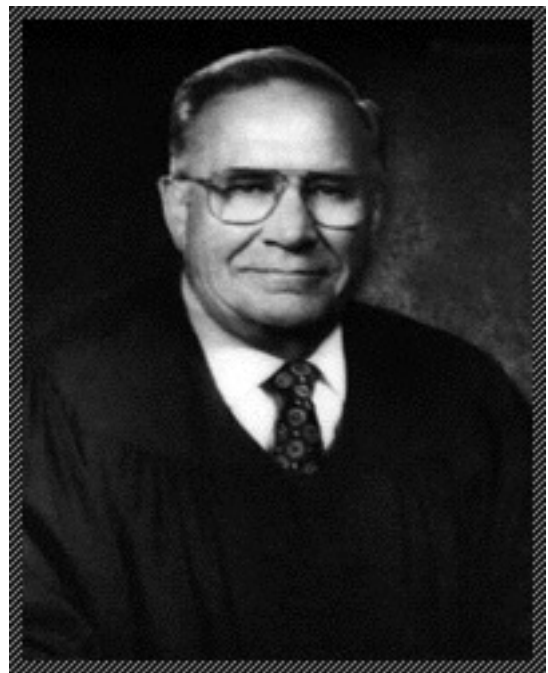


John L. Nickels
1992 – 1998

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Born in Aurora, Illinois on January 16, 1931, John L. Nickels was the son of Kane County dairy farmer Philip and wife Gertrude Rausch Nickels. John began his education at age four in a country school near Sugar Grove—one teacher for fifteen students in eight grades.

When he was eleven years of age, the *Aurora Beacon-News* featured the Nickels family in an article on area farmers aiding the World War II war effort. The story included a photograph of John on a tractor. “Jackie can handle this tractor as easily as most youngsters pedal a bicycle,” read the caption.¹



Graduating from Marmion Military Academy, a Catholic Benedictine high school in Aurora, Nickels worked on the family’s 800-acre farm for five years, and then served for two years in the U.S. Army at Fort Knox, Kentucky and in Louisiana, as an aircraft and engine mechanic. Discharged in 1956, he returned to the family farm and commuted to Northern Illinois University on the GI Bill.

On June 22, 1957 Nickels married artist Merita Smith at Holy Cross Catholic Church in Batavia, and they would become the parents of eight children. He graduated from NIU in 1958 at age twenty-seven, with a degree in business administration, then received his law degree from DePaul University College of Law in 1961. The family lived briefly in Batavia before returning

to the Sugar Grove area, building a home on a portion of the family farmland.²

Nickels practiced law in DeKalb, Kane, and Kendall counties for more than twenty years. Active in the business community and in public service, he won election to the first Waubensee Community College Board of Trustees, and served on the Kane County Regional Planning Commission and Zoning Board of Appeals as well as the Board of Kane County Bank & Trust Company.

In 1982, Nickels was elected circuit court judge for the Sixteenth Judicial Circuit, serving DeKalb, Kane, and Kendall counties. Eight years later, he won election to the Illinois Appellate Court, Second District. During his appellate tenure, he authored sixty-six majority opinions and three dissents.

Following the 1992 retirement of Second Judicial District Supreme Court Justice Thomas J. Moran, Nickels won an upset victory in the Republican primary for the seat. “I hope where I come from makes a difference,” he told a reporter covering the campaign. “People have to make their decision based on a measure of the person. That’s something you can’t hand them on a resume or a campaign flyer. They want to look you in the eye. I hope when they look at me, they see something of themselves.”³ He was unopposed in the general election.

In six years on the Illinois Supreme Court, Nickels participated in 820 cases, authoring 95 majority opinions, 45 dissents, and 10 special concurring opinions. He wrote a concurring opinion to the 1994 *People v. Cruz* majority ruling that overturned the conviction and death sentence of Rolando Cruz for the murder of Jeanine Nicarico of Naperville. Cruz was acquitted in his third trial, amid accusations of prosecutorial and police misconduct. Another man, Brian Dugan, was later found guilty of the crime.⁴

In *City of Chicago v. Morales*, Nickels wrote the 1997 opinion that struck down the city's gang loitering ordinance as an unreasonable infringement on personal liberty. "Persons suspected of being in criminal street gangs are deprived of the personal liberty of being able to freely walk the streets and associate with friends," he wrote, "regardless of whether they are actually gang members or have committed any crime." He continued, "Many of the offensive activities the city claims the gang loitering ordinance will deter are already criminal acts. . . . However, the city cannot empower the police to sweep undesirable persons from the public streets through vague and arbitrary criminal ordinances."⁵ Two year later, the United States Supreme Court upheld Justice Nickels' decision, declaring the ordinance unconstitutional.

Although elected as a Republican, Nickels sided with the majority in the 1997 *Best v. Taylor Machine Works* that struck down a damages cap and other provisions of a tort reform law pushed by the Republican Party in the mid-1990s when it briefly controlled both legislative chambers and the governor's office.⁶

In addition to hearing cases, Nickels was the Supreme Court liaison to the Lawyers Trust Fund of Illinois, credited with increasing legal aid programs for low-income residents. The Illinois State Bar Association recognized his success in securing the Lawyers Trust Fund rule that allowed their "pooled client accounts" to earn a higher rate of interest that substantially increased funding available for legal services. A staunch advocate of lawyers sharing their privilege, he championed free legal services not only to the poor, but also to the disadvantaged and vulnerable—"work of the Lord," he said.⁷ For those efforts, he received the Illinois State Bar Association's Access to Justice Award.

Nickels considered judicial independence as the cornerstone of democracy, "the sworn

duty of judges to make the hard and unpopular decisions.” In his keynote address at the 1998 annual Supreme Court dinner co-sponsored by the Illinois and Chicago bar associations, sixty-seven-year-old Nickels described as inappropriate recent attacks on “judicial independence,” which he said “used to be confined to the fringe of society. Unfortunately, it has moved closer to the mainstream. Today’s critics can be the President of the United States, state governors, state legislators, prominent members of Congress, and yes—even members of the bar—seemingly each with their own personal agendas.” He criticized both President Bill Clinton and Republican Senate Leader Robert Dole for urging a judge’s resignation or impeachment for suppressing evidence that had been seized in violation of the Fourth Amendment. “Regardless of the short-term political expediency of such comments,” Nickels said, “they are outrageous.”⁸ He urged judges to remain independent in the face of political pressure and for prosecutors to protect the rights of defendants. “In their exercise of prosecutorial discretion,” he warned, “they must be keenly aware of what is fair and just.”

Concluding the speech, Nickels announced his retirement from the bench. In a later *Chicago Tribune* interview, he said, “We can’t lose sight of what we’re all there for and that’s to do justice. We have a larger responsibility to acquit the not-guilty person than we have to find guilty the guilty person. Some prosecutors lose sight of that aspect of it.”⁹ Anticipating retirement, the farmer’s son reflected on “going home. I am going back to the land that has always nourished my soul—back to the land that I never really got off of my hands or out of my heart.”¹⁰

Crediting his agrarian background for lifelong values of hard work, commitment, and loyalty, Nickels farmed throughout his legal and judicial career. At the Maple Park farm in

DeKalb County he shared with his wife, he pursued no-till plowing to conserve topsoil, utilized computer programs for further resource conservation, and created a wildlife sanctuary. He was also an active member of St. Gall Catholic parish in Elburn.

After an extended illness, Justice Nickels died at age eighty-two on June 24, 2013, at his Maple Park home. Following services at St. Gall Church, he was buried in the parish cemetery. Nickels “was a gentle and most hospitable man,” Illinois Supreme Court Chief Justice Thomas L. Kilbride said of his colleague. “He carried a wealth of compassion and internal resolve to bring out the best in all of us—to be respectful professionals. He was a real role model and epitomized that it was quite acceptable ‘to agree to disagree.’”¹¹

¹ Supreme Court of Illinois news release, 24 June 2013.

² *ISBA Bar News*, 4 January 1999, pp. 1, 5; “Oral History Transcript, John L. Nickels,” 15 July 2010, Nickels file, Illinois Supreme Court Historic Preservation Commission, Springfield, Illinois.

³ Supreme Court of Illinois news release, 24 June 2013.

⁴ *People v. Cruz*, 162 Ill. 2d. 314 (1994); *Chicago Tribune*, 12 December 1998, Sec. 1, p. 7.

⁵ *City of Chicago v. Morales*, 177 Ill. 2d. 440 (1997).

⁶ *Best v. Taylor Machine Works et al.*, 179 Ill. 2d. 367 (1997); *Chicago Daily Law Bulletin*, 25 June 2013, p. 1.

⁷ Supreme Court of Illinois news release, 24 June 2013.

⁸ *DCBA Brief* (December 1998).

⁹ *Chicago Tribune*, 21 February 1999, Sec. 2, p. 3.

¹⁰ *State Journal-Register* (Springfield), 12 December 1998, p. 32.

¹¹ Supreme Court of Illinois news release, 24 June 2013.