

# Memorial Resolution

## THE HONORABLE WILLIAM MUECKE BARKER

JUNE 14, 2023

Chief Justice William Muecke Barker was born on September 13, 1941, to William Frank Barker and Eleanor Carpenter Barker. He grew up in Highland Park in Chattanooga and attended the McCallie School and City High School.

Chief Justice Barker earned his bachelor's degree from the University of Chattanooga, where he was a member of Sigma Chi Fraternity. While studying for a degree in English and secondary education, he met his future wife, Cathy. He graduated in 1964 and married Cathy later that same year.

The Chief maintained a close relationship with the University throughout his career. He served as a long-time adjunct professor of political science, teaching classes on the judiciary and constitutional law. He was named the Student Government Association's Outstanding Adjunct Professor in 2000 and UT-Chattanooga's Distinguished Alumnus in 2007. In addition, the Chief also served as a trustee of the University of Chattanooga Foundation.

After graduating from the University of Chattanooga, Chief Justice Barker and Cathy moved to Cincinnati to attend the University of Cincinnati. The Chief graduated from the School of Law in 1967, where he was a member of the Board of Editors of the Cincinnati Law Review. Cathy also graduated from the University of Cincinnati with a master's degree in English.

Following his graduation from law school, the Chief entered the United States Army, serving for two years as a captain in the Medical Field Service School. After his military service, he began work in the private practice of law with the Chattanooga law firm of Dietzen, Dietzen & Barker.

In 1983, Tennessee Governor Lamar Alexander appointed Chief Justice Barker as a judge for the Circuit Court for Hamilton County in the Eleventh Judicial District.

He was elected to the position in 1984 and again in 1990, each time running unopposed. During his tenure on the trial court bench, Chief Justice Barker consistently earned the highest rating for a circuit court judge in Chattanooga Bar Association polls. In a later interview with the Tennessee Bar Foundation, the Chief said that his time in the circuit court was his favorite time on the bench. He loved the good lawyers, exciting cases, and the “intellectual workouts” that the trial court provided.

In 1995, an opening on the Tennessee Court of Criminal Appeals was created when then-Judge Penny J. White was elevated to the Tennessee Supreme Court. The Chief applied for the position to “keep fresh” and to “learn something new.” To our fortune, Tennessee Governor Don Sundquist appointed him to the seat, and Chief Justice Barker was elected to an eight-year term the following year. He later expressed that the judges with whom he worked on that court were “some of the finest, best people I’ve ever worked with.”

Two years later in 1998, Governor Sundquist again called on Chief Justice Barker for service, this time appointing him to the Tennessee Supreme Court. Chief Justice Barker was elected to a full eight-year term later that same year and again in 2006. His fellow justices unanimously elected him Chief Justice in September 2005.

During his tenure with the high court, he participated in hundreds of cases, and he authored scores of important and landmark decisions, with opinions in areas of separation of powers, individual rights and liberties, and the administration of the criminal law. As Chief Justice, he was especially passionate about access to justice issues. He consistently and actively encouraged lawyers to dedicate fifty hours each year to pro bono services, and with others, he was instrumental in helping to launch the Supreme Court’s long-standing Access to Justice Initiative.

Chief Justice Barker retired from the Supreme Court in 2008. At that time, he served as chairperson of the Tennessee Judicial Council, the Tennessee Code Commission, the Supreme Court Building Commission, and the State Law Library Commission. He also was a member of the American Law Institute and served on

the board of directors of the Conference of Chief Justices and as chairperson of its Problem-Solving Courts Committee.

Following his retirement from the Supreme Court, Chief Justice Barker became of counsel to the Chattanooga law firm of Chambliss, Bahner & Stophel. While there, he worked in the field of alternative dispute resolution, serving as a respected arbitrator and an especially popular mediator. He also served on the Board of Law Examiners, and he was a friend and mentor to countless lawyers, new and experienced alike.

Throughout his professional career, Chief Justice Barker was a strong proponent of the Tennessee Plan for selecting judges. This passion led him to his instrumental work in helping to ensure the passage in 2014 of Amendment 2, a constitutional amendment aimed at protecting much of the Tennessee Plan. He was also a dedicated member of First Presbyterian Church of Chattanooga where he served as a ruling elder and past chairperson of its Board of Deacons. He taught the Young Adult Sunday School class for eighteen years, and he served on two pulpit committees.

Some will remember Chief Justice Barker for his passion for travel and cooking. Most of us will remember him, though, for his ubiquitous storytelling, wit, and humor. He confessed to some that he dreamed of being a stand-up comedian, and he even briefly tried his hand at that work after returning from the service. This dream was paired with one to be on the stage, and he starred in local productions of *The Odd Couple*, *South Pacific*, and *Annie, Get Your Gun*.

The Chief will also be remembered for his dedicated punctuality, a trait that resulted in his sometimes arriving for events even before the doors opened. And while those close to him may not recognize his inexhaustible supply of patience, lawyers practicing before him in the circuit court identified his patient listening and humor as being foremost among the many traits that endeared him to the bar and community alike.

Most of all, though, Chief Justice Barker should be remembered for the love of his family and the Lord. Indeed, when he was asked what gave him the greatest

satisfaction looking back over his life, he replied simply, “Helping my wife raise three great children” and having a “relationship with my Lord.”

Chief Justice Barker went to be with his Lord and Savior on April 3, 2023, at the age of 81. He is survived by his treasured spouse of 58 years, Catherine Hope Elton Barker. He is also survived by their three beloved children: John Edward Barker and his wife Michelle, David Muecke Barker and his wife Mary, and Martha Barker Usher and her husband Chris; as well as their eight grandchildren.

In the end, the Chief left us quite a legacy. Renowned Chattanooga lawyer and close friend, T. Maxfield Bahner, said that “[t]o do what Muecke Barker has done with his life requires a wife like Cathy, self-discipline, hard work, and dedication to the noblest and highest ideals. We’re fortunate this son of Hamilton County gave himself so selflessly as a lawyer and a judge.”

Former Tennessee Governor Phil Bredesen affirmed this sentiment. He said, “In a judicial career spanning over 25 years, Chief Justice Barker has served the state of Tennessee with honor and integrity. Tennessee is fortunate to have benefited from his long commitment to public service.”

But perhaps the Tennessee Bar Journal said it best of all. When announcing the Chief’s retirement in 2008, the journal’s cover summarized the feeling in three words: “Bravo, Justice Barker!”

Bravo, indeed.

THEREFORE, BE IT RESOLVED by the Tennessee Judicial Conference that the foregoing Memorial Resolution in honor of Chief Justice William Muecke Barker be entered on the minutes of this conference and that a copy be furnished to the West Publishing Company for inclusion in Tennessee Decisions; and

BE IT FURTHER RESOLVED that copies of this Memorial Resolution be furnished to the beloved members of his family.

Respectfully submitted this 14th day of June, 2023.

Tom Greenholtz

Judge, Tennessee Court of Criminal Appeals and  
Former Judicial Law Clerk to Chief Justice Barker