

# Widener University Commonwealth Law School

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From the Selected Works of Robert C Power

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## A Great Loss

Robert C Power, *Widener University - Harrisburg Campus*



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## A GREAT LOSS

Robert C. Power\*

The Honorable Robert N.C. Nix, Jr., died on August 23, 3003. As the first African-American chief justice in the nation, not only Pennsylvania, but also his community misses him. That community is all of Pennsylvania.

Chief Justice Nix had a long career filled with honors. His father was a leading criminal defense attorney in Philadelphia who later became a member of the U.S. House of Representatives. Chief Justice Nix entered law practice after graduating as valedictorian of his class at Villanova, earning honors at the University of Pennsylvania School of Law, and serving in the military. After serving as a deputy attorney general for the Commonwealth, he joined his father's law firm. There he tried more than three hundred trials before serving for several years as a judge on the Court of Common Pleas for Philadelphia. He was appointed an associate justice of the Supreme Court of Pennsylvania by Governor Milton Shapp in 1971, elected the following year, twice retained by the electorate, and became chief justice in 1984, serving in that position until his 1996 retirement.

In the understandable desire to document the contributions to civil rights of pioneers such as Chief Justice Nix, commentators sometimes overlook other accomplishments. This can have the effect of belittling those accomplishments. Here are three in the case of Chief Justice Nix. He was particularly well-regarded for his opinions in tort and products liability law.<sup>1</sup> He also was an exponent of state constitutional law as an individual source for defining civil liberties, a field that was developing during his tenure on the Supreme Court of Pennsylvania.<sup>2</sup> Chief Justice Nix

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<sup>1</sup> *E.g.*, *Kaczkowski v. Bolubasz*, 421 A.2d 1027 (Pa. 1980); *Sinn v. Burd*, 404 A.2d 672, 681 (Pa. 1979); *Azzarello v. Black Bros. Co.*, 391 A.2d 1020 (Pa. 1978).

<sup>2</sup> *E.g.*, *Commonwealth v. Lewis*, 548 A.2d 975, 983-84 (Pa. 1991) (Nix, J., concurring); *Commonwealth v. Reese*, 549 A.2d 909, 912-13 (Pa. 1987) (Nix, dissenting); *Commonwealth v. Sell*, 470 A.2d 457 (Pa. 1983); *Commonwealth*

also had an insightful view of the judicial process. In a short law review article he gently deprecated his elevated status, concisely explained the difference between civil and common law case development, cited French metaphysical philosophy, captured the essence of legal realism, and calibrated the role of "justice" in statutory construction and constitutional analysis.<sup>3</sup> He recognized the limits of the judicial process in achieving truth but the responsibility to try. Seeking only "to tickle the interest of the reader,"<sup>4</sup> he set forth our profession's obligations in words that lay people can understand.

Yes, he will be missed very much.

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v. Hayes, 414 A.2d 318 (Pa. 1980); Commonwealth v. Miller, 305 A.2d 346, 350-52 (Pa. 1973) (Nix, J., concurring).

<sup>3</sup> Hon. Robert N.C. Nix, Jr., *Foreward: The Essence of the Judicial Process*, *Pennsylvania Supreme Court Review*, 1984, 58 TEMP. L.Q. 297-99 (1985).

<sup>4</sup> *Id.* at 299 n.4.