

Distinguished Alumnus

Sam D. Johnson

As a Texas Supreme Court Justice he is pleased to have 'at least one-ninth input on what the law will be in the future.'

by Tommy Denton

His desk top buried beneath a mound of law books, treatises and legal briefs, Texas Supreme Court Justice Sam D. Johnson reflected with practiced good grace on another legal battle fought and lost.

As one of nine members of the state's highest civil tribunal sitting in Austin, Johnson had voted, and lost, to provide legal representation to a defendant taken from his jail cell where he was being held on one charge and brought before a court to be tried on another, unrelated charge.

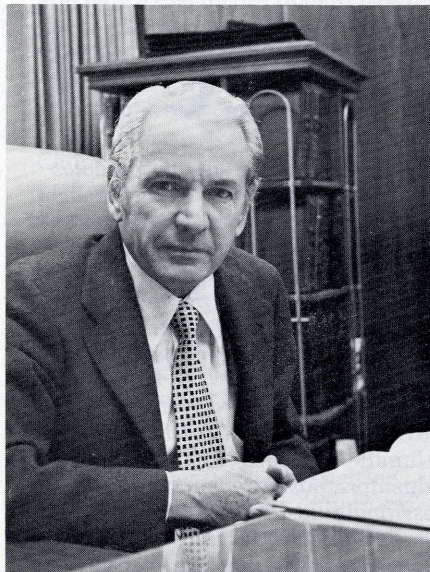
"I felt, and feel very strongly, that it's basic to the right of an individual whose freedom is in jeopardy, that that person must be represented and represented competently," Johnson said in his office in the Supreme Court Building, overlooking the state capitol.

Bound up in that statement is perhaps the core of Sam Johnson's concept of the practice of law, spanning more than a quarter century. He was at the vanguard of public legal defense when the idea was roundly criticized by the media, some political leaders and even some members of the legal profession. He is recognized nationally for his work in public legal defense, and that is some indication of his view of what the law is about.

Sam Johnson hails from the rich, rolling soil of Central Texas farmland around Hubbard in Hill County. This

lean, rural orientation molded Johnson's perceptions of the world, a world inhabited by "little people," folks racked by the Great Depression, people struggling in a hardscrabble world in which justice often went to those best able to pay for it.

His father died when Sam was a youngster. His mother, a nurse, packed up her family in 1937 and moved them into a humble frame house on South Tenth Street in Waco, just a few blocks from the Baylor campus.



Tommy Denton

Sam was caught up with the rest of his generation in World War II. As a combat infantryman with the 95th Infantry Division in Europe, he was decorated for valor and received the Purple Heart for wounds received in battle.

He returned to that frame house on South Tenth to work his way through school after the war, majoring in business administration.

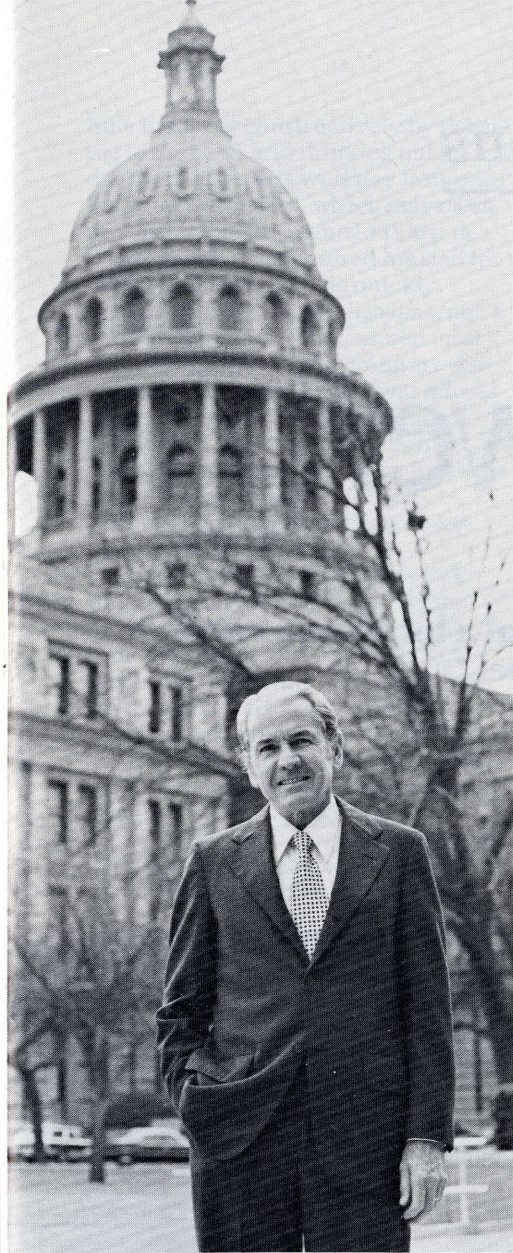
"Baylor was the only school I could go to," he said. "It seemed Baylor was made up of small people, poor people, people really hubbing it. Those were tough times at Baylor, and, I know, tough times for Baylor."

Johnson took his degree in 1946 and entered the University of Texas School of Law, where he received his law degree in 1949.

Returning to Hill County and Hillsboro to open a law practice, Johnson soon became active in a wide variety of community and legal activities, including politics. He served as Hill County attorney, district attorney and district judge during the course of those years.

In 1967, the Houston Legal Foundation tapped Johnson to be the director of a pilot program in the United States to establish legal services for the poor. He resigned his seat on the district court to assume the job in Houston.

"From the district court bench, I'd been struck with the inequity the law



Tommy Denton

imposes on poor people, with representation, poor representation or no representation," Johnson said. He recalled a common experience in which prisoners would be brought handcuffed, six at a time, before a judge who would hear a court-appointed attorney enter six guilty pleas at \$10 each.

Thanks in large part to the success of the Houston Legal Foundation's program, Johnson said, such activities "would be intolerable in the same court in the same community today."

Among Johnson's lengthy credits are membership in the National Legal Aid and Defender Association, the Standing Committee on Legal Aid and Indigent Defendants, the Institute of Judicial Administration, the American Judicature Society, the American Bar Association, Texas Bar Association and a number of local bar associations.

He is the current chairman of the Appellate Judges' Conference Section of

Judicial Administration of the ABA, the only chairman of the conference ever to serve from Texas.

Last June, the University of Texas School of Law conferred on Johnson an honorary Order of the Coif, an award given annually to the "judge or practitioner who has distinguished himself in the legal profession." The University of Houston Law School also has honored him.

Johnson's experience on the district court, however, kindled his interest toward a career in the judiciary. From 1967 to 1972, he served as associate justice of the 14th Court of Civil Appeals in Houston. Unopposed in his two races for the Houston bench, Johnson is the only person in the history of the state to be elected without opposition to the supreme court, where he has served since 1973.

"The judiciary is an ambition I did not have at all when I started practicing law, but it came about rather promptly when I began practicing," he said. "I get a great sense of satisfaction in judicial work. The determinations are of the law, and the determinations made here are the final determinations made in the state.

"To be part of the formation of the law is particularly satisfying. Lord knows, I don't agree with all the determinations made here. We disagree with each other intensely and almost daily," he said, a smile spreading across his face, his steel-blue eyes twinkling. "But I have at least one-ninth input on what the law will be in the future."

In what today could be characterized as troubled times, Sam Johnson gives the impression of being the eternal, cock-eyed optimist. His faith in the rule of law and social and government institutions is tempered with a patient perspective on the inevitable, agreeable resolution of this world's tribulations, given earnest effort and sound values.

"Our Anglo-Saxon legal tradition is the best effort of the people to express themselves on how their lives will be lived and ordered," he said, his hands clasped, supporting his chin. "The remarkable thing about our country is not only the willingness, but, indeed, the anxiousness to live by the law. I don't know of any society that has been more willing to change to abide by what they regard as law."

In the dimly lit, majestic paneled chambers of the courtroom where the Texas Supreme Court presides over the complexities and disputes of the state's legal system, Sam Johnson talked easily about his origins, about the experiences that nurtured his view of the world. Not surprising was his frequent reflection

on Baylor and its pivotal place in his life.

"Whatever kinds of thinking I have about people less fortunate or less endowed or less favorably conditioned economically are influenced in a major, enormous way by those qualities we obtained at Baylor," he said. "We have a responsibility for each other, a responsibility for the community, for the state and the nation. You can look at a directory of Baylor alumni and see thousands of examples of people living out their lives all over the world in a manner radically different from what would have been had they not gone to Baylor."

As a Presbyterian lay leader, Johnson has served as an elder in each of the churches in which he was a member, including the Covenant Presbyterian Church of Austin now. He is on the board of directors of the Presbyterian Children's Home and Service Agency and serves on the board of directors of the United Urban Council of Austin. He has spoken widely throughout the state to local Baylor Clubs and served as president of the Baylor Alumni Association in 1973-74.

Values imparted at Baylor have been an influential foundation for his decisions and interpretations of law, Johnson said, reflecting on his judicial career. Silver-haired and lean from his two-mile runs almost every day, Johnson squinted into the distance as if to focus on a truth to be recollected from the past.

"We don't get our basic ideas about fairness, justice or equality in a vacuum. When I entered Baylor, I was concerned more with how to get along, how to make some money, how to make a living. Even if not at first, values are remembered, the lasting values that come upon us in subsequent years. They continue to come upon us."

He gazed toward the high marble bench behind which were lined the tall-backed chairs of the nine justices. The empty courtroom was silent, lighted only by small, recessed lamps high in the dark ceiling above the bench.

"To a lot of people, we look backward at what the law declared itself to be, determine what was, and, therefore, should be. But, there is a second feature. We not only look back at what was, but we must recognize where we are now and what the law should be.

"My decisions and interpretations are affected by the values I brought to the job," he said, "and my moral values primarily are those that come from Baylor. In my business, I hope they are evident in what I'm doing now. I think they are." ❧