

The Honorable Joseph W. Hatchett

By
Joyce E. Kitchens

"We want the federal bench to be a mix of people. We'll miss a lot of viewpoints if the only people who serve are millionaires. It helps that a fruit-picker and maid's child gets to view the social issues that come into these courts." Judge Joseph W. Hatchett, the child of a fruit-picker and maid, grandson of slaves, former civil rights attorney, assistant U. S. attorney, Florida Supreme Court Justice, and now the Chief Judge of the Eleventh Circuit Court of Appeals, is still excited over individual rights and discrimination issues.

His parents stressed education. He remembers, "my parents talked to us, encouraged us, showed up at our schools, and told us how important it was to stay in school." He followed their advice. He attended Florida A & M in Tallahassee, Fla., and organized a pre-law club now called the Hatchett Law Club. He is a Korean veteran, commissioned as a second lieutenant by the Army in 1954 and on active duty for two years, and in the reserves for six. He left to attend law school at Howard University in Washington, D.C.

At that time, Howard was the civil rights school of the nation—the lawyers who argued *Brown v. Board of Education* were instructors there. While Judge Hatchett studied there, the Honorable Thurgood Marshall (before his judicial appointment) would walk the halls, and practice his Supreme Court arguments.

After graduating from law school and passing the bar in 1959, Judge Hatchett returned to Florida to work with two other attorneys involved in civil rights work and coordinate their efforts with the NAACP. He brags that he lost more cases than any other attorney he knew, sometimes as many as 60 per day. As the junior attorney of the team, his task was to enter a guilty plea for clients who violated statutes prohibiting conduct, such as trespass. The other two attorneys would file appeals attacking the constitutionality of the statutes. Judge Hatchett taught students how to picket and to demonstrate properly. He bailed them out when they got arrested, negotiated releases without bond, and got some charges dropped. He noted that there was a lot of activity before Dr. King came to St. Augustine and Daytona Beach, Fla.

In 1964, the Civil Rights Act and Public Accommodations Act were passed. The issues changed from constitutional violations to violations of civil law. The focus changed to employment issues, and golf courses. Judge Hatchett worked with the Legal Defense Fund in New York, which would forward the complaints he filed to the Justice Department, who would then intervene. He helped maids get social security. He found it very satisfying to

work for individual rights.

Officials in the Civil Division of the Justice Department asked him to join, and ultimately he became an assistant U. S. attorney for the Middle District of Florida from 1966-68. In 1968, he was named to the position of chief assistant U.S. attorney for that district.

His experience with the Justice Department was very different from that of private practice. "The problem with representing poor people is that I never had the resources to do the job well. I was unable to finance my clients' litigation, to engage in expensive discovery, or to hire investigators." As an assistant U.S. attorney, he was able to practice law the way it should be practiced, with full resources. "It gave me great satisfaction to have access to badly-needed resources, after trying to get what I needed anyway I could."

In 1970, the U.S. magistrate's Act was passed; in 1971, he was appointed to the U.S. Magistrate's position. The Hon. Gerald Bard Tjoflat, immediate past chief judge of the Eleventh Circuit, was one of the district judges involved in his appointment. While serving as a U. S. magistrate, Judge Hatchett helped organize the U. S. Magistrate's Association, which developed an experimental interface of magistrates with district judges.

His activities came to the attention of then Chief Judge Warren Berger who appointed him to a five-member commission to study Masters of Queen's Court, who are pretrial judges. The commission submitted their report to Chief Justice Berger, who submitted it to Congress. This report became the basis of the current magistrate judge system.

In 1975, Judge Hatchett was appointed to the Florida Supreme Court to fill a vacancy. In September, 1976 he ran for re-election and won 63 percent of the vote. He was the first black person appointed to the highest court of a state since reconstruction, the first black person elected to the highest court of a state, and the first black person elected to public office in a statewide election in the South.

In 1979, Judge Hatchett was nominated for a position on the Fifth Circuit Court of Appeals by President Jimmy Carter. The Senate committee at that time was particularly interested in memberships in private country clubs that discriminated against certain categories of people. Each nominee was asked the question, "Are you, or members of your family, members of a private club or organization that excludes people based on race?" When it was his turn, before he could be asked, he stated, "Neither I nor my ancestors have ever belonged to a private club that discriminates against people based on race." After the laughter subsided, the remainder of his nomination hearing went smoothly, and he was confirmed without opposition. When the Fifth Circuit split, he served on the Eleventh Circuit, and became the chief judge on October 1, 1996.

Judge Nathaniel R. Jones, senior judge of the U.S. Court of Appeals for the Sixth Circuit, says of Judge Hatchett, "Chief Judge Hatchett possess a combination of keen legal

knowledge, broad life experiences, deep compassion, and sound judgment. These qualities he brings to the art of judging. I am certain that they were what President Carter sensed was in short supply within the federal judiciary when he reached out and nominated Judge Hatchett."

Judge Hatchett is one of five children. Three of his four siblings graduated from college; two are educators and one is a social worker. His children, two daughters, continued the family tradition—both are college graduates holding management positions. Cheryl Hatchett Clark is a health care administrator in Florida, and the mother of three boys, ages thirteen, nine, and two. Brenda Hatchett Davis is a manager with Continental Airlines, and is the mother of one boy and one girl, ages ten and seven.

Many individuals encouraged and inspired him. Judge Hatchett refers to some of those who helped him succeed.

Milton B. Rooks, his civics teacher at Pinellas High School in Clearwater, Fla., gave him the desire to "go into politics and law to change the conditions for people. If I really wanted to make changes, he persuaded me that I needed to go into politics and follow up with the law."

James D. Pruden, the only licensed African-American real estate broker in Daytona Beach at the time, gave Judge Hatchett free office space for his first three months of practice, until he could afford the rent. He kept giving Judge Hatchett inspirational talks.

Judge Charles R. Scott, District Court Judge, Middle District of Florida, was a great teacher. "After I had cases before him, he would take me aside and discuss my mistakes, telling me how to improve." Judge Scott had been a great trial lawyer, and sharpened Judge Hatchett's courtroom skills.

As chief judge of the Eleventh Circuit, he is very, very busy. He does not have as much time to adjudicate as he used to. Chief Judge Hatchett has changed his perspective on adding judges to the Eleventh Circuit. Now, active judges constitute only 55.6 percent of the judges currently sitting on panels in the Eleventh Circuit. Senior and visiting judges constitute 44.4 percent of the judges sitting on Eleventh Circuit panels. He would like to fill at least two of the current vacancies. He believes that adding judges will not affect the stability of the law any more than having visiting judges. He also believes that "collegiality" will not decline. "Collegiality does not mean close personal contact—that doesn't exist," he states. "Collegiality means that we are all friendly to each other, we make a hard job bearable. It has to do with the spirit, not the number of judges, and working cooperatively together. The question is not whether judges agree in order to get along, it is whether the judges did a good job."

Throughout his career, Judge Hatchett's concern for the rights of the individual has benefited us all. As Judge Nathaniel R. Jones commented, "Chief Judge Hatchett has made the justice system much more relevant and credible for those previously disfavored. For that, we are all in his debt." ■

The author is the Eleventh Circuit Vice-President for the Federal Bar Association. She is a private practitioner with The Freeman Law Firm in Atlanta, Georgia, often representing individuals in discrimination actions.

