



News

Legends in Legal - Justice Bernette Joshua Johnson

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Louisiana Supreme Court Chief Justice Bernette Joshua Johnson. Photo by Bernie Saul.

The Irwin Fritchie team could not be more excited to say, for our inaugural “Legends in Legal” article celebrating African American legal leaders, we had the great pleasure of interviewing Former Louisiana Supreme Court Chief Justice, Bernette Joshua Johnson. We hope you find reading the article about her life and thoughts as fascinating as we did while creating it.

Read our Introduction to the Irwin Fritchie "Legends in Legal" Series to learn more about the creation of this series and how we developed our approach to the topics and information covered.

Meeting Chief Justice Bernette Joshua Johnson

As a form of preparation, when meeting people in positions of power for the first time, the mind can often lend itself to a variety of classically defined predispositions relating to how that person might compose themselves during an interview. Thoughts of no-nonsense attitudes come the forefront, along with varying levels of cockiness, tightly kept schedules that are always running just a little bit behind, and, above all, valuable time that absolutely cannot be wasted. Within the first few moments of speaking with Chief Justice Bernette Joshua Johnson, though, each of these expectations and more quickly and quietly fell by the wayside.

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Justice Johnson, for the uninitiated, is a woman who could easily top nearly any list of Louisiana-based legends. Born in Donaldsonville, LA, in 1943, she grew up as an intelligent and ambitious, young African American woman in a time and place that was still deeply divided along racial lines. After graduating as valedictorian of her still segregated high school, she would go on to earn her undergraduate degree in Political Science from Spelman College in Atlanta, GA, in 1964. From that point forward, Justice Johnson spent the next half century compiling one of the most impressive resumes in Louisiana legal history. During this time, she also built a long and remarkable list of firsts within the legal profession, starting with becoming one of the first two African American women to earn a Juris Doctor from the Paul M. Hebert Law Center at Louisiana State University in 1969.

In the early stages of her career, Justice Johnson focused most of her efforts on positions within the public sector, including working as a law clerk for Ernest “Dutch” Morial, as a Deputy City Attorney for the City of New Orleans, a community organizer with the NAACP Legal Defense and Education Fund, and so much more.

With a sturdy foundation of experience underneath her, Justice Johnson would continue blazing a trail of firsts through the legal profession in Louisiana, becoming the first woman elected to serve on the bench of the Civil District Court of New Orleans in 1984, where she would serve for nearly 10 years before being named Chief Judge by her colleagues. In 1994, Justice Johnson would be elected to the Louisiana Supreme Court, then reelected in both 2000 and 2010. In 2013, Johnson would be sworn in as the first African American Chief Justice and only the second female Chief Justice of the Louisiana Supreme Court. For 26 years, she was the only African American jurist on the bench and held the position of Chief Justice until her retirement in 2020.

During the course of her illustrious career, Justice Johnson has received countless awards and honorifics recognizing her numerous historic accomplishments, including an Honorary Doctorate in Law from Spelman College, induction into the LSU Law Center’s Hall of Fame, the first Ernest N. Morial Award, the A.P. Tureaud Citizenship Award, the American Bar Association’s Margaret Brent Women Lawyers of Achievement Award, and many more.

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On first introductions, one could easily imagine Justice Johnson fitting into the familial role of loving mother, favorite aunt, or adored grandmother. Her warm, amiable demeanor seeming to belie her most recent position as the most powerful judicial figure within the State of Louisiana. When technical difficulties arose with the video for this interview, Justice Johnson approached the situation with grace and good humor, even spending a few moments to joke with us about the LSU-branded bags sitting behind her that we could not see.

Once everyone gave up on the hopes of new technology allowing us to see Justice Johnson’s collection of LSU paraphernalia, we quickly switched to an old-fashioned telephone connection and continued nearly as planned. As the interview progressed, the kind and thoughtful disposition of Justice Johnson remained consistent, even as the sharp, analytical mind of an African American woman who spent her adult years rising through the ranks to the upper echelons of the legal profession in the deep south bolted to the forefront.

*Justice Johnson - the first woman elected to the bench of the Orleans Parish Civil District Court -during her swearing in ceremony in 1984.
Photo Credit Louisiana Supreme Court.*

Early Years - Finding Inspiration

As a child growing up in the segregated South, saying opportunities for the future Chief Justice to find role models in the courtroom were limited would be putting things mildly, at best. Having not even met an African American attorney until after graduating from high school, Justice Johnson found her original models for success, not within the halls of justice, but within the hallways and classrooms of her schools.

"I think I found success because I grew up in those segregated schools and was so inspired by my teachers, stated Justice Johnson. "Absolutely wonderful teachers who poured everything they could into preparing us for life and the challenges ahead. I went to high school, graduating valedictorian of my class because I had so many great teachers around to encourage me and inspire me. If I had a chance to look at my yearbook, I probably aspired to be a teacher back then because, truthfully, we can only aspire to what we can see. And so, these are the people who inspired me: teachers."

After graduating from high school, Justice Johnson would leave Louisiana to pursue an undergraduate degree from Spelman College in Atlanta, GA. While there, an entire world of new possibilities began to present themselves to the young Political Science major, accompanied by new and varying perspectives brought forth by college professors, peers, and a host of potential mentors and role models. Some of these new role models would include a specific group of people in positions she had not previously seen: African American Attorneys. And it was at this time she seized the opportunity to turn her talents into action by working alongside these attorneys on school desegregation cases for the NAACP Legal Defense and Education Fund during the summer months.

Returning Home

The years spent at Spelman College provided Justice Johnson with all the inspiration she needed and more to turn her sights and talents toward the legal profession in her home state of Louisiana after graduation. Upon her return, though, she found the opportunities for African American attorneys, much less judges, in the state to be few and far between, stating:

"Atlanta is where I was able to learn and see other people – the Thurgood Marshalls and so many people like him – who were doing such great work through desegregation cases and other efforts. Then I came back to Louisiana and went to LSU Law School. The profession was just so much different when I got back."

Now, there are hundreds or even thousands of Black attorneys in Louisiana. Lots of Black judges. It's just so much different than when I first came back to Louisiana. We're talking about a lot of firsts during that time. A lot of first black judges. Judge Joan Armstrong was the first woman Judge here for the Orleans Parish Juvenile Court in 1974. [Ernest] "Dutch" Morial was one of our first black judges. Israel Augustine, Jr., as well, with the Criminal District Court.

I used to tell people about how we held meetings for the Louis Martinet Society at the Saint Peter Claver building on Orleans Avenue. All 50-or-so black lawyers from the whole state would meet in that first-floor auditorium because there just were not a lot of black lawyers then."

Louisiana State University Law School class photo - 1968.

Justice Johnson (3rd row, far right) and classmate, Gammie Berthella Gray (2nd row, far right) were the first African American female law students to attend the law school.

Changing Direction

As Justice Johnson's career began to progress, the amount of African American attorneys and judges within the state stagnated. When she was elected to the Civil District Court of New Orleans – the first woman to do so – there were only between 8-10 African American judges across the entire state of Louisiana due to the restrictive and oppressive nature of voting laws at the time towards large blocks of African American voters.

The tide finally began to turn after two landmark cases, *Clark v. Roemer* (1991) and *Chisom v. Roemer* (1991), worked to desegregate the courts of Louisiana by negating decades worth of legislation designed to dilute the voting power of African American voters across the state.

Justice Johnson recalled the impacts these cases had on the state's judiciary and on African Americans living in Louisiana:

"Clark against Roemer and Chisom against Roemer changed the face of the judiciary and changed the diversity within the courts because we were able to elect our judges at the appellate level. We were able to add African American to the Louisiana Supreme Court. It just changed the profession because now folks going into the court to see folks who looked like them actually participating in the process. They could see them actually deciding a case, participating in jury service, and more.

We've come a long way in the last 30 or 40 years in terms of the delivery of justice and delivery of services to the public in terms of our courts. So, I think we've made some tremendous improvements.

You know we can do other things to make sure that we are not just being selfish with our skills, but that we are in fact giving back to our community and making our communities better. That we are in fact concerned about the next generation of young people and making their lives better and making a difference with them."

As a law student and young attorney, Justice Johnson recognized how few opportunities were available to her and other African Americans for clerkships and work within firms and other organizations. She credits Dutch Morial with not only hiring her as a law clerk after graduation, but for being a mentor to her throughout the early part of her career:

“I went to LSU Law School 10 years after he did – Dutch enrolled in LSU in 1954, and I got to LSU in 1964. In that 10-year span there were no African Americans at the LSU Law School. When I graduated, he hired me as a law clerk and so I worked with him and that was important because you can only take advantage of the opportunities that are available. And working for legal services or working for the EEOC – a government entity, or somewhere like that – were some of the only things available. Or being in private practice as a law clerk with one of the small black law firms with only a few jobs available. So, I clerked for Dutch Morial, then I worked for legal services, then for Dutch Morial again as a City Attorney. Then, I was elected the first woman to be a judge at the Civil District Court.

Of course, we've seen a tremendous turnover in terms of diversity at Civil District Court, where it's gone from being court of majority white males, and now it's a bench of majority black females. And we still need to be concerned about diversity because that's what's required. That's what people need to see: a bench containing all aspects of America. We need to have everybody.”

Past Meeting the Present

Over her tenure on the bench, Justice Johnson did her fair share of speaking out about diversity and racial issues within the United States. Feeling compelled to share her thoughts as an African American in a position of power within the justice system, Justice Johnson penned scathing rebukes – through dissents, letters and speeches, on the injustices endured by African Americans, like George Floyd, Fair Wayne Bryant, and countless others who consistently faced a myriad of racial injustices within the criminal justice system. When events such as these occur, Justice Johnson recalls the struggles and losses experienced by the Civil Rights Movement as she was growing up:

“I did a lot of writing on diversity and race issues,” she stated. “I think every time something vicious occurs, we all suffer, too. Lately we feel compelled to speak out, but you've got to realize I'm from a generation that starts with Emmett Till and Medgar Evers. I was also a 3L [third year law student] at LSU when Dr. King was assassinated, so, you know you, you get to be numb with all of the instances where Black lives have been disrespected and Black people have been killed. It becomes our burden to speak out and to try to demand justice.

Even during the past difficult times, and more recent events that have been experienced by African Americans, Justice Johnson takes heart in the progress she has experienced during her lifetime, where she has seen the State of Louisiana, and the country, take significant steps forward from the days of her youth. *“I think that's the whole point,” said Justice Johnson, “of sometimes asking somebody like me to look back about how far we've come because we've made tremendous progress.”*

Paying it Forward

From the time of her election to the Civil District Court of New Orleans in 1984, to now, Justice Johnson has made it a point to pay forward the opportunities and mentorship provided to her by Dutch Morial during the early part of her career. *“I was – and am – determined to provide opportunities for young lawyers. And not just young Black lawyers, I was going to provide opportunities for young lawyers, period.”*

The path to career advancement and future success for a young law clerk of any race could often prove perilous. Helping young lawyers avoid these pitfalls of clerkship in order to find their own levels of success became a focal point for Justice Johnson:

“The easiest thing for a judge to do is hire a law clerk, train them, and then just make them their assistant, writing briefs and whatever work that needs to be done” she said. “The work is in training them, and it’s easy for a judge to keep them after two-or-three years because they have a fully trained law clerk making their lives easier.

I decided that no, I’m not going to cripple these young lawyers. I’m going to train them and I’m going to push them out into the profession and let them fly. So, when I got to Civil District Court, I made a rule to see if I could push them out after one year. If they weren’t ready after one year, I might keep them on for two.

If you look at the people who have worked for me – Judge Paula Brown, Judge Karen Roby, Judge Ben Willard, Attorney James Williams, and more – you can see that I’ve tried to continuously provide opportunities for young lawyers, then encourage them to move on to something bigger and better. I didn’t want them to stick around to help me look good, but to go out there and see what they could do to make a difference and to make an imprint on the world themselves.”

Justice Johnson sworn in as Louisiana Supreme Court Justice by Dutch Morial in 1994.

Advice for Younger Generations

As younger generations continue to take up the mantle of Civil Rights figures, such as Justice Johnson and countless others who fought against racial injustices in previous generations, Justice Johnson offers words of wisdom based on her experiences during the Civil Rights Movement. She encourages young people to learn, not simply from the fierceness and ferocity by which these battles were fought, but from the full experiences of those who came before them and the sense of community that came with them.

“That’s all Black History Month is about, really. We look back and look forward and I don’t know if young people would understand that for all the struggles during the Civil Rights Movement, there was some joy in it, too. When you see in some movies and pictures of that era that that Dr. King is smiling, and there’s a strong sense of camaraderie. You know, it’s almost like in a war. The camaraderie that comes with it, and you can see those people smiling, enjoying each other, and the friendships that are forged there in the trenches.

So many young people need to understand that even through the battles, the fear, the people getting killed, and throughout everything that was involved, we still had some great people doing great work. And they knew how to enjoy each other and the camaraderie they built together. You've got to live in the moment and find joy where you can."

Justice Johnson - Sworn in as first African American Chief Justice of LSC in 2013.

Photo by Louisiana Supreme Court.

Homework Assignment

When you think about it, what could be more fitting than being given a reading assignment by the person who was originally inspired to greatness as a child by her teachers?

"I would recommend to anyone who wants to learn more about the Civil Rights Movement to read the book "The Movement Made Us," by David Dennis, who is from Shreveport. It's an excellent book about the civil rights struggle that anybody really interested in learning about what it was like in Mississippi – and everywhere across the South – looking to fight racism."