

United States Court of Appeals for the Third Circuit

PRESS RELEASE

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JUDGE SMITH TO SUCCEED CHIEF JUDGE McKEE AS CHIEF JUDGE OF THE THIRD CIRCUIT

PHILADELPHIA, PA – The Honorable D. Brooks Smith will succeed the Honorable Theodore A. McKee to become the thirteenth Chief Judge of the United States Court of Appeals for the Third Circuit on October 1, 2016. The Court considers appeals from federal courts and agencies in Pennsylvania, New Jersey, Delaware, and the Virgin Islands.

Judge Smith commented that “the Third Circuit has had extraordinary chief judges. I have served under six of them during my 28 years as a federal judge, and Ted McKee is a Chief who has demonstrated extraordinary leadership. He is exceptionally collegial, and both his collegiality and his judging exemplify his deep humanity.”

Judge Smith joined the Third Circuit in 2002 after serving as Chief Judge of the U.S. District Court for the Western District of Pennsylvania. He also served as a Judge of the Pennsylvania Court of Common Pleas and the District Attorney of Blair County, Pennsylvania. He has been an Adjunct Professor at Penn State University Law School since 2011. He is a graduate of Franklin and Marshall College and Dickinson School of Law and is currently the Chair of the Penn State Law Board of Advisors. Among his many achievements and contributions while serving on the Third Circuit, Judge Smith assisted various government agencies in promoting the rule of law in countries across the globe and has led the nation’s Space and Facilities Committee for the U.S. Courts.

“The Third Circuit is fortunate to have at the helm a judge with Brooks Smith’s demonstrated record of leadership. Judge Smith led the judiciary through a significant courthouse space reduction plan while also helping us secure a major commitment from Congress to replace aging court facilities around the country,” said James C. Duff, the Director of the Administrative Office of the U.S. Courts.

Chief Judge McKee began his term as leader of the Third Circuit in 2010 and joined the Court in 1994. Previous to that, McKee served as a Judge of the Court of Common Pleas of Philadelphia County, General Counsel of the Philadelphia Parking Authority, Deputy City Solicitor for Philadelphia, and an Assistant U.S. Attorney for the Eastern District of Pennsylvania. He has also served the community through organizations such as the Crisis Intervention Network, Concerned Black Men, New Directions for Women, Inc., and the Crime Prevention Association. On September 12, 2016, Chief Judge McKee formed the Third Circuit Task Force on Eyewitness Identifications to study and promote reliable practices for eyewitness identification and to deter unnecessarily suggestive identification procedures, which raise the risk of a wrongful conviction.

Judge Smith said, “Ted McKee is not only my colleague; he is also my dear friend. Following him as Chief Judge of the Third Circuit goes beyond what I would call a ‘daunting challenge.’ I may be succeeding him, but there is no way I can take his place. I am fortunate that he will continue on the court as an active judge, and as someone I will look to for advice and counsel.”

Director Duff added, “For over six years, my friend and colleague Judge Ted McKee has provided outstanding service as a member of the Judicial Conference, which sets policy for the

judiciary. Both men uphold a long line of dedicated leaders in the Federal Judiciary from the Third Circuit.”

According to federal law, the chief judge of a United States Court of Appeals or District Court is determined by seniority and age. The most senior active judge under the age of 65 may serve as chief judge for a maximum term of seven years or until the age of 70. The Chief Judge of the Third Circuit presides over a court of appeals consisting of as many as fourteen active judges and, at present, ten senior judges. The Chief Judge also serves as the presiding officer of the Judicial Council of the Third Circuit, made up of the six most senior active court of appeals judges and the chief district court judges. The Council is charged with making all necessary and appropriate orders for effective and expeditious administration of justice throughout the Third Circuit.

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