

Fatal illness can't extinguish judge's spirit

By Inger Sandal

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Jim Himelic returned to court and finished accepting pleas from jail inmates on the afternoon he was diagnosed with a fatal degenerative nerve disease.

Then, as he did most evenings for more than a decade, he coached one of his children's baseball teams before going home.

Later that night – April 16, 1996 – he told his wife why he had started to stumble while jogging and why his back hurt: he had amyotrophic lateral sclerosis.

Commonly called Lou Gehrig's disease after the famed baseball player who died of it in 1939, ALS is a progressive degeneration of the nerve cells in the brain and spinal cord that control voluntary muscles.

Himelic, who distinguished himself as a prosecutor after graduation from the University of Arizona's law school in 1973, kept working. He spent most of the last three years as a judge at Pima County Juvenile Court.

Until this month.

His illness forced him to take early retirement at age 52.

Himelic said serving as a Pima County Juvenile Court judge was the highlight of his career. What he enjoyed most, he said, was "having a successful resolution for a family in crisis."

Presiding juvenile court Judge John Davis praised Himelic's dedication. "He cared so much about his job and being a good judge," he said. "He just has so much wisdom about kids and how to deal with them."

Himelic's contributions extend beyond the courts, however. "He sets such a good example as a lawyer, as a judge, as a husband, as a father and as a friend," said Davis, who has known him since law school.

"The entire time he was at juvenile court he was dealing with ALS, and he never ever complained. He never asked for any sort of special treatment or consideration," Davis said. "Jim handled this better than most people handle the flu."

Himelic prefers a low profile, but other friends and colleagues are as effusive as Davis in their praise. Invariably they describe the soft-spoken Nebraskan as a gentleman and a diligent attorney. A guy who has his priorities straight.

Cards and notes sent by people from juvenile court are prominently displayed at Himelic's home, where he is under hospice care. He agreed to a limited telephone interview.

"You just wonder why these things happen out of the clear blue sky," said his wife, Diana.

Good athlete, sportsman

Jim Himelic was a natural athlete – a former college wrestler who lifted weights at the gym, jogged, played basketball with friends and coached his kids' teams.

A letter Himelic's son, Jimmy, wrote him shows that his sportsmanship also taught values.

“You always were there in the dugouts or stands cheering me on in baseball from when I was in kindergarten through my eighth-grade summer,” the 15-year-old wrote. “You never argued with the umpire or yelled at the coach for bad decisions. You just sat there and kept it to yourself because you knew there are more important things in life than a stupid baseball game.”

Himelic’s wife keeps that letter among others in a jewelry box her husband gave her at Christmas. Inscribed on the box – “Dear Diana ‘Woman of the World’ Love always, Jim” – words he spoke on their wedding day 25 years ago.

Friends describe a love affair that continues to this day.

The couple met when Diana Himelic worked as a secretary at the Pima County Attorney’s Office. She admits she was instantly attracted to the young attorney she saw riding in the elevator. “He was cute and had a beautiful smile and blue eyes,” she said, smiling.

“They’re completely opposites,” said David Berkman, who became friends with Himelic while both were prosecutors. “Diana is very vivacious. Jim would be considered low key. They just had this attraction to each other and have these six wonderful kids.”

They have faced the best and the worst together.

Every year 5,000 people are diagnosed with ALS nationwide. “It’s sporadic,” Diana Himelic said, not genetic, in Jim Himelic’s case. “It could hit me. It could hit you.”

Doctors initially hoped Himelic had a form of ALS that would allow him 10 years to live, his wife said. Instead, the illness has progressed much more rapidly.

Himelic used a leg brace when he arrived at juvenile court in 1997. Then a cane gave way to a walker. In April 1998 he resigned himself to using a wheelchair full time, his wife said, describing one of the worst moments as when “reality hits that you don’t have your legs to use anymore.”

Tenacious but gentle

Jim Himelic said he enjoyed being a prosecutor. “I tried to help people who had been harmed by helping to convict those who caused the harm,” he said.

Himelic successfully prosecuted 128 felony cases while with the Pima County Attorney’s Office. He sent four killers to Arizona’s death row – a record at that time.

All remain there except for Jimmie Wayne Jeffers, who was executed in 1995. Himelic declined to attend the execution. “I did not have a desire to be there. The evidence convicted Jeffers – not me,” he said.

“There wasn’t any case that you couldn’t give Jim Himelic. You’d have no problems knowing it would be done thoroughly and professionally,” Berkman said.

“The thing that made Jim win is his thoroughness and the fact that the juries appreciated his fairness and his gentle approach in the courtroom.”

“He was a great prosecutor,” said Tony Abruzzo, a defense attorney who met Himelic on the basketball court when both were UA law students. “I hated having cases against him.”

Abruzzo said he always tries to be nicer than the prosecutor when he’s in court defending a client. “But you can’t do that with Himelic. He’s a gentleman and that technique did not work with him,” Abruzzo said, laughing. “There was no way to out-nice him in front of a jury.”

Himelic started his own practice in 1982, taking on some criminal defense work until he was appointed a commissioner in June 1995. As a commissioner, he set bonds and accepted pleas in criminal cases until he was transferred to juvenile court and appointed as a judge pro tem.

“He was really pleased about going there,” said attorney Jeffrey Minker, a longtime friend.

“Jim and I were jogging partners every weekend for 14 years and we discussed a lot of cases. Since he was already the dad of six kids, Jim always wanted to be a judge downtown at juvenile court.”

Himelic was most concerned, he said, that children got into trouble because their parents offered no support or guidance at home.

Busy but considerate judge

Kimberly Rhodus and her husband, Don, went before Himelic in February 1997 when they adopted their 6 ½-month-old daughter. The birth mother had placed the child for adoption rather than have Child Protective Services put her in foster care.

“I remember him as being very friendly. He took the time to put us at ease and he realized what an important event this was for us,” Kimberly Rhodus said.

“I don’t know how many hearings they do a day, but they are very, very busy. Despite his busy schedule, he made us feel special for the few minutes we were there in his courtroom,” she said.

Himelic shared an office at juvenile court with Judge Howard Hantman, whom he has known since he was a prosecutor and Hantman worked for the Public Defender’s Office.

“Oftentimes you wouldn’t know he had a major illness by the way he conducted himself,” Hantman said. “He was an inspiration for us at juvenile court – including co-workers, litigants and people who appeared before him.”