1-1-1990

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William J. Barker
Real Life Judge Hardy
1886-1968

Those sufficiently long in the tooth and perhaps some from the television generation may recall Judge Hardy from the Andy Hardy feature films. He was played by Lewis Stone, whose wonderful mane of silver hair contrasted so strikingly with the traditional black robe. Judge Hardy, as Stone portrayed him, was the epitome of a kind, wise figure, deserving of respect and obeisance.

Such a man, it seems to me, was Judge William J. Barker, who was already firmly established as a Circuit Judge in Sebring, Highlands County when the first Hardy film was released.

This writer may perhaps be forgiven for having feelings of especially warm regard for Judge Barker for his appointing me in 1956 to the office of United States Commissioner, a subordinate judicial official with magisterial duties. My enthusiasm for the appointment never waned, even though it did not lead to financial independence. It was a busy but part-time responsibility, which, during my 5½ year tenure produced fees averaging no more than $3000 per year. Today, magistrates are called judges, with enlarged powers and duties, with incomes above $100,000 annually full-time.

Son of a railroad engineer with Seaboard Air Line Railroad (as it was then called), Barker spent virtually his entire life in Florida, but he was born in Marietta, Georgia. In his early years, when he was known to family and friends as "Willie" Barker, the family lived in Tallahassee. The Judge's oldest daughter still resides there. He attended local schools in the state capitol, and also the West Florida Seminary. He relocated to Jacksonville where he became owner of an early Buick automobile dealership. Reportedly, he was as much at home in the service department as in the office or showroom.

Although the dealership prospered, he had a nagging desire to become a lawyer, so he studied law at the University of Florida, graduating magna cum laude, and gained admission to the Bar in 1916. His classmates at Gainesville included George W. Whitehurst (who later became a federal district judge in Tampa) and Spessard Holland, later Governor and United States Senator. He and Holland became steadfast friends. Barker was not stand-offish while at University, affiliating with Alpha Tau Omega social fraternity, Phi Kappa Phi honorary scholastic fraternity, and Phi Delta Phi, honorary legal fraternity.

He became associated with a growing law firm in Jacksonville where he practiced
until 1924. After moving to Sebring and briefly practicing law there, he was appointed by Governor John W Martin to the 19th Circuit Court bench at age 39, one of the youngest to receive an appointment at that time. The story is told that a number of lawyers in Sebring were upset and angry to see a relative newcomer to the Circuit selected as the new judge. Governor Martin responded, "Get to know Bill Barker; you'll like him." There can be little doubt that those belly-aching lawyers heeded the governor's advice because, as it turned out, there was a lot to like about the outsider, and Judge Barker came to earn their respect and affection.

In December 1957, the judge was honored by the Highlands County Bar Association and the County Commission. His portrait was hung on the wall of the courtroom directly behind the bench, and he was presented his chair, with a suitably inscribed plaque affixed, as a gift. Retired Judge, Vernon W Evans, Jr. of Tampa remembers seeing the portrait looming over the courthouse years later while in trial there.

Several years after commencement of his active judicial career (state and federal), which ultimately spanned thirty-four years, the judge moved to Bartow when the Circuits were restructured. He presided there for the 10th Circuit until he attained the federal bench in Tampa in 1940.

Edward (Ted) Mack, who worked as a Circuit Court reporter in Bartow while Judge Barker sat there and whom Judge Barker later brought with him to Tampa, has written a fascinating account of his experiences as a federal reporting official from 1940 to 1970.

Ted tells what he calls an "interesting, possibly apocryphal, fable" about how Barker was appointed to succeed retiring Judge Alexander Akerman. Florida's two senators, Andrews and Pepper, were unable to agree on whom to endorse. As a ploy, some of Barker's friends arranged a hunting trip to which both senators, as well as Barker, were invited. Barker was not only a highly respected Circuit Judge but also a redoubtable sportsman. After the outing, both senators quickly decided, "He's our man."

Judge Barker had the foresight to retain Akerman's secretary, Allie Mae Maynard, whom Ted describes as "a delightful Georgia lady." Mrs. Maynard even did the Judge's tax returns. Her daughter, Allie Hirsch, who worked for the Hillsborough County Commission for years and is now retired, tells me that her mother was 91 years old when she did her last returns for Judge and Mrs. Barker. When they were checked by a local accountant professional, he could not find a single error in the returns, and even asked Mrs. Maynard if she would like to come to work for him.

Both Ted and B.S. (Buddy) Carte have keys to a rich storehouse of stories about their association with Judge Barker. Buddy, a lifelong Tampan, was bailiff and clerk (prior to budget increases for hiring trained lawyers) for two years beginning in 1947 - the youngest bailiff in the entire federal system. Joe Gillen was an Asst. U.S. Attorney, later becoming law clerk for Barker and still later, Clerk of the Second District Court of Appeal in Lakeland. Joe's son, Guy, now retired, served dependably well as Jury Commissioner in Hillsborough County for a long time. Ted Mack lauds Gillen (Joe) as an outstanding trial lawyer. This scribe knew and admired Joe when he was doing valuable legal work for the judge.

Both sources last named recall some memorable trials in which Judge Barker was involved. One was an anti-trust case, Bruce's Juices v. American Can Co. The case attracted widespread interest. The lawyer for the defendant was a 38 year old, prematurely white haired lawyer, Gerhard Gesell. His name became well known in future
years when he presided over the Oliver North trial and other landmark cases in the Dist. of Columbia.

One of Judge Barker's later law clerks, whose name is withheld at his request, relates that the Judge had some eccentricities. For example, before leaving for the federal building in the morning, the Judge would call from home so the clerk could switch the chamber's air conditioning from "Off" to "On," then rush downstairs to see if the Judge's reserved parking space was occupied. If there was an intruding vehicle, he had the duty to call and have it removed, then stand by to be certain that no other car occupied the space until the judge arrived. The office a/c had to be turned off when the Judge left for the day.

At the time of his federal appointment, Judge Barker was only 53, and one of the youngest federal district judges in Florida. At an impressive and solemn ceremony, he was given the oath, then praised by eminent judges and other officials, including his predecessor, Akerman, who cautioned him never to violate Rule 6 - "If you don't know what Rule 6 is," said Ackerman, "I'll tell you. It's never take yourself too damn seriously."

The Judge's favorite story, according to a Tampa Times story in 1955, is from a Highlands County murder trial which he presided over. A witness said he heard a shot, ran outside and saw a body on the ground with a bullet hole in the head and one in the face. The witness could not say how large the bullet holes were in comparison with other objects, but could only say that the holes were as big as BB shot, but offered no evidence as to the size. Judge Barker then asked, "Did you ever shoot anything with BB buckshot?" "Yes, sir," said the witness, "An opposum." "How large were the holes in the opposum?" pressed the judge. "I don't know," the witness solemnly said. "I missed him."

Upon resigning from active service in 1959 due to a partially disabling eye problem, Judge Barker gave his entire law library to Stetson College of Law. Until his death on April 13, 1968, he remained in senior status.

His daughter, Kay Hampton, still a classic Southern beauty, smiles when she recalls his fondness for cheap cigars which tended to be aromatically offensive. His son, WJ. (Billy) Barker, a retired dentist, remembers his father to be, like the fictional Judge Hardy, a wise and patient father, showing understanding even when a fishing lure with gang hooks cast by the younger Barker went awry and pierced his father's ear and cheek necessitating emergency medical attention, when the errant angler was about 8 or 9 years old.

Probably the most generous and eloquent words of tribute to this high-minded, honorable man came from Mary E. Adkins, a staff correspondent from Bartow for the Tampa Times, who wrote in 1940:

"Possessed of heart and inclinations of a true Southern gentleman, rich and poor, young and old, ignorant or learned, barrister or countryman, whoever it may be that approaches him, and withall so dignified in his bearing that even the most assuming would never attempt to take advantage of him, or encroach on privileges that might be extended."

- Morison Buck

Afterword:

-Author unknown