



## Judicial Profile

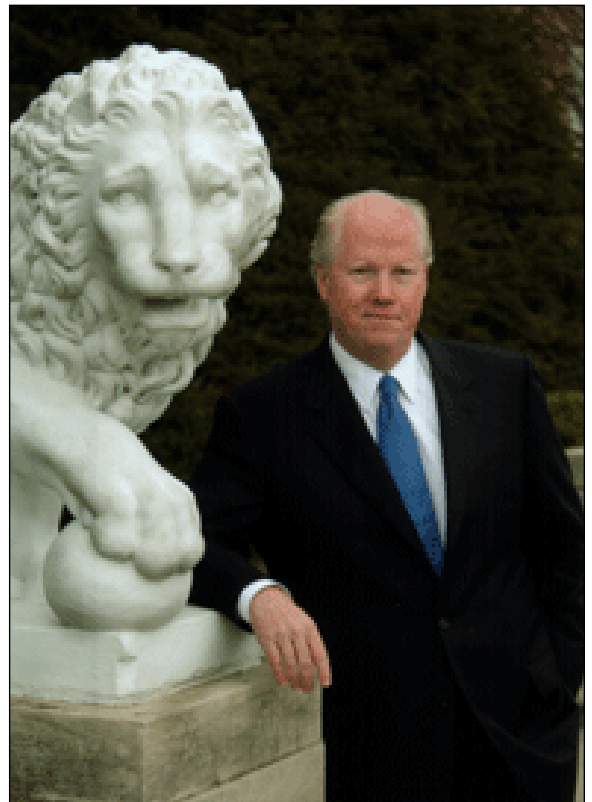
by Joan Brady and Lindsay Potrafke

# Hon. Michael R. Barrett U.S. District Judge, Southern District of Ohio

**S**ociable, gregarious, friendly, quick-witted, and approachable are all words that have been used to describe Judge Michael R. Barrett of the U.S. District Court for the Southern District of Ohio. However, when we recently attempted to interview Judge Barrett over lunch, he was reluctant to discuss himself, and so modest that he might have been mistaken for an introvert. Since his reserved demeanor was in stark contrast to the general impressions around the courthouse, we enlisted the help of his former law clerk, Magistrate Judge Stephanie Bowman, and current career law clerk, Grace Royalty, to complete this profile.

Upon visiting his chambers, one thing is immediately apparent—Judge Barrett’s passion for all things Cincinnati. Lining the walls are paintings depicting Cincinnati landmarks, such as Mt. Adams, Music Hall, the Museum Center, and Fountain Square. The back corridor leading to his courtroom is adorned with memorabilia from his undergraduate and law school *alma mater*, the University of Cincinnati (UC), where he earned a B.A. in 1974 and a J.D. in 1977. Framed displays include signed jerseys from former UC basketball players, a pencil sketch of UC’s College of Law, and photographs of various board configurations from his nine-year tenure on UC’s Board of Trustees.

His personal office provides even more insight into this Cincinnati native’s background. Photographs and curiosities reflect both personal and professional accomplishments. The eastern wall bears witness to undergraduate, law school, and honorary doctorate UC degrees. To the left of his degrees are two gavels—one from his term as chairman of UC’s Board of Trustees, and a second from his tenure as chair of the Hamilton County Republican Party. That same shelf also contains photographs and badges from his service



as a chief assistant of the Felony Trial Division and the chief of the Arson Task Force for the Prosecutor’s Office of Hamilton County, Ohio. Adjacent walls are decorated with photographs of Judge Barrett with Presidents George H.W. Bush and George W. Bush and their wives Barbara and Laura; Sens. Bill Frist, Rob Portman, George Voinovich, and Bob Dole; Secretary of State Colin Powell; and numerous personalities including Bill Moyers, Ted Turner, Ben Stein, Bill Cosby, Arnold Schwarzenegger, and Jason Fabini.

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Although it is apparent from these memorabilia that Judge Barrett has many noteworthy personal and professional achievements, there is more to the story than meets the eye.

### **Developing a Passion for Trial Practice**

Like many law students, Judge Barrett was uncertain of where his legal career would lead. A fortuitous first legal job as an administrative hearing officer for the State of Ohio quickly clarified his professional goals. In that role, he joined a hastily assembled task force of 30 law school graduates who had taken the bar, but had not yet been admitted to practice. He began work the Monday immediately following the July 1977 Ohio Bar exam. After 30 days of training, he criss-crossed the State of Ohio for five months, hearing administrative appeals of Ohio workers' employment classifications and preparing administrative orders. During those months, Judge Barrett observed various styles and qualities of lawyering, gaining an understanding and appreciation of the importance of good advocacy. After six months, he had a keen desire to be one of the "good advocates" as a practicing trial attorney. He did not have to wait long for the opportunity. Just as the task force was winding up, he was hired by the then Hamilton County Prosecutor, Simon Leis Jr.

Other than his stint as a hearing officer, Judge Barrett had no trial experience. Nevertheless, on his first day of work in the Prosecutor's Office, he was handed a file and instructed to try a felonious assault case. Although nervous, he succeeded in obtaining a guilty verdict on that case, and never looked back. He began taking on, and trying, as many cases as possible. His work ethic reaped dividends, permitting him to successfully prosecute a vast number and variety of cases, including two highly publicized aggravated murder and kidnapping cases. Along the way, he spent hours observing "the great trial attorneys of the 1970's" at the Hamilton County Courthouse. Earning recognition on his own merit, he was promoted to chief of the Felony Division.

After six years with the Prosecutor's Office, Judge Barrett sought to apply his skills in private practice. He joined the firm of Graydon, Head and Ritchey, LLP as a general litigation associate, and quickly was promoted to partner. Ten years later, he moved to Barrett & Weber, again concentrating on general litigation. Unlike most in private practice, Judge Barrett resisted specialization. He continued to defend criminal cases, and represented both plaintiffs and defendants in an unusually wide variety of state and federal cases involving torts, administrative law, malpractice, environmental law, antitrust law, securities law, and domestic relations. Needless to say, his client base was equally broad, including alleged rapists and murderers, and on the civil side, crime victims, corporate executives, politicians, businesses, and property owners.

### **On the Bench and in the Community**

Judge Barrett was nominated for a district court seat by President George W. Bush and confirmed on May 25, 2006. He brought with him to the federal bench a breadth of experience in civil and criminal litigation from every side of the adversary process. His extensive and varied trial experience leads him to eschew any particular judicial philosophy. Rather, he prefers to look at the specific facts of each case and to rely on his own legal experiences. Paraphrasing John Adams' "Facts Are Stubborn Things," he adds: "Two distinct sets of facts, involving identical legal principles, can result in two distinctly different outcomes." He therefore believes facts are critical to the outcome of the case, and are essential to the fair administration of justice.

Although the courtroom remains his primary passion, Judge Barrett enjoys taking an active role in court-facilitated settlement negotiations, often to the surprise of lawyers new to his docket. With a smile, he concedes that his negotiation skills can be attributed in part to his upbringing. As a middle son of six children raised by a physician and accomplished businessman, Dr. Charles M. Barrett, and a gracious mother, Mrs. Maybelle Finn Barrett, he had to learn at an early age the art of compromise. He has applied those lessons throughout his career, viewing himself as a problem solver. That trait was highlighted during his judicial nomination process when his counterpart, the chairman of the Hamilton County Democratic Party, was quoted in the *Cincinnati Enquirer* as stating, "Obviously, I disagree with a lot of his politics, but he is open-minded and willing to be fair." These sentiments were reflected again in his confirmation hearings, where the Senate voted 90-0 to confirm him.

Consistent with his sociable personality and reflective of his commitment to advocacy, Judge Barrett regularly participates in, and initiates, educational opportunities for law students. Although he prefers long-term law clerks, he appreciates the role of the courts in legal education. He therefore accommodates as many externs as possible from both his alma mater and other law schools across the nation, and tries to provide them with valuable learning opportunities. This past summer, for example, he designed a mock trial program for the externs of all Cincinnati district court judges, using outside speakers, other judges, and two juries before whom the students presented their cases. Judge Barrett also gives trial practice presentations at the UC College of Law. When asked about his significant time commitment, Judge Barrett explains:

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“I believe I have valuable insight to provide from my experiences, both the successes and, perhaps more importantly, the hard-knocks. I also think most of the students are somewhat surprised by the amount of time that it takes to prepare for the various stages of trial, especially witness examination. The earlier they understand that aspect of the profession, the better.” In the larger sense, he hopes that additional education and practical experiences can help to ease the stress and strain that he has observed in practice, when he

served on the Ohio Supreme Court’s Board of Grievance and Discipline, and that he continues to observe in his current judicial role.

Judge Barrett is assisted by a hard-working staff of two law clerks, a courtroom deputy, and a judicial assistant. One of the first traits that his staff describes is Judge Barrett’s involvement in the local community. Consistent with his commitment to legal education, Judge Barrett is heavily involved in the Potter Stewart Inn of Court. He also routinely presents to the Cincinnati and Kentucky Bar Associa-

tions, and engages in trial practice work with UC Law School’s moot court teams. Judge Barrett’s staff also describes his many years of coaching UC’s Rugby Team as well the Cincinnati Wolfhounds Men’s Rugby Club (teams for which he played prior to a leg injury in his early 30s). He frequently spends weeknights coaching rugby practices and Saturday afternoons at rugby games.

On a more informal level, Judge Barrett stays involved in the local community by taking a personal interest in those around him. On a weekly basis, he generously stops on his way in to the office to pick up coffee for his entire chambers, and invites everyone to gather in the kitchen for casual discussions about the day’s schedule and other spontaneous topics. His law clerks caution that it takes Judge Barrett 20 minutes to walk two blocks to lunch because he stops to chat with everyone he recognizes on the way, including corporate executives, janitors, bank tellers, store owners, politicians, former law partners, former adversaries, and friends from high school, college and law school. His personal contacts extend beyond those brief greetings, as he regularly meets the same individuals for lunch or after-work get togethers. One favorite pastime is pheasant hunting with a high school friend, which he has kept up for many years. From Judge Barrett’s perspective, he enjoys being involved in the community and taking an interest in others because “you can close

the door in this job and be busy the rest of your life, but the world lives out there on the street.”

Despite his many accomplishments and busy lifestyle, Judge Barrett still makes time for family and fun. He enjoys spending time with his only son, Will, and cooking for and entertaining friends. According to his staff, one of his favorite hobbies is pulling pranks on them and other judges in the courthouse. However, when asked directly, Judge Barrett gives away only a mischievous grin and an artful response: “This job and the work we do is very serious, but I try to remind myself and others not to take ourselves too seriously.” Judging by the numerous whimsical objects scattered throughout the chambers, including stuffed animals, a bobble head of his likeness, cutout posters of characters from the film *Austin Powers*, and a life-size suit of armor from which hang pictures of his former externs, he has succeeded at keeping the mood light-hearted.

As our interview concludes, Judge Barrett steers the conversation to his respect and admiration for his colleagues in the Southern District of Ohio. “I don’t know how it is in other places, but the judges in Cincinnati, Dayton, and Columbus genuinely respect and like each other. Our meetings, while informative, also are collegial and often entertaining. This atmosphere spills over to the Cincinnati judges’ relationship with our counterparts in the Eastern District of Kentucky, as we meet regularly for lunch and an exchange of ideas.” This is one of many reasons Judge Barrett feels fortunate to work in the Southern District of Ohio. ☺

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