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THREE DECADES ON THE BENCH

Colleagues praise Judge Johnson as he ends his judicial career

By Michael Johnson

Free Press Editor

BLOOMFIELD - When Circuit Court Judge David K. Johnson was sworn in by Gov. Otis R. Bowen, he was three years out of law school, had a small daughter and was a part-time deputy county prosecutor with a fledgling private practice in partnership with Orville Hunter.

That was Sept. 6, 1976 - five governors ago. Today, Johnson's thick, dark hair is a little thinner and a little whiter. He has three grown children and three grandchildren. And, he has put on the judicial robe for three decades.

Just a few months shy of his 30th anniversary on the bench, Judge Johnson recently announced he would step down to take a position with the Indiana Alcohol and Tobacco Commission as one of its commissioners.

While Judge Johnson has presided over proceedings dealing with murder, rape,

divorce and greed, perhaps the biggest legacy he leaves the county is one of caring for its children.

"Judge Johnson has been a great support to the CASA program," said Beverly Haynes, director of Greene County's Court-Appointed Special Advocate program. "He has been a great support to children in general."

Haynes, who heads the department which helps children through the court system - acting as an independent voice for the kids - said Johnson has always taken the welfare of Greene County's children seriously.

She tells of an Indiana statute which requires court appearances and follow-up on cases every six months in juvenile matters. Judge Johnson at one time was told that six months in the life of a child has the



Staff photo by M. Johnson

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Judge David K. Johnson leaves the Circuit Court bench at the end of June.

JUDGE JOHNSON

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appearance of a lifetime - especially if the child has been removed from the home.

"So, Greene County has a three-month hearing and revue in all children in need of services cases," said Haynes.

Haynes also noted that Judge Johnson is the reason the director's position is a full-time paid job, with a part-time assistant.

Judge Johnson said it has always been his philosophy that when it comes to budget time, he should fight for money where it will do the most good. In his court's case, he always felt that was with programs to help children.

On a personal note, Haynes noted that Judge Johnson's reputation precedes him in a lot of ways and places.

She said she was in church in Daviess County last weekend and a local lawyer there told her how his entire law firm hated to see His Honor leave the bench.

"And that is in Daviess County," she said.

That reputation - which has been decades in the making - has also been around for a long time.

Bloomfield Town Marshal Tom Franklin recalls that during his time as Greene County Sheriff "detectives from other jurisdictions around the state coming in and lamenting the fact that they didn't have someone like Judge Johnson on the bench in their location."

Franklin also recalls playing baseball against Judge Johnson when both men were high schoolers - Franklin in Worthington and Judge Johnson in Bloomfield.

County Prosecutor David Powell - who has applied for the soon-to-be vacant bench - said he has enjoyed arguing cases over the last 20 years before Judge Johnson.

"He is a man of really unquestioned integrity," said Powell.

Powell noted that although he may have lost an argument or two in the judge's court over the years, he always had respect for the decisions.

In commanding that respect, Judge Johnson did things like hold local lawyers to a high stan-

dard of behavior and dress in his courtroom, Powell said.

"He demands the proper respect in the courtroom," said Powell. "And not as much for him, but for the court."

While taking the bench at a relatively young and inexperienced age - just 11 years out of Bloomfield High School - Judge Johnson said his continued success was largely due to the advice, support and help he received in the early days by such lawyers as Orville Hunter.

He also received an enormous amount of tutelage from the man whose seat he was about to occupy - Judge Edwin 'Beano' Long.

"The Greene County Bar Association is a big plus," Johnson said of his success on the bench. "I think we have good lawyers."

During his 29-plus years on the bench, Johnson said he has seen a lot, but one trial in particular sticks out in his mind - for obvious reasons.

A number of years ago, he was hearing a murder case. During the trial, the clerk had to read the defendant's personal journal into the record. According to Johnson, there were writings in the journal which would make even the strongest Navy man blush.

"And my two great-aunts and mom decided to come to court that day to watch the trial," he grins. "The clerk was even embarrassed to read it, and here sits mom."

Superior Court Judge David Holt also remembers that case, as he was the Greene County Prosecutor at the time - although he did not know until this week that Judge Johnson's mother was in the crowd at the time.

Judges Holt and Johnson go back to a time before either man put on a robe.

Johnson got his start in the courthouse as Judge Holt's deputy prosecutor in the early 1970s.

He recalls on election night - after securing the victory in the prosecutor's race - walking to Judge and Sue Johnson's home (then behind the Bloomfield United Methodist Church).

He immediately offered Judge Johnson the job as a part-time

deputy prosecutor and Judge Johnson immediately accepted.

The two practiced in the prosecutor's office together for the next couple of years, before Judge Johnson got the nod for the Circuit Court job.

Judge Holt recalls the day the deal was sealed to put Judge Johnson on the bench.

"I was there when Judge Johnson accepted the position," he said. "When Judge Johnson said he would take it, Judge Long looked like there was a giant weight lifted off his shoulders."

The weight was quickly transferred to Judge Johnson, who has borne it masterfully over the last three decades.

He attributes that to two major pieces of advice he was given by Judge Long before he retired after 28 years on the bench.

"The first thing he said was, 'whatever you do, keep Billie [Fitzpatrick],'" Judge Johnson said. Fitzpatrick was a long-serving court reporter in Circuit Court. Many court observers called her the lynch-pin who kept the system running smoothly.

"The second piece of advice he gave me was to 'do the best you can when you make your decisions and try not to take it home with you,'" he said. "That's easier said than done."

Judge Johnson said during his tenure, the court system in Greene County has dramatically changed - including a beefing up of staff to deal with the ever-increasing number of cases every year.

He also points to the fact that during his early tenure, Billie Fitzpatrick used to keep court records by hand. "She used to keep the court records in shorthand," he said.

Now, there is automated recording equipment, increased court security and a sometimes overwhelming docket.

"I am still amazed today at how hateful and abusive people treat each other," he said. "If it doesn't bother you then it's time to get out."

However, he does note that there "are an awful lot of good people I never see. A lot of positive things happen. You have to fight the cynicism."

When Judge Johnson took the

bench, his daughter was just under three years old. She's now a nurse. His two sons - both born since he took the oath of office the first time - are both living in Indianapolis. One is a lawyer, the other is a graduate of Ball State University, currently working in Indianapolis.

He and his wife have three grandchildren.



File Photo

Then-Indiana Gov. Otis Bowen with Judge David K. Johnson after his swearing-in ceremony in 1976

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