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From Hawaii to Chicago

Former John Marshall dean, now professor emeritus, still helps others in his native state

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When he reflects on his time as dean at The John Marshall Law School, Robert Gilbert Johnston thinks of himself as a cop directing traffic.

"The way you administer things well is — you don't have to be great at it — you just have to know how to choose the right people," he said.

"And I've had the good fortune of having a bank of good people all around. ... A lot of good people have made a lot of good things happen around this school."

Johnston, a former dean of the law school, was named professor emeritus there in September.

The impact of his work at the law school is felt locally and through programs he helped found as dean, such as the Asian Alliance Program with China.

It also stretches to his home state of Hawaii, where he continues to work on matters involving native Hawaiian issues today.

Johnston grew up on a sugar plantation at the northern edge of Pearl Harbor. His parents were Scottish immigrants and his father was the superintendent of the local sugar mill.

The majority of his childhood friends were Polynesian or Japanese, Johnston said, so he was immersed in learning about different foods, traditions and cultural experiences.

"As a young kid, I learned how to use chopsticks," he said. "If you didn't use chopsticks when you went to someone's house, you didn't eat. There were no forks."

After serving in the Coast Guard for three years during the Korean War, Johnston came to the Midwest to attend the University of Chicago in 1955. He stayed there for law school, working at the faculty club and doing

odd jobs to pay for his tuition. He graduated in 1959.

Following law school, Johnston worked in private practice at various law firms and eventually became an adjunct professor at John Marshall in 1963. He became a full-time professor in 1965.

Native Hawaiian rights

In 1969, Johnston moved back to Hawaii with his wife and two sons to run the Hawaii Legal Services Project, the state's legal aid organization.

He represented poor, low-income residents, including many native Hawaiians. The descendants of individuals who originally inhabited the island, Johnston said, "are at the bottom of the pecking order" in the state and are faced with problems such as land claim and juvenile justice issues.

One of his cases involved a dispute with the Mauna Kea Beach Hotel, a popular destination for famous celebrities and politicians, including President Richard Nixon. The hotel was blocking ancient Hawaiian trails that go around the islands and up through the mountains.

The hotel's actions interfered with gathering rights, he said, which are constitutionally protected rights for native Hawaiians to access land on private and government property for subsistence, religious and cultural purposes. Eventually, Johnston said, the hotel was forced to reopen the trails.

Johnston also advocates on behalf of native Hawaiian prisoners, including Delbert Wakinekona, a man Johnston believed was wrongfully convicted of felony murder. He represented Wakinekona for 40 years, including a 1983 U.S. Supreme Court case, *Olim v. Wakinekona*. Though Johnston lost that argument, Wakinekona was eventually released from prison in 2011.

Although there has been some



Robert Gilbert Johnston

improvement in the treatment of native Hawaiian populations since the 1970s, Johnston said there's still a lot of work to be done. He has clients in Hawaii and continues to be an active advocate for native Hawaiians' rights.

Clayton C. Ikei, an attorney who worked with Johnston at Hawaii Legal Services in the '70s, said it's rare to encounter a lawyer like Johnston who lives outside of the state yet advocates on behalf of native Hawaiians.

"He's a fantastic lawyer," Ikei said. "It was a loss to the Hawaiians when he left."

Directing traffic

Johnston returned to John Marshall in 1975 as a professor and became dean in 1995. The opportunity to develop innovative ways to serve students is one of the things he enjoyed most about the school's top job, he said.

"Being dean allows you to be very creative if you're willing to take chances," he said.

In the 1990s, the law school started a program in partnership with the State Intellectual Property Office in the People's Republic of China, with law school professor Dorothy Li spearheading the efforts. The SIPO-China Program wasn't popular when it first started, Johnston said, due to concerns over China's human rights record.

Today, the law school has eight to 12 Chinese attorneys in its master's program each year and more than 200 SIPO attorneys have earned their LL.M.s in intellectual property since the program's inception.

In 2011, the law school opened the Chinese Intellectual Property Resource Center on campus, which has information and resources related to intellectual property law in

China and Taiwan. It also launched an exchange program with the Czech Republic in 1993.

During Johnston's tenure as dean, the law school added LL.M. degree programs in real estate, comparative legal studies, intellectual property, employee benefits and international business and trade law. A master's program for intellectual property was added as well.

When he talks about those programs, Johnston rattles off a list of people he credits with being the "core anchors." He may have been dean at the time, but none of these programs would have happened without them, he said.

"I was basically the traffic cop directing things, making sure things were facilitated," Johnston said.

As much as he enjoyed being dean, Johnston said his favorite role is as a professor interacting with students.

"A lot of these kids have dreams," he said. "And if you chat with them, find out what their dreams are, sometimes help them out to fulfill their dreams, that's what you should be doing."

Leonard F. Amari, a partner at Amari & Locallo, was one of those students.

"I owe everything in my law career to him," he said.

When he needed a job to pay for his tuition, Amari said, Johnston found him one in the law library, then continued to help and mentor him over the years.

Amari, who now serves as president of the law school's board of trustees, said Johnston was a "visionary" leader as dean.

"There's no greater legacy than what he did with the China program," he said.

In his new role as professor emeritus, Johnston said he is working on some Continuing Legal Education programs and will continue to post to his blog, Illinois Civil Procedure and Ethics (civpro.jmls.edu).

One part of the blog is devoted to spotlighting papers written by students, Johnston said, since they often develop great material, but have a hard time getting it published.

Johnston still goes to Hawaii four or five times a year and visits with his sister, Wakinekona, clients, former students and other friends and loved ones.

Although he enjoys Chicago, Johnston said he prefers the open spaces back home.

"I much prefer the country, after all," he said. "You don't have mountains in Illinois, you don't have an ocean."