



Supreme Court of Illinois

January 20, 2021

Justice James D. Heiple 1933-2021

Justice James D. Heiple, the author of the controversial 1994 “Baby Richard” adoption case ruling, passed away on January 18 at OSF St. Francis Medical Center in Peoria from complications following a brain hemorrhage. He was 87. During his time on the Illinois Supreme Court, Justice Heiple authored 175 majority opinions, 98 dissents, 27 special concurrences and 18 partial concurrences/partial dissents.

“Justice Heiple had a long and distinguished career in the judiciary and legal community,” Chief Justice Anne M. Burke said. “He will forever be remembered for the ‘Baby Richard Case’ and the controversy that came during his time on the Supreme Court. Justice Heiple persevered through those hard times and the Court sends its condolences to his friends and family.”

Justice Heiple, who served 10 years on the Illinois Circuit Court, 10 years on the Illinois Appellate Court and 10 years on the Illinois Supreme Court, was born in Peoria on September 13, 1933, the son of attorney and banker Rae Crane and Harriet Birkett Heiple. Attending grammar and high schools in Washington, Illinois, he graduated in 1955 from Bradley University and in 1957 from the University of Louisville Law School. On July 28, 1956, he married Virginia Kerswill, and they would become the parents of Jeremy, Jonathan and Rachel.

Following service in the Army at Fort Knox, Heiple joined the family law firm of Heiple & Heiple in Washington. In 1959, he opened an office in Pekin, developing an extensive practice in municipal law and as corporation counsel for several municipalities. He also served as an appellate law clerk, a public defender, and a Special Master in Chancery.

“Justice Heiple exemplified the very highest integrity and followed the law without fear or favor. He was one of the finest jurists Illinois has ever had,” Appellate Justice William E. Holdridge said. “He had a marvelous ability to draft concise and to the point legal opinions and his judicial writings are still quoted today.”

In 1970, Heiple won election to fill a Tazewell County Circuit Court vacancy and two years later was retained for a full-six-year term, then retained again in 1978. In 1980, he became a Justice of the Third District Appellate Court, twice elected the Presiding Justice, and in 1988, received a Master of Laws degree from the University of Virginia. During his career, Heiple served as the Illinois Judges Association president, Tazewell County Bar Association president, held memberships in the Illinois, Kentucky, and federal bar associations, and chaired councils of the

Illinois State Bar Association. In addition to his legal career, he partnered in an insurance agency and became a director of two banks.

In 1990, Heiple sought the Third Judicial District seat on the Illinois Supreme Court to succeed retired Justice Howard C. Ryan. Heiple campaigned as a “Common Sense Choice” in 21 Third District counties of north-central Illinois. He defeated Democratic Illinois Appellate Justice Tobias Barry by less than one percentage point.

In the 1994 *In re Doe* case, Heiple wrote the unanimous opinion that returned “Baby Richard,” Daniel Kirchner, to his biological parents. The mother had relinquished her rights to the infant immediately after his March 1991 birth and refused to reveal the father’s name to the adoptive parents. Several months later, she told the father of the child’s existence, and he hired an attorney to challenge the adoption. Both the Cook County Circuit Court and First District Appellate Court agreed that the father had not shown interest in the boy within the first thirty days of his life, as required by law, thus abandoning his parental rights. The Supreme Court justices, however, reversed the ruling, excoriating the adoptive parents for proceeding with the adoption “when they knew that a real father was out there who had been denied knowledge of his baby’s existence.” Illinois adoption laws, Heiple wrote, “are designed to protect natural parents in their preemptive rights to their own children wholly apart from any consideration of the so-called best interests of the child. If it were otherwise, few parents would be secure in the custody of their own children.”

Heiple assumed a three-year term as Chief Justice in January 1997, succeeding Michael A. Bilandic. Later that month, the state’s Judicial Inquiry Board charged Heiple with misconduct for having repeatedly disobeyed police instructions during traffic stops in his hometown of Pekin and for invoking his position to evade citations. In February, Heiple faced an Illinois Courts Commission investigation stemming from the traffic stops.

The Courts Commission established a panel to investigate misconduct charges against Heiple. In a contentious move, he appointed Justice Moses Harrison II, arguably his closest colleague on the Supreme Court, to chair the five-member group. Heiple requested that the Commission make its determination based on already filed briefs. “We elect not to refute,” his attorney stated.

Then in April 1997, for the first time in nearly 150 years, the Illinois House of Representatives unanimously authorized a bipartisan impeachment investigation of Heiple because of the Harrison appointment as well as Heiple’s much-publicized traffic stops. Two days after the Courts Commission censured Heiple for damaging “the court system’s integrity” and three days before the start of the House investigation, he reluctantly resigned his position as Chief Justice. “I refused to resign from the Supreme Court entirely; I had done nothing impeachable; and I was unwilling to allow my political and media enemies to prevail over my demise.”

Former Illinois Governor James R. Thompson led the team of attorneys representing Heiple in the House proceedings, not only arguing the separation of powers within state government but also maintaining that none of the allegations merited removal from the Court. “It is our view that Chief Justice Heiple has a clear and undeniable property right in his office as a justice of the Supreme Court which neither this committee nor the House nor the Senate can deprive him of in violation

of the constitution,” Thompson stated. After the hearings, the members voted 8-2 against impeachment.

In December 2000, at the end of his 10-year term, Heiple did not seek retention on the Supreme Court. In retirement, the widowed Heiple concentrated on operating two farms he owned near Peoria, while also vacationing at his Canadian cabin and rediscovering the enjoyment of reading. “While on the bench,” he said, “I had to read so much – many hours every week – that I avoided reading for pleasure, but now I can enjoy a range of books by a variety of authors.” He also continued championing the rights of biological parents in contested adoption cases.

Heiple was preceded in death by his wife, Virginia, and daughter, Rachel. He is survived by son Jeremy (and wife Carla) of Pekin, and son Jonathan of Peoria. He is also survived by Jeremy’s five children; Derek, Darby, Tate, Tanner, and Drae; and a great-grandson, Cooper; as well as his brother, Rae II, of Whitefish Bay, Wisconsin.

Private services will be held at Deiters Funeral Home and Crematory in Washington, with burial following in the family plot at Glendale Cemetery in Washington.

Justice Heiple’s memorial website is available at www.deitersfuneralhome.com where condolences may also be sent to the family.

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(FOR MORE INFORMATION, CONTACT: Chris Bonjean, Communications Director to the Illinois Supreme Court at 312.793.2323 or cbonjean@illinoiscourts.gov.)