



Hon. D. Brook Bartlett

Profiles in Judicial Leadership:

The Honorable D. Brook Bartlett of the Western District of Missouri

By Kathryn Frazen

The Honorable D. Brook Bartlett served the Western District of Missouri for 19 years with dignity and humility. In 1981, President Ronald Reagan appointed him as a federal judge on the United States District Court for the Western District of Missouri. Judge Bartlett served as Chief Judge from 1995 until his untimely death on January 21, 2000. His legacy of patience, kindness, and academic prowess lives on in the annual Bartlett Lecture Series sponsored by the federal court.

Origins & Early Professional Career

Brook Bartlett was born on February 22, 1937, in Kansas City, Missouri, where he remained until graduating from Pembroke Country Day School in 1955. He graduated from Princeton University in 1959, then went on to attend Stanford Law School where he obtained his law degree in 1962. Judge Bartlett was in private practice in Kansas City from 1962 to 1969 with the firm of Stinson, Mag, Thomson, McEvers, and Fizzell, before serving in the office of the Missouri Attorney General from 1969 to 1977. He returned to Kansas City to practice with Blackwell, Sanders, Matheny, Weary, and Lombardi before he was nominated to the bench in 1981.

In the office of the Missouri Attorney General, Bartlett worked under Missouri Attorney General John Danforth, who later served three terms as the United States Senator for Missouri and a United States Ambassador to the United Nations. Senator Danforth recounted that the only way to provide excellent legal service to the state on the office's restrictive budget was by recruiting "excellent young lawyers who would welcome the experience of being in the office but would not require much compensation." Senator Danforth said, "Brook was one of those young lawyers. He joined me just months after I took office and became my first assistant. In that role he not only did first rate legal work himself, but he provided quality control for lawyers even younger than he was." Senator Danforth remembers Judge Bartlett as a "lawyer's lawyer" and "an extraordinarily gifted professional" who he was honored to recommend for the federal bench. The two remained friends throughout their respective careers. Senator Danforth described Judge Bartlett's passing as a "major loss to the judiciary, to our state, and to America." At the funeral service attended by over 400 mourners, Danforth eulogized Judge Bartlett, saying he "showed how government can earn the respect of its people."

Bartlett also worked alongside Justice Clarence Thomas of the Supreme Court at the Missouri Attorney General's Office. Their friendship continued after Justice Thomas joined the Supreme Court and took over supervision

of the Eighth Circuit. Justice Thomas observed that "Judge Bartlett enjoyed a wonderful reputation among his fellow jurists and among members of the bar. He was considered deliberate, analytical, thoughtful, and dedicated to fairness and impartiality, but even more, he was a good man, and he was my friend."

The Federal Bench

In March of 1981, Senator Danforth recommended Judge Bartlett for the federal bench in the Western District of Missouri. Judge Bartlett was both excited and honored by the confidence placed in him by Senator Danforth and the merit commission members. Judge Bartlett told the Kansas City Star at the time, "It's been a dream I've had for a long time, one I've worked for and hoped for." Judge Bartlett handled a number of significant cases during his time on the bench, one of the most notable being William Webster's, a former Missouri Attorney General. Webster pleaded guilty to conspiracy and to misapplying state resources to his 1992 gubernational campaign. Judge Bartlett sentenced Webster to the maximum two years in prison, six months more than prosecutors recommended. During Webster's sentencing, Judge Bartlett took 274 pages of handwritten notes. Judge Bartlett noted that "[e]very state employee owes the people of this state their highest allegiance. True loyalty is to give the boss the best advice possible, not to allow unlawful behavior to occur." Judge Bartlett received an outpouring of both public support and criticism for his handling of the trial.

Judge Bartlett kept every piece of mail he received from various members of the public regarding Webster's trial. Each piece of mail, some lengthy letters on embossed stationery and others quick notes written on scratch paper, were compiled and accompanied by pages of handwritten reflections by the judge. At the end of the collection, Judge Bartlett listed the 6 main lessons he learned from the process. The list read:

- 1) Notice of elected officials holding public trust.
- 2) Allegations of unfairness about investigation can be silenced if federal prosecutors demonstrate vigilance to enforce the law regardless of public official or party affiliation.
- 3) Most significant part of plea was Webster's statement that he guesses that he was just not paying attention.
- 4) Criticism of accepting the plea – all people regardless of who they are from low to high have the right to accept responsibility for unlawful behavior and to avoid a lengthy trial which would be destructive, expensive for all with an uncertain outcome.

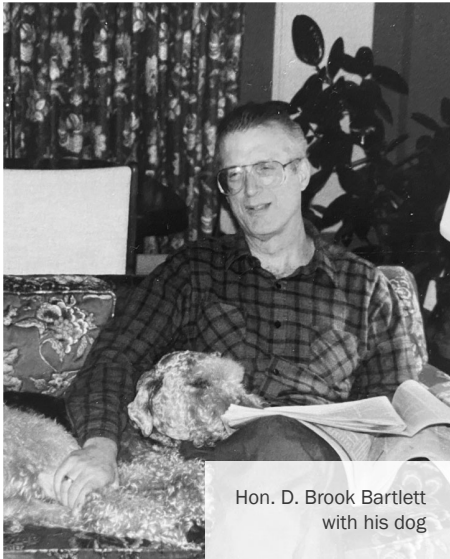
5) Warning to the assistants of all public officials to constantly remind their bosses of public trust.

6) Some elements of the media demonstrated massive irresponsibility and violation of their obligations under the First Amendment to inform the public accurately.

In response to both the praise and criticism, Judge Bartlett noted that he did not believe that the sentence imposed in this case would deter politicians from wrongdoing by itself. Instead, he believed that more prosecutions, heightened voter awareness, and the continuous watchfulness of elected officials must occur before the citizens of Missouri would be protected.

Judge Bartlett's Legacy

Judge Bartlett and his staff had a close and special relationship. Teresa L. Clark, a previous law clerk for Judge Bartlett, honored the judge in her article "Judge D. Bartlett - Legacy of Civility." The article served as a farewell on behalf of their "courthouse family." She believed that Judge Bartlett "left a legacy of dignity, respect, and fairness in the administration of justice and he challenged each of us to practice law with civility and respect."



Hon. D. Brook Bartlett
with his dog

Clark explained that Judge Bartlett treated the members of the courthouse like an "extended family," made up of his current and former law clerks, secretaries, court reporters and courtroom deputies. A former court reporter, Katie Wirt, says "Judge Bartlett was a great man who treated his chambers staff like family. We worked long hours and there were high expectations for our performance, but no one worked harder or put in more effort than he did. I learned so much from him, not only professionally but also just about life." Mary Hale, a past courtroom deputy, recalls:

Judge Bartlett loved the law and he loved the judicial aspect of being a judge. As for the part that changed his name from Brook to Judge, not so much. Because he was uneasy in crowds, he adopted his staff as his chambers family. We ate lunch together much of the time and we shielded him from the public in many situations. One morning he announced that he wanted us, his staff, to call him Brook. He wanted his name back at least by the people with whom he worked most closely. He was serious because anytime we slipped and called him 'Judge' he would respond with clerk, assistant, reporter, or deputy.

Over the years, Judge Bartlett's work family grew to quite a number. Yet Judge Bartlett and his wife Karen hosted a dinner every year in their home to keep that family together.

In Clark's article, she explained some of the important lessons she learned from Bartlett as well as some of the final lessons he was able to impart. "In 1998, after the onset of his cancer and his path through the second round of treatment, Judge agreed to participate in a CLE panel discussion to speak to the topic of 'Effective Civility,' which examined issues of overzealous advocacy. Judge Bartlett concluded the program with a lesson on the importance of civility in the effective representation of your client:

If you take nothing else from what I have said here today, just remember this. When I was a young associate, learning the practice of law, I was permitted to assist in a very lengthy and difficult case. We were in trial for two months before an administrative tribunal. There was a senior experienced trial attorney handling the case and I was just helping him out. It was clear from the outset that the hearing officer was pre-disposed in favor of the other side. Throughout this trial, the senior attorney was the essence of politeness. I became very frustrated about the way we were being treated. During a lunch break, I turned to the senior attorney and demanded to know how he could be so polite to this hearing officer. That attorney told me a lesson I have kept for life: 'My job is to win this case. If I start acting uncivilly, the other side will get mad, and they will work harder and do a better job.' That is the lesson of effective civility. If you want to do the best job for your client, you be civil and polite, no matter the circumstances. And yes, we won the case at the Eighth Circuit.

Judge Bartlett, while well known for his "absolute commitment to practicing law with honor, integrity, ethics and civility," is also remembered for his sense of humor. For many years Judge Bartlett kept cartoon clippings from

newspapers under the glass top of his conference table. Clark remembered, "Judge's humor always encompasses the ability to laugh at himself."

Above all, Judge Bartlett was deeply committed to his family. His daughter, Amanda Mook, recalled:

Judge Bartlett was a loving and supportive father, often displaying his trademark dry humor and masterful storytelling ability. He was patient and deliberate, sometimes to the annoyance of his children who, instead of getting an easy answer when asking for advice, were encouraged to list and weigh the pros and cons of the issue. He also refused to exceed the speed limit, complained that a yellow light was not a signal to 'floor it,' and enjoyed creating scavenger hunts with a long series of clues for Christmas or birthday gifts, made more difficult by his inimitable handwriting. His absence is still keenly felt.

Bartlett's widow, Karen Bartlett, who passed away in 2019, said with gentle humor in the months after her husband's passing, "Maybe he's taking guilty pleas at the Pearly Gates. Maybe he's trying to revise the Ten Commandments. Maybe he's mediating between heaven and hell. But he had someplace else to go, and we couldn't keep him any longer."

Judge Bartlett's passion to educate young lawyers and better the legal profession carries on with the annual D. Brook Bartlett Lectures held by the Western District of Missouri. The Bartlett Lecture Series remains one of the premier legal events bringing in top-notch experts from around the country. Those close to Judge Bartlett will continue to honor his legacy by ensuring a continued commitment to civility and respect in our community.■

About the Author



Kathryn Frazen was an intern for the Honorable Stephen R. Bough of the Western District of Missouri. Frazen is a student at the University of Missouri-Kansas City School of Law. Prior to law school, Frazen earned her B.A. in Journalism from the University of Missouri.