

Judicial Profile



HON. MELINDA ANN JOHNSON

Private Judge

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PROFILE Melinda Ann Johnson first attracted attention 11 years ago, when she was appointed Ventura County's first female judge.

Now, she's in the limelight again as the county's first woman to be elected presiding judge.

Johnson is well aware that her gender has put her in the public eye.

But although she has been in situations - both on the bench and in law school - that could be perceived as gender-biased, she never has felt at a disadvantage.

Conversely, a family law practitioner said, Johnson was less gender-biased than many male judges and has awarded child custody and spousal support to men, as well as women.

Johnson credits her family for much of her unbiased attitude.

"I have never felt discriminated against or treated differently," Johnson said during a recent interview. "I expect that goes way back to my parents and their friends, who treated me like an intelligent, almost-adult person from the time I was 6 or 7 years old. I never felt it was an issue."

Johnson, 46, grew up in the Hollywood Hills in an atmosphere of celebrity. Her father, Richard Mathison, was a respected journalist for the Los Angeles Times and Newsweek, among others.

One sister, Melissa Mathison, who is married to actor Harrison Ford, is a well-known screenwriter, whose credits include, "E.T." Her other sister is a singer, songwriter and actress; one brother is a musician, and the other is a journalist.

But Johnson, aside from spending one summer as a movie extra, has confined her talents to personal hobbies, such as singing in the local choir - and fashioning unique solutions to court cases.

"I've always said I was the noncreative one in the family," Johnson said. "But I really do have some creative ability. It's just in a different way."

One way is in finding novel approaches to resolving conflicts between parties, particularly in family law court.

"If you can find solutions where he doesn't say, 'She won,' and she doesn't say, 'He won,' it's very nice," Johnson said. "And the lawyers are receptive, too, because it's hard sometimes for them to propose something different to their client - and to get it accepted coming from the other side."

Since Gov. Edmund G. "Jerry" Brown Jr. appointed Johnson in February and December 1982 to the Ventura Municipal and Superior courts, respectively, she has handled almost every assignment. Her election as this year's presiding judge was preceded by two years as assistant presiding judge and overseeing a general trial calendar.

In addition to her new duties, Johnson plans to assign herself to a misdemeanor trial court. The assignment will allow her to hear shorter, less complex cases, while leaving time for the administrative duties of presiding judge.

She also has retained a multi-billion-dollar toxic-tort trial she began hearing last year, after a lengthy pretrial. The plaintiffs - three families winnowed down from about 170 residents before settlements - are suing alleged polluters and government agencies over a massive oil waste dump in the Oxnard Dunes subdivision. They claim losses in property value and danger to their health.

In a ground-breaking pretrial ruling, Johnson held that the plaintiffs would have to show a reasonable medical probability that their physical injuries were caused by exposure to the dump

before such injuries could be brought up in trial. Her ruling was upheld. *Cottle v. Superior Court*, 3 Cal. App. 4th 1367 (1992).

Oxnard sole practitioner Glen Reiser, who raised the issue of medical probability, represented the former landowner of the Oxnard Dunes property, who since has settled. He called Johnson, whom he has appeared before in a number of matters, bright, articulate and good-natured.

"She always has a good disposition and uses humor as a way to get through difficult issues," Reiser said. "Her courtroom is never real tense."

In the Oxnard Dunes case, Reiser said, Johnson let the lawyers fully analyze and argue issues. He termed her rulings justifiably conservative for a six-year case, always with an eye to how they would be viewed on appeal.

Santa Ana attorney Conrad Tuohey, who filed the first suit in January 1987 on behalf of 83 plaintiffs, termed Johnson professional, willing to listen and endowed with a good sense of humor.

"She did a hell of a job," said Tuohey, particularly considering it was the first case in Ventura County to be designated "complex litigation" under Section 19 of the Standards of Judicial Administration.

The 145-volume case - known now as *Blanchard v. Marlowe* - is not the first suit of such complexity Johnson has handled, however.

One of her most significant cases occurred soon after she took the bench. The case, *Archer v. Hunt*, pitted two powerhouse civil litigators, Brown Greene and Marshall Hunt, against each other in a multi-million-dollar products liability suit against Ford Motor Co.

Johnson, a petite, soft-spoken woman, who was 36 at the time, recalled she had her hands full just trying to keep control and letting everyone know who was in charge.

She did it superbly, according to the lawyers, who said had she not admitted it was her first trial of that magnitude and complexity, they never would have known it.

Greene's case against the auto giant utilized some unique theorizing and testing to prove that a design defect allegedly caused the car to catch fire, killing the driver.

"There were a lot of novel things Johnson had to deal with, and she did it flawlessly," said Greene, whose client settled during appeal. "She displayed a very even-handed approach, had a great demeanor, really let the lawyers try their case, had a nice sense of humor. The jurors loved her. She was an absolutely top-rate trial judge."

Although Johnson hasn't appeared in a criminal court in many years, lawyers in those cases remember her as extremely bright, respectful of attorneys, never arrogant and willing to listen.

Ventura Deputy District Attorney Matthew J. Hardy III, who appeared before Johnson in felony and dependency cases, said the judge has a topnotch legal mind and a good sense of fairness.

Deputy Public Defender Jean Farley called Johnson a legal scholar, who never will make a ruling she is uncertain about.

Still, some law-and-order prosecutors remain concerned that Johnson tends to be too lenient on criminals. Those feelings may be exacerbated because of general suspicions of any liberal Brown appointee, some observers say.

Resentment also may linger among some DAs because Johnson's husband - Jay M. Johnson Jr., a former prosecutor now in private practice - tried unsuccessfully several years ago to unseat their boss.

On the other hand, one could view her marriage as an example of her balanced approach. Her husband is a Republican; she is a Democrat.

Johnson, who has been married 28 years, met her husband at Stanford University, where she earned a bachelor's degree in 1969. She joined him in the district attorney's office after receiving her law degree in 1972 from the University of Southern California Law Center.

In 1976, after the birth of the first of their two sons, now 17 and 13, Johnson left the prosecutor's office for a part-time private practice so she could have a more flexible schedule.

She had not intended to return to a full-time career until both her children were in school. However, when her youngest son was 18 months old, a new seat was created on the Municipal Court and several judges urged her to apply.

They told her Brown wanted to appoint a woman, and everyone knew he would not be governor past the end of the year because he had announced his candidacy for the Senate.

``It was sort of now or never," Johnson said. ``It meant completely inflexible hours, but the opportunity was right there."

But no sooner had Brown appointed Johnson in February 1982 to a term that ended in December, than she found herself facing a contested election. It seems another attorney had filed to run for the seat a day before her appointment was announced.

Johnson retained her post in the June primary, garnering more than 70 percent of the vote.

Election night coincided with the opening of ``E.T." and provided a memorable family experience. While Johnson was telling supporters at a victory celebration how proud she was of her sister for writing such a wonderful film, her sister was at an opening night party telling everyone how proud she was of Johnson winning election to her judicial post.

Several months later, another opportunity arose with the opening of a Superior Court seat. Again, knowing Brown was about to leave office, Johnson applied, and Brown elevated her.

Three years ago, Johnson took advantage of another opportunity and applied for a vacancy on the 2nd District Court of Appeal. Gov. George Deukmejian appointed fellow Republican Kenneth Yegan, a former Ventura Superior Court judge.

But lest people think she is an opportunist, Johnson states emphatically, that although she takes her work very seriously, being a judge runs a far distant second to being a mother and wife.

``If there ever was a choice," she said, ``there wouldn't be any choice."

- SUSAN McRAE

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