

# THIRD JUDICIAL CIRCUIT COURTS AND COMMUNITY 2017 REPORT



March 5, 2018

## **Third Circuit Courts and Community Committee Review of Activities in 2017**

The Third Circuit Courts and Community Committee had a very active year in 2017. Below are highlights of some of the activities that our judges and court staff participated in throughout the year as part of the Committee's ongoing effort to connect our courts to our communities and improve understanding of the role of the judicial system in our democracy.

### **Judge Chats**

Dozens of our judges participated in the "Judge Chats" program at the National Constitution Center (NCC) in Philadelphia. The Judge Chats allow school students and judges to engage in an open and informative dialogue about judging and the judicial system. Judges talk to students and teachers about interpreting law and the implications of the Constitution on everyday life. In 2017, thirty-three Judge Chats were held at the NCC. Many chats were conducted in conjunction with "civic holidays" such as Law Day and Constitution Day. This year's Constitution Day Program was held on September 18, 2017. Our judges participated in eight Judge Chats with students ranging in age from 4<sup>th</sup> grade elementary to college. In addition, Judge Rufe addressed larger groups of high school students on First Amendment issues as part of day-long programs at the NCC.

### **High School Fellowship Program**

The District of Delaware's High School Fellowship is a six-week paid fellowship program conducted from June to August each year. High School students selected to participate work in chambers with judges and employees of the Court. Those eligible for the program are rising sophomores, juniors and seniors who attend high school in New Castle County. Interested students submit an application along with their high school transcript, a letter of recommendation, and proof of citizenship status. Finalists interview with a panel of judges and other Delaware legal professionals. Fellows typically have strong leadership skills, have performed well academically, and have demonstrated a commitment to community service.

The program was offered for the first time in 2016. In 2017, three talented high school students were selected as Fellows and they successfully completed the program. In addition to working with judges and court attorneys, participants observed a number of court events in both civil and criminal cases and learned about the federal court system through presentations from leading members of the bar. Additionally, the Fellows toured the Howard R. Young Correctional Institution, the offices of a large Delaware law firm, and the campus of Wilmington University. The Program ended with a graduation and

reception on August 4, 2017, attended by the Fellows, family members and friends, and members of the District Court family.

### **School Visits and Mock Trials**

Responding to requests made by the Rendell Center for Civics and Civic Engagement, Judges of the Court of Appeals and the District Court for the Eastern District of Pennsylvania (including, Judges McKee, Krause, Rendell, Stengel, Savage, Kearney, McHugh, Baylson, Brody, Rice, Reuter and Strawbridge), served as judges for literature-based mock trials conducted in the Byrne Courthouse in Philadelphia and in classrooms for students in grades 1 through 12. The trials were the culmination of student projects based on works of literature being studied in class. In many instances, the students wrote individual notes thanking the judges and indicating how much they had learned through the exercise.

In July, Judges McKee, Jordan, and Pratter participated in a panel discussion, moderated by Judge Rendell, as part of the Rendell Center's Summer Teacher Institute. The panel discussion focused on judicial independence. The teachers came from across the country, and participants rated this program as one of the highlights of their week-long educational experience.

Judges in the District Court for the Eastern District of Pennsylvania volunteered to preside over multiple mock trials in their courtrooms, with law clerks serving as jurors in some cases. In addition, the Philadelphia Bar Association's Bradway Competition, conducted by Temple LEAP, held its semi-final mock trial competition in the Byrne Courthouse in February. Suburban counties also were honored to have federal judges participate in the Pennsylvania Bar Association Mock Trial competition. Judge Rufe again judged the finals in Bucks County.

On January 20, 2017, Judge Rendell hosted 107 students from Masterman High School in Philadelphia for a mock appeal of the Blue Mountain case. Judge Hardiman hosted 8<sup>th</sup> and 9<sup>th</sup> grade students in his chambers after a Naturalization Ceremony. The Ceremony was held on February 17, 2017, at the Weis Courthouse in Pittsburgh. Students from The Neighborhood Academy in Pittsburgh visited chambers after the ceremony and engaged in a one-hour discussion with Judge Hardiman. Judge Chagares visited Seton Hall Prep and spoke to the Future Lawyers Club about the federal court system.

In April 2017, Chief Judge Stark and Magistrate Judge Burke of the District of Delaware welcomed eighth grade students from Wilmington Friends School for a visit to chambers and to perform a mock trial. Chief Judge Stark spoke with the students about the federal courts and his duties as a judge. Magistrate Judge Burke discussed the

difference between state and federal jurisdiction. Prior to the mock trial, Chief Judge Stark and his chambers' staff provided a tour of his courtroom and chambers. The students addressed in the mock trial the constitutionality of the "Ask Not What Your Country Can Do For You" Act, which required that college-bound eighteen-year olds work for the federal government for two years of mandatory public service before beginning college. Students formed groups in which they performed the roles of judges, jurors, attorneys, and witnesses. The mock trial included opening statements, examination of witnesses, rulings on objections, closing arguments, and juror deliberations. The students received a tour from the U.S. Marshals which included access to the processing, detainee, and surveillance facilities.

During the week of April 13, 2017, several Judges in the District of New Jersey, Camden, participated in Howard R. Yokum Elementary School's Distinguished Readers Week Program by reading their favorite books to students.

In May, Magistrate Judge Hey of the District Court for the Eastern District of Pennsylvania hosted a large group of third grade students who successfully tried the case of State v. Goldilocks.

The District Court for the Western District of Pennsylvania continued its efforts to reach out to students, conducting its annual "Open Doors" program on March 21, 2017, for a group of nearly 200 high school students from ten local high schools. Students were split into two groups that rotated between two concurrent sessions. One group heard from a panel of local law enforcement officers who discussed their roles and responsibilities in the federal court system and offered career guidance. The other group participated in a mock sentencing proceeding, entitled "You Be the Judge," in which Judge McVerry (retired) oversaw a mock sentencing proceeding, complete with testimony, arguments and a recommendation from a Probation Officer, after which students determined the appropriate sentence to impose.

Beyond the "Open Doors" event, the Western District engaged in other opportunities to interact with students of varying education levels this past year. Partnering with the United States Attorney's Office, the Court participated in an event on August 3, 2017, when students from Higher Achievement, a summer program for middle schools, visited the courthouse. The students were greeted by representatives from local federal agencies, prepared for and participated in a mock trial, and observed a mock sentencing presided over by Judge D. Michael Fisher. The students ended their visit with a question and answer session of panelists, which included Magistrate Judge Mitchell.

The Western District of Pennsylvania's Bankruptcy Court held, for the third year in a row, its own community outreach program on October 20, 2017. Entitled "Credit and the Bankruptcy Court: Avoiding the Pitfalls of Student Finances," this event was

designed to provide high school students with an understanding of the financial issues they will face as young adults and an overview of the Bankruptcy Court's role in the federal judicial system. This informative and innovative initiative, which consisted of a panel discussion, mock trial and interactive trivia session, brought approximately seventy students into the Bankruptcy Court.

### **Law Day**

On May 1, 2017, the Eastern District of Pennsylvania's largest program for civics education, the topic of separation of powers was explored through the United States Supreme Court case of U.S. v. Alvarez, an excellent example of how the three branches of our government each exercise authority. Three courthouses (Byrne, Reading and Allentown) welcomed approximately 200 students and mock appellate arguments were heard in fifteen courtrooms. Students enacted the roles of Justices, advocates, coaches, and jurors. After a morning of working with Assistant U.S. Attorneys, federal defenders, CJA counsel, and members of the private bar, the students enjoyed a box lunch while mingling with students from other schools. The programs are open to all public, charter and private high schools. Comments from these programs are always positive and reflect on the strong partnership between the federal courts and the schools and community.

### **Constitution Day**

On October 19, 2017, the District of New Jersey in Camden hosted its Sixth Annual Constitution Day Mock Trial Program. The theme of this year's program was "Constitution Day and Citizenship Day." The Court hosted approximately 100 students from four area high schools: Wildwood, Lindenwold, Woodrow Wilson (Camden), and Pleasantville. The students presented a scripted Mock Trial – "The First Amendment and Freedom of Expression." The Program began with Welcoming Remarks by Judge Simandle, followed by a video describing the role of a juror, remarks by Judge Altenburg on the role of a juror, and a question and answer session led by law clerks. Judges Kugler, Bumb, Poslusny, and Schneider presided over the trials. There was a video presentation on naturalization followed by remarks from Judge Rodriguez on the topic. The program ended with a brown bag lunch and student summaries of the Mock Trial experience.

The Western District of Pennsylvania celebrated Constitution Day by hosting a program on the influence of Italians on the American Constitution. Presented in conjunction with the Honorary Consulate of Italy in Pittsburgh, Chief Judge Conti began the program with a panel discussing the influence of Cesare Beccaria, an Italian criminologist and jurist, on some of the most enduring principles in our Constitution. Next, a panel discussed the life and contributions of Filipino Mazzei, an Italian physician turned businessman and diplomat and friend of Thomas Jefferson. Speakers included

Chief Judge Smith, Italian Judges, world-renowned Italian and American law professors, and highly regarded lawyers. The program was in memory of Justice Antonin Scalia and included video remarks from Justice Samuel A. Alito, Jr.

### **Bill of Rights Day**

The Eastern District of Pennsylvania repeated its successful program to mark Bill of Rights Day by inviting two classes of high school students to a lecture on the federal courts (hosted by Judge Rufe and Magistrate Judge Lloret), followed by observance of the Bill of Rights Naturalization Ceremony (presided over by Judge Bartle). A lunch was then held in the Judges Dining Room where additional Judges addressed the students in a lively Q & A. Participants included Judges Tucker, Rufe, Bartle, Lloret, Magistrate Judge Wells, and Bankruptcy Judge Chan.

### **Courthouse Tour and School Visits**

As part of the National Civics Initiative, Bankruptcy Judge Chan of the Eastern District of Pennsylvania hosted 5th grade students from Masterman, Andrew Hamilton, Cook, Wissahickon, and St. Bernadette schools to educate them about: democracy; the founding of our country; our key historical documents; the three branches of government; the evolution of the right to vote; the role of bankruptcy judges; and her father's story about immigrating to America. For each of the school visits, Judge Chan began with a one-hour power point presentation. Students were divided into smaller groups to visit the clerk's office, library, and a holding cell, and then to meet with a U.S. Marshal or member of Amtrak's K-9 unit and their bomb-sniffing dog. The students enjoyed a pizza lunch and toured chambers where they met with Judge Chan's law clerk and JA. The students then returned to the courtroom to fill out a crossword puzzle of key terms discussed in the morning, and Judge Chan asked each one what they are going to do when they're 18 (vote!), and what they'd like to do when they are adults.

The Third Circuit Executive's Office provided a tour of the Byrne Courthouse to students from the University of Pennsylvania's School of Architecture and Design. The students were assigned a project to create an original design for a courthouse facility. The Circuit Executive's Office tour, led by Derek Pedersen and Joel McHugh, afforded an opportunity to gather design ideas by visiting courtrooms and chambers for district court and court of appeals judges. The students learned about designing with courthouse security in mind, and also saw the transformation that technology has brought to courtrooms, chambers, and law libraries. In addition, the students learned about the Judiciary's Integrated Workplace Initiative, and they toured the shared chambers used by non-resident judges of the Third Circuit Court of Appeals.

Judge Williams of the District of New Jersey hosted the incoming class of the Rutgers School of Law Minority Student Program (Camden). This event included a guided tour of the Courthouse and a brief overview of the responsibilities of the Clerk's Office, U.S. Marshals Office, and the federal courts.

The first engagement of the Court with its community in the Western District of Pennsylvania is one of the first sights that greet visitors upon entry into the Pittsburgh courthouse - - a rotating display of art. In 2017, four art displays graced the south lobby of the Weis Courthouse, beginning with a display from four local female artists entitled "4 Amigas." This display, which combined various forms of art, ran through the end of January, after which the Court welcomed the paintings of "Discover Artists." This display remained until the end of April, when the art of retired steel worker Steve Gluz was installed for an extended stay until the end of November. Mr. Gluz draws heavily on his experience in creating a display that documents Western Pennsylvania's industrial past. Starting in December, the Court was able to secure a display of prints from the archive of renowned Pittsburgh photographer Charles "Teenie" Harris. Mr. Harris photographed events and daily life of African-Americans for the Pittsburgh Courier, one of the nation's most influential black newspapers from the 1930s to the 1970s. Mr. Harris's works were on loan by agreement with the Carnegie Museum of Art, which houses the Harris archive. The Court has hosted a total of thirty art displays since the program's inception in 2010.

Adult students focused on careers in the law also visited the Weis courthouse. On October 26, 2017, law students from Duquesne University attended "Lawyers on Location," giving students an opportunity to meet with judges, law clerks, and experienced litigators and to learn more about the work done in the courthouse and by lawyers in practice.

On October 31, 2017, the Court's judges visited the University of Pittsburgh School of Law for a half-day event titled "Judges and Journalists: Accuracy and Access," where judges moderated panels of their colleagues, media experts, and other federal court dignitaries to discuss key issues pertaining to the media and its coverage of the courts. On December 1, 2017, the Court, again in conjunction with the United States Attorney's Office, was joined by members of the pre-law society at Indiana University of Pennsylvania who visited the courthouse to learn more about the federal court system and to hear the career paths of selected court personnel, including Chief Judge Conti and Judge Bissoon.

For several years the Eastern District of Pennsylvania has hosted groups sponsored by the American Inns of Court. Pegasus Scholars, two practicing attorneys from the UK, visit the EDPA to observe court proceedings. Judge Rufe and Magistrate Judge Heffley shared the hosting honors. The court also hosted seven Judicial Assistants to the

Supreme Court of the United Kingdom, welcoming them to meet with Judges McKee, Jordan, Tucker, Rufe, and Heffley. The luncheon meeting was followed by the observation of trials in the district court. Each April the Court hosts a large group of judges and lawyers from Italy through a program with courses of study at the University of Parma and Oxford. The group spends several days in Philadelphia observing the state and federal courts. EDPA hosts the group for a luncheon. Two formal presentations were offered before and after the meet-and-greet lunch. Judge Rufe addressed federal/state court differences and jurisdiction, and Judge Padova reviewed federal court history and provided a demonstration of an electronic courtroom.

### **Special Events**

In addition to the Eastern District of Pennsylvania's monthly ceremonies conducted in the Ceremonial Courtroom, which school students are routinely invited to observe, the court has added new venues for off-site naturalization ceremonies, partnering with bar associations and high schools. Special venue ceremonies took place at the Pearl Buck House and at the Pennsbury Manor in Bucks County (both ceremonies included community leaders, Boy Scout Color Guards, school students and campers, Congressional representatives and local Bar Association leaders); and at the Upper Darby Performing Arts Center in Delaware County, which included all of the above but was a collaboration with representatives of the Federal Bar Association. In Upper Darby, both Chief Judge Stengel and Judge Rufe presided and addressed middle and high school students after the ceremony. At each of these venues the League of Women Voters registered new citizens to vote. The Court added a second naturalization ceremony to its Citizenship Day programs. In addition to the ceremony now traditionally held at the National Constitution Center, at which Judge Rufe presided, a second ceremony was staged at Carpenters Hall at the request of the National Park Service, with Judge Padova presiding.

The District of Delaware held naturalization ceremonies throughout 2017, with Magistrate Judge Burke presiding at a large ceremony in June held at the University of Delaware. At a ceremony in the District Court on May 4, 2017, tenth and eleventh grade members of the Wilmington Friends School Chamber Singers sang the National Anthem. Former Delaware Bar Association President Yvonne Saville gave a moving account of her grandparents' escape from the Armenian Genocide and their journey to the United States, where they became naturalized citizens.

The District of New Jersey conducted six naturalization ceremonies in 2017, five in Camden and one in Trenton. This was the first ceremony of its kind held in Trenton. Of special significance was the ceremony held on May 1, conducted by Judge Rodriguez on the Battleship of New Jersey. In total, 179 citizens were naturalized during the six ceremonies.



The District of the Virgin Islands commemorated Transfer Day with two very special naturalization ceremonies on March 31, 2017. In the Division of St. Croix, Chief Judge Lewis presided over a naturalization ceremony with twenty prospective citizens at the 100<sup>th</sup> Anniversary Transfer Day Celebration at Fort Christiansvaern in downtown Christiansted. In the Division of St. Thomas, a ceremony with 100 prospective citizens was held at the newly renovated Fort Christian in downtown Charlotte Amalie. The District of the Virgin Islands also hosted and spearheaded a three-day visit to the Virgin Islands by Justice Sonia Sotomayor, during which she was the featured guest at six separate events and two dinners on St. Croix and St. Thomas. Months of planning and collaboration with other entities within the community was necessary to ensure the success of this very ambitious project. The universally favorable feedback received confirmed that it was time very well spent.

On April 27, 2017, the District and Bankruptcy Courts in Camden hosted “Take Your Child to Work Day.” The theme was “Civic Duty and Community Service.” The program began with the children donating books, coloring books, activity books, and crayons to the Ronald McDonald House. The introduction and welcome was given by Magistrate Judge Schneider. Guest speakers included a representative from Immigration and Customs Enforcement, the Federal Public Defenders’ Office, and a Naturalization Clerk. Additional presentations were given by: an Inspector/K-9 Officer from the Department of Homeland Security; U.S. Probation Office; U.S. Pretrial Services; and U.S. Marshals Service. Finally, the traditional “snack attack” break was observed.

Community Forum. Judge Williams in the District of New Jersey and members of the Camden Reentry Program participated in a Restorative Justice Forum, which was a collaborative dialogue around ideas for a Restorative Justice Program for returning citizens and their families in Camden.

The District of New Jersey hosted Black History Programs in all three vicinages. In Camden, Judge Thompson gave a riveting keynote address recounting her career path, which reflected the program theme of “Our Diversified Court. Our Contributions. Our History.” The Trenton program addressed “The Crisis in Black Education” featuring a keynote by AUSA Fabiana Pierre-Louis, Attorney-In-Charge in the Trenton vicinage. Newark celebrated “A legacy of people helping people.” The keynote was presented by Edward W. Gordon, Esquire, retired Deputy in Charge, U.S. Bankruptcy Court of New Jersey. The Newark vicinage was entertained by the Newark Boys Chorus School.

Hispanic Heritage programs also were held in all three vicinages. Camden celebrated “Hispanic Heritage, Trailblazers and Our Court,” with presentations by Judge Salas, Chief Judge Linares and Judge Rodriguez. This program was highlighted by students from The Leap Academy Charter School in Camden who performed Latin

musical selections, a poetry reading and dance. The program ended with a special Zumba demonstration. Chief Judge Linares was the keynote speaker for the Trenton vicinage, and he addressed “Shaping the Brightest Future of America.” Newark hosted Camelia M. Valdes, Passaic County Prosecutor, who provided her perspective on celebrating Hispanic Heritage.

In the coming year, the Western District of Pennsylvania will celebrate its bicentennial anniversary. The Court began remembering its legacy with a celebration on November 15, 2017, in recognition of the 150<sup>th</sup> anniversary of the District’s Erie division. Held in the federal courthouse in Erie, this event brought together nearly 100 judges, lawyers, and elected officials to celebrate the sesquicentennial of the first federal court session in Erie and to commemorate the Court’s years of providing service and access to justice to the citizens of northwestern Pennsylvania.

### **Community Outreach to Suburban Counties**

The Eastern District of Pennsylvania sought to increase its outreach to suburban schools, bar associations, and the community. Beyond the judges’ traditional involvement with home county events, several judges have developed programs of interest to the community. For example, Judge Leeson created a program in Lehigh County to honor public servants in law enforcement. Magistrate Judge Perkin developed and presented programs for attorney legal education, working with the Lehigh County Bar Association. Judge Perkin also organized the “Northern Tier” (Berks, Lehigh and Northampton Counties) for Law Day. Judge Schmehl organized a federal Bench-Bar program in Berks County in which Chief Judge Stengel participated. In Bucks County, the Annual Federal Court Reception is held every spring at the Doylestown site of the Bucks County Bar Association. This event offers an attorney admissions program, a CLE on various topics and CM/ECF use, as well as a “Meet the New Judges” Program.

In Partnering with the legal community, the District of New Jersey demonstrated its continued support of pro bono attorneys with two events: “Ethics of Pro Bono Counsel in Civil Actions” on June 5, 2017, with Judges Salas, Dickson, Hammer, and Elvis Alexander Jardines, Esquire; and “Ethics of Pro Bono Counsel in Civil Actions” on October 23, 2017 with Judge Arpert, Lawrence S. Lusterberg, Esquire, Reynold Lambert, Esquire and Dianne Moratti, Office of Attorney General.

In addition, the District of New Jersey in conjunction with the Association of the Federal Bar of New Jersey hosted its Brown Bag Lunch Series for attorneys. This year’s programs were “Insights Into Federal Practice” on February 24, 2017 in Camden; “Social Media and Litigation: “The New Normal” on May 4, 2017 in Trenton; and “The Playbook: Litigating Criminal and Civil Cases in Federal Court” on April 6, 2017 in Newark.

On November 14, 2017, the Camden vicinage dedicated the Honorable Joseph E. Irenas Attorney Conference Room. On November 15, 2017, all three vicinages featured panels of judges and attorneys who addressed several aspects of professionalism and ethics for trial attorneys.

The Western District of Pennsylvania hosted a program on the scourge of fentanyl and the emerging opium threat on June 29. Presented by Soo Song, the Acting U.S. Attorney, and Dr. Michael Lynch, Medical Director of the Pittsburgh Poison Center, this timely and eye-opening program described the impact of fentanyl on the user, its ramifications for the community and public health, and steps being taken to address the severity of this deep and pervasive societal problem.

Another component of the Western District's community outreach effort is the hosting of tours of the Weis Courthouse, where groups can observe proceedings and visit individual aspects of the Court's functions. The Court is committed to accommodating tours for any interested group. In 2017, students from Canon-McMillan High School, Hopewell High School, and the Western Pennsylvania School for the Deaf were among those who took a dedicated tour. It is the hope that in the coming year, more groups, particularly more adult-oriented groups, will visit to learn more about the federal court system and its role in our democracy.