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# Lifetime Achievement — John Barkett Recalled by Aunt Rosemary

The Shook, Hardy & Bacon partner is "Johnny" and a true Renaissance man to her aunt, Judge Rosemary Barkett.

By **Rosemary Barkett** | May 20, 2019

My nephew Johnny, as we know him, is (even to his family) a unique, one-of-a-kind, remarkable individual. I say “even to his family” because family members sometimes minimize the attributes and achievements of those they have watched grow from infants to children to teens and then to take for granted the grown-up that child has become. And in many instances, an individual’s professional persona differs from the personal one.



**John Barkett, Shook, Hardy & Bacon.**  
**Courtesy photo**

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That is not the case with John Barkett. He is the same thoughtful, generous, patient and giving person both privately and publicly. He gives to his family, his friends and even to mere acquaintances with the same generosity and commitment that he has given to his profession.

John grew up in the shadow of the old Orange Bowl in Miami of Syrian-Mexican immigrants. He worked, as did his brothers and sister, in the family grocery store, and there learned the extraordinary work ethic exhibited by his parents and grandparents. In addition, he, like his siblings, was the recipient of the love and frugality of his parents, which sent him first to the University of Notre Dame and then to Yale Law School.

At Notre Dame, he exhibited his great capacity for scholarship, graduating with a near-perfect 4.0 grade point average, summa cum laude. But he also exhibited his recognition of the responsibility he has always felt for the welfare of others and was elected president of the Notre Dame student body in his senior year.

At Yale, we were happy to find that he became an excellent lawyer, but as a bonus he also became an expert juggler! While the bar, both Florida's and the nation's, have benefited from Johnny's natural intelligence, augmented by a Yale legal education, his family and so many others have benefited from his ability to juggle apples, balls and clubs! In addition to entertaining the children in his immediate and very extended family, he spent years entertaining at children's hospitals and nursing homes as well.

After law school, Johnny clerked for Judge David W. Dyer on the U.S. Court of Appeals for the Fifth Circuit before beginning his wide-ranging practice as a litigator and subsequently as an arbitrator and mediator. His practice encompasses the commercial law of contracts, corporate and banking disputes, employment, trademark and antitrust. His interest in environmental

law drew him into complicated cases and toxic torts. In short, he has litigated scores of both complex and simple matters in federal and state courts, as well as before arbitration tribunals.

At the same time, Johnny has acted on the other side of the bar, solving problems as an arbitrator, mediator, facilitator or allocator in a variety of commercial, environmental and reinsurance contexts. He is a certified mediator under the rules of the Florida Supreme Court and the Southern and Middle Districts of Florida, a member of the London Court of International Arbitration and the International Council for Commercial Arbitration and serves on the AAA and ICDR roster of neutrals and the CPR Institute for Dispute Resolution's Panel of Distinguished Neutrals. He has served or is serving as a neutral in scores of matters involving in billions of dollars.

In 2003, John was appointed by the presiding judge of the Southern District of Florida to serve as the special master to oversee the implementation and enforcement of the 1992 consent decree between the United States and Florida relating to the multibillion-dollar restoration of the Florida Everglades. He has also served as a special master for other judges of the Southern District and Miami-Dade Circuit Court to address a variety of discovery and e-discovery issues in complex litigation.

But practicing law, even in such complex contexts was not, and is not, sufficient to entirely engage either John's interests or his sense of duty to the profession. He is an expert on e-discovery and was a member of the Advisory Committee on Civil Rules of the Federal Judicial Conference from 2012-2018, serving on the discovery subcommittee that developed the 2015 amendments to the rules, the Rule 23 subcommittee that developed the 2018 amendment and the Rule 30(b)(6) and MDL subcommittees.

He is a partner at Shook, Hardy & Bacon in Miami, an adjunct professor of law at the University of Miami School of Law and for a second time on the American Bar Association standing committee on ethics and professional responsibility. He is a member of the American Law Institute, a fellow of the College of Commercial Arbitrators, the American College of Civil Trial Mediators and the American College of Environmental Lawyers. And as part of his commitment to pro bono work, he and his wife, Sybil, helped found CARE Elementary School in Miami's Overtown neighborhood.

But that's not all. Johnny is a prodigious author. He has published two books, "E-Discovery: Twenty Questions and Answers" in 2008 and "The Ethics of E-Discovery" in 2009.

He chaired a Miami International Arbitration Society task force and is a recipient of the Burton Award for Legal Achievement, which honors lawyers for distinguished legal writing.

But his scholarship and writing is not limited to one area or topic. He has written and presented, for each of the last 11 years, analyses of the decisions of the John Roberts court. I will not list all the titles of the articles he has written but will note that they range from e-discovery to all aspects of environmental law, class actions and ethics.

Through all of these activities, he truly also makes time for his children and grandchildren. With his wonderful wife, he makes regular rounds from Boston to Washington to San Francisco to see his five grandchildren. He is an amateur photographer, having videoed 44 weddings for children of relatives and friend, and his recording of the family history of his parents, his children and grandchildren is quite professional. Nor does he ignore the physical aspects of life as an avid runner and tennis player.

The concept of a Renaissance man has, in my opinion, been too often inaptly applied. But Johnny embodies that concept. He approaches the wide range of his interests and efforts with depth, with care and with clarity. He has had a significant impact on the practice of law in and beyond Florida, not only through his teachings, his writings and his participation in bar activities, but also in the very way he lives his life. He is a worthy recipient of the Lifetime Achievement Award.

**Rosemary Barkett was the first woman and Hispanic on the Florida Supreme Court. She served as chief justice of the court before her appointment by President Bill Clinton to the U.S. Court of Appeals for the Eleventh Circuit. She retired from the court to accept appointment as one of the three U.S. judges on the Iran-U.S. Claims Tribunal in The Hague.**

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