

The Honorable Sarah Evans Barker
Leadership and the Law, IU McKinney

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I. INTRODUCTION

Senior Judge Sarah Evans Barker has earned a distinguished place as a leader in the law. She was the first female Assistant U.S. Attorney, district court judge, and district court chief judge in Indiana.¹ She was appointed in 2004 by then-Chief Justice Rehnquist to the Special Study Committee on Judicial Conduct and Disability and reappointed by Chief Justice Roberts. She has served on multiple committees for the Judicial Conference of the United States and the 7th Circuit. From 2007 to 2009, she was President of the Federal Judges Association and continues to serve on the Board of Directors. Judge Barker also holds leadership positions off the bench, serving on multitudinous nonprofit boards, including the Indiana Historical Society, IU Health, IU, and Conner Prairie. “Barker ranks among Indiana’s exemplars of virtue, transcends politics, and has won admirers of all ideological stripes with her moderate sensibility.”²

She has been recognized widely for her contributions and achievements:

These awards include the Trailblazer Award given by the Indiana Commission for Women. She has been designated as a Distinguished Alumna of Indiana University. She was given the Living Legend award by the Indiana Historical Society. She was presented the Silver Gavel by the Indianapolis Bar Association. Several Midwestern colleges and universities have conferred [at least] ten honorary degrees on her.³

Judge Barker’s leadership philosophy comports with many principles of widely accepted theories of leadership. On the whole, though, she is very much led by her own light, carefully balancing her natural inclination for collaboration with her moral and

¹ 162 CONG. REC. 1375 (daily ed. Sept. 27, 2016) (statement of Rep. Susan W. Brooks), available at <https://www.congress.gov/114/crec/2016/09/27/CREC-2016-09-27-pt1-PgE1375-2.pdf>. The first female to be so recognized, Courtroom 216 was named in her honor in 2016.

² Megan Fernandez, *Sustained: Judge Sarah Evans Barker*, INDIANAPOLIS MONTHLY (May 14, 2015), <https://www.indianapolismonthly.com/arts-and-culture/circle-city/sustained>.

³ *Id.*

legal duty to be an independent arbiter. The allure of easy paths does not easily sway her: she has broken many a glass ceiling, navigated role reversal of stereotypical parenting responsibilities, and created space for women to rely on other women as they forge their own paths to success.

This paper presents in five parts. Part II provides a condensed but comprehensive overview of Judge Barker’s biography, drawing heavily on oral histories provided to the 7th Circuit and Indiana Historical Society. Part III reviews prevailing leadership paradigms and how they necessarily fall short of creating a unified theory of leadership. Part IV draws on Judge Barker’s philosophy of good leadership as consistently demonstrated throughout her illustrious career. Finally, Part V concludes with main take-aways and a brief reflection by the author.

II. BIOGRAPHY

a. *Raising and Training a Leader*

1. *Formative Years*

Born on June 10, 1943,⁴ Judge Barker was raised in Mishawaka, Indiana, by devoutly Methodist parents.⁵ Because her parents set off to Illinois and then Indiana from their home state of Arkansas, she didn’t grow up around her extended family.⁶ Rather, she had four siblings, her mom’s parents, their close-knit adopted church family, and various international long-term guests.⁷ The personality traits of her Grandma Yarbrough had a lasting impression on young Sarah Evans, who describes Grandma Yarbrough as “a wonderfully clever, verbal, poetic, and

⁴ *Completed Questionnaires, Barker*, Betty Scales Barteau Research Papers, ca. 1994-1997 2 (2002) (available at the Indiana Historical Society Library Archives under Collection No. M 0716, Box 1, Folder 3).

⁵ THE ORAL HISTORY OF SARAH EVANS BARKER, DISTRICT JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA (2010) (available at the Southern District of Indiana Court Library) [hereinafter ORAL HISTORY].

⁶ *Id.* at 9, 13.

⁷ *Id.* at 26, 42.

funny woman with a great sense of humor all her life . . . spunky and undaunted no matter what challenges she faced.”⁸

Judge Barker’s father was a “wonderfully warm, kind, humorous man and quite intelligent” who held numerous leadership positions in the church and community.⁹ Her mother was a “very, very smart woman, a person of real intelligence,” model student involved in all the major student groups, homecoming queen, and generally the “life of the party.”¹⁰ Both parents graduated with advanced degrees after the children flew the coop: her father, a MBA, and her mother, a MA in Education after years of taking only one class per semester.¹¹ Her parents’ Methodist values and experiences growing up in segregated Arkansas shaped the conversations they would later have with their children.¹² Judge Barker recalls that “[i]t was my parents who instilled those broader views in us [children] of racial equity and fairness. They set the example for us.”¹³ Despite their firmly held, enlightened Northern views, her parents restrained expressing disappointment or embarrassment in bigoted family members while at reunions in Arkansas in the name of maintaining family bonds.¹⁴

The children of the family all carried their share of responsibility. Her father’s engineering job at a local foundry kept the family’s needs met, but there wasn’t much left over.¹⁵ To fund their extracurriculars, the children babysat, managed a large raspberry patch to sell in

⁸ *Id.* at 17. In a time where women did not often continue formal education, Grandma Yarbrough’s teacher implored her parents that she be allowed to continue her education to become a teacher herself. *Id.* at 29.

⁹ *Id.* at 24.

¹⁰ *Id.* at 26-27, 29.

¹¹ *Id.* at 37.

¹² *Id.* at 22, 25.

¹³ *Id.* at 23.

¹⁴ *Id.* at 22. Her mother’s Uncle Thad “was really one of the most racially bigoted persons I ever met until I got to be an adult.” *Id.* at 32. But he would do anything for his family, including keeping her mother’s family fed when they consistently hit hard times. *Id.*

¹⁵ *Id.* at 12, 37.

town, and worked in the school bookstore.¹⁶ Growing up nearly four miles outside of town, the children helped manage the seven acres of land and animals every weekend.¹⁷ She was always looking to get out of household chores,¹⁸ but as a self-professed tomboy, she was drawn to the outdoor chores more than her siblings were.¹⁹ She loved to ride her grandpa's horse, Dixie, and invite friends over to build treehouses and raft in the creek.²⁰

In addition to responsibilities at home, the whole family was active in extracurriculars and the church.²¹ She participated in 4-H activities like baking and sewing partially “under duress” by her mother and partially because she had to do the “girl stuff” to participate in the boy activities.²² Being the only children in town who took dramatic arts lessons has served the Evans children very well in their respective careers as judge, schoolteacher, and school administrator.²³ Each child was also expected to sing in the church choir and learn to play an instrument; Sarah chose to learn the guitar after many other attempts resulting in disinterest.²⁴ In high school, she was President of the state and local Y-teens, for which she surprised herself by traveling alone to Washington, D.C. and New York for the leadership conferences.²⁵

There were no gender differences in the educational expectations of the Evans parents.²⁶ All children were both encouraged and expected always to do their best—although it wasn't

¹⁶ *Id.* at 38-40. “I think, as I look back, we were regarded by almost everyone as ‘go to’ kids: people knew we were capable, responsible, creative people who got the job done.” *Completed Questionnaires, Barker, supra* note 4, at 12.

¹⁷ ORAL HISTORY, *supra* note 5, at 34-35.

¹⁸ *Id.* at 38. Her mother “had managerial skills that would make most CEOs pale by comparison.” *Id.*

¹⁹ *Id.* at 36.

²⁰ *Id.* at 35-36. Although her friends loved to explore with her, they sometimes refused to visit in the summers because they would be roped into the family chores. *Id.*

²¹ *Id.* at 61. “It seemed like we lived at church.” *Id.* at 61.

²² *Id.* at 49. Her sisters always beat her in the girls' activities, but she did well in sheep showing and took the blue ribbon in woodworking. *Id.*

²³ *Id.* at 55.

²⁴ *Id.* at 59.

²⁵ *Id.* at 64.

²⁶ *Id.* at 38.

possible to convince her parents that their best could achieve anything less than an A.²⁷ It was a hard sell to get young Sarah to focus on school, as she preferred action to academics, and school never required too much effort to do well.²⁸ But gendered inequities at school frustrated her from a young age. The only opportunity to play girls' sports was in gym class, and at 5' 8" and a natural athlete, Sarah Evans knew that her practice burning off steam by shooting baskets at home made her a better basketball player than most of the boys.²⁹ However, when she approached the basketball coach (her gym teacher) about playing, she was met with a flat no.³⁰ When pressed to at least allow her to practice with the team, the coach simply responded that it "wouldn't be right."³¹

2. Education and Early Career

The decision to attend Indiana University was "easy, like sliding downhill."³² She knew she could get in and entered as a nursing major in 1961 at her mother's suggestion.³³ Shortly thereafter, she departed from that path and "started treating Indiana University like the great smorgasbord that it is."³⁴ Graduating with a social service degree because it didn't have as many specific class requirements, she ended up taking many courses in philosophy, ethics, history, and the like.³⁵ The idea to attend law school came from her dorm counselor, which struck her at the time as being roughly as absurd as if she would have suggested Barker become an astronaut.³⁶

²⁷ *Id.* at 39.

²⁸ *Id.* at 40, 46.

²⁹ *Id.* at 45-45.

³⁰ *Id.* at 46.

³¹ *Id.* at 46. She was delighted to discover that her dorm at IU offered intermural basketball, softball, and competed in the IU Sing. *Id.* at 48.

³² *Id.* at 66.

³³ *Id.* at 67.

³⁴ *Id.* at 67.

³⁵ *Sarah Evans Barker Transcript, 2009-2010*, "SIGNIFICANT ATTORNEYS" ORAL HISTORY PROJECT, 2009-2011, 2014 5 (2018) (available at the Indiana Historical Society Library Archives under Collection No. M 0991, Box 1, Folder 1) [hereinafter *Transcript*].

³⁶ *Id.* at 7. She though nice families didn't need lawyers and that businesswomen were the "perky, Doris Day types." *Id.* at 8-9.

But it planted a seed, and she began reading the law school bulletins in the library.³⁷ Eventually, she cold-called the Dean of the Maurer School of Law, and while she didn't have any particular plan for the conversation, he helped her arrange to take the LSAT and never suggested that she need not apply.³⁸ Despite her close relationship with her parents, she didn't discuss the notion with anyone until after she had already accepted entrance to the University of Pennsylvania—she didn't want to invite an “are you kidding” reaction that might dissuade her from deciding for herself.³⁹ Ultimately, her parents were supportive, if bemused.

In law school, she met a male-dominated, paper-chase atmosphere hospitable only to a survival mindset.⁴⁰ Even after transferring to American University, a Methodist-founded school with historically high female and minority student enrollment, there were only ten women in a class of 150 law students.⁴¹ The article she wrote as a research assistant at the D.C. Parole Board was published in the school's law journal, giving her a roundabout invitation to be an editor on the journal.⁴² Her best grade was in Equity Law, which she attributes to growing up in a big family where “it was all about equity every day.”⁴³

Her job with Senator Percy came from a few chance opportunities. When she scheduled a meeting with the Dean of the American University School of Law, she didn't have a plan other than putting her feelers out for a job.⁴⁴ She left that meeting with a job as a legislative assistant on the Hill, which eventually led to her role as a speechwriter for Senator Charles Percy of

³⁷ *Id.* at 8

³⁸ *Id.* at 42.

³⁹ *Id.* at 9. She worked as a guidance counselor for one year at the University of Rhode Island while waiting for a seat in Pennsylvania to open. *Id.* at 14.

⁴⁰ *Id.* at 17.

⁴¹ *Id.* at 22.

⁴² *Id.* at 22.

⁴³ *Id.* at 25.

⁴⁴ *Id.* at 3.

Illinois.⁴⁵ He was extraordinarily influential in her development as a green attorney, telling his staff members to brief him only on what they thought was the correct result and let him handle the politics.⁴⁶

b. Two “Firsts”

1. First female Indiana AUSA

As Judge Barker concluded her time with Senator Percy to move to Indianapolis with her fiancé Ken, she came upon an unexpected opportunity.⁴⁷ Senator Percy’s case work department head was good friends with Harlington Wood (then-director of the U.S. Attorney Executive Office and later a 7th Circuit judge) and heard through the grapevine that Indianapolis needed a new Assistant U.S. Attorney.⁴⁸ Barker readily accepted his offer to put in a good word on her behalf, but she swears she didn’t know at the time who Wood was or what an AUSA was or did.⁴⁹ She was up-front about this in her interview but got the job because she promised she was a quick study and a hard worker.⁵⁰

After she secured the job, Nixon-appointed U.S. Attorney Stanley Miller insisted that she come in for onboarding as soon as possible. She did—only to find a room of reporters building the afternoon paper’s headline about the first female AUSA sworn into office in Indiana.⁵¹ Unexpectedly thrust into the spotlight (literally), Judge Barker has “been alert all along to the special visibility [she has] had and the responsibility it imposes on [her].”⁵² She took the oath of office in 1972 and was soon promoted to first assistant U.S. Attorney, similar to a chief of staff.

⁴⁵ *Id.* at 3-5. Her interviewer for her first job on the Hill told her she would be paid \$2,000 less than her male counterparts because “that’s what [they] can get a woman for.” *Id.* at 30.

⁴⁶ Sarah Evans Barker, Interview in Chambers (Oct. 28, 2021) [hereinafter Interview].

⁴⁷ *Id.* at 41.

⁴⁸ *Id.* at 41.

⁴⁹ *Id.* at 42.

⁵⁰ *Id.* at 43.

⁵¹ *Id.* at 44. She didn’t realize before the ceremony that she was the first woman in the position.

⁵² *Completed Questionnaires, Barker supra* note 4, at 15.

While a meaningful promotion, it was a political one, so when the administration changed in 1977, she was forced to find employment elsewhere. She joined the firm of Bose, McKinney & Evans—the firm where Ken had been practicing in the public education sphere—where she made partner in four years. In 1981 she was appointed by President Reagan as the U.S. Attorney for the Southern District of Indiana, becoming the second female U.S. Attorney in Indiana with Virginia Dill McCarty’s appointment by President Carter four years prior.

2. First female Indiana District Court Judge

When asked when she decided she wanted to be a judge, she responded, “I decided approximately one month after my predecessor on this court died and two weeks before I actually applied.”⁵³ Already having experience in high-visibility positions, she “thought [her] work ethic and temperament would serve [her] well in the position and [she] was eager to do what [she] regarded then and now as meaningful, contributing work.”⁵⁴ As a result, Sarah Evans Barker became Judge Barker in 1984, where she remained not only the first but the only female judge on the bench for the next twenty-six years. She served as Chief Judge from 1994 to 2001 and entered senior judge status in 2014 (although this fact isn’t apparent from her caseload).⁵⁵

She doesn’t recall any specific, open resistance to becoming a judge, although there were undoubtedly some with private reservations.⁵⁶ And she doesn’t recall any lack of respect from her fellow judges. However, the exclusion from male-only club activities left her feeling

⁵³ *Id.*

⁵⁴ *Id.* at 8.

⁵⁵ Marilyn Odendahl, *Senior Status Not Likely to Slow Judge Barker*, THE INDIANA LAWYER (Apr. 20, 2014), available at <https://city-countyobserver.com/senior-status-not-likely-to-slow-judge-barker/>. The Southern District of Indiana is the fourth busiest in the nation. Jane Magnus-Stinson, Address to the Leadership in the Law Class (Aug. 13, 2021). Each judge in the Southern District averages 642 cases to the national 533 average docket load. Megan Fernandez, *supra* note 2.

⁵⁶ *Completed Questionnaires, Barker, supra* note 4, at 13. “[T]hey weren’t telling me about it, in case I got the job, I suppose.” *Id.*

occasionally as though her opinion was afforded less weight in group meetings.⁵⁷ Turning from horizontal to vertical relationships, when reading the Bar’s judicial evaluations, she was sometimes left wondering if the commentators even knew her. Where her male counterparts were “described as firm, demanding, running tight ships, decisive . . . [she was] not dealt with so lightly.”⁵⁸ On the other end of the spectrum, witnesses and sometimes law enforcement officers were visibly uncomfortable giving necessary but indelicate testimony or taking direction from a female judge.⁵⁹

Judge Barker has a rich history of leadership in the judiciary. She has served on committees in the Supreme Court, 7th Circuit, national organizations of federal judges, Southern District, and the State of Indiana. Having worked on issues ranging everywhere from criminal justice reform to community policing, judge nomination and discipline, and administrative matters to ensure the courts remain functional, one is left to wonder what leadership roles Judge Barker has *not* held. Of particular significance was her role as President of the Federal Judge’s Association, where the group persuaded Congress through litigation to increase stagnated federal judge pay to keep pace with the current cost of living: “Man, that was hard. Talk about conflict.”⁶⁰

c. *Family and Social Life*

1. *Unconventional Parenting Roles*

⁵⁷ *Id.* at 14.

⁵⁸ *Id.*

⁵⁹ *Id.* at 15.

⁶⁰ Interview, *supra* note 46.

Sarah Evans Barker's husband, Ken Barker, grew up in a family that had a "tradition of [] being sort of stubborn and strong-willed people . . . some very strong intellectuals."⁶¹ He was voted most likely to succeed and most intelligent in their high school graduating class.⁶²

Judge Barker speaks of her relationship with Ken with reverence:

[W]e have what I believe to be a very strong marriage and family life, but we had to earn it every day by open communications and generosity toward each other's needs. . . I draw enormously from my husband's support and wise counsel along the way. He has 'put the pieces back together again' for me on many occasions. He is my most trusted friend and counselor. And I think he values my involvement in his life too.⁶³

When she and Ken decided to start a family, they didn't really talk logistics.⁶⁴ It was challenging having preschoolers "on whom the word hurry is entirely lost" to balance against billable hours when the babysitter's schedule only allowed her to be in the office from 9:00 am to 5:00 pm.⁶⁵ Ken wasn't a morning person, so Judge Barker handled the morning business, and Ken handled the afternoon business, but this was often interrupted by law firm expectations and events.⁶⁶ She reflects that while there are more women in law firms now, many firms still want to have their cake and eat it too—they want young, intelligent female lawyers but don't enable them to balance their careers with family life.⁶⁷

When asked how challenges for women are different today than they were when she was a young lawyer, she laments that the presentation changes, but problems persist.⁶⁸ There still exists a pressure for women to compartmentalize their life into

⁶¹ ORAL HISTORY, *supra* note 5, at 5.

⁶² *Id.* at 65. Judge Barker was voted class clown. *Id.*

⁶³ *Completed Questionnaires, Barker, supra* note 4, at 12.

⁶⁴ *Id.* at 51.

⁶⁵ *Id.* at 81.

⁶⁶ *Id.* at 82.

⁶⁷ *Id.* at 82.

⁶⁸ Interview, *supra* note 46.

different blocks reserved for work, family, community, and so on—but this is unrealistic, unrewarding, and frustrating.⁶⁹ The arrangement that she and Ken worked out isn't so unheard of today, but it is debatable whether society is more welcoming of it. Women are still held to a double standard, punished everywhere if they fail to excel anywhere, where men may otherwise be celebrated for their commitment to work even if their family falls to the wayside—or lauded for commitment to family where it is merely an expectation of women.

Judge Barker reflected that one of her greatest accomplishments in life was raising three great kids and seven darling grandchildren. A conversation with her eldest daughter made evident that her children don't fully appreciate the trials she navigated in their upbringing, even with the great assistance of Ken.⁷⁰ But “none of them wound up on a psychiatrist's couch talking about how their mother neglected them, sought fame at their expense.”

2. *The Gathering and Community Involvement*

Judge Barker has recounted on numerous occasions that her path often left her lonely. When she first became a judge, she was excluded from the all-male lawyer social clubs, and not invited into the same collegial conversations. But in the same way she thought it was stupid when men would make broad generalizations about women in the law, she refrained from assuming bad faith unless it was evident. She doesn't attribute the exclusion she experienced on the bench to any malice, but it left her wondering how many other female lawyers felt the same isolation.

⁶⁹ This contrasts with John Pistole's experience, for which he reported that his careers and opportunities weren't compartmentalized.

⁷⁰ Even in non-traditional parenting arrangements, women tend to shoulder the “mental load” of keeping things running and maintaining social ties. Things like notes that go along with graduation gifts may fall by the wayside.

She began having regular lunches with other female attorneys, then learned of other pockets of women doing the same across the state.⁷¹ This led them to organize The Gathering, a social club for female leaders with no agenda other than to provide a space for conversation and camaraderie. The group still meets today, with roughly 175 members and around seventy-five at each luncheon.

Tangential to The Gathering, some members took it upon themselves to host the Indiana Leadership Celebration to bring all these scattered women leaders together in 1984. “We were all sort of like stars thrown out there into the heavens that came together as a galaxy. It would give us some cohesion and some courage and some fun.” Around 300 women attended annually. In a bittersweet ending, it eventually became so large that they ceased hosting it because it had achieved its purpose.⁷²

Her leadership positions within the judiciary were never taken in derogation of service to her community at large. She has served on the governing or advisory bodies of IU Health, the Indiana Historical Society, Conner Prairie, the Spirit and Place Storytelling Festival, and IU.⁷³ She has strong ties to the Benjamin Harrison Presidential Site, where she officiates an annual naturalization ceremony celebration. Often lauded as the “most powerful woman in the state,” she could similarly be considered the “most decorated woman in the state.” Judge Barker has been awarded more than ten honorary degrees, the Trailblazer Award from the Commission for

⁷¹ Marilyn Odendahl, *supra* note 55.

⁷² *Id.*

⁷³ See, e.g. Sarah Evans Barker—Biography, IUPUI, <https://chancellor.iupui.edu/campus-leadership/advisors/archive/barker-sarah.html> (last visited Oct. 3, 2021); Senior Judge Sarah Evans Barker—Biography, SOUTHERN DISTRICT OF INDIANA, <https://www.insd.uscourts.gov/content/senior-judge-sarah-evans-barker> (last visited Oct. 3, 2021).

Women, the Living Legend Award from the Indiana Historical Society, presented with the Silver Gavel by the Indianapolis Bar Association, and designated as a Distinguished Alumna of IU⁷⁴

There is tension between her moral duty to the community, her legal duty to the bench, and the number of hours in a day. Yet, she draws a bright line for all of her community engagement roles that her duties as a judge must always come first.⁷⁵ At the same time, “judges have to be careful not to get cloistered and too withdrawn from the rest of life.”

d. Judicial Philosophy

When asked the pointed question of what makes her tick, she identified five qualities: (1) having good health; (2) figuring out how to make things funny and entertaining; (3) knowing how to use humor in the service of more serious points; (4) marrying the right man who wanted to merge and create a happy life; and (5) being “very, very lucky” to be at places when doors opened, as she is well aware there are many other, highly qualified people who don’t get so lucky.⁷⁶ As an aside, she notes that she’s “been helped by having a goodly amount of chutzpah” and being prepared when doors unexpectedly opened.⁷⁷

A foundational moment in developing her judicial philosophy occurred when she, as a new judge, asked Judge Dillin for advice.⁷⁸ He was responsive until Judge Barker began to

⁷⁴ See, e.g. Special Award Winners, INDIANA COMMISSION FOR WOMEN, <https://www.in.gov/icw/initiatives/torchbearer-awards/special-award-winners/> (last visited Oct. 3, 2021); *University Honors & Awards*, Indiana University, <https://honorsandawards.iu.edu/awards/honoree/768.html> (last visited Oct. 3, 2021); *Chancellor’s Medallion*, IUPUI, <https://chancellor.iupui.edu/campus-leadership/honors-and-awards/chancellors-medallion/barker.html> (last visited Oct. 3, 2021); *Judge Sarah Evans Barker, History-Maker in Indiana Courts*, HOOSIER HISTORY LIVE! (July 12, 2014), <https://hoosierhistorylive.org/mail/2014-07-12.html>; *Judge Sarah Evans Barker’s Life About Faith, Fairness*, INDIANA UNITED METHODIST CHURCH (March 9, 2011), <http://archive.inumc.org/newsdetail/98665>; Robert Vane & Danielle Shockey, *Federal Judge Sarah Evans Barker, LEADERS AND LEGENDS* (March 2, 2020), <https://leadersandlegends.fireside.fm/judge-barker>.

⁷⁵ Interview, *supra* note 46.

⁷⁶ ORAL HISTORY, *supra* note 5, at 68.

⁷⁷ *Id.* at 69.

⁷⁸ Megan Fernandez, *supra* note 2. Her first-ever trial was before Judge Dillin, a JFK appointee, who quickly became her favorite judge: “he looked at me, that crusty guy, and he said, ‘yeah, in my court, Mrs. Barker, you’d better wear two corsets.’” ORAL HISTORY, *supra* note 5, at 47.

explain the details of the case, at which point he abruptly ended the conversation. After overcoming briefly hurt feelings, she realized why he was disinterested in helping her with her specific problem: judicial decision-making shouldn't be influenced by anyone else when she "was the only one who had the moral weight of deciding that case."

Her method of analysis begins by, as Justice Sandra Day O'Connor would say, "just do[ing] the work."⁷⁹ "It just comes back to that. If you want the end result to be nuanced and effective and have enough layers to be enlightened and efficacious . . . you just do the work." She is collaborative but not initially so; she thinks through the issue first to value the advice she gets. It is important to ask only the question she wants answered in the right way at the right time, and she also needs to understand the advisor enough to know if they are the right person for the question or if they perhaps have their own angles. But the heart of the process is to not short-circuit it—that's why the Federal Rules require reasoning to accompany decisions. Her advice to clerks is always to begin writing before they are ready because, in the process of stating one's reasons, thoughts percolate and yield a clearer result.

III. LITERATURE REVIEW

a. Prevailing Leadership Paradigms

One of the most widely accepted theories of leadership is the servant leadership model.⁸⁰ Servant leaders view leadership as an opportunity to serve others, not themselves. They prioritize engagement over performance and outcome over output. Servant leaders listen instead of speak, and place those to be served, not themselves, at the center of their purpose.

⁷⁹ Interview, *supra* note 46; see also Lisa Kern Griffin, *Sandra Day O'Connor's "First" Principles: A Constructive Vision for an Angry Nation*, 105 *BOLCH JUD. INST.* 80, 83 (2021). The women's stories parallel each other: both were nominated by President Reagan, grew up in families who loved the land, and were the first women on their respective benches. See *Sandra Day O'Connor*, *BRITANNICA* (n.d.), <https://www.britannica.com/biography/Sandra-Day-OConnor>.

⁸⁰ See ROBERT K. GREENLEAF, *ESSENTIALS OF SERVANT-LEADERSHIP, FOCUS ON LEADERSHIP* 19 (2001)

There are four roles of servant-leadership and community leadership: modeling, pathfinding, alignment, and empowerment.⁸¹ Modeling is the passing of knowledge through leading by example, an ever-present role. Pathfinding is creating a vision after evaluating value systems. Alignment is ensuring all “structures and systems inside the organization” reflect the vision—ensuring that the organization is practicing what it preaches. Finally, empowerment is the natural result of the first three roles, where people are enabled to autonomously participate in the created system, perpetuating the vision and modeling for others.

Another popular theory is that of dynamic or transformational leadership.⁸² This model is perhaps the most democratic and egalitarian, and it defines leadership as the relationship between people that has “as its purpose positive change or movement.” It identifies trust, veracity, and credibility as its core traits, requiring personal interaction, candor, and commitment to follow through on promises given. And transformational leadership isn’t a one-way street—because leadership is a learned rather than innate skill, the leader is transformed alongside the coalition.

The prevailing theories eventually overlap depending on the level of generality ascribed to that style’s idealized traits. For example, most are aligned in prizing subject-matter knowledge, technical competence, formulating and acting on a vision, demonstrating integrity and a moral compass, and determination. Research supports this proposition—regardless of the theory to which a leader ascribes, the most influential leaders all have a high degree of emotional intelligence, including its component characteristics of “self-awareness, self-regulation, motivation, empathy, and social skill.”⁸³ Put simply: effective leaders are people people. And

⁸¹ Steven R. Covey, *Servant-Leadership and Community Leadership in the Twenty-First Century*, 2 INT’L J. OF SERVANT-LEADERSHIP 103 (2006), available at <http://www.spearscenter.org/docs2010/InternationalJournalofServantLeadership2006.pdf#page=79>.

⁸² Donald J. Polden, *Leadership Matters: Lawyers’ Leadership Skills and Competencies*, 52 SANTA CLARA L.R. 899 (2012).

⁸³ Daniel Goleman, *What Makes a Leader?* HARV. BUS. REV. Nov.-Dec. 1998, 94 (1998).

empirical research indicates that rather rigidly exhibiting one leadership style, effective leaders tend to fluidly switch between different methods, depending on the situation.⁸⁴

b. Necessarily No Unified Theory

The leadership literature can fall short of presenting useful guidance for aspiring leaders.⁸⁵ As discussed above, readily available literature can lead readers to believe there are siloed types of leaders—servant leaders or authoritarian leaders or transformational leaders—where empirical research indicates a far more fluid and intertwined relationship between various approaches.

Leadership literature can also be based on anecdotal hero worship and tall tales rather than reality. Bookstores overflow with autobiographies of successful businessmen, promising readers that they, too, can be successful if they follow the steps outlined between the covers. But these reflections on success may rely on traits identified *post hoc* with little reflection on whether those traits were a determinative factor—or even present—on their path to success.⁸⁶ As a result, readers are poised to develop an unrealistic plan for success and be left disappointed when carefully laid plans bear no fruits of a leader. Furthermore, desirous leadership traits are often identified from a qualitative philosophic standpoint or from quantitative self-reports, but any social scientist can attest that descriptive norms, injunctive norms, and sincerely held desires aren't always aligned.⁸⁷ This can result in broad rules that don't allow exceptions and axioms that provide no more guidance than horoscopes.

⁸⁴ Daniel Goleman, *Leadership That Gets Results*, HARV. BUS. REV. Mar.-Apr. 2003, 78 (2003).

⁸⁵ See generally JEFFREY PFEFFER, *LEADERSHIP BS* (2015). This book is problematic for several reasons outside the scope of this paper. Suffice it to say that the author proves his point that the market for leadership literature is riddled with the textual equivalent of snake oil.

⁸⁶ *Id.*

⁸⁷ See, e.g., Kabiru Maitama Kura, Faridahwati Mohd Shamsudin, & Ajay Chauhan, *Modeling the Influence of Group Norms and Self-Regulatory Efficacy on Workplace Deviant Behaviour*. 9 ASIAN SOCIAL SCIENCE, 113 (2013).

The biggest shortcoming, though, is that while prevailing leadership theories are unquestionably well-meaning and articulate admirable aspirations, they come from the viewpoint of patriarchal leadership. They assume that the norm is stereotypically hyper-masculine, commanding, C-Suite-type leadership and that the various other leadership theories are relatively new alternatives. They are not. To paint with a broad brush, marginalized individuals have not historically had the luxury of being elevated into formal leadership positions. Thus, leadership positions historically held by women have necessarily been the result of grassroots, transformational, servant leadership while the traditional hierarchal form of leadership was reserved almost exclusively to men with privilege.⁸⁸ To be clear, it isn't that these theories don't have merit—they do—it's that it would be erroneous to select stereotypically masculine leadership traits as the normative model of leadership. This discredits the important leadership roles that disenfranchised individuals have held throughout history and prescribes (1) norms that have excluded them and (2) aspirations that may seem axiomatic to their existing leadership style.

Feminist leadership literature identifies the paradox of female leadership—women aren't less likely to be leaders than men, but they are far less likely to be *recognized* as leaders.⁸⁹ A cornerstone of this literature is separating leadership from dominance. Leaders are those “who have disproportionate influence, including decision-making power, on collective behavior,” which is not to be conflated with the “coercive influence within the group's resource hierarchy” that underlies dominance. Keeping in mind the ever-important normal distribution (bell curve) of

⁸⁸ See, e.g., MARK TRALLO, MODERN MANAGEMENT AND LEADERSHIP (2021). “In the 19th and 20th centuries, some of the popular servant leaders were human rights liberators. Women's suffragette rights icon Elizabeth Cady Stanton had a leadership style of supporting and empowering other women and helping them become leaders.”

⁸⁹ Jennifer E. Smith et. al, *An Evolutionary Explanation for the Female Leadership Paradox*, 30 FRONT. ECOL. EVOL. (2021), <https://www.frontiersin.org/articles/10.3389/fevo.2021.676805/full>.

traits, evolutionary psychology indicates that men tend toward wider social networks than women while women tend toward stronger relationships than men. “[G]ender differences in . . . competition for leadership positions are shaped by norms of expected behavior,” as perpetuated by political leaders—predominately men—who were molded by the same norms.⁹⁰ This scholarship indicates that the frame of reference with which normative “leadership” is defined and modeled is critical to addressing perceived gender differences in leadership ability.

All of this to say: it is nearly impossible to create a unified theory of leadership. Leadership is a profoundly personal, context-dependent phenomenon subject to wildly different definitions. While it is healthy for every leader to have role models and aspirations, every leader necessarily follows a personalized leadership design that changes to match the situation. Therefore, this paper will use its subject’s personalized conception of leadership as its method of analysis.

IV. LEADERSHIP STYLE

You navigate [life’s challenges] best in my experience by recognizing that they will yield best to a combination of chutzpah along with a certain amount of dumb luck, by your retaining a modicum of modesty, and by maintaining nothing short of shoulder-to-the-wheel hard work. If you’re really lucky, when the challenges and obstacles come, you will have the benefit of the love and support of a circle of generous, forgiving, resourceful helpers to get you through it, and you will know in your heart of hearts that the gift they bring to your life far exceeds anything you deserve or to which you are entitled.⁹¹

Judge Barker delivered a rousing keynote address at the Indiana State Bar Association’s centennial celebration of the 19th Amendment on August 23, 2021.⁹² In true Barker style, it was a dynamic blend of wit, gravity, humor, and inspiration. The event honored all thirteen female

⁹⁰ *Id.*

⁹¹ Q&A With Senior Judge Sarah Evans Barker, 63 RES GESTAE 22 (Mar. 1, 2020), available at <https://www.inbar.org/blogpost/1877759/354406/Spirit-of-the-19th-Senior-Judge-Sarah-Evans-Barker>.

⁹² *ISBA Bench and Bar Celebration of the 19th Amendment*, Indiana State Bar Association, <https://www.inbar.org/events/EventDetails.aspx?id=1317753>. The event was delayed a year due to the Covid-19 pandemic.

Indiana appellate court judges—all still living—with a special degree of honor for V. Sue Shields.⁹³ Judge Barker spoke to how she conceptualizes extraordinary leadership, identifying three reasons to celebrate the leadership of the women’s suffrage movement.⁹⁴ First, women then and now still do things together, often enabled by allies who don’t share the experience but assume the burden because it is the right thing to do. Second, any worthwhile cause deserving of one’s time, money, and efforts will take a very long time, just as the movement to achieve voting rights for women took a very, very long time. Finally, the journeys that lay before individuals who set out on lofty goals never seem to go in a straight line, and goals may be left unfulfilled without the flexibility to modify the plan to fit a changing environment.

As analyzed below, these are all qualities that Judge Barker herself has exhibited throughout her exalted career and full life. And these three qualities—coalition building, setting goals larger than a lifetime, and expecting deviation—were all in part shared in theory and in practice by the leaders who spoke to the 2021 Leadership and the Law class.

a. Coalition Building

I try to position myself as an encourager and enlister and connector, to remain always on the lookout for new opportunities for others to apply their talents and to shine as well as to contribute to the advancement of whatever good cause is in need of more help and support. I try to remember to hold the door open for young, up-and-coming lawyers who are looking for ways to make a difference for good and to invest their special talents, and I try to provide an example in whatever ways I can for those in search of their own paths.⁹⁵

⁹³ The Honorable V. Sue Shields was the first female trial court judge in an Indiana state court, then the first female state appellate court judge, then the first female federal magistrate judge in Indiana, where she remained until her retirement in 2007. *Id.*

⁹⁴ Katie Stancombe, *Women Appellate Judges Widen the Road for Future Judiciary*, THE INDIANA LAWYER (Sept. 1, 2021), <https://www.theindianalawyer.com/articles/web-exclusive-women-appellate-judges-widen-the-road-for-future-judiciary>.

⁹⁵ Q&A With Senior Judge Sarah Evans Barker, *supra* note 91.

The Honorable Jane Magnus-Stinson, Judge for the Southern District of Indiana, has built many coalitions throughout her varied career.⁹⁶ She had to learn how to keep coalitions together as the “queen of no” while serving as counsel to Evan Bayh alongside Frank Sullivan as Budget Director. Judge Magnus-Stinson credits three principles for her success as a leader: (1) the church kitchen principle to leave it better than you found it; (2) the Ray Donovan principle to fix it if it’s broke; and (3) the Hamilton principle to get into the room where it happens. Finally, she advises future supervisors that there are only two reasons to fire someone—if they refuse to do the work, or if they can’t do the work after everything has been done to build appropriate skills.

John Pistole, former TSA administrator and FBI deputy director and current Anderson University President, identified that a leader knows, goes, and shows the way.⁹⁷ To achieve this constituency, leaders should surround themselves with competence and kindness and know to whom and how much delegation to give. It also takes a good communicator who can listen beyond words to hear what is in a speaker’s heart and offer feedback and alternatives where appropriate.

Congresswoman-turned-Professor Brooks commented that Judge Barker has a way of voluntelling people into advantageous positions and further described her as a “renaissance woman” who loves to lift people up.⁹⁸ Judge Barker is an expert at finding opportunities to have discussions. Reflecting on her own experiences, Professor Brooks identified common themes among them all: they were all primarily social events that involved food, they were directed at topics everyone could be passionate about, and they all involved people who possessed a shared drive to craft a deliverable result.

⁹⁶ Jane Magnus-Stinson, Address to the Leadership and the Law Class (Aug. 13, 2021). Here and throughout, only the first reference to the class speaker will be cited unless the source isn’t apparent.

⁹⁷ John Pistole, Address to the Leadership and the Law Class (Sept. 3, 2021).

⁹⁸ Susan Brooks, Conversation at Mid-Semester Meeting (Sept. 17, 2021).

Professor Frank Sullivan speaks with admiration of Judge Barker’s willingness to address the elephant in the room—or “put the moose on the table”—in the service of building stronger coalitions.⁹⁹ One of Judge Barker’s duties as a Chief Judge was to appoint magistrate judges. Sue Shields, an Indiana Court of Appeals judge, was selected and became the first female magistrate judge in the Southern District of Indiana. There was some controversy surrounding this decision—not due to Shields’s qualifications, but because there was some notion that she was taking a demotion by going from an state appellate court to being a mere federal magistrate. One sitting Court of Appeals judge was “indiscreet enough to say for the record that Sue Shields leaving the Indiana Court of Appeals to be a federal magistrate judge would be like Bob Knight . . . leaving IU to coach at the Belzer Middle School in Bloomington.”

At Sue Shields’s investiture, Judge Barker addressed the controversy head-on, calling the judge out by name.¹⁰⁰ She then launched into an impassioned rebuttal. The litigants should be so lucky to be met with Sue Shields in the Southern District. The duty of a judge is not to pursue promotions; it is to serve those who come before them. The focus on Shields’s social status was misplaced: when a plaintiff had been discriminated by her employer and needed a fair settlement, Sue would be there. When a prisoner filed a pro se motion alleging mistreatment in prison, Sue would be there. And on she went to make her case.¹⁰¹

When appointed to the Indiana Supreme Court, Justice Sullivan and Judge Barker had met at social events but had no particularly strong connection. His confirmation came along with some public discontent with the governor for not selecting Indiana’s first female Justice. Judge

⁹⁹ Frank Sullivan, Interview about Judge Barker (Oct. 4, 2021). “When she wants to make a point, she’s not afraid to make it;” *see* RANDALL TOBIAS, PUT THE MOOSE ON THE TABLE (2003).

¹⁰⁰ “You saw [the judge] melt, dissolve in their chair, slide under their seat.”

¹⁰¹ Professor Sullivan described the experience as the most “stirring speech I have ever heard in any context given by anyone,” and admits to borrowing the structure for investiture speeches for female judges whom he holds in similar high regard.

Barker took it upon herself to write Professor Sullivan a thoughtful, heartfelt handwritten note welcoming him to the judicial family and encouraging him to have faith in the abilities that earned him the position. She simply laughed at the prospect when asked to estimate how many of these notes she's written over the years before turning the question around to ask how many notes Professor Sullivan, himself a great connector, has written.¹⁰² She writes so many notes because she wants people to know they are noticed, that they are in the same boat as everyone else.

Judge Barker has an incredible grasp on using humor to deliver a difficult point. Anyone who has had the pleasure of hearing Judge Barker speak knows that her wit is unrivaled and that she can broach nearly any topic, no matter how heavy or uncomfortable, and bring an audience to laughter. She attributes this skill to her grandmother and upbringing in the Methodist church, prioritizing connection over division, engagement over absence, humor over negativity, and empathy over ego.¹⁰³ She identifies her wit as one of her core competencies that allows her to challenge ideas without being perceived as overbearing. Case in point: after being sworn as an AUSA at the ambush ceremony, one reporter asked her what it felt like to be the first female in this position. She responded, "Well, I've never tried it as a man, so I don't know exactly."¹⁰⁴ This quote is not only a master class in Barker wit but is an excellent example of how she accepts some things as they are and tries to change the things she can one day at a time.

Over the years, Judge Barker has taken it upon herself to connect people to causes that need them and welcome people to causes she shares. She regularly gets speech requests that she doesn't want to give her time to over other priorities.¹⁰⁵ When these requests come, she tries to

¹⁰² Interview, *supra* note 46.

¹⁰³ ORAL HISTORY, *supra* note 5, at 17.

¹⁰⁴ *Transcript*, *supra* note 35, at 44.

¹⁰⁵ Interview, *supra* note 46.

exercise a key lawyerly skill of connecting these opportunities to experts who are trying to climb the ladder.

b. Larger than a Lifetime Goalsetting

It's a beginning, an important beginning, of course, for which all women should be deeply grateful, as I am, to our suffragette sisters for ushering in such an important change, but even they, I think, would agree that their accomplishments in securing the vote for women represent only a beginning. We've had a hundred years to enjoy the freedoms accorded by the 19th Amendment, but we have much more to do in our society to build on this success by bringing about the full equality under law of all women as well as by delivering on the promises of unfettered opportunity for all our citizens without regard to gender.¹⁰⁶

This point inextricably ties in with the first and third points—this is the visionary step, the step likely to be disregarded as the easiest step, but it is not attainable without buy-in and adjustment. Setting goals larger than a lifetime requires succession planning. To be the first but not the last, a leader must strengthen the pipeline of influential leaders. After establishing a coalition, managing it by changing harmful norms within the system requires leadership skills far above and beyond those required to bring the coalition together. And change happens in “small, unnoticeable ways . . . that actually touch whoever’s involved in ways that matter to them. It’s a difference between pronouncements and kind words.”¹⁰⁷

Judge Magnus-Stinson is passionate about pre-trial detention reform. There are serious communication issues that needed addressing; not one to merely hope for the best, she began convening a Thursday Afternoon Group. This group includes all stakeholders who have a role in pre-trial detention services. The tangible result of these meetings was more staff to process forensic evidence, more attorneys to handle the caseload, and an open line of communication between stakeholders to actively problem-solve. On the other end of criminal adjudication, Judge

¹⁰⁶ Q&A With Senior Judge Sarah Evans Barker, *supra* note 91.

¹⁰⁷ Interview, *supra* note 46.

Magnus-Stinson advocates for sentencing judges to look beyond the laziest solution of incarceration. She aims to divert the current culture of domination to a culture of rehabilitation by prioritizing placement in community-based programs, a better result for countless families.

Pistole advises that the foundational step to changing norms is presenting oneself as a person of integrity, credibility, and trustworthiness. This was the foundation of his successful approach to overhauling the previously obfuscated and irregular accountability system in the TSA in 2010. Fred Glass, former Athletic Director of IU, was similarly successful in overhauling the IU athletic programs and facilities.¹⁰⁸ His advice to future leaders in the law is to “have a big, hairy, audacious goal.”

Vice Dean Pitts spoke to the ongoing tension in law school administration between what is good for the school and good for society. For example, it gives predominately merit-based rather than need-based scholarships to maintain its ranking and recruitment of prestigious faculty. But to maintain its service to non-traditional students and the community, it supports a robust part-time evening program, which isn't typical among urban schools due to the expense of such programs.

Ahmed Young, Legal Counsel to IPS and Chief of Staff to the IPS Superintendent, seeks to fundamentally alter how policy discussions and interpersonal conversations occur.¹⁰⁹ The guiding question he poses to himself is this: “How are we as lawyers pushing back against partisan narratives to achieve better results for those we serve?” He identifies that grace, empathy, and forgiveness have a palpable absence in the practice of law. He tries to change this by balancing positive disruption of inequitable systems with too much change too quickly that causes disengagement. This requires leaders to center those they serve rather than themselves in

¹⁰⁸ Fred Glass, Address to the Leadership and the Law Class (Oct. 1, 2021).

¹⁰⁹ Ahmed Young, Address to the Leadership and the Law Class (Sept. 17, 2021).

the disruption—if the leader herself is centered, it’s about ego, not about finding a pragmatic pathway to sustainable change. Young tries to focus his efforts at the local and state level where individuals can effect the most meaningful change and create the most space for others to join in coalitions. Finally, Young advised students to accept when a goal has been achieved: “Don’t take ten steps back in the name of trying to take twenty steps forward when two steps gets the ball moving.”

Judge Barker has expressly dispelled any notion that she entered the legal profession as a bra-burning feminist who set out to prove the men wrong, but she has no illusions that she had to work twice as hard to get half as far.¹¹⁰ As more women have entered the legal field, she’s found that it becomes harder and harder for any old-school lawyers to maintain overgeneralizations.¹¹¹ There is variety in any classification of individuals. But along her path, she had to chart an ocean of un navigated waters. An issue with women advancing in the law when Judge Barker started was simply arranging childcare. So she and Ken took an unconventional path—still unconventional, although not so rare today—where Ken left his job as a partner at Bose McKinney to be a stay-at-home parent. Others didn’t always accept it, but it made sense for them. It couldn’t have been easy, but by taking this path and modeling it for others, she’s charted a path for an untold number of women who similarly aspire to have a successful high-demand career. Similarly, by taking “bold” moves promoting and defending women as leaders in the law, she used her formal role of power to enable others to take on similar roles.

Rabbi Sandy Sasso is admired deeply by Judge Barker for her work advancing the common good and kindness in the community.¹¹² Rabbi Sasso said of Barker, “Normally

¹¹⁰ *Transcript, supra* note 35, at 16-17.

¹¹¹ Interview, *supra* note 46.

¹¹² Q&A With Senior Judge Sarah Evans Barker, *supra* note 91.

trailblazers are so focused on trying to achieve, sometimes they forget the sisterhood. Sarah never forgets that. Before I retired two years ago, I talked to her. She said, ‘What do you love? Do that.’” Judge Barker reflects that with a full career under her belt, she’s more philosophical now. In her speeches, she seeks to “convey some of the things [she’s] learned” in service of what matters to her now.

As more women become judges and take on leadership positions in the law, “there are enough women that the stereotypes and uniform, rigid expectations begin to break down some.”¹¹³ As this happens, Judge Barker counsels that we must teach the values of genuine, hard work, empathy, and the display of a healthy amount of chutzpah to our children—and not just the biological ones. The path to greater service to our community can’t be done only for those delivering or receiving the service today, but must be done to bring along the next generation and leave something behind that makes their lives livable in the same ways. Specific to attorneys, she cautions never to operate alone when privileged to wield power in a democracy. Individuals privileged in this way are both empowered by and beholden to the people they serve.¹¹⁴

c. Expecting Deviation

I like to quote Lincoln here who said: “I will prepare and make ready and maybe my chance will come.” When I was preparing to enter the legal profession, there were precious few women available to serve as role models. My preparation was a bit of a leap of faith, both as a lawyer and a judge, because my success was far from guaranteed. All along the way, though, at every significant juncture of decision-making and transition, I was the lucky recipient of the encouragement and wise counsel of trusted friends (mostly women friends) and family who cheered me on when my way became obscured and my confidence lagged.¹¹⁵

Nearly every speaker experienced deviation on their path to becoming a recognized leader. However, Pistole advised that even if deviation is forced rather than voluntarily taken,

¹¹³ *Completed Questionnaires, Barker, supra* note 4, at 15.

¹¹⁴ This cautionary tale arose from new threats of age-old book bans.

¹¹⁵ *Q&A With Senior Judge Sarah Evans Barker, supra* note 91.

there is incredible value in transformative life experiences and challenges because they build grit. When asked how to identify which opportunities will yield more opportunities later, Glass encouraged students to look to patterns and a general trajectory rather than create an algorithmic career plan.

Vice Dean Mike Pitts described his career as “more like the stock market than a Bernie Madoff chart,” having experienced both setbacks and unexpected opportunities in his path to becoming a law school administrator. Alongside the importance of the “responsibility gene” is the ability to be adaptable as a means of survival. And in being adaptable, leaders should be humble, acknowledging what they do and don’t know. One of the greatest lessons he learned as a leader is to be as prepared as possible for anything to happen—good or bad—and even in a crisis, to collaborate rather than withdraw.

Vice Dean Cynthia Adams was on a successful partnership track at a local firm but felt that something was missing. To ameliorate this feeling, she reached out to IU McKinney and took a position teaching Legal Communication and Analysis. Despite the pleas of mentors to avoid this “horrible” career decision, she transitioned to the law school and eventually into an unexpected but welcome opportunity to serve the school as an administrator. She echoes Barker’s principle of mustering the chutzpah to follow one’s own light. Adams’s advice to students is to develop a professional identity, be consistent in following daily guiding principles, and believe in yourself by silencing the interior judge. Echoing this sentiment, Glass advised students to “prepare intensely and methodically, but when your moment to perform comes, trust your preparation and just let go.”

Judge Barker forgoes rigid plans for her trajectory, instead trusting her judgment to guide her when making important personal decisions in the moment. This is what happened when she

decided to apply to law school, take the job with Senator Percy, and become an AUSA. She took a similar approach when putting in her bid for the Southern District judge position—she decided she might like to be a judge approximately two weeks before applying.¹¹⁶ The final slate of candidates was competitive, with the other two candidates being Judge Shields, discussed earlier, and Randall Shepard, the later-appointed Chief Judge of the Indiana Supreme Court. Judge Barker doesn't ascribe her success to any specific moves, only that she made sure she was always well-prepared for whatever opportunities may open. She doesn't mince words that success is often a result of fortune, as many people just as qualified and competent as her don't find themselves with the same results.¹¹⁷

Her high energy personality, diverse interests, and low boredom threshold serve her well in the District Court but would lead to her demise at the Court of Appeals.¹¹⁸ She rejects the notion that moving to an appellate court would be a promotion—it's simply a different way of judging.¹¹⁹ Thus, she has never been tempted to climb the professional ladder or try something else; it wouldn't get her out of bed every morning the way the live theater of a trial court does.¹²⁰ While there is an ever-present fear of promotion to incompetence, Judge Barker quickly said “no” to any insinuation of a track to the Supreme Court due to a fear of promotion to boredom. She briefly considered legislative work but couldn't subject her family to that much absence or public scrutiny.¹²¹

“Following her own light” is the most succinct way to describe Judge Barker's leadership style. While community connection is a central part of her life, some questions are challenging

¹¹⁶ *Completed Questionnaires, Barker, supra* note 4.

¹¹⁷ ORAL HISTORY, *supra* note 5, at 72.

¹¹⁸ *Id.* at 69-70.

¹¹⁹ Marilyn Odendahl, *supra* note 55.

¹²⁰ *Id.*; ORAL HISTORY at 70.

¹²¹ *Id.* at 70-71.

and cannot be appropriately decided by anyone other than the person faced with a decision. She doesn't have an ego, but she has confidence in her abilities and is comfortable owning the results of her decisions, whatever they may be, and taking those lessons with her into the next decision.

V. CONCLUSION

Judge Barker's advice to all new lawyers is to go in search of meaning. It is far too easy to aim for what other people call success and lose sight that none of that matters if it doesn't hold personal meaning. To avoid this trap, it is all-important to find quiet; otherwise, new lawyers always remain busy and never have time to think deeply about the things that matter. It requires a healthy amount of chutzpah to regard this task and other complicated issues lawyers are asked to address as interesting rather than overwhelming. Her hope, looking back, is that "on the whole . . . [she's] allied [her] efforts with worthy, good ends . . . not just because that would be reputational, but because that's where [she] would want [her] energy to have been expended . . . in [her] one good life."

Judge Barker's philosophy—doing the work, building coalitions, making ready, setting long goals, and expecting deviation—are all characteristics I hope to exemplify in my own leadership style. By remaining open to deviation, I'll avoid rigid adherence to any philosophy in derogation of pragmatic, meaningful change. Building coalitions and collaboratively setting long goals creates a self-perpetuating culture that encourages these qualities in leaders. Letting go of situations out of my control while putting in the work to make ready will assist in the path—although not guarantee—some semblance of a balanced, holistic life that for so long has been out of reach to many women. Female lawyers entering the workforce today owe a debt of gratitude to Judge Barker and so many women who similarly paved new paths, both within and outside of

the law. This debt is best repaid by picking up the reins and using the Barker principles to bring the next generation along on newly tread paths.

Who made the world?
Who made the swan, and the black bear?
Who made the grasshopper?
This grasshopper, I mean--
the one who has flung herself out of the grass,
the one who is eating sugar out of my hand,
who is moving her jaws back and forth instead of up and do
who is gazing around with her enormous and complicated eyes.
Now she lifts her pale forearms and thoroughly washes her
Now she snaps her wings open, and floats away.
I don't know exactly what a prayer is.
I do know how to pay attention, how to fall down
into the grass, how to kneel in the grass,
how to be idle and blessed, how to stroll through the fields
which is what I have been doing all day.
Tell me, what else should I have done?
Doesn't everything die at last, and too soon?
Tell me, what is it you plan to do
With your one wild and precious life?

Mary Oliver

The Summer Day

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