



Hon. Barry W. Ashe

Judge, U.S. District Court for the Eastern District of Louisiana

by Violet Obioha



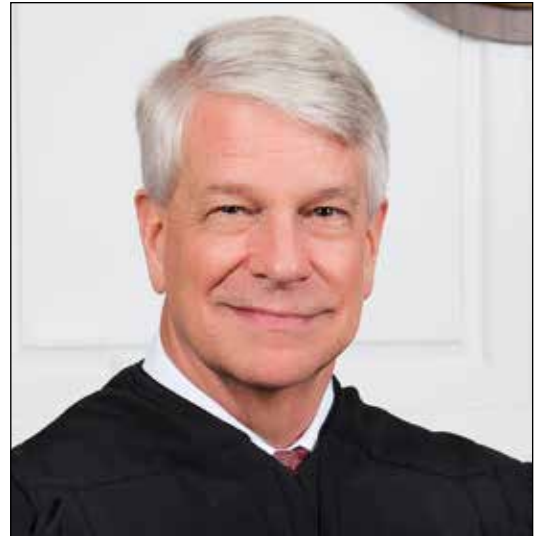
Violet Obioha is an associate at Stone Pigman Walther Wittmann LLC. Her practice includes corporate, business, and commercial real estate matters.

“You cannot live in the past or future. The day we live in is today. Every day, we are called to be the best we can be and to do the best we can do—today. No matter how small a job may be perceived to be, it is important to someone. Recognizing that it must be accomplished in the best way possible enables you to do even better things tomorrow for yourself and others.”—Judge Barry W. Ashe

Born and raised in the Crescent City, Judge Barry W. Ashe is proud to be a first generation New Orleanian. His parents, both Georgia natives, settled down in New Orleans where they raised their family. His father, an Army veteran and phone company employee, had very humble beginnings growing up on a farm. Despite limited educational resources, his father attended Georgia Tech and worked to put himself through school. Thereafter, he served in the Army in World War II and then the Air Force in the Korean War. His mother was an educator in both the home and the classroom. She worked as a schoolteacher, and after Ashe was born, taught in preschools on a limited basis. Ashe attributes his and his siblings’ success to his hardworking parents.

Judge Ashe is also a proud product of New Orleans public schools, having attended W.C.C. Claiborne, McDonough No. 39, F.W. Gregory Junior High, and Benjamin Franklin Senior High School, and has fond memories of those days. It was at Ben Franklin that he began to hone his advocacy skills serving as his school’s student representative at meetings with the Orleans Parish School Board. He attended Tulane University and graduated *summa cum laude* with a Bachelor of Arts degree in political science with a specialization in international relations.

Upon graduation, Ashe was commissioned as an officer in the Navy. During his three years of service on a minesweeper on the U.S.S. Engage (MSO-433), he filled nearly every officer billet with the exception of operations officer and captain, serving as an engineering officer, deck officer, and acting executive officer. Most notably, he recalls participating in the Mariel Boatlift, where his ship and other Navy and Coast Guard vessels rescued Cuban refugees adrift on small



boats and pieces of wood in the dangerous Florida Straits in their efforts to flee Fidel Castro’s Cuba.

After the Navy, Ashe returned to Tulane to attend law school. He graduated *magna cum laude* and was the senior managing editor of the *Tulane Law Review*. As the first in his family to obtain a legal education, Ashe acknowledged that he did not have a fully formed concept of what being a lawyer would encompass. However, his upbringing instilled in him a desire to involve himself in public service in whatever form that might take. In reflecting on his decision to go into the law, Judge Ashe states, “It seemed to be the best avenue for me to fulfill my desire to serve. Even though I did not fully appreciate all that being a lawyer entailed, I knew enough to know that lawyers can make a difference in terms of service to the community and service to people.” After law school, he served as a law clerk to Hon. Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit before entering private practice. His year of clerking was invaluable in polishing his legal education and advancing his understanding of the law.

Private Practice

Ashe joined the law firm of Stone Pigman Walther Wittmann LLC in 1985, where he practiced law for



Judge Ashe, circa 1990.



Judge Ashe and family at Fenway Park, Circa 1996.

33 years. Early in his legal career, he handled a wide variety of complex and commercial litigation involving securities, antitrust, contract and lease disputes, maritime law, products liability, and banking. Later in his career, Ashe migrated toward a concentration in appellate advocacy, becoming chair of Stone Pigman's appellate practice group.

Firmly abiding by his oath to serve his clients, Judge Ashe regarded every case he worked on as meaningful and important. Nevertheless, in terms of the reward that follows a long fight, Judge Ashe finds the *Sid-Mar Restaurant*¹ case particularly significant, wherein Stone Pigman represented the restaurant owners in this post-Katrina takings case. He recalls how it "took eight years of struggle at every level of the legal system to push this case to a resolution that allowed the appropriate compensation to be received." Another case meaningful to Judge Ashe is *FDIC v. Mijalis*,² which he litigated alongside now Judge Sarah S. Vance during their time together at Stone Pigman. In this case, the firm represented the FDIC in an action against bank directors and officers and achieved a multimillion-dollar jury verdict in favor of the FDIC. Judge Ashe remarks, "The FDIC cases were significant because we were acting on behalf of the public to recover monies that had been squandered through the wrongdoing of bank directors and officers."

During his tenure as a private attorney, Ashe received numerous honors and awards. His accolades included selection as a fellow of the American Academy of Appellate Lawyers. He was also named to The Best Lawyers in America, Louisiana Super Lawyers, and Chambers USA. In 1991, he became a member of Stone Pigman and served on its management committee for nearly 15 years. One of his greatest honors was becoming chair of this committee. He states, "It was a great honor and privilege to lead a firm that consists of so many outstanding lawyers who are all committed to ideals of excellence, stellar representation, and delivering the best service possible to clients." He was also the

recipient of the Federal Bar Association's New Orleans Chapter John R. "Jack" Martzell Professionalism Award in 2015. Ashe remained at Stone Pigman until his appointment to the bench.

Dedication to Service

Judge Ashe has always maintained a commitment to serving others. He strongly believes, "Whether you are an attorney involved in private practice, public service, academia, or politics, you have a calling and responsibility to serve your community and people in all the myriad ways that are presented to a lawyer in any of those capacities." He emphasizes that attorneys can use their skills and gifts to serve the public through bar associations, community involvement, church work, and charitable and civic organizations.

Holding true to his commitment to service, Judge Ashe has participated in numerous organizations throughout his career. He has been a member of the American Bar Foundation, the Maritime Law Association, the Bar Association of the Federal Fifth Circuit Court of Appeals, and the Federal, American, Louisiana, and New Orleans (NOBA) bar associations. He also served, most notably, on the Lawyers Advisory Committee of the Fifth Circuit, the Education Committee of the Louisiana Bar Foundation, and various NOBA committees. The Federal Bar Association is near and dear to Judge Ashe's heart, having served as the president of the New Orleans Chapter from 2010 to 2011 and serving now as one of the two vice presidents of the Fifth Circuit. He is also an active member of First Baptist New Orleans, serving as the president of its trustees, deacon, Bible study teacher, and choir member. He also serves on the board of Global Maritime Ministries.

From his ancillary role as school representative to his positions as a law clerk, private attorney, and church member, the goal for Judge Ashe has always been to fulfill his desire for public service. As a judge, he looks forward to serving the public and the bar in this new role.

Transition to the Bench

On Sept. 28, 2017, and then again on Jan. 8, 2018, Judge Ashe was nominated to fill a vacancy on the bench of the U.S. District Court for the Eastern District of Louisiana created by Judge Ivan Lemelle's elevation to senior status. He was confirmed by the U.S. Senate by voice vote on Aug. 30, 2018. Judge Ashe says, "It is an honor, privilege, and blessing to have been identified as a person who can fill the role of a district judge."

Judge Ashe now has the task of managing an inherited docket of cases in various stages of progress. "My approach," he explains, "is to learn the claims, facts, and law of each case, even when presented only with a pre-trial motion that is much more narrow than the entirety of the case, so that I can understand how the narrow issue may fit into the whole of the case. This prevents me from deciding a motion with a limited or myopic view of the matter at hand and, instead, allows for a decision within the context of the case as a whole."



Carolyn Dineen Kings, senior circuit judge for the Fifth Circuit, Susan Ashe, and Hon. Barry Ashe at his Jan. 10, 2019, investiture.

This approach involves asking the parties, ahead of status conferences, to issue status reports wherein they address five or six areas of focus. Armed with this information, Judge Ashe is able to get up to speed with the issues and concerns of paramount importance to the parties as well as address any outstanding issues. Judge Ashe believes this strategy benefits everyone because

it provides a quick and effective way for the parties to formulate and communicate a more concise perspective about their cases while not leaving him "to draw his own conclusions and assessments in a vacuum."

In reflecting on the differences between private practice and the judgeship, Judge Ashe states:



As a judge, you are on the side of the administration of justice, which gives one the opportunity and responsibility to weigh the positions of the parties against the backdrop of the law and then to make a decision about who is right and who is wrong. Whereas, attorneys have dual responsibilities to both the law and their clients. They must refrain from misrepresenting the law while also zealously advocating for their clients in an effort to get a favorable result. Attorneys are much more constrained, compared to judges, in terms of achieving the best result for the legal system. However, judges cannot do their work without advocates doing their work. The better advocates do their work, the more optimal the result is for the legal system in general.

Judge Ashe enjoys everything about his new position. "It's so new!" he exclaims. He delights in the intellectual challenge of reading the law and weighing parties' positions in order to make the best fair and impartial decision. He welcomes opportunities, which he did not have as a private attorney, to meet and talk with lawyers from the local and surrounding communities. He also appreciates his wonderful staff who are "great, smart, hardworking people devoted to the goal of getting it right," just as he is.

He also enjoys working with the amazing, intelligent, and inspiring judges and people at the Eastern District of Louisiana. "In working with the people of this court," he declares, "I know that the public is well-served in terms of the character and ability of the public servants who are trying their best to make sure justice is achieved for all people." The only shortfall of the judgeship, he finds, is that there are not more than 24 hours in a day to do even more.



Top: Judge Ashe and family at his Jan. 10, 2019, investiture. Above: Judge Ashe and his family.

Advice for New Attorneys

Offering words of advice to new attorneys, Judge Ashe says, “be true to your character and personality while also being devoted to your clients and the law. Marry these two so that you advance both without sacrificing your personality and, most importantly, your character.”

As a general philosophy of life, he stresses the importance of doing the best job at whatever task is at hand. He adds, “Do not save your best for some future day. Discharge your best in whatever job you have today.”

As to brief writing, he urges young attorneys to focus on the clarity of the point they are attempting to make. He finds that cogent and compelling writing requires a solid understanding of the facts and law of one’s case. “Often-times,” he observes, “briefs are meandering and disjointed.

Although the facts and law may be on your side, the reader’s task of discerning this is made more difficult than it needs to be.”

Beyond the Bench

Outside the courtroom, Judge Ashe relaxes through painting, drawing, and reading. If you ever step foot into his chambers, you will have the pleasure of seeing his paintings and sketches of presidents and other historical figures displayed throughout. Moreover, he is an ardent New Orleans Saints and Boston Red Sox fan.

Judge Ashe is also a devoted husband and family man. In 1978, he married his wife, Susan, within just five days of graduating from college and receiving his Navy commission. Together, they have three children—Kelly, Stephen, and Catherine—as well as four granddaughters.

Conclusion

Longtime friend and former colleague, Scott Whittaker, best captures Judge Ashe’s character. “With his temperament, intelligence and work ethic,” Whittaker states, “it’s hard to imagine a person better suited for the position of federal judge than Barry Ashe.” Over the past 35 years, Whittaker has always known Ashe “to be a person who does his best to improve any situation or organization he is involved with. Whether it was the *Tulane Law Review*, the Stone Pigman law firm, the Federal Bar Association, or the First Baptist Church, Barry always contributed in a positive way, and invariably became a chosen leader of the organization.”

We wish Judge Ashe much success as he embarks on what we know will be an exemplary and distinguished judicial tenure. ☺