

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 TYLER DIVISION
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10 INVESTITURE CEREMONY of
11 THE HONORABLE J. CAMPBELL BARKER
12 as UNITED STATES DISTRICT JUDGE
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17 FRIDAY, NOVEMBER 1, 2019

18 2:00 P.M.

19 WILLIAM M. STEGER FEDERAL BUILDING and
20 UNITED STATES COURTHOUSE
21 221 WEST FERGUSON STREET
22 TYLER, TEXAS
23
24
25

PRESENT ON THE BENCH

CHIEF UNITED STATES DISTRICT COURT JUDGE RODNEY GILSTRAP from
the Marshall Division

UNITED STATES CIRCUIT JUDGE JERRY E. SMITH for the United
States Court of Appeals for the Fifth Circuit

UNITED STATES DISTRICT JUDGE MARCIA A. CRONE from the
Beaumont Division

UNITED STATES DISTRICT JUDGE AMOS L. MAZZANT III from the
Sherman Division

UNITED STATES DISTRICT JUDGE ROBERT W. SCHROEDER III from
the Texarkana Division

UNITED STATES DISTRICT JUDGE MICHAEL J. TRUNCALE from the
Beaumont Division

UNITED STATES DISTRICT JUDGE JEREMY D. KERNODLE from the
Tyler Division

UNITED STATES DISTRICT JUDGE SEAN D. JORDAN from the
Sherman Division

SENIOR UNITED STATES DISTRICT JUDGE RICHARD A. SCHELL from
the Sherman Division

SENIOR UNITED STATES DISTRICT JUDGE THAD HEARTFIELD from the
Beaumont Division

SPEAKERS

WELCOME BY THE HONORABLE RODNEY GILSTRAP, CHIEF JUDGE

RECOGNITION OF GUESTS BY CLYDE M. SIEBMAN, SIEBMAN, FORREST,
BURG & SMITH, LLP

VIDEO REMARKS BY TEXAS SENATORS JOHN CORNYN AND TED CRUZ

REMARKS BY MR. BRIAN C. NASH

CHALLENGE BY THE HONORABLE JOHN M. WALKER, JR.

CHALLENGE BY THE HONORABLE WILLIAM C. BRYSON

READING OF COMMISSION BY COMMANDER COREY B. BARKER

OATH OF OFFICE ADMINISTERED BY THE HONORABLE RODNEY
GILSTRAP, CHIEF JUDGE, WITH

ROBING BY

REMARKS FROM THE BENCH AND STATEMENTS FROM THE COURT

RESPONSE BY THE HONORABLE J. CAMPBELL BARKER

ADJOURNMENT BY THE HONORABLE RODNEY GILSTRAP, CHIEF JUDGE

P R O C E E D I N G S

(Investiture Ceremony commencing at 2:00 p.m. for the Honorable J. Campbell Barker.)

(The Honorable Judges enter the courtroom.)

MARSHAL GARRISON: Please be seated.

CHIEF JUDGE GILSTRAP: Let me welcome everyone to a Special Session of the United States District Court for the Eastern District of Texas.

I am Chief Judge Rodney Gilstrap. It is my privilege and honor to preside at today's Investiture.

Let me ask everyone who has a cell phone to please silence their cell phones.

[Laughter.]

CHIEF JUDGE GILSTRAP: There is a U.S. Marshal at hand, if needed.

[Laughter.]

CHIEF JUDGE GILSTRAP: Let me welcome each one of you to this solemn and joyful day today. We are happily gathered to observe the Investiture of United States District Judge John Campbell Barker.

It is my privilege to recognize the members of the Court that are present here and the members of the Barker family.

We have with us as members of the United States

1 District Court for the Eastern District of Texas, to my far
2 left, and that would be your right, at the top of the bench
3 here, United States District Judge Robert Trey Schroeder III
4 from Texarkana.

5 Next to me and on my left, Judge Marcia Crone from
6 the Beaumont Division of the Eastern District.

7 Next we have Judge Amos Mazzant from the Sherman
8 Division.

9 Between Judge Mazzant and myself, we are honored to
10 have United States Circuit Judge from the Fifth Circuit Court
11 of Appeals, Judge Jerry Smith, with us.

12 Below me to my left, Judge Michael Truncale, again,
13 from the Beaumont Division.

14 And next to Judge Truncale, Judge Jeremy Kernodle
15 from here in the Tyler Division.

16 And next to Judge Kernodle, Judge Sean Jordan from
17 the Sherman Division.

18 In front of Judge Truncale is Senior District Judge
19 Richard Schell, who sits in Plano in our Sherman Division.

20 In front of Judge Jordan is Senior District Judge
21 Thad Heartfield, who sits in the Beaumont Division.

22 Senior District Judge Ron Clark is not with us
23 today. He is successfully, thankfully, recovering from major
24 back surgery. I talked to him this week. He tells me he
25 will be in Beaumont for Judge Truncale's Investiture, he

1 hopes. We will see. We wish him well.

2 We have in the jury box our United States
3 Magistrate Judges and Bankruptcy Judges.

4 Beginning nearest me in the jury box, Judge Keith
5 Giblin from the Beaumont Division.

6 Next to him, Judge John Love here in the Tyler
7 Division.

8 Next to Judge Love is Judge Zack Hawthorn from the
9 Beaumont Division.

10 Next to Judge Hawthorn is Judge Roy Payne from the
11 Marshall Division.

12 Next to Judge Payne is Judge Nicole Mitchell from
13 here in the Tyler Division.

14 Behind Judge Giblin and at this end of the second
15 row of the jury box is Judge Christine Nowak from the Sherman
16 Division.

17 Next to her is Judge Kimberly Johnson from the
18 Sherman Division, sitting in Plano.

19 Next to Judge Johnson is Chief U.S. Bankruptcy
20 Judge for the Eastern District, Judge Bill Parker.

21 (Cell phone rings.)

22 CHIEF JUDGE GILSTRAP: Where is the Marshal?

23 [Laughter.]

24 CHIEF JUDGE GILSTRAP: And next to Judge Parker is
25 United States Bankruptcy Judge Brenda Rhoades.

1 Also, it is my great honor today to introduce the
2 members of the Barker family.

3 And let me ask if you would stand as I introduce
4 you so everyone gets a good look.

5 The long-suffering wife of our honoree,
6 .

7 [Laughter.]

8 CHIEF JUDGE GILSTRAP: Joined by sons,
9 .

10 Thank you.

11 Also, we have Judge Barker's father, .

12 And his in-laws, .

13 Thank you.

14 His brother-in-law, . And brother and
15 sister-in-law, .

16 And I am told many uncles, aunts, and cousins.

17 [Laughter.]

18 CHIEF JUDGE GILSTRAP: Thank you all for being with
19 us. The Barker family does us a great honor by being here
20 for this important day.

21 Now, having discharged that particular duty, I will
22 next call upon Clyde Siebman.

23 Mr. Siebman is a well-known and respected member of
24 the practicing bar in our District. He is the annual
25 conference chairman of our Eastern District of Texas

1 Bench/Bar Conference, which is unparalleled anywhere in the
2 United States for a District Court.

3 And he will recognize further special guests at
4 this time.

5 Mr. Siebman.

6 CLYDE SIEBMAN: Thank you, Your Honor. May it
7 please the Court.

8 We have many very important guests with us today
9 that deserve recognition, and I would -- if I overlook
10 anyone, I apologize in advance.

11 But we have with us U.S. Circuit Judge John M.
12 Walker, Jr., of the Second Circuit Court of Appeals.

13 U.S. Circuit Judge William C. Bryson of the Federal
14 Circuit Court of Appeals.

15 U.S. District Judge James Wesley Hendrix of the
16 Northern District of Texas.

17 Retired U.S. District Judge T. John Ward of the
18 Eastern District of Texas.

19 Retired U.S. District Judge Michael Schneider of
20 the Eastern District of Texas.

21 Retired U.S. Magistrate Judge Earl Hines of the
22 Eastern District of Texas.

23 Clerk of Court David O'Toole.

24 U.S. Bankruptcy Clerk of Court Jason McDonald.

25 Federal Public Defender G. Patrick Black.

1 U.S. Attorney Joseph D. Brown.

2 U.S. Marshal John M. Garrison.

3 U.S. Chief Probation Officer Myra Kirkwood.

4 Texas Twelfth Court of Appeals Chief Justice James
5 Worthen.

6 Texas Twelfth Court of Appeals Justice Greg Neeley.

7 Retired Texas Twelfth Court of Appeals Justice Sam
8 Griffith.

9 366th District Court Judge Tom Nowak.

10 County Court at Law Judge No. 2, Judge Taylor
11 Heaton.

12 Smith County District Attorney Jacob Putman.

13 Kathey Comer for United States Senator John Cornyn.

14 Jason Wright for United States Senator Ted Cruz.

15 Texas State Senator Bryan Hughes.

16 Texas State Representative Cole Hefner.

17 Baylor Law School Dean, Brad Toben.

18 University of Texas at Tyler President, Michael
19 Tidwell.

20 And we have Eastern District of Texas Bar
21 Association Officers, Charles Bundren, president;
22 Melissa Smith, president elect; and Jennifer Parker
23 Ainsworth, secretary, also with us today.

24 Thank you, Your Honor.

25 CHIEF JUDGE GILSTRAP: Thank you, Mr. Siebman.

1 We are pleased to have representatives of our two
2 United States Senators present, and though Senator Cornyn and
3 Senator Cruz were unable to personally attend, they are
4 attending by sending video remarks, and we will hear video
5 remarks from our two United States Senators at this time.

6 (Video played.)

7 SENATOR CORNYN: Hi. I'm Texas Senator John
8 Cornyn. I hope you will join me today in congratulating
9 Judge Barker on his Investiture. I was delighted to
10 recommend him for this important role, and I am confident he
11 will serve on the bench with honor and distinction.

12 Judge, I send my best wishes as you continue to
13 proudly uphold our Constitution and laws.

14 Congratulations.

15 SENATOR CRUZ: Good afternoon. I am sorry that I
16 couldn't be there in person today to celebrate the
17 Investiture of Cam Barker, but I want to welcome everyone
18 here; all of the members of the judiciary, from the Circuit,
19 the District, the Bankruptcy Courts, all of the State Court
20 Judges, the members of the legal profession, and all of the
21 many other guests and friends who are here today to support
22 Judge Barker.

23 I want to congratulate Cam on this wonderful
24 occasion of his formal Investiture. It is truly a remarkable
25 opportunity to recognize his dedication to the Constitution,

1 and to what I hope will be many decades of faithful service
2 as a United States District Judge here in the great State of
3 Texas.

4 Cam has served the State of Texas with honor and
5 distinction as the Deputy Solicitor General in the Texas
6 Attorney General's Office. That is an office I know well.
7 And I have got to say I am incredibly proud of the tremendous
8 successes of the many outstanding alums of the Texas SG's
9 Office.

10 I was proud to join with John Cornyn in together
11 recommending Cam to the President for this position because
12 of his strong record of excellence, professionalism, and
13 public service. A judge must be principled, fair, and
14 committed to upholding the rule of law.

15 I am confident that Cam Barker has these qualities,
16 and he will serve the people of the Eastern District of Texas
17 and all Americans well and honorably for years to come.

18 Thank you, Cam, for your willingness to serve the
19 great State of Texas. I look forward to seeing what you will
20 continue to do on the bench for the Constitution and the rule
21 of law.

22 I hope you enjoy the rest of the afternoon, and God
23 bless you.

24 (Video concluded.)

25 CHIEF JUDGE GILSTRAP: All right. We will next

1 hear remarks from Mr. Brian C. Nash of Austin, Texas.

2 Mr. Nash is a partner and a trial attorney with the
3 law firm of Pillsbury Winthrop Shaw Pitman. He focuses his
4 practice in the area of intellectual property.

5 He is a graduate of the University of Texas School
6 at Law, and he is a former law clerk for United States
7 Circuit Judge Richard Linn and for the United States Court of
8 Appeals for the Federal Circuit.

9 Mr. Nash, the Court would be pleased to hear your
10 remarks at this time.

11 BRIAN NASH: Thank you so much, Chief Judge
12 Gilstrap.

13 Members of the judiciary.

14 Ladies and gentlemen.

15 And may it please the Court.

16 Wow, what a great crowd we have today. I am so
17 truly honored and incredibly happy to be here with you today
18 in the City of Tyler, Texas, for the Investiture of my dear
19 friend, Cam Barker.

20 A quick little note about the process that got us
21 to this wonderful day today, although it wasn't a quick
22 process to get here.

23 [Laughter.]

24 BRIAN NASH: It all starts with the Federal
25 Judicial Evaluation Committee. Thank you. Sorry. It is a

1 committee put together by judges -- or, sorry, Senators
2 Cornyn and Cruz.

3 And they vet the best and the brightest in the
4 great State of Texas before they make recommendations based
5 on those applications and extensive interviews that go up to
6 the Senators, and then the Senators themselves put their
7 recommendations forth before the President of the United
8 States, who makes the Nomination.

9 It then goes to the Senate. It is Senate Judiciary
10 Committee first, and then on to the full Senate. And it is
11 that process that the judges have to go through to get here
12 today. And for Judge Barker, that was an over two-year
13 process. So it is very extensive and very arduous.

14 And as you can imagine, the members of the bar that
15 are selected for that and survive that process are often the
16 best of the best, the standouts, the rock stars, the super
17 heroes of the legal profession.

18 And though he is far too modest to admit this, and
19 he most certainly will be embarrassed by me calling him this,
20 Judge Barker is absolutely a true super hero of the legal
21 profession.

22 And it is my honor and privilege to get to tell his
23 super hero origin story to you today.

24 [Laughter.]

25 BRIAN NASH: So it starts at a time when Judge

1 Barker had hair.

2 [Laughter.]

3 BRIAN NASH: He was born in New Orleans, Louisiana,
4 but he is no stranger to this area. His father, ,
5 graduated from Robert E. Lee High School in 1969 where he
6 played tight end for the football team. Go Raiders.

7 And he went on to Texas A&M college -- or Texas A&M
8 University.

9 Judge Barker's grandparents lived in Lindale, just
10 down the street. And his aunt still lives nearby as well.
11 So Judge Barker has many happy memories of visiting this
12 community. Long before he moved here, Tyler felt like family
13 and it felt like home.

14 Now, what you may not know about Judge Barker is
15 that he actually started as a brilliant computer programmer.
16 In high school he won Microsoft's national computer science
17 award. As part of that, he got to meet Bill Gates, "the Bill
18 Gates"; not just once, but twice. And he was hired by
19 Microsoft as a programmer at the young age of 18.

20 He enrolled in a computer engineering program here
21 at Texas A&M University with scholarships way too numerous
22 for me to list here today. He was a member of every single
23 Honor Society there. He was Dean's roll every single
24 semester. No surprise.

25 And he graduated with a Bachelor of Science Degree

1 Summa Cum Laude. And he published complicated technical
2 papers like, wavelet-based VBR video traffic smoothing in the
3 *IEEE Transactions on Multimedia* journal, which I know that
4 you have all read. I have too.

5 [Laughter.]

6 BRIAN NASH: And I took a look at it just to
7 refresh, right before today. And I am pretty certain, and he
8 can correct us at the reception afterwards, I think
9 Judge Barker invented Netflix.

10 [Laughter.]

11 BRIAN NASH: He has got some points on that later.

12 But the best thing about his time at Texas A&M,
13 without a doubt, was fellow computer engineering student
14 turned college sweetheart who he met his freshman
15 year. A true engineering power couple.

16 [Laughter.]

17 BRIAN NASH: Together they moved to Austin,
18 to start a position at National Instruments, and Cam to start
19 law school at the University of Texas.

20 And that is where I had the privilege of getting to
21 meet Cam because we had our first legal job together. We
22 were summer associates as first-year law students at Locke,
23 Liddell & Sapp in Dallas, Texas. And our better halves were
24 still in Austin. So we had plenty of time to hang out, to
25 work really hard, to apply for Law Review.

1 And what I learned about Cam then, and this has
2 remained true ever since, is that he is the hardest-working
3 person that I have ever met and that I have ever known. I
4 mean, seriously, I don't think he sleeps; he doesn't rest.
5 He is just always working on something, even in his downtime.
6 It is true. He is unstoppable.

7 But that hard work, it paid off, in law school for
8 sure. He made Law Review. He served on the Editorial Board.
9 He published a note on "Grossly Excessive Penalties in the
10 Battle Against Illegal File-Sharing," which was a very timely
11 article in the post-Napster copyright world.

12 And he was co-editor of the Law Review Manual on
13 Usage & Style.

14 He graduated with Highest Honors and Order of the
15 Coif, and the University of Texas named him the Grand
16 Chancellor of the law school, which is really just a fancy
17 way of saying he was No. 1 in our class, so very cool.

18 Now, by now Cam's drive and his intellect were
19 apparent, and that led to two prestigious clerkships across
20 the country.

21 First, the Barkers moved to New Haven, Connecticut,
22 where Cam worked for a year as a law clerk to Chief Judge
23 John M. Walker, Jr., of the U.S. Court of Appeals for the
24 Second Circuit.

25 And then the Barkers moved to Washington, D.C.,

1 where Cam worked as a law clerk to Judge William C. Bryson of
2 the U.S. Court of Appeals for the Federal Circuit. And we
3 are very privileged to have them both here today, and we get
4 to hear their remarks.

5 So thank you very much, Your Honors.

6 With his clerkships complete and his stellar
7 credentials, Cam had his pick of jobs; high-paying job offers
8 from law firms large and small. But what he wanted and what
9 he chose was to continue his education in the law, to get as
10 much in-court experience as possible.

11 He started at the Department of Justice in the
12 Criminal Division as an Appellate Specialist. He argued
13 federal appeals throughout the country, including at the
14 U.S. Court of Appeals for the First, Second, Fourth, Fifth,
15 Sixth -- I can keep going -- Seventh, Eighth, Ninth, and
16 Tenth Circuits, as well as the U.S. Court of Appeals for the
17 District of Columbia.

18 If you are keeping track, he missed the Third and
19 the Eleventh. So, unfortunately, two short of what they call
20 the appellate hat trick.

21 [Laughter.]

22 BRIAN NASH: In 2009, he took a detail as a Special
23 Assistant U.S. Attorney for the Eastern District of Virginia,
24 where he handled criminal cases through all stages of
25 proceedings, including through trial. So, again, he got some

1 trial experience.

2 And then in 2011 he moved back to this great state
3 to join the law firm of Yetter Coleman, a litigation
4 boutique, where he primarily worked for corporate clients in
5 complex commercial and intellectual property cases, both on
6 plaintiff and defense side, in trial, and on appeals.

7 He was soon promoted to partnership, which I am
8 sure now that you are hearing this is no surprise at all.

9 And, of course, he was most recently Deputy
10 Solicitor General in the Texas AG's Office representing this
11 great State of Texas, its agencies and officials, in appeals
12 and significant trial court proceedings in both state and
13 federal court.

14 So for Court experience, he has almost done it all;
15 federal, state, criminal, civil, trial, and appellate, except
16 for the Third and the Eleventh Circuits, of course.

17 [Laughter.]

18 BRIAN NASH: You really let us down.

19 [Laughter.]

20 BRIAN NASH: Oh, and I forgot, he spent six weeks
21 in the United Kingdom shadowing English judges as part of the
22 Pegasus Scholar Program. So go ahead and put a check box in
23 that as well. It is incredible his level of experience.

24 Suffice to say, he does not lack for experience,
25 and at each stop along the way, he distinguished himself as a

1 brilliant and meticulous advocate, always prepared, always
2 calm, always tireless in his commitment to the case. As I
3 said, he is one of those legal rock stars, the best of the
4 best, a super hero. But you would never learn that from him.
5 He is just too modest to tell you that.

6 Now, somewhere along the way to those credentials
7 and that experience, tragically, he did lose his hair.

8 [Laughter.]

9 BRIAN NASH: Every super hero has a weakness, and I
10 suppose that is probably his.

11 But his strength is undoubtedly his family.
12 his better half in every sense of the word, and his three
13 children,

14 We recognize Judge Barker today, but today is
15 equally a testament of the love and the support they have had
16 for each other over many years and many moves to arrive at
17 this moment right now.

18 We can all learn from their partnership. My wife
19 and I have. And we are truly blessed to have such wonderful
20 friends.

21 So, to the Tyler community, I will tell you this:
22 I am super jealous.

23 [Laughter.]

24 BRIAN NASH: You have gained a wonderful family of
25 talented hikers, mountain bikers, board gamers, scouts. I am

1 sure you will see them on the trails, in the scout meetings,
2 at game night; and the Barkers will no doubt become your
3 closest and most steadfast friends. They will be dearly
4 missed in Austin.

5 But it helps to know that they have such a
6 wonderful, welcoming community here in Tyler.

7 And, to the bar, I will say this: We are very
8 blessed. Judge Barker works incredibly hard, and he is
9 incredibly smart.

10 He has learned from the best, achieved the highest
11 marks, and experienced nearly every facet of this profession.
12 He is fair, he is honest, and he is humble.

13 He cannot leap tall mountains in a single bound,
14 but he has climbed twelve of the fourteeners in Colorado, and
15 he has got plans to get the rest.

16 The future is bright for this Super Judge, and it
17 is great to know that we have someone with his modesty, his
18 drive, his intellect, and his experience to fill this very
19 important role.

20 So please join me in congratulating Judge J.
21 Campbell Barker.

22 [Applause.]

23 CHIEF JUDGE GILSTRAP: Thank you, Mr. Nash.

24 At this time the Court will recognize, and is
25 honored to recognize, Senior United States Circuit Judge John

1 M. Walker, Jr.

2 Judge Walker served with distinction as a United
3 States District Judge in the Southern District of New York,
4 and then was elevated to the Second Circuit where he served
5 from 1989 until he assumed senior status in 2006, and he
6 continues to serve as a Senior Judge on the Second Circuit.

7 Judge Walker, we are pleased to recognize you to
8 make remarks and a challenge to the honoree.

9 JUDGE WALKER: Thank you, Chief Judge Gilstrap.
10 Distinguished Judges of the Eastern District of
11 Texas.

12 Circuit Judge Jerry Smith.

13 Members of the Barker family;

14 .

15 And distinguished guests.

16 Cam was my law clerk in the years of 2005/2006
17 right after his graduation from University of Texas Law
18 School. And what a law clerk he was. He was phenomenal.
19 And you just heard all of the reasons why from the previous
20 speaker here.

21 I am going to say something about the rule of law
22 and then relate that concept to our inductee, Judge Barker,
23 in the form of a challenge to the inductee.

24 Now, this was Cam's idea, and it won't surprise
25 you. He has about 50 ideas a minute. And, you know, most of

1 them are pretty good. And they were phenomenal when he was
2 working for me. So let's just quickly do some of that.

3 So the rule of law should not be thought of as just
4 a convenient way of describing the overarching principles of
5 our legal system. It is really the essence of our system of
6 laws, fairly and democratically conceived and properly
7 administered.

8 It determines disputes and governs the conduct of
9 our citizens and our Government. It signifies that no one is
10 above the law. And that idea is captured on the pediment of
11 the Supreme Court building in Washington, which states,
12 "Equal Justice Under Law."

13 Critical to the notion of the rule of law is the
14 fact that it is in no sense rule by law. Nothing in rule by
15 law ensures the existence of democratic legislative processes
16 or a fair adjudication, nor does rule by law ensure that the
17 laws serve the public interest.

18 In their day, Adolph Hitler and Joseph Stalin ruled
19 by law, and today the Chinese Communist Party does the same.
20 Under such regimes, laws that are unjust may prevail as long
21 as they serve the interests of the autocracy.

22 The rule of law, which is our system and
23 characterizes our system and the system of other
24 constitutional democracies, has many attributes, all of which
25 are interrelated.

1 But what distinguishes it from rule by law is that
2 it is the servant of the people and not their master. It is
3 derived from the people from the bottom up and not proclaimed
4 from the top down.

5 And, of course, its foremost embodiment in our
6 country is the Constitution, drafted and ratified by the
7 people over 230 years ago. And it ensures our system of
8 ordered liberty under the law.

9 The Constitution controls the Government. It
10 separates and organizes the power of the three great
11 branches, and it ensures the rights of the people against the
12 Government, both federal and local. And in this way it
13 fulfills the promise of liberty for all.

14 The rule of law requires a fair and democratic
15 process of enactment of laws, impartially administered by the
16 Government and applied by the courts. Fair process must also
17 govern how the laws are applied.

18 And, finally, just as critical -- and this is the
19 point I really want to make -- for the rule of law to work,
20 rule of law to work, there has to be public support for the
21 laws and the legal system. The public must appreciate how
22 laws are enacted and applied. The public must be comfortable
23 with the legal system for the laws and the judgments of the
24 courts to be obeyed.

25 Like a number of other judges, I have engaged with

1 foreign judiciaries, particularly in countries that have more
2 recently become constitutional democracies after a legacy of
3 autocracy, a totalitarian past.

4 These countries have been working hard to build
5 legal systems that comport with the rule of law. They know
6 about it, we talked to them about it, they understand
7 it. And for the most part, they have successfully passed the
8 required laws. They have put in place an enforceable
9 constitution. They also have governing institutions that
10 employ people that are well-qualified and properly trained.

11 But their biggest challenge is far more difficult;
12 building public support for the institutions that were in the
13 past seen as instruments of a powerful state controlling the
14 lives of the people and not serving their interests.

15 In our country, despite the political turbulence's
16 of our day, the public's general respect for the legal system
17 has remained high. And this is so because of our experience
18 over time and because of our democratic habits and traditions
19 and because we are able to attract people of the caliber of
20 Cam Barker to the bench.

21 In the early part of the 19th Century, Alexis de
22 Tocqueville, in his epic work *Democracy in America*, wrote
23 about the American people's affection for the law, affection
24 for the law. And that is still true. Such affection in
25 other countries is very much a work in progress.

1 Now, you might ask, how do all of these general
2 thoughts about the rule of law specifically pertain to our
3 inductee, Judge Barker, the man whose Investiture is at hand
4 today?

5 Well, the answer is not complicated. And that is
6 because after all is said about the various pieces and
7 attributes that characterize the rule of law, there is one
8 central figure who is essential to its success, and that is
9 the impartial, independent judge.

10 It is the impartial, independent judge who must
11 first carefully determine what the law is, not what he wishes
12 it to be, but what it actually is, and then must carefully
13 apply that law to the facts of the case as they are found by
14 that judge, often with the help of a jury.

15 It is the impartial, independent judge who must do
16 equal justice to the poor and to the rich and to the weakest
17 and the most powerful and who must, without fear or favor,
18 decide the case.

19 Cam Barker, you are challenged to be that
20 impartial, independent Judge, the Judge who works every day
21 to fulfill the ideal of the rule of law in every
22 adjudication.

23 But as my previous remarks suggest, the rule of law
24 requires more from you than judicial results free of improper
25 influences. The rule of law depends upon creating;

1 maintaining; and, when necessary, restoring public affection
2 for the legal system and its administration.

3 Professor Tom Tyler, now at Yale Law School,
4 published a seminal book in 1990 called, *Why People Obey the*
5 *Law*. And he has been a dominant theorist on procedural
6 justice as the key to the legitimacy of the courts.

7 Professor Tyler's empirical studies led him to the
8 conclusion that the most important determinant of public
9 support for the legal system is not the results of cases.
10 Even more important to that support is how people are treated
11 by the legal system.

12 Does the judge treat every party, particularly the
13 losing party, with respect? Is the judge fair to both sides?
14 Is each party afforded the opportunity to fully state his or
15 her position? Does the party believe that she was heard and
16 understood? Is the atmosphere in the courtroom one of
17 civility? And when the judge reaches a decision, is that
18 decision and its reasoning clearly explained to the parties?

19 In sum, popular support for the legal system turns
20 on the fairness of the proceedings and the respective end of
21 the parties more than the results of the case.

22 Because the rule of law depends upon fair and
23 even-handed and transparent processes conducted with civility
24 that will earn and keep the respect of the public,
25 Judge Barker, it will be your responsibility to ensure that

1 every party is heard and respected and that every party fully
2 understands the reason for your decisions.

3 Finally, Judge Barker, your position as a United
4 States District Judge is one of high honor, and it merits
5 great respect. And these hallmarks of honor and respect are
6 true, not just for the position that you hold, but for the
7 man or woman who occupies that position. To fulfill the rule
8 of law ideal, public appreciation must cloak both the office
9 and the person of the judge.

10 I have sought to cast these remarks pertaining to
11 the rule of law as challenges to our inductee today,
12 Cam Barker. But I need not have done this because, as long
13 as I have known Cam since he was my law clerk 14 years ago
14 and through the ensuing years, there is no question that he
15 is the person for this job.

16 I am exceptionally proud of him, of course,
17 because he was my first law clerk. He is highly brilliant,
18 hard-working, dedicated to the law. He is the embodiment of
19 civility and consideration for others. He has had a
20 wonderful career in the law, as you have heard already, and
21 he is steeped in the virtues of public service which he will
22 carry onto the bench.

23 Today is an exceptionally proud day for Cam, for
24 his family, for the Eastern District of Texas, and for the
25 enduring legacy of the rule of law.

1 Thank you.

2 [Applause.]

3 CHIEF JUDGE GILSTRAP: Thank you, Judge Walker.

4 We will next hear comments and a challenge to our
5 honoree from the Honorable William C. Bryson.

6 Judge Bryson is no stranger to the Eastern District
7 of Texas. He has, since I came onto the bench and ever
8 since, continued to keep an ongoing docket of trial cases in
9 this District sitting as a Trial Judge, and we have
10 formalized that by publicly designating him as an Honorary
11 Trial Judge in the Eastern District of Texas.

12 [Laughter.]

13 CHIEF JUDGE GILSTRAP: He was appointed to the
14 United States Court of Appeals for the Federal Circuit in
15 1994, served there as an active Circuit Judge until he
16 assumed senior status in 2013.

17 He worked throughout most of his career in the law,
18 prior to assuming the bench in 1994, in the United States
19 Justice Department.

20 He did serve as a law clerk for Supreme Court
21 Justice Thurgood Marshall.

22 He is a friend to all of us in the Eastern District
23 of Texas.

24 And, Judge Bryson, we would be honored to hear your
25 comments and your challenge to our honoree at this time.

1 JUDGE BRYSON: Thank you, Chief Judge Gilstrap.

2 And members of the Court.

3 And friends and family of Judge Barker.

4 When Judge Barker asked me to speak today, he
5 specifically directed me not to talk about him and instead
6 suggested that I talk about the issue of judicial humility.
7 It struck me immediately that the fact that he was insisting
8 I not talk about him is a pretty good start on the subject of
9 humility.

10 [Laughter.]

11 JUDGE BRYSON: Now, in 1788 during the debates over
12 the ratification of the Constitution, Alexander Hamilton
13 famously argued that life tenure for federal judges was the
14 best way to ensure judicial independence; and that judicial
15 independence was the best way to ensure appropriate, fair,
16 and thoughtful decision-making. I think Hamilton was spot-on
17 in describing the benefits of judicial independence.

18 But, of course, there is another side to the coin.
19 Isn't there always? Because the opponents of the
20 Constitution ask the question, well, if these judges are
21 independent, what do you do if they make up their mind that
22 they know best how to run the country? Well, that question
23 has hung in the air ever since.

24 In 1991, I visited the Soviet Union as part of a
25 delegation from the Department of Justice to talk with judges

1 and lawyers in the Soviet Union about their system and our
2 system.

3 At the time, and this was true for a long time in
4 the Soviet Union, a justice there was referred to as
5 Telephone Justice, by which they meant that the judges would
6 have a telephone either in their office or frequently even on
7 the bench. And in any kind of difficult or high-visibility
8 cases, the phone call would come from the Party, and the
9 judge would be instructed in how to rule.

10 This was, I told the judges, quite different from
11 our system.

12 [Laughter.]

13 JUDGE BRYSON: And explained that in our system
14 judges were independent.

15 And a particularly thoughtful member of the Soviet
16 judiciary said, well, so does that mean that the judges can
17 do whatever they like? And I said, no, no, it doesn't work
18 that way. And he leaned over and said, why not?

19 Well, that is a very good question, and I am not
20 sure I gave him a satisfactory answer. If I were to try to
21 answer that question today, I think I would say, in our
22 system there are no telephones in the courtroom. Instead,
23 the judges have telephones in their heads. It is not the
24 physical telephones that limit the judges' exercise of their
25 authority.

1 Sure, there are institutional constraints on the
2 judicial power, as Hamilton himself recognized in 1788. But
3 the main source of control is the tradition of self-restraint
4 and commitment to the limited role of judges in our
5 constitutional system; in other words, judicial humility.

6 Justice Stone made that point eloquently 85 years
7 ago when he wrote, "The power of courts to decide to declare
8 a statute unconstitutional is subject to two guiding
9 principles of decision which ought never to be absent from
10 judicial consciousness. One is that courts are concerned
11 only with the power to enact statutes, not with their wisdom.
12 The other is that, while unconstitutional exercise of power
13 by the executive and legislative branches of the Government
14 is subject to judicial restraint, the only check upon our own
15 exercise of power is our own sense of self-restraint."

16 Interestingly, that comment was made in a dissent,
17 which shows that stating the principle is a lot easier than
18 applying it in practice.

19 [Laughter.]

20 JUDGE BRYSON: Now, judicial humility of the type
21 that Justice Stone was talking about is sort of judicial
22 humility from 20,000 feet, the kind of thing that academics
23 and Supreme Court Justices spend their time worrying about.
24 It is important, and it affects even those of us who don't
25 spend our time in that rarified atmosphere.

1 But I would like to say a word or two about the
2 more down-to-earth type of judicial humility based on my own
3 experience and particularly my experience over the past eight
4 years sitting as a Trial Judge by designation in this
5 District where I have worked with, and in particular learned
6 from, the exceptional group of Judges that this District has
7 been blessed with.

8 Unlike other Government actors, including federal
9 appellate judges, I must say, judges at the district court
10 level have largely unchecked power within their realms of
11 authority. Sure, there is a Court of Appeals looming, but
12 they are miles away and usually several meters distant. And
13 the Supreme Court is even more remote.

14 On a daily basis, district judges and magistrate
15 judges hold great sway over the individuals and entities that
16 come before them. The limits on the exercise of that power
17 is, by necessity, self-imposed.

18 So what is the mindset that is best suited to the
19 exercise of that authority? To me, it begins with judges
20 always keeping in mind that they are public servants. The
21 judges serve the public, not the other way around.

22 When I first began sitting in this District, I
23 remember mentioning to Judge Gilstrap one day that I would be
24 sitting that afternoon in his courtroom, and he smiled and
25 without missing a beat, he said, "It is not my courtroom; it

1 is the people's courtroom."

2 That, I thought, was an elegant way of making the
3 point, we are not owners; we are caretakers.

4 A second point to keep in mind is that of all of
5 the judges in the federal system, the judges of the district
6 courts have far and away the most contact with the members of
7 the public, whether as litigants, witnesses, or jurors.

8 The courteous and respectful treatment of all who
9 come before the court sets a tone. It fosters the public
10 perception that the federal court system is not a forbidding
11 edifice, distant, that is a special province of a few judges
12 and lawyers, but an open institution in which the members of
13 the public are stakeholders. Cultivating that sentiment, is
14 critically important.

15 We may have the power to coerce through our
16 judgments, but without the respect and support of the people,
17 the exercise of that raw power is on a shaky foundation.

18 On this point, when I began trying cases in this
19 District, I looked at and read transcripts of a number of the
20 Judges' way of dealing with jurors, their description of the
21 jurors' responsibility, their welcoming of the jurors, and so
22 forth.

23 And what I discovered is that the Judges of this
24 District uniformly regard the jurors with respect. They make
25 it clear to them that they are not there at the whim of the

1 sovereign or as a nuisance that needs to be endured. But,
2 rather, as full participants in the process of obtaining fair
3 justice for everyone.

4 That makes a huge difference in the way the Court
5 is perceived.

6 Another aspect of judicial humility is the
7 willingness to listen. As a judge, you discover that when
8 you speak in court, people stop talking -- or at least
9 usually.

10 [Laughter.]

11 JUDGE BRYSON: That is not because they are eager
12 to hear the pearls of wisdom you are prepared to dispense,
13 but because they know you have the power of contempt, and
14 also they know they have to keep you in good graces, at least
15 until five minutes after the case is over.

16 [Laughter.]

17 JUDGE BRYSON: But it is important to draw from the
18 lawyers everything you can get from them because, frankly,
19 you need the help, and they are the ones in the best position
20 to give it to you.

21 I remember a case not long ago when I was sitting
22 in Marshall, and there were 21 lawyers in the audience for
23 the various parties. I was busy chattering away, when
24 suddenly I looked out at this mass of almost two football
25 teams' worth of lawyers, and I said to myself, there are 22

1 people in this room, and 21 of them know more about this case
2 than I do, and yet here I am, I am the one that is going to
3 have to decide how this case comes out. That's when I
4 realized it was time to stop talking and to start listening
5 and taking notes.

6 With that said, it is important not to confuse
7 humility with timidity. There are times to defer to other
8 governmental actors, and there are times not to. The
9 responsibilities vested in the federal judiciary require that
10 judges take action, even deeply unpopular action, when the
11 matters before them require it.

12 The Judges of the Fifth Circuit, during the
13 turbulent times of the late 1950's and the 1960's, recognized
14 their responsibilities under the Constitution, and through
15 their rulings they advanced the civil rights of African
16 Americans when it would have been convenient, to say the
17 least, to find ways to side-step the controversies of the
18 time.

19 As a final point, I think judicial humility resides
20 in a willingness to work in relative anonymity and find
21 satisfaction not in notoriety, but in the knowledge that you
22 have put your best effort into each case that comes before
23 you, without regard to how it may play in the outside world.

24 Justice Holmes said a century ago, "I think the
25 best service that we can do for our country and for ourselves

1 is to see as far as one may and to feel the great forces that
2 are behind every detail, to hammer out as compact and solid a
3 piece of work as one can, to try to make it first rate, and
4 to leave it unadvertised."

5 If I can briefly violate Judge Barker's injunction
6 not to speak about him, I will say this: I spent a year
7 working closely with Judge Barker every day. I have followed
8 his career with keen interest since then. And I am confident
9 he will be exactly the kind of judge that Justice Holmes had
10 in mind.

11 Thank you.

12 [Applause.]

13 CHIEF JUDGE GILSTRAP: Thank you, Judge Bryson.

14 The Court will next recognize Commander Corey B.
15 Barker, uncle of our honoree, who will read the Commission.

16 COMMANDER BARKER: Thank you, Chief Judge Gilstrap.
17 It is a pleasure to be here.

18 CHIEF JUDGE GILSTRAP: We are glad to have a member
19 of the Executive Branch join us.

20 [Laughter.]

21 COMMANDER BARKER: Okay. Distinguished guests, I
22 now present Judge Barker's Judicial Commission, which reads
23 as follows:

24 Donald J. Trump, President of the United States of
25 America.

To all who shall see these presents, greeting:

Know ye; that reposing special trust and confidence in the Wisdom, Uprightness, and Learning of J. Campbell Barker, of Texas, I have nominated, and, by and with the advice and consent of the Senate, do appoint him United States District Judge for the Eastern District of Texas and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said J. Campbell Barker, during his good behavior.

In testimony whereof I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Done at the City of Washington this third day of May, in the year of our Lord two-thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

By the President, signed: Donald J. Trump.

Countersigned: William P. Barr, Attorney General.

CHIEF JUDGE GILSTRAP: All right. Judge and Mrs. Barker, if you will join me, we will administer the oath at this time.

(holds the Bible.)

1 CHIEF JUDGE GILSTRAP: All right. If you will
2 raise your right hand and repeat after me.

3 I, John Campbell Barker.

4 JUDGE BARKER: I, John Campbell Barker.

5 CHIEF JUDGE GILSTRAP: Do solemnly swear.

6 JUDGE BARKER: Do solemnly swear.

7 CHIEF JUDGE GILSTRAP: That I will administer
8 justice.

9 JUDGE BARKER: That I will administer justice.

10 CHIEF JUDGE GILSTRAP: Without respect to persons.

11 JUDGE BARKER: Without respect to persons.

12 CHIEF JUDGE GILSTRAP: And do equal right to the
13 poor and to the rich.

14 JUDGE BARKER: And do equal right to the poor and
15 to the rich.

16 CHIEF JUDGE GILSTRAP: And that I will faithfully
17 and impartially.

18 JUDGE BARKER: And that I will faithfully and
19 impartially.

20 CHIEF JUDGE GILSTRAP: Discharge and perform.

21 JUDGE BARKER: Discharge and perform.

22 CHIEF JUDGE GILSTRAP: All of the duties incumbent
23 upon me.

24 JUDGE BARKER: All of the duties incumbent upon me.

25 CHIEF JUDGE GILSTRAP: As a United States District

1 Judge.

2 JUDGE BARKER: As a United States District Judge.

3 CHIEF JUDGE GILSTRAP: Under the Constitution and
4 the laws of the United States.

5 JUDGE BARKER: Under the Constitution and the laws
6 of the United States.

7 CHIEF JUDGE GILSTRAP: So help me God.

8 JUDGE BARKER: So help me God.

9 CHIEF JUDGE GILSTRAP: Congratulations.

10 JUDGE BARKER: Thank you.

11 (All rise.)

12 [Applause.]

13 CHIEF JUDGE GILSTRAP: Please be seated while the
14 Barker family robes our newest Judge.

15 (Robing by and
16 .)

17 CHIEF JUDGE GILSTRAP: At this time I would like to
18 read a letter to all those present.

19 It is as follows:

20 Dear Judge Barker, congratulations on your
21 appointment to the United States District Court for the
22 Eastern District of Texas.

23 I welcome you to the company of United States
24 judges, an outstanding community of public servants. The
25 President and the Senate have demonstrated their confidence

1 by nominating and confirming you to the district court bench.

2 Our federal courts have served this country with
3 distinction for over two centuries. You are now a part of
4 that honored tradition.

5 Best wishes in the years ahead as you serve in the
6 judiciary that is admired at home and is an example to the
7 people around the world.

8 Sincerely, John Roberts Jr., Chief Justice of the
9 United States.

10 Now, our tradition and practice in this District
11 has always been one that, upon the investiture of a new
12 District Judge, we of the bench offer comments and words of
13 wisdom to our new colleague, followed by a response. And I
14 am proud to begin that process this afternoon.

15 Judge Barker, welcome to the Court. I will never
16 forget my first Fifth Circuit Conference as a new District
17 Judge where I met a very colorful District Judge from
18 Louisiana. And I will warn you that all district judges from
19 Louisiana are colorful.

20 [Laughter.]

21 CHIEF JUDGE GILSTRAP: And he said to me, among
22 other things: You know, if God had known how good these jobs
23 were, he would have kept one for himself.

24 [Laughter.]

25 CHIEF JUDGE GILSTRAP: I often think about that,

1 and most of the time I agree with it.

2 We are very pleased and proud to have you join us.
3 This is a District, unlike many others, where the members and
4 the colleagues on the District Bench are close. They
5 interact. They share thoughts and information with each
6 other. They are resources for each other. And we all get
7 along.

8 Some of us may not vote the same way when we go in
9 the voting booth, but we leave that where it should be. And
10 on the Court, we are colleagues first, and everything else
11 comes second.

12 Any district that could -- and I look on that back
13 wall -- every district that could have William Steger and
14 William Wayne Justice side by side and never miss a beat, is
15 the kind of district I want to be a part of. And I welcome
16 you to our district of collegiality.

17 And I am also glad to have somebody that goes by
18 their middle name.

19 [Laughter.]

20 CHIEF JUDGE GILSTRAP: You and I have that first
21 initial that we don't ever use, and we get stuck with all the
22 time. I promise you the Government is going to make you use
23 that "John" just like they make me use that "James." But you
24 call me Rodney, and I will call you Cam.

25 Welcome to the bench.

1 [Applause.]

2 CHIEF JUDGE GILSTRAP: Judge Crone.

3 JUDGE CRONE: Yes.

4 In June I was here in Tyler trying a case, and I
5 gained some valuable insight into Judge Barker's
6 decision-making process.

7 He had been confirmed in early May and was trying
8 to select his chambers and courtroom between those of former
9 Judges Davis and Steger.

10 I was using the Steger chambers temporarily, and
11 Judge Barker stopped by, clipboard in hand, asking me and my
12 staff detailed questions about our experience there and also
13 solicited our comments by email.

14 [Laughter.]

15 JUDGE CRONE: He gave me an extensive tour of the
16 Davis chambers pointing out the mid-century modern furniture,
17 the vast expanses of bookcases, and the somewhat dramatic
18 courtroom.

19 Although Judge Barker really admired the Steger
20 courtroom, where we are today -- and it is really
21 beautiful -- he was concerned about the chambers; the
22 relative starkness, the absence of any bookshelves, and the
23 lack of a reception area, noting that a great deal of work
24 was needed.

25 Of course, when most of the rest of us were

1 confirmed, there wasn't a choice. We were just shoved to the
2 empty office, and that was our office and courtroom.

3 [Laughter.]

4 JUDGE CRONE: But intrigued by his dilemma, I
5 suggested, rather facetiously, that Judge Barker write down
6 the pros and cons of the two choices.

7 Much to my surprise, he pulled out a thick stack of
8 papers, including diagrams and measurements and blueprints,
9 of both chambers, as well as typewritten charts of his
10 observations and assessments.

11 [Laughter.]

12 JUDGE CRONE: I was very impressed by the
13 thoroughness of his studied analysis, leaving no stone
14 unturned.

15 Judge Barker will no doubt apply an even greater
16 level of diligence to his judicial decisions. You can be
17 assured that he will study each case thoroughly, identify all
18 of the relevant issues, and use the same careful deliberation
19 in reaching a conclusion.

20 When I was here in October, I learned that
21 Judge Barker had finally selected the Davis chambers, which
22 is an excellent choice.

23 Welcome, Cam. With all of your energy and
24 discernment, you will be an outstanding addition to our
25 Court.

1 [Applause.]

2 CHIEF JUDGE GILSTRAP: Judge Schroeder.

3 JUDGE SCHROEDER: Judge Barker, I am not sure that
4 I actually can comply with Chief Judge Gilstrap's admonition
5 that we give you our words of advice because after hearing of
6 all you have done in your life and the many achievements you
7 have reached, I am hoping you will give me some words of
8 wisdom.

9 [Laughter.]

10 JUDGE SCHROEDER: And I look forward to learning
11 from you and working with you.

12 At Judge Kernodle's Investiture just a few weeks
13 ago, I said how thrilled I was to have someone on the bench
14 who shares my Arkansas roots. I have gotten a fair amount of
15 ribbing from certain members of this Court, who I won't name,
16 in order to protect the guilty.

17 [Laughter.]

18 JUDGE SCHROEDER: And I am thrilled to have learned
19 this afternoon from that you too have Arkansas roots.
20 Your father, I think, was raised in Harrison, and you took a
21 lot of trips there back in your growing-up days. So I look
22 forward to sharing that with you.

23 I am thrilled for and you and your beautiful
24 family. I look forward to working with you for many years.

25 [Applause.]

1 CHIEF JUDGE GILSTRAP: Judge Mazzant.

2 JUDGE MAZZANT: Cam, welcome to the bench. At
3 Judge Kernodle's Investiture, I explained that you can trace
4 the lineages of these positions. So I went back and traced
5 yours as well.

6 Yours was created by an Act of Congress signed by
7 the President on July 10th, 1984. As you probably know, you
8 are the third recipient because we have had this conversation
9 about these lineages, which I didn't know about when I took
10 the bench.

11 And the first one to be the caretaker for that
12 position was Paul Brown, who served our Court from 1985 to
13 2001 when he took senior status.

14 And then Judge Davis took that position and was the
15 caretaker from 2002 to 2015. He served also as Chief Judge
16 of the District.

17 Judge Brown, of course, as you know, was my mentor.
18 He was my first Judge I clerked for back in 1990. And at my
19 Investiture we talked about how Judge Brown, most of the
20 people talk about how he was the gold standard. And, of
21 course, I am biased about that. He is the gold standard.

22 Of course, he would love you because you are a
23 University of Texas law grad. Judge Brown was a Longhorn
24 both undergrad and graduate school. So he would love that.

25 And then it was very interesting to hear Brian Nash

1 talk about your accomplishments because I will say that, in
2 our conversations, I didn't know 90 percent of what -- from
3 our conversations, you didn't talk about any of those things.
4 So it is clear to me that you are incredibly smart, and I
5 know you will carry on the great tradition of Judge Brown and
6 Judge Davis as you carry on this position.

7 So congratulations to you and . You are part
8 of the Eastern District family now forever.

9 Congratulations.

10 [Applause.]

11 CHIEF JUDGE GILSTRAP: Judge Kernodle.

12 JUDGE KERNODLE: Well, I join everyone in
13 congratulating Cam and and your family. This is a very
14 special day. And as a representative of my family, I will
15 just say that we are very happy that you all are finally
16 settling here in Tyler. We have enjoyed getting to know you
17 very well.

18 During the many months that our nominations were
19 pending in the Senate, Cam, I got to know you quite well. I
20 came to admire your patience and your intellect, which has
21 been spoken of highly today. But also your character. You
22 are a man of honor and integrity, and the City of Tyler and
23 the Eastern District is lucky to have you as a Judge. I know
24 you will serve in distinction for many years, and I look
25 forward to being on the Court with you.

1 Thank you.

2 JUDGE BARKER: Thank you.

3 [Applause.]

4 CHIEF JUDGE GILSTRAP: Judge Truncale.

5 JUDGE TRUNCALE: Thank you, Your Honor.

6 As I sit here, I realize that we have kind of a
7 unique row, and we are saving a spot here for you, because we
8 are all appointees of President Trump, and we had a rather
9 unique journey through our confirmation process.

10 And during that time, all of the nominees in Texas
11 and even many from outside of Texas, developed some wonderful
12 and unique ways of communicating with each other. We would
13 call each other, text each other, email each other, morning
14 noon, and night, no matter the hour. So we got to know each
15 other quite well.

16 I might add, Judge Crone, after he was confirmed,
17 he used the same technique of the telephone texting to send
18 me photographs of chambers and the diagrams that he was going
19 to use.

20 [Laughter.]

21 JUDGE TRUNCALE: Well thought out.

22 But through all that communication, I got to know
23 this man. He is a brilliant man, but he is also very humble
24 and he is very sincere and he is the genuine article.

25 And he and and their three precious children

1 are going to make a wonderful addition to Tyler, and it is
2 going to be a wonderful place for you and your family to
3 live. And Tyler, frankly, is very fortunate to have a family
4 of your character to join this fine city.

5 Congratulations.

6 [Applause.]

7 CHIEF JUDGE GILSTRAP: Judge Jordan.

8 JUDGE JORDAN: Well, Cam, I don't share any
9 Arkansas roots. I'm sorry.

10 [Laughter.]

11 JUDGE JORDAN: But we do share some educational and
12 professional roots. We are both Longhorns. Hook 'em. And
13 we both held the same position in the Solicitor General's
14 Office. We both served as Deputy Solicitor General. And
15 that is very important because that means we have a secret
16 handshake.

17 [Laughter.]

18 JUDGE JORDAN: We have special code words that we
19 use, and, of course, our matching tattoos.

20 [Laughter.]

21 JUDGE JORDAN: As has been said before, I have now
22 known Cam for several years, and you don't have to spend much
23 time at all with Cam to see all of these tremendous qualities
24 that people have spoken about.

25 It struck me from the get-go that he is a brilliant

1 but very thoughtful lawyer and Judge, and he is a kind person
2 of high character. I can't think of any traits that somebody
3 could bring to the bench that are more important than that,
4 and I am so thrilled that I will be able to serve with Cam.

5 As has been said, I think Tyler and the Eastern
6 District are so fortunate that Cam will be here for decades
7 to come.

8 And I look forward to serving with you, Cam.

9 JUDGE BARKER: Thank you.

10 [Applause.]

11 CHIEF JUDGE GILSTRAP: Judge Schell.

12 JUDGE SCHELL: Cam, I want to join everyone in
13 congratulating you and

14 and your entire family and all of your friends here
15 today on your formal Investiture.

16 Like everyone else, I am very happy to welcome you
17 to the bench here and have you join us.

18 I am so impressed with, really, all four of our
19 newest Judges and their qualifications. And as Brian Nash
20 pointed out, you have worked for DOJ; you have been an
21 Assistant U.S. Attorney; most recently with the Texas
22 Solicitor General's Office; been in private practice; and you
23 have clerked for these two fine Circuit Judges here. So you
24 are well-equipped to do this job.

25 And I am also very impressed to hear that you have

1 climbed twelve of Colorado's fourteeners. I am not in your
2 league, but I have climbed one.

3 [Laughter.]

4 JUDGE SCHELL: And I would like to compare notes
5 with you sometime.

6 Congratulations to you.

7 JUDGE BARKER: Thank you.

8 [Applause.]

9 CHIEF JUDGE GILSTRAP: And last, but not least,
10 Judge Heartfield.

11 JUDGE HEARTFIELD: Always.

12 [Laughter.]

13 JUDGE HEARTFIELD: Cam, we have known each other,
14 not for several years, but several minutes.

15 [Laughter.]

16 JUDGE HEARTFIELD: What I have been able to take
17 from Judges Walker and Judge Bryson, I am most impressed and
18 really looking forward to working with you and getting to
19 know you much better.

20 And I do pick up from them a lot about your
21 background. And had I not met you and heard about you, I
22 would want to have met you. I am very pleased to have you
23 here.

24 And I am just going to pass along a little story.
25 They talked about judicial independence, fairness, humility,

1 and as that applied to you. That describes, hopefully, each
2 Judge in the Eastern District of Texas and particularly
3 including you.

4 But what does it say about the new judge, Barker?
5 What does it say? When I became a Judge, one of the first
6 persons to call me was a very fine Judge, and that is Eugene
7 Davis with the Fifth Circuit Court of Appeals. And he said
8 something to me that was a mystery at the time.

9 He says: Thad, you know, people really don't know
10 what judges do and how they think until they are judges. It
11 is a cloistered, closed-in, individualized thinking process
12 that you will go through, buttressed, of course, with the
13 humility and the independence and all of the other things
14 that these fine Judges did mention.

15 But what it does and what it does tell you is that
16 coming from that side of the bench to this side of the bench
17 and when the door is closed and you are by yourself, nobody
18 out there knows what you are thinking or how you are going to
19 arrive at the fairness and independence and humility and
20 weigh the difference between right and wrong and who should
21 get this and get that. That is -- that was the mystery going
22 in and is no longer the mystery. I know my responsibility,
23 as you do, as you know your own responsibility.

24 But the good news about that is that you know for
25 the next maybe 40 or 50 years that a new door will open and

1 an exciting life is always ahead, and it is yours to keep and
2 to cherish and protect.

3 Thank you.

4 [Applause.]

5 CHIEF JUDGE GILSTRAP: We will now hear responsive
6 comments from newly minted United States District Judge
7 J. Campbell Barker.

8 JUDGE BARKER: Thank you Chief Judge Gilstrap, and
9 may it please the Court.

10 It is a privilege to take the judicial oath of
11 office here in this special en banc sitting of court.

12 I am deeply grateful to the President for
13 nominating me to this position.

14 And to our Texas Senators, their dedicated staff,
15 and to the Senate as a whole for their support and
16 confirmation of my Nomination.

17 And I appreciate the warm welcome from the Court,
18 and I look forward to many years of service together.

19 I also thank Judge Jerry Smith for being here in
20 this special sitting of Court and for his over 30 years of
21 faithful service to our nation's judiciary.

22 And I thank the people who helped make today's
23 events possible, including the Eastern District of Texas Bar
24 Association and the Investiture Planning Committee, which
25 itself includes my friend Brian Nash.

1 The dedicated staff of the Clerk's Office.

2 My Court Deputy, Nicole Cadenhead; and my Law
3 Clerks, Cody Coll, Kevin Weehunt, and Brent Yarnell.

4 Distinguished guests, friends, and family: I am
5 overwhelmed that so many of you took time from your busy
6 schedules to be here today, including friends made in law
7 school and while clerking, to former colleagues in federal
8 and state government service, and from my former law firm
9 Yetter Coleman, to more recent friends from the Tyler
10 community, from Boy Scouting in Austin, from my neighborhood
11 in Austin, and even a former research advisor from college.
12 I am really touched that you made the time to be here
13 today.

14 And let me also express my deep gratitude to each
15 of you who went out of your way to support me and my wife
16 during this confirmation process with kind words and works.
17 It has meant very much to us, and we thank you for it.

18 And my family, as usual, has throughout this
19 confirmation process been incredible, and I hope they know
20 how much I love them and treasure them.

21 And I am especially proud of the grace and
22 perseverance of my wife, , of 17 years. She has given
23 so much of herself and made so many sacrifices over this
24 journey that we have been on together.

25 Two of my mentors here today have been especially

1 influential; Circuit Judges John Walker and William Bryson.
2 They demonstrated to me the importance of judicial humility,
3 respect for litigants, and being open-minded, even-handed,
4 and hard-working. And I thank them, not only for the example
5 that they set for me, but for their remarks here today.
6 Because today is not just about witnessing one person take
7 the judicial oath but about the system of justice in which
8 one person is only a small part.

9 And the robe that I just put on, the black robe, is
10 basically the same in appearance as the black robe
11 traditionally worn by all judges on the bench. And that
12 uniform appearance is a reminder that a judge's job is to
13 apply the law uniformly and neutrally.

14 The Framers of our Constitution chose a system of
15 divided government, divided not only between the Federal and
16 State Governments, but within the Federal Government between
17 the three branches by granting them limited, enumerated
18 powers each according to their function.

19 And the judicial power granted by Article III of
20 the Constitution, although potent, is limited to finding the
21 law handed down to us and applying it to resolve
22 controversies between parties.

23 Judges are not in the business of making law by
24 issuing decisions based on policies that they personally
25 prefer. And because the judicial power is limited in that

1 way, judges all wear black robes so that attention can be
2 focused on the law and not the individual jurist.

3 And I appreciate today's reminder of those critical
4 attributes of the judiciary that we are here to honor.

5 I will do everything within my ability to live up
6 to the confidence placed in me with this position and the
7 examples set by the many fine Judges who have come before me.

8 (All rise.)

9 [Applause.]

10 CHIEF JUDGE GILSTRAP: Thank you, Judge Barker.

11 That completes this Investiture Ceremony, Ladies
12 and Gentlemen. I would like to invite each of you to remain
13 with us, and on the first floor of this building a reception
14 will await our adjournment.

15 Thank you for your presence and your support.

16 Welcome to the bench, Judge Barker.

17 That completes this special sitting of the United
18 States District for the Eastern District of Texas.

19 Court stands in recess.

20 MARSHAL GARRISON: All rise.

21 (The Honorable Judges exit the Courtroom.)

22 (Proceedings adjourned.)

23 *****

24 SHEA SLOAN
25 FEDERAL OFFICIAL COURT REPORTER
TYLER, TEXAS