



Hon. Bernice Donald

Circuit Judge, U.S. Court of Appeals for the Sixth Circuit

by Barbara Zoccola and Maria Zoccola



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Walking through the halls with Judge Bernice Donald is like trailing in the wake of a rockstar. We're deep in a conversation about implicit bias and the legal profession, and Judge Donald breaks off every few moments to greet or be greeted by someone passing by: other judges, lawyers, janitors, paralegals, assistants—everyone knows Judge Donald, and Judge Donald knows everyone. You yourself probably know Judge Donald, if not in person, then at least in name: Her groundbreaking career trajectory has made her a synonym for progress.

For those of us here in Memphis, particularly female lawyers like myself, Judge Donald is a figure of awe, an example to be emulated. She first rose to bankruptcy judgeship in 1988, a time when barriers to that role for women, especially African-American women, were even more plentiful than they are now. From there, she was nominated by President Bill Clinton in 1995 to the Western Tennessee District Court, and by President Barack Obama in 2011 to the Sixth Circuit Court of Appeals—in both cases, the first African-American woman to hold the seat. From her position on the bench, Judge Donald has ruled in any number of fascinating cases, including the first federal death penalty case in Western Tennessee, which resulted in a life prison sentence after the jury couldn't agree on the death penalty. Judge Donald vividly recalls that particular case, especially the leading defense attorney who, over the course of his defense, spoke eloquently about the hardships the defendant faced as a young child, so many different negative circumstances that played themselves out in all aspects of his later life.

Judge Donald came away from that case deeply troubled and hungry for tangible action to make a difference in the lives of the young people of her city, many of whom were experiencing childhoods similar to that of the defendant. With the help of her sister Virginia, Judge Donald founded 4-Life, a small non-profit funded out of her own pocket and dedicated to empowering at-risk youth in Memphis—in their very own corner of the world. The public library hosted their meetings, during which Judge Donald and her



fellows led youth workshops for all ages on topics such as interviewing skills and resume building. The classes also focused on interpersonal skills, telephone etiquette, how to read the news, and career options. While the group met for only a year, it opened Judge Donald's eyes to her local realities: All of the children she was mentoring, for example, knew people who were in gangs, and many had been approached by gang members themselves.

One particular 4-Lifer stood out to Judge Donald, a boy with whom she developed a close mentoring relationship. Despite being a teenager, he could not read. His mother was a prostitute, and the boy himself was clearly searching for a way out. Judge Donald helped him find a new living situation with his cousins, and she made sure to stop by on weekends to check on him. It was incredibly gratifying for her to see her mentee in the middle of a happy family, working in the vegetable garden or laughing with his cousins. In a profession that can sometimes feel like swimming constantly upstream, victories like the case of this young man, feel monumental.

Judge Donald understands fighting through hardship herself. She was the sixth of 10 children and, as a child, had the harrowing experience of helping to integrate the public schools of Olive Branch, Miss.



It was hard, necessary work, and at the time weighed heavily on her shoulders. “There’s a term that’s used in implicit bias training called ‘belongingness,’” Judge Donald told me. “Many of us who were there [integrating the school]—we were *there*, we were occupying the space, and if you looked at the pictures, there was diversity—but I’m not sure we ever got to *belonging*, at least not while I was there.”

Judge Donald emerged from integration to become the first in her family to go to college and then the first to go to law school, graduating from the University of Memphis. A momentous achievement, but she soon learned that some people didn’t think so. Judge Donald put herself through college working for a phone company, but after she attempted to join the company’s legal department upon graduating from law school, she was informed that only Ivy League graduates were acceptable candidates. For Judge Donald, who had fought incredible odds to achieve her degrees, this fresh rejection was an extreme and painful blow. She needed the support of her family to build herself back up, and with fresh confidence, soon went to work at Memphis Area Legal Services under then-Director A C Wharton, who would himself go on to become mayor of Memphis. The salary wasn’t much to speak of, it was in fact nearly 50 percent less than what she was making at the phone company, but she was happy to make the sacrifice if it meant she could finally embark on a legal career. “That work was so gratifying, because you were helping people who had a real need,” Judge Donald said, describing these early days. Finding strength and purpose in helping others in this area of law, Judge Donald later followed Wharton to the Public Defender’s Office.

Judge Donald’s later career allowed her to share her work over international borders. As part of the National Judicial College, she traveled to Russia to facilitate trainings as a general sessions judge, and soon after went to Jordan to work with Iraqi judges as a joint project with the American Bar Association’s Central European and Eurasian Law Initiative and several other govern-

ment agencies. These trips and many others gave Judge Donald the opportunity to experience a host of different cultures and gave her a deep appreciation for the diversity of the world, which she says isn’t really so diverse at all. She says that most people, at heart, have the same priorities: safety, security, and success, for themselves and their children. “And I think they want to be able to have a sense of peace, whatever that means in [their] community,” Judge Donald said. “It’s just amazing. If you talk to people from any place, you come to community pretty quickly in conversation.”

After decades in the courts, Judge Donald shows no signs of slowing down. She’s quick to tell me about a new group she’s forming in Memphis to make strides in the area of implicit bias, and spoke at length about access-to-justice inequality in the Memphis area. She’s also dedicated to making sure the next generation of lawyers never loses sight of these larger issues, taking a special interest in her own clerks in particular—many of whom follow her example in entering public interest law, using their clerkship as a powerful launching pad.

She’s hopeful for the future. “It used to be that the public interest sector drew primarily people who could not immediately go into a major law firm,” she said. “But now you have students from all law schools, from all family backgrounds, who are looking to work in the public interest sphere because that really fuels their passion. Their passion is about the work.”

Judge Donald’s passion certainly is about the work. She is adamant in her belief that the law is not just a profession, but a *noble* profession. “I’m so proud to be a lawyer,” she said. “I think that as we get caught up in the hustle and bustle, we have to remember that there is an obligation to do good by serving the public, by engaging in public interest work. I think we have to be agents, not only of change, but also of inspiration.”

If inspiration is her goal, Judge Donald has certainly achieved it. As we walk back through the halls together, I wonder if she is as aware as I am of the awed looks she leaves in her wake. ☺