

# THIRD JUDICIAL CIRCUIT COURTS AND COMMUNITY 2016 REPORT



March 15, 2017

## **Third Circuit Courts and Community Committee Review of Activities in 2016**

The Third Circuit Courts and Community Committee had a very active year in 2016. Below are highlights of some of the activities that our judges 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 Circuit and District 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. 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 16, 2016. Our volunteers participated in 8 Judge Chats throughout the morning with students ranging in age from 4<sup>th</sup> grade to college students.

### **High School Fellowship Program**

The District Court in Delaware offered, for the first time in 2016, a High School Fellowship Program, a six week program, beginning in June and ending in August of each year. High school students selected to participate in the program work in chambers with Judges of the District Court and/or with other federal employees who work with the Court. These Fellows also have the opportunity to observe District Court proceedings and meet leaders in the Delaware legal system. The Fellows are paid a stipend of \$350 per week, or \$2,100 for the six week program.

Those eligible for the program are rising sophomores, juniors, and seniors who attend high school in New Castle County, DE. All those interested must submit an application, along with their high school transcript, a letter of recommendation from either a teacher or counselor at their school, and proof of their citizenship status.

Finalists interview with a panel of judges and other Delaware legal professionals. Fellows selected typically have strong leadership skills, have performed well academically, and have demonstrated a commitment to community service. Students with an interest in a future legal career may particularly benefit from the Fellowship, but having such an interest is not a prerequisite to the application.

In addition to working with judges in the District Court and with attorneys, participants observed a number of court events in both civil and criminal cases. They also received presentations from District Court Judges; Delaware State Court Judges; the United States Attorney for the District of Delaware and other members of the U.S. Attorney's Office; the Federal Public Defender for the District of Delaware and other members of that office; Court staff; and members of the District of Delaware Chapter of the Federal Bar Association. 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 attended by the Fellows, their family members and friends, and other members of the District Court family.

### **Kids and the Court**

Established in 2005, the Kids and the Court Program offers students in the St. Thomas community a broad overview of the Court and seeks to provide an opportunity for young members of the community—fifth and eleventh graders—to interact with court staff. Students observe a "trial" enacted by court staff and then participate in a discussion about the role and relationship of each component of the court system. Students are also informed about the various career opportunities available in the Court environment and the skills required to excel in the judiciary and the community. A total of five events were held during the year (March, April, May, November, and December).

### **Reading Programs and Mock Trials**

The District Court for the Western District of Pennsylvania continued with its annual "Open Doors" programs. Over 200 high school students and teachers on April 7, 2016, and over 180 middle school students and chaperones on November 22, 2016, attended these programs, which gave students the opportunity to meet and hear from local law enforcement personnel, observe a mock proceeding, and learn about the place the federal judiciary occupies in our society. The April program marked the Court's introduction of a recent Administrative Office initiative, *You Be the Judge*, which places students in the role of a sentencing judge in a criminal proceeding. Adding a sense of reality to the presentation, the Court was able to involve the local probation office into the program. An article about the event was published on the JNet's *Civics Showcase* page.

The District Court for the Eastern District of Pennsylvania again opened its courtroom doors for the Philadelphia Bar Association John Bradway high school mock trial competition semi-finals, with several Judges, law clerks and Bar Association practitioners participating. The EDPA likewise hosted the mock trials of area law schools -- University of Pennsylvania, Temple University Beasley School of Law.

During the week of April 18, 2016, several Judges in the District Court for the District of New Jersey participated in Howard R. Yokum Elementary School's Distinguished Reader's Week Program by reading their "favorite" books to students.

In May 2016, Chief Judge Leonard Stark of the District of Delaware welcomed fourth, fifth and sixth grade students from First State Montessori Academy Charter School to visit his chambers to perform a mock trial in the cases of "Dogs v. Cats" and "Muffins v. Cupcakes." Prior to the mock trial, Chief Judge Stark and his chambers' staff provided a tour of the courtroom and chambers. Chief Judge Stark spoke with students about the proceedings in federal courts and the duties of federal judges. The students were also given a tour by the U.S. Marshals, which included access to the Marshals' processing, detainee, and surveillance facilities. Students then formed groups in which students assumed the roles of judges, jurors, attorneys or witnesses. The mock trial included opening statements, examination of witnesses, rulings on objections and juror deliberations.

The final round of the Virgin Islands Bar's 22nd Annual Appellate Moot Court Competition was held at the District Court of the Virgin Islands on St. Croix on June 1 and 2, 2016. Participating teams of high school students throughout the Virgin Islands were presented with a challenging hypothetical case involving a legal action for declaratory relief brought by Virgin Islanders asserting that the right of same-sex couples to marry is a fundamental right inherent in the liberty of the person and applicable to Virgin Islanders under the Fourteenth Amendment to the United States Constitution. As in past years, Chief Judge Wilma A. Lewis opened the doors of the courthouse to the Bar for this annual program. Members of the Clerk's Office coordinated the logistics of the teams and their coaches during the competition. Judge Lewis began the competition with welcoming remarks, and Magistrate Judge Cannon participated as a Judge in the finals. Ms. Margaret Brown, retired Courtroom Deputy, received an award for her years of dedication to the competition.

On July 14, 2016, a group of 25 high school students participated in a mock trial in the Byrne Courthouse in Philadelphia. The students tried the matter of Principal v. Student to determine the extent to which a principal may limit or ban speech if it violates the school's anti-bullying policy. Judge Felipe Restrepo presided over the mock trial.

Judge Hillman in the District Court for the District of New Jersey continues to coach the Moorestown High School Mock Trial team.

### **ACE Program**

On May 26, 2016, the Advancing Civics Education (ACE) program, in conjunction with The Rendell Center for Civics and Civic Engagement, held its Culminating event at the Byrne Courthouse in Philadelphia. The high school students

participated in a mock trial of Elonis v. United States. A representative from the NCC led the students in an interactive program about the Bill of Rights.

Judges Kugler and Altenburg in the District Court for the District of New Jersey provided civics education to students at Camden High School (Camden), DeMasi Middle School (Evesham), and Cherry Hill High School-West (Cherry Hill).

### **Law Day**

The celebration of Law Day took place on May 1, 2016 with events in many courts. In the Eastern District of Pennsylvania, Judge Cynthia Rufe hosted 150 high school students at the Byrne Courthouse to discuss the Korematsu case. The Reading and Allentown Courthouses also participated in this event which included 15 judges, attorneys from the U.S. Attorney and Federal Defender offices, CJA counsel, private practitioners and law clerks. The program was developed for the EDPA by the Administrative Office National Outreach Director, Rebecca Fanning in collaboration with Judge Rufe. It was staged as a pilot program, effectively engaged the students, and is available for other Courts" use on the JNET where film clips of the actual presentations are also included. In each Courthouse, box lunches were provided to the students along with free busing to the Courthouses for those schools who required it, courtesy of the county Bar Associations who regularly partner with the Court for this well received activity.

The District of the Virgin Islands hosted a Jury Poster Contest. High school students in private, public, and parochial schools in grades 9 through 12 were given the opportunity to submit a jury poster depicting the concept of **Legal System + Community = Jury**. The District Court embraced the opportunity to focus on the importance of the jury process and to create a consciousness and willingness to serve as jurors when called upon. The first place winners received a 16 GB iPad Mini and second place winners received a Pebble Smart Watch. The winning posters were displayed in the Jury Assembly Rooms of the Almeric L. Christian Federal Building and Courthouse.

### **Constitution Day**

This year's program at the NCC was held on September 16, 2016. In addition to our volunteers participating in Judge Chats at the National Constitution Center, Judge Cynthia Rufe of the Eastern District of Pennsylvania participated in an interview with a Student Reporter from the National Constitution Center. The Constitution Day article was published in *Time for Kids*.

In September, to recognize Constitution Day as well as the upcoming presidential election, the Western District of Pennsylvania Court invited Dr. Michael Siegel from the Federal Judicial Center (FJC) for a presentation on presidential leadership. Focusing on

how leadership skills of six recent American presidents (President Carter through President Obama) affect governance under Article II of the U.S. Constitution, this program was open to both court staff and members of the bar, and CLE credit was extended.

On October 13, 2016, the U.S. District Court for the District of New Jersey hosted its Fifth Annual Constitution Day Mock Trial Program. This year's program provided a brief insight into trial advocacy for approximately 75 students from several local high schools: Brimm Medical Arts High School (Camden), Kingsway Regional High School (Swedesboro), and Pemberton Township High School (Pemberton). The students presented a scripted Mock Trial - "The First Amendment and Freedom of Expression." The Program began with Welcoming Remarks by the Chief Judge, followed by a video describing the role of a juror, remarks by Judge Kugler on the role of a juror and a question and answer session lead by our law clerks. Judges Poslusny, Schneider and Bumb presided over the trials. The program ended with a brown bag lunch and student summaries of the Mock Trial experience.

### **Bill of Rights Day**

Five years ago Judge Rufe and colleagues at the EDPA institutionalized the Court's ad hoc efforts to include groups of school students at the Court Naturalization Ceremonies, and to provide those students with lectures and discussions with volunteer Judges before and after the ceremony. Discussions center on the role of the Courts, the citizenship process and timely issues of interest to the students. Box lunches are usually provided for the students. It is yet another opportunity for the federal courts to allow observation and discussion in an informal setting while being witness to a most moving ceremony. This year, eight judges, including Circuit Judge Cheryl Ann Krause and Chief Judge Petrese Tucker, enjoyed the opportunity to show the students the true work of the federal courts.

The EDPA also has moved its naturalization ceremonies to interesting and historic sites, including Pennsbury Manor (home of William Penn), the Pearl Buck House, and the National Constitution Center. Additional sites are planned for 2017. Besides providing another opportunity to have school students witness the ceremonies and later engage the judges in discussions, the public enjoys the Court's presence as well.

### **Activities with The Rendell Center**

Several Court of Appeals judges volunteered to assist The Rendell Center for Civics and Civic Engagement with several educational outreach projects during 2016. The first initiative was part of the Rendell Center's *We the Civics Kids Literature Based Mock Trial Program*. *The Literature-based Mock Trial Program* is a project through which students learn about America's judicial system by writing and arguing a mock trial

based on a piece of literature that students have been assigned to read. Judges McKee, Krause and Rendell served as judges in the culminating activities of the program – the trial – in grades 4 through 8 in six schools. Judges also provided assistance and oversight with Mock Appellate arguments designed by the Rendell Center using recent Third Circuit cases. Also, Judges Krause, Restrepo and Rendell provided interactive supplemental classroom lectures to High School students in several schools, discussing Supreme Court opinions including *Gideon v. Wainwright*, *TLO v. NJ*, *Citizens United*, *Tinker v. Des Moines*, *Hazelwood School District v. Kuhlmeier* and *Morse v. Frederick*.

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

The Western District of Pennsylvania hosted, for its sixth consecutive year, tours of the Weis Federal Courthouse to view beautiful works of art by local artists in the South Lobby; artists both known and unknown are afforded an opportunity to bring their art to audiences who may never have encountered them otherwise. The program has attracted national attention. The program's newest installation features works of art from Children's Hospital of Pittsburgh's Art Therapy Program.

The Western District of Pennsylvania also continued hosting tours for any interested groups. This past year, groups from the Duquesne University School of Law, Bishop Canevin High School, Pine-Richland High School, St. Benedict the Moor School, the Western Pennsylvania School for the Deaf, and the Girl Scouts, were among those who scheduled tours of the courthouse, along with others who participated in the Court's monthly naturalization ceremonies.

In the District of New Jersey (Newark), Judge Esther Salas hosted the annual Hispanic Bar Association Passaic Pipeline Program, where students from the Passaic High School are invited to observe court proceedings followed by a question and answer period.

The District of New Jersey (Newark) annually hosts the Rutgers School of Law Minority Student Program. Judge Esther Salas hosted the incoming class for a day of courtroom observation, followed by a question and answer session.

The District Court of the Virgin Islands, St. Croix Division, hosted two elementary schools during 2016 (March and November). The students of Ricardo Richards Elementary School and Juanita Gardine Elementary School met court staff, observed a court proceeding, interacted with attorneys, and heard from Chief Judge Wilma A. Lewis and Magistrate Judge George W. Cannon, Jr. Deputy U. S. Marshals also provided the students a guided tour of their facilities and explained the functions of their office. A U.S. Probation Officer also treated students to a locally produced video that addresses choices and consequences. Throughout the tours, employees stressed the importance of good character and good grades.

## **Special Events**

The District of the Virgin Islands commemorated Transfer Day with two very special naturalization Ceremonies on March 31, 2016. In the Division of St. Croix, Chief Judge Wilma Lewis presided over the Naturalization Ceremony of 44 prospective citizens at the 99<sup>th</sup> Anniversary Transfer Day Celebration at the Christiansted National Historic Site. At this event, the Honorable Sally Jewell, Secretary of the U.S. Department of the Interior, served as a guest speaker.

In the Division of St. Thomas, the Honorable Curtis Gomez presided over the Naturalization Ceremony of 55 prospective citizens at the Ron de Lugo Federal Building and Courthouse. Elvis Richardson, the Assistant Principal at the Addelita Cancryn Junior High School, was the guest speaker.

Again this past year, the Western District of Pennsylvania continued with its rotating art display. Every three months, a new artist or art group installs their work in the South Lobby of the recently renamed Joseph F. Weis, Jr. Federal Courthouse in downtown Pittsburgh for the enjoyment of all visitors and employees. This year's schedule featured submissions from a local high school in response to the Court's call for art in celebration of Bill of Rights Day on December 15. Submissions reflected the students' perceptions of the justice system, the ideals embodied by the Bill of Rights, and how the rights enshrined therein impact students in their daily lives. This display was followed by one from the Art Therapy program at the Children's Hospital of Pittsburgh (CHP). CHP's Art Therapy program allows patients, along with their entire family, to express their feelings and experiences during their hospitalization through various forms of art. In addition, 2016 was the 125th anniversary of CHP so, to mark the significance of that, and to highlight the work of the Art Therapy program, a reception of the young artists, the program's art therapists, CHP personnel, representatives of local government officials and local bar organizations and members of the Court attended a reception, held in the Lancaster Atrium of the Federal Courthouse on June 23, 2016.

One final event in the Western District of Pennsylvania in 2016, that brought together the District Court's Community Outreach and Case Management committees, was a program to celebrate the 10 years of the District's Alternate Dispute Resolution (ADR) program. Held on December 8, over 75 invited guests attended the event which began with a program featuring Judge Jeremy D. Fogel, the Director of the FJC and a member of the FJC consultation team that visited the Western District of Pennsylvania in 2004 to help the court develop the plan for its ADR program, as well as several judges involved since the inception of the program. Proclamations from government officials from the City of Pittsburgh, as well as Allegheny and Erie counties were presented and a reception followed.

The EDPA was selected as the site for the first National Advocacy Training Program in September 21-23, 2016. Hosting 24 associates sponsored by their Inn of Court, this training program was developed by the American Inns of Court in collaboration with the Inns of Court College of Advocacy. Utilizing three courtrooms and the Ceremonial Courtroom, preeminent judges, scholars and barristers trained in the Hampel method enjoyed the Court's hospitality and provided a rare opportunity for local and national attorneys to hone their trial skills. The success of this pilot program has established plans for continued training programs across the USA.

On April 28, 2016, the U.S. District and Bankruptcy Courts in Camden, New Jersey hosted "Take Your Child To Work Day." The theme was "Safe and Smart on the Internet/Social Media." The program began with the children making their donations to the Anna Sample House for homeless women and children. The Introduction and Welcome was given by U.S. Bankruptcy Judge Jerrold N. Poslusny. The featured presentations on Tween/Teen Internet Safety were conducted by age group, children ages 6 to 10 were given one presentation and children ages 11 to 16 were given another. Additionally, there were several other presentations given by: an Inspector/K-9 Officer from the Department of Homeland Security; U.S. Probation Agency; U.S. Pretrial Services; and U.S. Marshals Service. The students also participated in a Mock Trial; Judge Bumb presided over the trial. Finally, a healthy snack was provided to the children.

Chief Judge Wilma A. Lewis in the District Court of the Virgin Islands was the guest speaker at the promotional exercises of the sixth grade students of the Alfredo Andrews Elementary School on June 6, 2016. Judge Lewis addressed the audience of students, parents, and well-wishers with encouraging words regarding the opportunities available through perseverance and commitment to personal improvement.

Magistrate Judge George Cannon, Jr. in the District Court of the Virgin Islands spoke to members of the Rotary Club of St. Croix - West in August during the Club's vocational service program. Judge Cannon explained his profession to the audience of approximately 18 members. He also used the opportunity to encourage the members to have students shadow them for a day, as he has previously done.

In September, Chief Judge Wilma A. Lewis was invited to speak to the Rotary Club of St. Croix - Mid Isle. She educated the audience of approximately 40 people on the respective jurisdiction of the local courts and the District Court of the Virgin Islands. Judge Lewis explained how the relationship evolved locally based on the Organic Act of the Virgin Islands.

In December, Magistrate Judges Ruth Miller and George W. Cannon, Jr. in the District Court of the Virgin Islands addressed the audience of the Virgin Islands Bar at their annual meeting on St. Thomas. The Magistrate Judges discussed the new

amendments to the Federal Rules of Civil Procedure, and entertained questions from the audience of approximately 250 attorneys.

Mrs. Valerie Lawrence, the court reporter in the U.S. District Court for the Virgin Islands, St. Croix Division, attended an activity at Free Will Baptist School that used Administrative Professional Day to invite professionals to speak to students about their careers. Prior to her presentation, Mrs. Lawrence discreetly transcribed the teacher's introduction of the program. During her presentation she explained her educational and career path to the audience of high school seniors, and read back her transcription of the teacher's introduction. All in attendance were very impressed with her skill. The students were grateful for the experience and exposure to Court Reporting, a career many were not aware existed.

### **Naturalization Ceremonies**

A total of 525 people became new citizens of the United States through Naturalization Ceremonies conducted during the year. The St. Thomas/St. John Division administered 322 oaths, and the St. Croix Division administered 203 oaths.

In celebration of the National Park Service's centennial anniversary, three naturalization ceremonies were held at the National Parks in the Virgin Islands. On St. Croix, one ceremony was held at the Salt River Bay National Historical Park and Ecological Preserve and one ceremony was held at the Christiansted National Historic Site. A ceremony was also held at the Virgin Islands National Park on St. John.

### **Credit and The Bankruptcy Court Program**

The Bankruptcy Court for the Western District of Pennsylvania conducted its second annual event for high school students on October 14, 2016, called Credit and the Bankruptcy Court: Avoiding the Pitfalls of Student Finances. This event provided a forum for students to learn more about the pertinent financial issues facing today's students, such as the various types of debt, the long-term implications of debt and student loans, the responsible use of credit, and student budgeting. The forum also gave students an opportunity to meet bankruptcy judges and attorneys who provided an overview of the role of the bankruptcy courts in the federal judicial system.

### **Judges and Journalists Program**

Judges D. Brooks Smith, Marjorie O. Rendell, Cheryl Ann Krause, and Circuit Executive Margaret A. Wiegand hosted a one day workshop on November 14, 2016 – "Judges and Journalists: Accuracy and Access" – at the National Constitution Center. Linda Greenhouse was the keynote luncheon speaker. The Program covered a variety of topics including: Courts and the Media: A Dialogue; A Good "Lede" Paragraph in a

News Story; Changes in the Media and Media Law; and Hot Topics on the Horizon in the Courts. The program included panels with prominent judges, journalists, and attorneys. Journalists left the interactive program with a “toolkit” to enhance press coverage of the federal courts and the judiciary. Judges gained insight into the challenges faced by today’s journalists, and journalists better understood the role and responsibilities of a judge.

### **Flu Shots**

Since 2005, nurses from the Virgin Islands Department of Health's Immunization Program travel to the federal courts, set up a clinic, and offer free flu shots to individuals who work in or have access to the federal courts in the Territory. Last October, 60 people received a flu shot at the Court on St. Croix and 69 people received a flu shot at the Court on St. Thomas.