

Sarah Evans Barker



Introduction

Sarah Evans Barker (born 1943) is a United States district judge for the [Southern District of Indiana](#). She was the first female assistant U.S. attorney, the first female federal judge, and the first female chief judge in the State of Indiana. ^[2] In 2010, Judge Jane Magnus-Stinson and Judge Tanya Walton Pratt joined Judge Barker as members of the Southern District as well as Judge Theresa Lazar Springmann who serves as district court judge in the Northern District. Chief Judge Richard L. Young and Judge William T. Lawrence (confirmed June 26, 2008), colleagues of Judges Barker, Stinson, and Pratt, also currently serve as active judges on the federal bench for the Southern District of Indiana.

Judge Barker welcomed her new female colleagues saying, “Their [Judge Pratt and Judge Magnus-Stinson] coming to the court is so special and new, but it’s been a long time coming.” “It matters so much that the bench is diverse, and in rapid order we’ve gone to being a majority on the court after many years of being a distinct minority.” Remarking that she felt like former Justice Sandra Day O’Connor welcoming Justice Ruth Bader Ginsburg to the Supreme Court, Judge Barker added, “You may not be able to tell any difference in [the] work product or whether an opinion is written by a man or woman judge, but this will enhance the quality of justice and make[] it deeper and broader and even more credible.” ^[4]

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Personal life

Born in [Mishawaka, Indiana](#) in 1943, Judge Barker was the second of six children in a family that prized education. Her father, James Evans, was an electrical engineer with a degree from Purdue University and an MBA from Indiana University's South Bend campus. Her mother, also named Sarah, taught fourth grade. Upon James' graduation from Purdue in 1941, the family moved to Mishawaka. Though Mrs. Evans' higher education was cut-off after only one year, she continued to take a class each semester for twenty years from Bethel College and IU South Bend, eventually earning her bachelor's and master's degree. "My parents were strongly committed to education – their children's and their own," Barker says. "They knew it would open up opportunities that would not otherwise be available." ^[2]

Growing up, Judge Barker was a playful tomboy who would rather be riding her horse or building a tree house outdoors than helping out in the kitchen. "I was not interested in sewing and cooking...I did them [in 4-H], but only so I could also take woodworking and sheep-raising, which were regarded as 'boys' projects," she says. "To this day, I'm not very interested in domestic tasks." Still, Judge Barker learned the value of hard work, babysitting and selling raspberries picked from her family's garden to raise money for extra activities such as church camp. For fun, like many Hoosiers back then, Judge Barker shot baskets on the garage hoop and played with the neighborhood kids in their barns and haylofts. ^[2]

While at Mishawaka High School, Judge Barker worked at the school bookstore and at a local car dealership as a file clerk and picked up shifts at a local dime store during school holidays. A leader, she served as student council vice president and president of the Indiana State Y-Teens, a group affiliated with the YWCA. Her senior year, Judge Barker was awarded the DAR (Daughters of the American Revolution) Good Citizen Award. During high school, she also pursued her interest in music and theater, singing in the school choir, winning lead roles in school plays and musicals, and playing guitar in the jazz band and percussion in the marching band. ^[2]

Upon graduation from high school in 1961, Judge Barker was voted "class clown" by her peers, an early indication of her trademark humor. In 2000, the Indianapolis St. Thomas More Society, an organization of Catholic lawyers and judges, conferred upon her the "Man for All Seasons Award." Receiving the accolade, Judge Barker joked, "Is this the St. Thomas More Society's salute to menopause?" In May 2007, the Garrett-Evangelical Theological Seminary north of Chicago summarized Judge Barker's commencement address, writing that "Barker kept a nearly full house...laughing with an Indiana barn full of jokes and stories that would make Jay Leno proud." ^[2]

Her love of the theatre continues as Judge Barker enjoys attending concerts and plays. She also takes pleasure in photography and reading. ^[2]

Judge Barker is an active member of the Morgantown United Methodist Church. She and her husband, Kenneth R. Barker, have three grown children and four grandchildren. “I couldn’t have done what I have in my life and career without the support of Ken,” Judge Barker says. ^[2]

College and law school

While an undergraduate student at [Indiana University](#), Judge Barker worked part-time for an accountant during the school year and spent four “glorious” summers as a camp counselor in Maine. She continued to balance work with school and extracurricular activities, serving as president of her dorm, Sycamore Hall, and as a board member on the Indiana University Student Foundation. She also kept up with her musical talents as a member of the Singing Hoosiers. And though intercollegiate competitions for women athletes did not yet exist, Judge Barker enjoyed playing intramural basketball, softball, and volleyball. Her teams won several all-campus tournaments.

During most of college, Judge Barker considered embarking on one of the traditional career paths for women at the time, such as nursing or teaching. She describes herself as a “late bloomer” who did not consider a legal career until her junior year when a dorm counselor made the suggestion. “There weren’t any other attorneys in the family,” she explains. “Along with most people at that time, my parents didn’t know any women lawyers and generally thought that, [irrespective of gender], ‘nice’ people didn’t need a lawyer.” After graduating with her [Bachelor of Science](#) degree in social service in the spring of 1965, Judge Barker worked for a year as a residence hall director at the University of Rhode Island to earn enough money to enroll in law school. ^[2]

Looking for an experience different from that of a Big Ten university, Judge Barker initially enrolled at the William and Mary Law School in Williamsburg, Virginia. However, after her first year, Judge Barker transferred to the American University [Washington College of Law](#) where she had found a part-time job with the D.C. Parole Board to pay for her education. ^[2] She also served on the law review. Judge Barker earned her [J.D.](#) in 1969. ^[1]

Early legal career

Capitol Hill

At the start of her final semester of law school, Judge Barker began working for former Maryland Congressman [Gilbert Gude](#) as a legislative assistant. After completing law school in 1969, she took another legislative assistant position, this time for former Illinois [U.S. Senator Charles H. Percy](#). Two years later, Judge Barker was appointed special counsel to the [U.S. Senate Government Operations Committee](#)’s Permanent Subcommittee on Investigations. In early 1972, she became Percy’s Director of Research and Director of Scheduling and Advance for his victorious Senate re-election campaign. ^[2]

Notable issues

“I loved the energy and fast-paced life of Capitol Hill,” Barker recalls. “Some of the big issues of the day included busing to achieve the goals of desegregation of the public schools, gun control, environmental regulation, defense spending for controversial weapons systems, and the Vietnam War.” Since this period of her life was concurrent with the assassination of Martin Luther King and Robert Kennedy, racial violence also preoccupied the public agenda. ^[2]

Legal practice in Indianapolis

Assistant U.S. Attorney for the Southern District of Indiana

In late 1972, Judge Barker married her former high school and college classmate Kenneth R. Barker and moved to Indianapolis, where her husband practiced law with the firm Bose McKinney and Evans, LLP. Pursuing her government contacts, she applied for a legal position with the U.S. Attorney’s Office in Indianapolis and became the first female assistant [U.S. attorney](#) to serve in Indiana when in 1972 the Honorable Stanley B. Miller hired her. For the next several years, Judge Barker prosecuted cases ranging from tax evasion to illegal drug trafficking. She enjoyed the excitement and challenges of litigation, proving to be “pretty good” at it, she says. In 1976, the Honorable James B. Young, who had replaced Miller as U.S. Attorney for the Southern District of Indiana, promoted Judge Barker to first assistant U.S. attorney, essentially his chief of staff. ^[2]

Private practice

When President Jimmy Carter was elected in 1976, he nominated Democrat Virginia Dill McCarty to be the U.S. Attorney for the Southern District of Indiana, replacing the Honorable James B. Young. In 1977, Judge Barker also left to join Bose McKinney and Evans, LLP – where her husband no longer practiced – as an associate specializing in litigation. She became partner three years later. ^[2]

U.S. Attorney for the Southern District of Indiana

In 1980, the political tide changed again when [Ronald Reagan](#) was elected president. After taking office in 1981, President Reagan appointed Judge Barker to replace Virginia McCarty. ^[2] At that time, Judge Barker was one of only two women in the United States to serve as U.S. attorneys. ^[1] She returned to the Indianapolis U.S. Attorney’s office as the district’s top federal prosecutor and, for three years, oversaw a wide array of high-profile cases. ^[2]

Notable cases

United States v. Gutman, 725 F.2d 417 (7th Cir. 1984)

In *United States v. Gutman*, the U.S. Attorney’s office for the Southern District of Indiana was successful in prosecuting Phillip Gutman, the former president pro tem of the Indiana Senate who was found guilty of using his official position to extort money. Gutman, along with former

State Senators Edwards and Gardner, was alleged to have accepted bribes from the Indiana Railroad Association in return for assisting the railroads obtain favorable legislation in the future. The payments were made from 1973 to 1976. Gardner died before trial; Edwards pleaded guilty shortly after the beginning of the trial. The conviction was affirmed upon appeal. ^[5]

United States v. Professional Air Traffic Controllers Organization (PATCO), 653 F.2d 1134 (7th Cir. 1981)

In this important labor law case, the United States sought permanent injunctive relief against the Professional Air Traffic Controllers Organization and its O'Hare Local No. 316 ("PATCO"). On July 31, 1980, PATCO organized and directed a concerted slowdown and strike of air traffic controllers working at Chicago's O'Hare International Airport. The district court denied the injunction and granted the union's motion to dismiss for lack of jurisdiction, agreeing that Congress had vested exclusive jurisdiction in the Federal Labor Relations Authority (FLRA), created by Title VII of the Civil Service Reform Act of 1978. The United States was successful upon appeal in June 1981. The court reasoned that an intentional slowdown or strike by the union was too fraught with dire consequences to the public to confine the United States to the procedures set out in Title VII. ^[6] Less than two months later, on August 3, 1981, PATCO declared another strike over pay scales, benefits, and working conditions. President Ronald Reagan ordered the union back to work. When only about ten percent of the controllers complied, Reagan demanded those remaining to return to work within 48 hours or lose their jobs. On August 5, Reagan fired the 11,345 remaining air traffic controllers on strike. ^[9] The U.S. Supreme Court denied certiorari in November 1981.

Federal District judge

Nomination

Following the unexpected death of District Judge [Cale J. Holder](#), a merit selection committee recommended three finalists to President Ronald Reagan to fill the vacancy on the District Court: Judge Barker; Judge Sue V. Shields, then serving on the Indiana Court of Appeals and later as U.S. Magistrate Judge; and Randall T. Shepard, then serving as a judge on the Vanderburgh Superior Court and later appointed Chief Justice of Indiana. ^[1, 15] On February 14, 1984, President Reagan nominated Judge Barker to the seat, at the age of forty. Barker was confirmed by the [United States Senate](#) on March 13, 1984 and received her commission the following day, becoming the first female federal judge in Indiana.

Judgeship

When speaking publicly for the first time about her selection, Judge Barker fought back her emotions, saying that "people would have to get accustomed to the federal judge who sometimes gets weepy." In the ensuing years, Judge Barker has achieved an extraordinary record on the bench, developing a commanding presence, without abandoning her softer demeanor and good humor. ^[2]

Judge Barker served as chief judge for the U.S. District Court for the Southern District of Indiana from 1994 to 2000.

Notable rulings

C.H., et al. v. James W. Payne, et al., 683 F.Supp.2d 865 (S.D. Ind. 2010) (NO. 1:09-cv-1574-SEB-JMS)

Both adoptive and foster parents and the Indiana Association of Residential Child Care Agencies (IARCCA) sued the Indiana Department of Child Services (DCS) in December 2009 after learning of DCS's plans to cut reimbursement rates. Their suits were consolidated into a single cause of action, *C.H. v. Payne*. On January 20, 2010, Judge Barker granted the plaintiffs' motion for preliminary injunction. In her opinion Judge Barker wrote, "It is the quality of care promised to the children under the applicable statutes that is at stake in the case at bar. Any deficiency in such care cannot later be undone with monetary compensation."^[8]

Crawford, et al. v. Marion County Election Board, et al. 553 U.S. 181 (2008)

Crawford v. Marion County Election Board raised the question whether Indiana's controversial election law (SEA 483), which required citizens voting in person to present a government-issued photo identification, violated the First and Fourteenth Amendments to the U.S. Constitution. Following discovery, Judge Barker entered summary judgment for the defendants, finding that petitioners had "not introduced evidence of a single, individual Indiana resident who will be unable to vote as a result of SEA 483 or who will have his or her right to vote unduly burdened by its requirements." She held that the statute was a "reasonable time, place, and manner election regulation." The Seventh Circuit Court of Appeals and the U.S. Supreme Court affirmed Judge Barker's ruling in January 2007 and April 2008 respectively.^[10]

Marion County Jail Inmates v. Sheriff Frank Anderson, 270 F. Supp. 2d 1034 (S.D. Ind. 2003)

In attempting to solve the long standing problems/litigation over of jail overcrowding and various health and food services issues, Judge Barker enlisted a wide array of local officials to adjust their procedures for and cooperate together in processing inmates after arrest to bring populations within the constitutional limits or face daily fines. Through their combined efforts, the court-mandated limits were met, and the Sheriff successfully improved the health and food services to comply with constitutional standards.^[14]

Bridgestone/Firestone, Inc., Tires Product Liability Litigation, 333 F.3d 763 (7th Cir. 2003); Cause No. IP 00-9373-C-B/S, MDL No. 1373 (S.D. Ind. 2002)

Selected by a national panel of federal judges, on November 17, 2000, Judge Barker was assigned to supervise more than 800 consolidated lawsuits arising from alleged defects in Bridgestone/Firestone tires installed on Ford Explorer vehicles. In his transfer order, panel chairman John F. Nangle praised Judge Barker as a jurist "with the ability and temperament to steer this complex litigation on a steady and expeditious course." Mixing her trademark humor with firmness, Judge Barker addressed attorneys from some of the country's most prestigious law firms: "I was thinking of the old Bette Davis line: 'If you want to get something done, give it to a couple of old broads.'" Referencing Magistrate Judge V. Sue Shields, who sat next to her on the bench and assisted in the management of these cases, Judge Barker added, "Let me tell you, these old broads are going to get this done!" They kept their word. Together, between 2000 and

2006, the team of Judges Barker and Shields resolved the more than eight hundred Bridgestone/Firestone cases, generating praise from both sides of the aisle. ^[2]

United States v. Indianapolis Baptist Temple, 224 F.3d 627 (7th Cir. 2000); Cause No. IP 98-0498-C-B/S (S.D. Ind. 2000)

After the Indianapolis Baptist Temple (IBT) failed to withhold federal taxes for its employees' paychecks and to pay federal employment taxes for the years 1987 through 1993, the government filed suit against IBT to collect the required taxes. ^[11] On June 29, 1999, Judge Barker entered summary judgment in favor of the government. IBT appealed, arguing that the religion clauses of the First Amendment protected it from liability, but the Seventh Circuit Court of Appeals affirmed Judge Barker's ruling to the contrary. In September 2000, Judge Barker ordered that IBT's real property, which the congregation was to vacate and turn over to the government by November, be sold at auction. The U.S. Supreme Court refused to hear the case. Despite the staging of a sit-in by church sympathizers, on February 13, 2001, federal marshals peacefully seized IBT's property. ^[12]

Other activities and associations

Bar associations

Throughout her career, Judge Barker has been active in judicial and bar-related organizations. Judge Barker has served on the Judicial Conference of the United States, its Executive Committee and its Long Range Planning Committee, Standing Rules Committee, Budget Committee, and Judicial Branch Committee (ex-officio). ^[3] She has served on the Judicial Council of the Seventh Circuit,

In 2004, she was appointed by Chief Justice William H. Rehnquist to serve on the Special Study Committee on Judicial Conduct and Disability (the "Breyer Committee"). ^[3] A current member of the Federal Judges Association, Judge Barker served as its president from 2007 to 2009. The group, which represents more than 900 federal district and appeals court judges, focuses on salary fairness issues, employment benefits, and preserving the principles of the federal judiciary such as judicial independence. ^[2]

Judge Barker has been an active member of the Indiana State and Indianapolis Bar Associations, the Federal Bar Association, the National Association of Former U.S. Attorneys, the American Bar Association ^[1], and the Lawyers Club of Indianapolis. ^[14]

Community Involvement

Judge Barker provides leadership in numerous civic, cultural, educational, and religious organizations. She currently serves as the second vice chair on the board of trustees for the Indiana Historical Society. Judge Barker is a trustee of Clarian Health Partners, Inc. where she chairs the Values, Ethics, Social Responsibility, and Pastoral Services Committee. ^[2] In addition, she has volunteered on the Advisory Board for the Spirit and Place Civic Festival, an annual civic celebration sponsored by the Indiana University School of Liberal Arts at IUPUI (Indiana

University Purdue University Indianapolis).^[3] Judge Barker is an emeritus board member of the Conner Prairie Foundation and the Connor Prairie Museum. She has also served on the advisory boards of Indiana University and its law schools as well as the Valparaiso University School of Law.^[1]

Judge Barker is currently a member of the Indiana Academy and formerly of the Downtown Kiwanis Club of Indianapolis and previously on the Boards of Hanover College and Christian Theological Seminary.^[14] She is active in her church. “I’ve always tried to stay involved in the outside community as much as time would allow,” she says. “I believe it has made me a better lawyer and judge. It’s important to me to problem-solve in a way that requires me to figure out in advance what the best direction may be instead of doing it always in retrospective, as you do as a judge.”^[2]

Awards and honors

Judge Barker has received many honors and awards throughout her career. She was elected a distinguished Alumna of Indiana University and has been awarded ten honorary degrees from Midwestern colleges and universities.^[3] In July 2010, Judge Barker was designated a “Living Legend” by the Indiana Historical Society and in August 2010, the Indianapolis Bar Association selected Judge Barker to receive the Silver Gavel Award for Professionalism. She has also received the IBA’s Honorable Paul H. Buchanan Jr. Award of Excellence, which is the highest honor conferred by the Bar and recognizes the unique and notable contributions of lawyers and judges to the profession. In the fall of 2010, Judge Barker received an award for character presented by the Central Indiana Girl Scouts.^[14]

In 2008, Judge Barker was a recipient of the Trailblazer Award, one of the Torchbearer Awards given by the Indiana Commission for Women. The Torchbearer Award recognizes “women who have overcome obstacles and made Indiana a better place in which to live, work and raise a family. The Torchbearer Award is the highest award presented only to women by the State of Indiana.”^[7]

In 1993, she received not only the Antoinette Dakin Leach Centennial First Woman Award from the Valparaiso School of Law but also the Antoinette Dakin Leach Award from the Indianapolis Bar Association, both named for the first female lawyer admitted to the Indiana Bar. Other awards bestowed on Judge Barker include the Touchstone Award given by Girls Incorporated of Greater Indianapolis, the Good Scout Award from the Crossroads of America Boy Scouts Council and the Wabash College Peck Award, both awarded in 1989. In 1984, she was named Indiana Woman of the Year by the Women in Communications.^[1]

Judge Barker’s definition of success? “Doing the things you love to do and having those things, to some degree, make a difference - preferably for the good,” she says.^[13]

See also

- [United States District Court for the Southern District of Indiana](#)

- [Crawford v. Marion County Election Board](#)
- [Professional Air Traffic Controllers Organization \(1968\)](#)

External links

- [Biography of Judge Sarah Evans Barker](#)
- [List of Southern District of Indiana judges](#)
- [Sarah Evans Barker](#) at the *Biographical Directory of Federal Judges*, a [public domain](#) publication of the [Federal Judicial Center](#).
- [Sarah Barker on Judgepedia](#)
- [‘Thirty Years of the Journey of Indiana’s Women Judges 1964-1994’](#)

References

- ¹ Honorable Betty Barteau, [‘Thirty Years of the Journey of Indiana’s Women Judges 1964-1994’](#) (1997) 30(1) Indiana Law Review 104.
- ² Maurer, Michael S. *19 Stars of Indiana: Exceptional Hoosier Women*. Bloomington: Indiana University Press, 2009. Print.
- ³ [Judges and Courtrooms: Judge Sarah Evans Parker](#), 20 April 2009.
- ⁴ [2 new judges on federal court make history](#), 23 June 2010.
- ⁵ *United States v. Gutman*, 725 F.2d 417 (7th Cir. 1984)
- ⁶ *United States v. PATCO*, 653 F.2d 1134 (7th Cir. 1981)
- ⁷ *Indiana Commission for Women Press Release* [State Honors Women Torchbearers](#), 23 Jan. 2008.
- ⁸ *C.H., et al. v. James W. Payne*, 1:09-cv-1574-SEB-JMS. (S.D. Ind. 2010)
- ⁹ [“Unhappy Again.”](#)*Time*. 6 Oct. 1986.
- ¹⁰ *Crawford, et al. v. Marion County Election Board, et al.* [On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit](#)
- ¹¹ *United States v. Indianapolis Baptist Temple*, 224 F.3d 627 (7th Cir. 2000); Cause No. IP 98-0498-C-B/S (S.D. Ind. 2000)
- ¹² [Baptist temple tax dispute](#), Updated July 24, 2001.
- ¹³ [Influential Women: The Honorable Sarah Evans Barker](#), 12 Nov. 2007.
- ¹⁴ Barker, Judge Sarah. Personal comments. 7 Dec. 2010.

Legal offices	
	Chief Judge of the United States District Court for the Southern District of Indiana 1994-2000
Preceded by Judge Cale J. Holder	United States District Judge for the Southern District of Indiana 1984-present
Preceded by Virginia Dill McCarty	U.S. Attorney for the Southern District of Indiana 1981-1984
	First Assistant U.S. Attorney for the

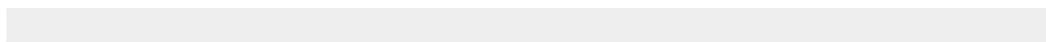
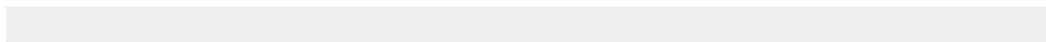
	Southern District of Indiana 1976
	Assistant U.S. Attorney for the Southern District of Indiana 1972-1976

Categories: [1943 births](#) | [Living people](#) | [Indiana University alumni](#) | [American University alumni](#) | [People from St. Joseph County, Indiana](#) | [American women judges](#) | [United States Attorneys for the Southern District of Indiana](#) | [Judges of the United States District Court for the Southern District of Indiana](#) | [United States district court judges appointed by Ronald Reagan](#)

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Federal judges of the United States District Court for the Southern District of Indiana



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Federal judges nominated by Ronald Reagan

Categories: [Federal judge, Southern District of Indiana](#)