

John Barger

'Be Prepared' Is Motto of His Central Illinois Ag and Real Estate Practice

by Allison Petty

MATTOON — John L. Barger still keeps the Eagle Scout badge he earned in 1976, the fruit of long-ago labor, tied to a principle he lives by.

"Be Prepared," says the badge, and Barger is that.

While his practice at **Craig & Craig, LLC** spans the gamut from real estate and estate planning to general litigation and worker's compensation, one constant remains: He is always ready.

"This man knows real estate like someone we've never seen before," says Barb Galvin, a client of several years. "I swear he lives and breathes it. He is so, so knowledgeable; he is truly brilliant."

A product of the Central Illinois area where he has practiced for more than three decades, Barger, 57, offers clients a skill set honed through years of unique experiences.

He speaks about agricultural matters with the authenticity of someone who once spent hours operating and repairing an Oliver 535 combine. His real estate clients receive counsel tempered by years focused on litigation, when he saw firsthand the consequences of an unconsidered angle or missed detail.

Clients benefit, too, from Barger's deep understanding of the community where he grew up and to which he now gives back through volunteer work with several nonprofit organizations.

"He communicates well with people from our area," says fellow firm member John F. Watson. "I think that's something he brings to the table, his hometown, kind of relaxed approach."

Farm Roots Yield Insight

Barger family history in Coles and Cumberland counties stretches back to the 1860s. John Barger grew up on a farm near the county line, where his father and uncle raised cattle and grew corn, soybeans and wheat.

"Some people would look at it as the middle of nowhere," he says. "I looked at it as the center of everything. It depends on your perspective."

Early in his undergraduate career at Eastern Illinois University, Barger's father and uncle died within a year of each other, both from cancer. Along with his mother and younger brother, Barger helped keep the farm afloat until the family leased the land after his sophomore year.

That meant he balanced coursework with several challenges that included the combine, a frustrating experience that emphasized the



need to stay in school. As he interacted with attorneys on estate-related matters, law began to pique Barger's interest.

After graduating from Eastern in 1980 with a bachelor's degree in political science, he decided to head south for the University of Arkansas School of Law in Fayetteville.

He joined Craig & Craig in 1984, becoming a member in 1990, and found that his foundation of agricultural knowledge often provides advantages in advocating for clients.

For example, in issues related to drainage districts, Barger knows the significance of those small government bodies to farmland value. Drainage districts create and maintain the infrastructure — such as ditches or drainage tiles — that prevents the flooding which can devastate crops.

Barger has represented landowners in disputes with their drainage districts in Piatt and Edgar counties, and he worked to re-establish a drainage district in Montgomery County.

"It wasn't inexpensive to do the project they wanted to do" in the latter case, he says. "But if you focus the farmers on the fact that a bag of seed corn costs something like \$300 for 80,000

kernels and that plants about an acre, and you consider the equipment they're running through the field and the cost of fertilizer, the cost of improving the drainage was a drop in the bucket compared with all that."

In another pending case, knowing the historical logistics of farming helped Barger to protect his client's access to his property.

The land, once farmed and now held in wetland reserve, is surrounded by a ditch and creek on three sides and is only accessible from a lane through another property. The prescriptive easement has been in use for decades, but a new property owner sought to deny Barger's client access.

To illustrate frequency of the lane's use, Barger drew on knowledge the opposing attorney did not have.

"I knew how many trips somebody would have to make to use the lane to get to the field to farm it when it was still being tilled," Barger says. "He had made an argument to me in trying to settle it, 'Oh, they only got in twice a year,' and it's far more than that."

He also knew the type of equipment that would have been used in the 1950s when the

(Continued on page 122)

(Continued from page 120)

lane was established. “I was able to get some testimony that they went out with a corn picker, and it would take five days to get that out of the field,” he says.

Landowners sometimes ask Barger to review oil and gas leases. Because of his background in agriculture, he knows how those agreements might affect someone based on whether the land is used for pasture, timber or crops.

Joshua Ross, a title agent with Everhart & Everhart Abstractors who works with Barger often, says farmers can count on him to understand the ins and outs of their business.

If land is associated with an existing farm lease or U.S. Department of Agriculture programs, Barger is familiar with those issues and ready with whatever paperwork is required.

“I think just because we are an agricultural area down here, just being able to talk with the clients and the customers and the guys at the coffee shop about farming,” Ross says. “He understands what they’re going through.”

Covering All the Bases

Barger initially hoped to build his practice in the areas of real estate, estate planning and probate work, but Craig & Craig needed attorneys to handle litigation.

“I got into an area that maybe I hadn’t originally intended on doing,” he says. “But in the long run, I think it was beneficial because of where I’ve ended up now.”

These days, Barger’s practice is split evenly between litigation and non-litigation, with real estate and agriculture as common themes. Those early experiences spurred him to develop a broader perspective.

“You can see what happens when everything goes south,” he says. “You see certain things that other attorneys drafting contracts or agreements haven’t quite experienced.”

His real estate transactions have included the sale of farmland, residential and commercial transactions, including the sale of businesses such as a pizza restaurant and a pharmacy.

Closings for Barger’s clients typically do not take long, Ross says, because he always arrives prepared, with all of the i’s dotted and t’s crossed.

“He considers every detail ahead of time,” Ross says. “Once you’re here, you don’t have to worry about stopping and changing a closing statement or redoing escrow checks or anything like that. He’s covered all the bases.”

Barb Galvin only wishes she met Barger sooner. For 14 years, she and her husband David have been entangled in a lawsuit that attempted to force them to develop a subdivision on their Shelby County property.

Plans for the subdivision date to the 1970s, long before the Galvins purchased the land. Barger is their third attorney, and while the case is still pending, Barb Galvin enthusiastically praises the progress he has made.



Barger keeps his Scout Handbook, Eagle Scout certificate and Eagle Scout badge from 1976 with the words “Be Prepared” as reminders about legal preparation.

“I wish we had known he existed when we first went into this because I guarantee you we would not have spent anywhere near the years or dollars or grief that we have gone through,” she says.

In addition to his extensive knowledge of real estate, Barger listens to his clients and shows genuine concern for their interests.

“He does his homework on everything, so that when you get to court, the other side, no matter what they throw back at him, he’s got the information to back up what comes out of his mouth,” she says.

Barger particularly enjoys writing appellate briefs, and he has been associated with several successful outcomes at the Illinois Supreme Court.

One case was *Cincinnati Insurance Co. v. Chapman*, in which the court ruled that the 1997 Judicial Redistricting Act was unconstitutional because it split several judicial circuits into different judicial districts.

Another case, *Unzicker v. Kraft Food Ingredients Corporation*, dealt with application of the Illinois Code of Civil Procedure and how it affected the company’s liability in a worker’s compensation claim.

In addition, Barger has been involved with dozens of appeals to what is now the Illinois Workers’ Compensation Commission, formerly the Illinois Industrial Commission.

“I’m not the slickest attorney in the world, but I’m prepared,” he says. “Winning oftentimes has more to do with preparation than anything else.”

Giving Back to the Community

While he maintains a thriving, varied practice, Barger finds time to lend his experience to nonprofit organizations working to strengthen the community.

He is president of the Neal Foundation, a charitable organization that distributes grants to civic groups in Coles and

Cumberland counties. Most recently, the foundation helped supply nearly every student in the Cumberland County School District with Chromebook computers.

Barger also serves as president of Janesville Cemetery. He became involved after the cemetery began to have revenue problems and, because of some misplaced paperwork, also lost its not-for-profit corporation designation.

He also volunteers at the Cumberland County Pet Connection, which rescues dogs from the Cumberland County pound. One of those dogs, a beagle mix named Gypsy, found its way into the Barger household.

Barger and his wife, Elizabeth, have been married for 25 years. They have a 24-year-old daughter, Kate.

Barger maintains a tie to his farming roots with a 37-acre piece of property owned by his family since the 1930s. Barger has devoted most of it to the USDA’s Conservation Reserve Program.

“I’ve got my own tractor and all, and every year I have to burn off the CRP, so I’m still somewhat involved. Some people around here call me Oliver Douglas,” he jokes, referring to the lawyer-turned-farmer character from the television show “Green Acres.”

He has coached several youth baseball and softball teams over the years. The connection between baseball and law appeals to Barger, an avid St. Louis Cardinals fan.

“I just like the strategy of it,” he says. “There’s a lot of subtle things going on that if you don’t pay attention, you don’t get it.”

Barger misses little. Fans sitting nearby at Cardinals games would sometimes ask about his knack for predicting what former manager Tony La Russa would do next.

Had they known Barger personally, the surprise might have been less.

Of course, the man with a penchant for preparation was ready to call the plays. ■