



## Judicial Profile

by Suzanne Scalise

# Hon. Carl J. Barbier U.S. District Judge, Eastern District of Louisiana

Judge Carl J. Barbier immediately catches the attention of the attorneys who appear before him, his law clerks, his colleagues, and the entire legal community in and around New Orleans, La. The attention garnered by so many exists for what can only be explained as an endless number of positive reasons. Judge Barbier's affable nature, hard-working tendencies, legal genius, sharp wit, unbelievable memory, and fantastic sense of humor only begin to draw the picture that so many locals often witness. His down-to-earth, approachable nature is clearly innate and has simply never changed.

A New Orleans native, Judge Barbier grew up in a part of Jefferson Parish called the "Westbank" in what locals refer to as a "shotgun double." His father was a Marine engineer who worked on boats all of his life and was often away from home for weeks, and even a month, at a time. His mother stayed at home with Judge Barbier and his three younger siblings. The judge has always placed the highest priority on family. He grew up surrounded by both his immediate and extended family—literally. On the one side of the double lived Judge Barbier and his parents, while an uncle, aunt, and cousin lived on the other side. Maternal and paternal grandparents and other aunts, uncles, and cousins were merely blocks away.

With such a healthy family foundation and incredibly sharp mental and physical skills, Judge Barbier excelled at just about everything he tried. During high school, he played football, ran track, and wrestled. His peers recognized his bright mind and kind personality when they elected him student council president during his senior year. Judge Barbier attended Southeastern University in Hammond, La., on a full athletic scholarship for football. After graduating in 1966 with a degree in business administration and a minor in accounting, Judge Barbier followed his high school counselor's advice and applied to law school.

But Judge Barbier never did, and never does, anything the easy way. Very shortly after his college graduation, he



met the love of his life and now wife, Peggy. Judge Barbier decided to work during the day and attend the Loyola University New Orleans College of Law at night. His life was fast-paced and ever-changing from that moment forward. During law school, he first worked as a full-time substitute teacher at West Jefferson High School (teaching business and chemistry courses) and, then, as an accountant for Shell. In his first year of law school, Peggy had their first child, Kelly. Through his fourth year, Judge Barbier worked as a full-time law clerk for Judge William Redmann at the Louisiana Fourth Circuit Court of Appeal. Right after his

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last year in school, Judge Barbier's son, Brett, was born, and his second daughter, Brandy, followed a few years later.

While at Loyola, Judge Barbier continued to succeed. He was named associate editor of the *Loyola Law Review* and graduated *cum laude*. After graduating in 1971, he worked as a law clerk for Judge Fred Cassibry of the United States District Court for the Eastern District of Louisiana. After his judicial clerkship, he worked as a maritime and admiralty attorney at the plaintiff's firm of Badeaux & Discon, which eventually became Badeaux, Discon, Cumberland & Barbier. In 1983, he left to form his own firm, and a year later teamed up with Michael Cumberland to form Barbier & Cumberland. From 1993 to 1998, his daughter Kelly practiced with him. She describes that time as "a great legal experience with endless opportunities to participate in all phases of litigation." In good humor, Kelly explains, "Rule Day at Civil District Court in New Orleans was on Fridays. I soon learned that if he called me in into his office on Thursday afternoon, handed me a file, and said 'Here, I think you can handle this motion hearing,' it meant we were definitely on the losing end of an issue."

Those surrounding Judge Barbier echo the loyalty and appreciation that he constantly demonstrates. In 1988, Hope McDonald started working as his assistant and continues to do so to this day. When asked about him, Hope reveals, "I admire the fact that he treats everyone with respect both on and off the bench. And the amount of information that he reads, retains, and can recite, almost verbatim, is just incredible." She further refers to his hard-working nature and explains that "he gets to work each day before sunrise."

Judge Barbier's close friend and colleague, Magistrate Judge Sally Shushan of the Eastern District of Louisiana reiterates that sentiment. She and Judge Barbier often race to the courthouse in the morning, each wanting to be the first to arrive. After Judge Barbier exercises, they often sit and chat before their day begins.

Judge Shushan met Judge Barbier in 1998, the year that President Bill Clinton nominated Judge Barbier to become a federal district judge. While he loved practice and litigation, the timing of the nomination was perfect for him. Judge Barbier took the oath of office on October 12, 1998. Initially, Judge Barbier hired a permanent law clerk. But when she moved out of the country in 2006, several of his past clerks waited anxiously to see if he would hire another permanent clerk. Much to their dismay, he decided to hire a one-year term clerk. When asked why he made that decision, Judge Barbier replies, "While it's more work for me, I really liked the idea of giving more young lawyers the opportunity to work in federal court."

The atmosphere of his chambers is what each new attorney would want to experience. He embraces his clerks with a warm, easy-going environment and mentors them in the law from the very start. He sets the tone, making it clear that he expects stellar legal work but appreciates great humor and a personal touch. This sends the message that each clerk is highly valued, respected, and appreciated.

All of his clerks and others in the court quickly discover that Judge Barbier knows more about the cases before him than anyone could imagine. When he takes the bench for any hearing, he asks the attorneys questions that are extremely pointed and direct, proving that he has done his homework.

"He takes home a briefcase full of work each night, cranks through it, reads everything, and checks it all," Judge Shushan says. This is just one of the reasons why he keeps his docket running so smoothly.

Of course, his law clerks all say the same things. Chris Bynog, Judge Barbier's clerk from 1998 to 1999, explains, "I think some in the legal profession think that judges rely on their law clerks to spoon feed them all necessary information. Those people could follow Judge Barbier for a single day and have that view shattered. He is an avid reader of motions and pleadings. When the Judge ruled from the bench, it was incredible to hear him recite into the record a cohesive and detailed judgment without anything written out prior to taking the bench."

Pam Turgeau Starns, his law clerk from 2000 to 2001, was "immediately impressed beyond all belief" with Judge Barbier's ability to review and comprehend a large amount of materials in a very short period of time.

"I specifically remember him bringing home what must have been a ream of exhibits the night before an oral argument and then cross-examining one of the lawyers about the specifics of those documents the next morning," she says. "I began to believe that he must be a speed reader."

Alison deClouet, his clerk from 2007 to 2008, notes that Judge Barbier truly values the opinions of his clerks.

"He takes the time to get to know each of us both professionally and personally," she says. "Even after my clerkship was over, I have sought out his advice about things completely unrelated to the practice of law, and he didn't think twice about giving me his two cents."

Those warm feelings and admiration are not just one sided. Showing his endless appreciation for his law clerks, each October, Judge Barbier and Peggy invite all of the past and present clerks to a party at their home to honor the two clerks who have just finished their terms. After a fantastic dinner cooked by Peggy, the law clerks and their significant others gather as Judge Barbier stands before the group with the two most recent clerks by his side. He then repeats what he has said to all of his past clerks, "I always hire people who are smarter than I am." Before the party ends, Peggy lines up all of the clerks on and around the stairs of the house and takes what feels like an annual holiday, family picture.

Along with his warm nature, it's impossible not to notice

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**—Chris Bynog**

how dedicated he is to the legal community. It would seem that he wouldn't have time to do one more thing, but he always makes time. Judge Barbier is a past president of the New Orleans Bar Association, the Saint Thomas More Inn of Court, and the Louisiana Trial Lawyers Association. He is also a past member of the House of Delegates of the Louisiana State Bar Association, a fellow of the Louisiana Bar Foundation, a member of the Loyola Law Alumni Association board of directors, and a member of the Board of the Federal Bar Association, New Orleans Chapter. Judge Barbier works tirelessly, and Judge Shushan describes him as perfectly suited for the job.

"He has a great sense of humor, the ideal temperament, and an incredible work capacity," she says. Such a description is undeniable, even when just a fraction of Judge Barbier's time on the bench is reviewed.

The year that Judge Barbier began his judicial career, he not only tackled his new docket of cases, but he promptly began assisting federal judges in the United States District Court for the Southern District of Texas. From 1999 to 2005, Judge Barbier voluntarily took the bench for a week at a time in Texas, including Laredo, Pecos, El Paso, and Del Rio. The Texas federal judges were overwhelmed and needed help keeping up with criminal cases. Not surprisingly, Judge Barbier made sure to keep his own docket current and then stepped up to assist where needed. He always brought a law clerk with him on the journey and had a wonderful time visiting with friends that he made in Texas through the years. Interestingly, while Judge Barbier claims that his only hobby is "reading," Judge Shushan adds that he has another hobby, which she describes as "collecting friends."

"Judge Barbier is such a nice guy and genuinely interested in other people that he'll talk to just about anyone and make them feel like the center of attention," she says. "He makes friends everywhere that he goes and has the ability to keep in touch with them for years on end."

In addition to being close friends, Judge Shushan and Judge Barbier have been paired together on the ongoing, highly publicized Multidistrict Litigation (MDL) No. 2179, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010 (In re: Oil Spill)*, currently pending in the Eastern District of Louisiana. That litigation concerns the April 20, 2010, blowout, explosion, and fire aboard the Deepwater Horizon as it was drilling on the Macondo Well off the coast of Louisiana and the subsequent discharge of millions of barrels of oil into the Gulf of Mexico. Since the U.S. Judicial Panel on Multidistrict Litigation created MDL 2179 and assigned it to Judge Barbier on August 10, 2010, more than 2,000 individual cases, including more than 100,000 plaintiffs/claimants, have been consolidated. The types of claims vary greatly: wrongful death and personal injury resulting from the initial explosion and fire; personal injury resulting from exposure to oil and/or chemical dispersant; damage to property and natural resources; individual and business economic losses; loss of tax revenues; and violations of environmental statutes, among many other claims. Furthermore, the defendants have pled cross-claims and third-party claims against each other and/or their insurers, raising more issues such as breach of contract, contribution and indemnity, and insurance coverage.

Judge Barbier has worked tirelessly to organize and manage the voluminous and diverse litigation. Fairly early in the proceedings, Judge Barbier organized similar claims into "pleading bundles."

Discovery was divided into phases, which has been closely overseen by Judge Shushan. Phase one discovery, for example, focused on the activities and events that caused the blowout and oil spill. A phase one bench trial, that would similarly address issues concerning fault allocation for the blowout, was scheduled for February 2012, less than two years after the incident. In advance of this trial, Judge Barbier held monthly public status conferences and issued numerous rulings resolving or clarifying many issues. Although on the eve of the phase one trial it was continued—due to BP (the well operator) and many, but not all, private plaintiffs agreeing to two class action settlements—the trial commenced in February 2013 and concluded in April. A phase two trial, concerning efforts to cap the well and quantifying the amount of oil that actually discharged, is currently scheduled for September 2013. Judge Barbier and Judge Shushan are also working with the parties to develop further discovery plans and trial phases.

While Judge Barbier spends countless hours working, his greatest personal interest is spending time with his family at his second home in Mississippi. He simply adores his family and values the time that he has with this wife, children, and grandchildren. He admits that he likes to travel but doesn't do enough of it. Again, while Judge Barbier has a hard time listing his hobbies, Judge Shushan states it best.

"He reads just about every political news report, blog, or website that he can find," she says. She calls him a "politics junkie" and explains that one of the top reasons that he's such a wonderful federal judge is because "he simply loves his job." And in truth, "being a judge is his biggest hobby." ☺