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ESSAY

A FEDERAL TRIAL COURT'S EVOLVING RESPONSIBILITIES TO THE RULE OF LAW

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Chief Judge Harvey Bartle III, almost fifteen years ago, detailed the origin and development of the United States District Court for the Eastern District of Pennsylvania from 1789 into a twenty-first century arbiter of a vast variety of disputes never contemplated by the Framers.¹ Chief Judge Bartle, through studying key cases and the judges' backgrounds, offered lessons from public servants addressing disputes in a developing nation. Judge Bartle ably continues his study along with several of his colleagues from 2009. But we face a new generation in 2025. The rapidly growing and diverse community, educated in technology and instant news cycles, created a need to address the crucial role of federal judges in our constitutional democracy in an effective manner. This need requires judges and professional court personnel drawn from widely varied experiences who are equally able to resolve disputes and offer timely insight into the role of judges in ensuring the rule of law.

The latest generation serving the nine counties in Southeastern Pennsylvania (including probation and pretrial services officers, and dozens of members of the clerk of court staff) is now called upon to address a more diverse and litigation-savvy population and media environment along with pronounced national concerns with criminal justice reform and reducing costs in civil trials. The court faces rapid development of technological tools used by the persons before it. It also faces a cry

* Judges Sánchez and Kearney serve on the United States District Court for the Eastern District of Pennsylvania. We thank our colleague Judge Harvey Bartle for his guidance and review. We thank two recent university graduate interns who interviewed dozens of persons for background and prepared initial outlines: Darby Albanese (Villanova University, May 2024) and Gabriella Trotman (West Chester University, Dec. 2023). The Judges' observations in this Essay do not speak for the United States Courts or any member of the United States District Court.

1. HARVEY BARTLE III, MORTALS WITH TREMENDOUS RESPONSIBILITIES: A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA (2011).

from the public and elected officials to diversify representation of judges, jurors, and court professionals.

The evolving court, led by inspired chief judges, responded to acclaim at each turn, including during challenges posed by the political branches' budget shutdown followed by a once in a century pandemic. The court adjusted to reduced allocations for professional staff, impaired funding, and outdated prepandemic technology. The court also responded to presidential and congressional interest in innovative treatment courts for persons facing reentry, mental health challenges, and drug relapse impairing their efforts to steer clear of further criminal conduct. The court at all levels developed several treatment modalities for persons working their way through the criminal justice system. While we recognize that the court today addresses a lower number of prisoner petitions, personal injury claims, and products liability cases than in 2009, it addresses more cases in intellectual property and civil rights. And, as true of the court for decades, the judges continue to preside by designation in matters from across the country in multidistrict cases as well as in dozens of matters each year from outside Eastern Pennsylvania.

This Essay addresses how one larger United States district court—through a generation of public servants with varied legal expertise but a common public service background—transformed the administration of justice under federal law in Eastern Pennsylvania over the past fifteen years. We first introduce the lawyers called to public service over the past fifteen years in the court. We next address how the judges drawn from across the district expanded and introduced novel criminal justice treatment courts to national acclaim and modeling. We then address the role of this district's judges in the community to an unprecedented extent across the nation. We lastly address how a large federal district court adapted in response to challenges posed by the 2019 government budgetary shutdown and a worldwide pandemic. The lessons from these events continue to inform the bench and bar in serving the community.

A. *A Generation of Public Servants Drawn from Community Service*

The court in 2009 consisted of experienced trial judges largely nominated by Presidents Jimmy Carter through George W. Bush.² Chief Judge Bartle and many of his colleagues drew from their state and local government careers. A political party system recognized experienced lawyers widely known in government or based on roles in politics.

The composition of the life-tenured judges has dramatically changed over fifteen years; only three of the twenty-two presently active judges served in 2009.³ Only three of the present magistrate judges served on the court in 2009.⁴ And the caseload has changed. The 2010 judges presided over forty-six thousand new multidistrict litigation matters, along with a heavy caseload of over fourteen hundred new personal injury and products liability matters.⁵ They also reviewed over twelve

2. See BARTLE, *supra* note 1, at 258–65.

3. Judges Diamond, Sánchez, and Goldberg served as judges in 2009.

4. Magistrate Judges Wells, Hey, and Sitarski served in 2009.

5. These statistics originate from internal court records of the Eastern District of Pennsylvania.

hundred new prisoner petitions.⁶ In contrast, the twenty-one active and eight senior judges in 2023 presided over 151 new personal injury or products liability cases and 743 new prisoner petitions.⁷ The multidistrict caseload, largely concentrated in asbestos matters and later with concussion cases filed by former professional football players, became a smaller portion of the docket largely because of the skilled pretrial management from Judges Robreno, Brody, and Strawbridge. The judges in 2023 presided over twenty-two new multidistrict cases, along with hundreds of others pending in pharmaceutical- and medical-device-related matters. The judges in 2024 saw a steady rise in intellectual property and patent matters; cases involving business or constitutional torts; and evolving multidistrict matters involving pharmaceuticals prescribed for, among other ailments, type 2 diabetes, expected to require extraordinary attention over the next several years. The judges in the district reviewed more filed cases in 2024 than presented in the earlier ten years.⁸ The present judges review many more employment disputes with a greater variety of claims and defenses than imagined fifteen years ago.

Our community benefitted from exceptional time-tested leadership by the chief judges following Judge Bartle. The chief judges over the last fifteen years have met each challenge. Chief Judges Tucker, Stengel, Sánchez, and now Goldberg addressed numerous management and policy issues while tending to always-busy dockets as active judges.

Presidents Obama (2009–2017), Trump (2017–2021), and Biden (2021–2025) nominated persons jointly recommended by Senators Casey and Toomey (and later Fetterman) to meet this changing docket. The senators followed a thoughtful approach set by Senator Specter and his colleagues: work together to find experienced and prudent persons vetted by lawyers and nonlawyers. Those persons would then serve on a panel to review hundreds of expressions of interest and recommend lawyers to the senators. Those women and men now serving as judges came from a wide variety of experiences including former state court judges, public defenders, federal and state prosecutors, and several from more specialized areas of civil practice, such as securities, education, patents, banking, national class actions, and complex catastrophic injuries. But a review of their experience confirms a uniform dedication to public service and scholarship.

1. Presidential Judicial Appointments from 2009–2017

President Obama assumed the presidency in 2009. He did not appoint a judge to the district until his second term beginning in 2013. He then eventually nominated nine

6. This statistic originates from internal court records of the Eastern District of Pennsylvania.

7. These statistics originate from internal court records of the Eastern District of Pennsylvania. Twenty-two active judges, eight senior judges, eight magistrate judges, and three bankruptcy judges presently serve in the District.

8. These statistics originate from internal court records of the Administrative Office of the United States Courts for year end 2024.

lawyers, seven of whom currently sit on the court.⁹ The first wave included Nitza I. Quiñones Alejandro, Jeffrey L. Schmehl, and Luis Felipe Restrepo.¹⁰

Puerto Rico native Nitza Quiñones Alejandro served on the Philadelphia County Court of Common Pleas for over twenty years following private practice in legal services and her time with the United States Department of Housing and Urban Development. Reading, Pennsylvania native Jeffrey Schmehl served as an assistant public defender, assistant district attorney, private lawyer in a larger Berks County firm, and then as president judge of Berks County. Medellín, Colombia native Luis Felipe Restrepo served as a magistrate judge on the court for over six years following a career as a Federal Defender, private defense attorney in Philadelphia, and leader in the Hispanic Bar Association along with then-Judge Quiñones Alejandro. Judge Restrepo served on the court until January 2016, when he joined the United States Court of Appeals for the Third Circuit, and later, the United States Sentencing Commission.

President Obama nominated six persons to serve on the court in 2013 and 2014.¹¹ He nominated one sitting state court judge and five lawyers from widely different practice groups. He first nominated Edward G. Smith and Gerald Austin McHugh, Jr. Easton, Pennsylvania native Edward G. Smith graduated from Franklin and Marshall College and Dickinson Law School and then served our country in the military before returning home to practice in Easton and the Lehigh Valley. Judge Smith tragically passed at a young age in November 2023, leaving a legacy of extraordinary service. Philadelphia native Gerald A. McHugh, Jr. graduated from St. Joseph's University and the University of Pennsylvania Law School, clerked with Judge Luongo in the district, and then represented injured persons in serious cases while leading organizations dedicated to equal access to justice.

President Obama then nominated four attorneys from private practice. Nigeria native and University of Liverpool graduate Wendy Beetlestone worked as a mass media journalist before graduating from the University of Pennsylvania Law School. She then clerked for Judge Gawthrop in this district, served as general counsel of the Philadelphia School District, and worked in private practice (as well as serving as President of the Philadelphia Bar Foundation and a member of the Pennsylvania State Board of Education) before her nomination. Montgomery County's Mark A. Kearney graduated from Villanova University and its law school, clerked in the Delaware Court of Chancery, founded an immigration center, and rose to the president position in the Montgomery County Bar and the Pennsylvania Bar Institute while serving as a managing shareholder in a regional law firm. Albany, New York native and Villanova University and Notre Dame Law School graduate Gerald J. Pappert established a private commercial litigation practice in a large Philadelphia law firm before joining

9. See *Biographical Directory of Article III Federal Judges, 1789-Present*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/search/advanced-search> [<https://perma.cc/4JT5-33VX>] (last visited Feb. 3, 2025) (filtered by "Court" and "Appointing President").

10. Press Release, The White House, President Obama Nominates Three to the United States District Court (Nov. 27, 2012), <https://obamawhitehouse.archives.gov/the-press-office/2012/11/27/president-obama-nominates-three-united-states-district-court> [<https://perma.cc/FC32-V4JL>]; Press Release, The White House, Presidential Nominations Sent to the Senate (Jan. 7, 2013), <https://obamawhitehouse.archives.gov/the-press-office/2013/01/07/presidential-nominations-sent-senate> [<https://perma.cc/VDB5-CY62>].

11. See *Biographical Directory of Article III Federal Judges, 1789-Present*, *supra* note 9.

the Pennsylvania Attorney General's Office and eventually becoming Pennsylvania's Attorney General. He then returned to private general litigation practice in a larger Philadelphia law firm while serving as Pennsylvania's Securities Commissioner before joining the court in late 2014. Allentown, Pennsylvania native Joseph F. Leeson, Jr. graduated from DeSales University and Catholic University Columbus School of Law and then began and grew his family law firm in the Lehigh Valley before joining the court.

2. Presidential Judicial Appointments from 2017–2021

President Trump nominated five persons to the District Court beginning in 2017;¹² they ranged in experience from state court judges to federal prosecutors and a lawyer with national experience.

Delaware County native Chad F. Kenney, Sr. graduated from Villanova University and Temple University Beasley School of Law. He then practiced in a larger Philadelphia firm before he returned to Delaware County where he served as the elected sheriff for several years. The citizens later elected him to the Delaware County Court of Common Pleas where he eventually served as president judge before he joined the court.

Joshua D. Wolson, born in Michigan and educated in the Lehigh Valley, graduated from the University of Pennsylvania and Harvard Law School before clerking for Judge DuBois on the court and then working for larger firms in Washington, D.C. and Philadelphia.

Philadelphia native John Milton Younge joined the court in July 2019 after a unique path to the court. President Obama originally nominated then-Pennsylvania Judge Younge in 2015, but his nomination ended when Congress adjourned. President Trump renominated Judge Younge, a graduate of Boston University and Howard University School of Law, who worked as a solo practitioner in Philadelphia before serving as a Judge on the Philadelphia County Court of Common Pleas for over twenty-three years.

Karen S. Marston, a graduate of Davidson College with a master's in elementary education, an elementary education teacher, and a Wake Forest University School of Law graduate, first worked as an Assistant United States Attorney in North Carolina and then joined the United States Attorney's Office in Philadelphia in 2006, eventually rising to the role of Chief of Narcotics and Organized Crime before joining the court.

John M. Gallagher, a native of Queens, New York and graduate of Long Island University and New York Law School, worked as a police officer and anti-crime officer for the New York City Police Department, and eventually joined the Philadelphia Police Department as special counselor to the police commissioner. He later served as the Assistant Chief of Police in the Miami Police Department for a year and served as an Assistant United States Attorney for over twenty years, including serving as the chief of the Allentown office for over five years before joining the court.

12. *See id.*

3. President Biden (2021–2025)

President Biden, like his immediate predecessors, looked to experienced trial lawyers with demonstrated public service.

Mia Roberts Perez is the first Asian American and second Latina judge (after Judge Quiñones Alejandro) on the court. A Philadelphia native and a Tufts University and Temple University Beasley School of Law graduate, she served as an assistant defender, moved into private practice for several years, and then served as a judge on the Philadelphia Court of Common Pleas beginning in 2016.

Philadelphia native John Frank Murphy obtained a Bachelor of Science from Cornell University and a master's and a doctorate degree from the California Institute of Technology. After he received his law degree from Harvard Law School, he clerked for Judge Moore of the United States Court of Appeals for the Federal Circuit, and then joined an intellectual property practice in a Philadelphia law firm before joining the court in 2022.

Philadelphia native Kelley Brisbon Hodge, a graduate of the University of Virginia and the University of Richmond T.C. Williams School of Law, joined the Richmond Public Defender's Office following graduation and remained there until returning home in 2004, where she joined the Philadelphia District Attorney's Office. She later served as the Title IX coordinator and executive assistant to the president at the University of Virginia from 2015–2016. Before joining the court, she became the first African American female District Attorney of Philadelphia and worked at private law firms.

Philadelphia native Kai M. Scott graduated from Hampton University and the West Virginia University College of Law, worked as an assistant defender at the Philadelphia Defender Association and Assistant Federal Defender in this district before serving as a judge on the Philadelphia County Court of Common Pleas for several years before joining the court.

Philadelphia native Mary Kay Costello joined the military for eight years following high school, graduated from Temple University and its law school with high honors, joined private law firms, and then worked for almost two decades with the United States Attorney's Office in Philadelphia before joining the court.

Catherine Henry, a graduate of Drew University and University of the District of Columbia School of Law, joined the court after serving as an assistant defender in state court and, like Judge Scott, an Assistant (and later supervising) Federal Defender in this district along with years of teaching trial advocacy.

Gail Weilheimer, a graduate of Hofstra University and its law school, began her career as an assistant district attorney in Philadelphia, practiced education and commercial law in Montgomery County, and then served as a judge of the Court of Common Pleas in Montgomery County for over ten years where she initiated competency protocols later modeled throughout the Commonwealth before joining the court.

4. The Court's Chosen Magistrate Judges and Clerks of Court

The court's progress in expanding its outreach can also be largely attributed to the talented lawyers chosen by members of the court to serve as United States magistrate

judges over the last fifteen years. This district has long had a reputation of exceptional magistrate judges, beginning with its first members. The magistrate judges in the district address habeas and Social Security matters, preside in hundreds of settlement conferences each year as referred by the district court judges, and now preside over a much larger number of trials where parties consent to their jurisdiction.¹³ This tradition of excellence has continued over the past fifteen years.

Richard A. Lloret became a United States magistrate judge after serving in the United States Attorney's Office following ten years of private practice. Marilyn Heffley, a trial lawyer with vast experience in corporate litigation and in managing national litigation, joined the court with Judge Lloret, but Judge Heffley passed away far too early in July 2022. Scott W. Reid served in the United States Attorney's Office Civil Division, worked in private practice in Philadelphia, and served as the president of the Black Law Students Association and on the Delaware Journal of Corporate Law.

Pamela A. Carlos served as an assistant district attorney in Philadelphia and managed a large number of cases for a midsize Philadelphia law firm. Craig M. Straw served as an assistant city solicitor in Pittsburgh and served for fifteen years in the Philadelphia Solicitor's Office, rising to the level of supervising attorney before joining the court.

José R. Arteaga served in the United States Marine Corps, became an assistant prosecutor in New Jersey, and then an Assistant United States Attorney for the criminal division in Philadelphia for many years before he was selected to serve as a magistrate judge. Caroline Goldner Cinquante served as a public defender in Texas and Philadelphia, a Judge Advocate Lieutenant in the United States Navy and later as Judge Advocate Captain with the Air Force, directed Temple University Beasley School of Law's LL.M. in Trial Advocacy program, and co-managed an electronic discovery firm in addition to her courtroom advocacy before beginning her service as a magistrate judge in 2025.

Public servants also serve as United States bankruptcy judges, continuing a tradition of excellence. Magdeline D. Coleman served as chief bankruptcy judge from 2019 to 2024 after being selected by the court of appeals in 2010 following a clerkship for Judge Scholl and a career with the U.S. Department of Housing and Urban Development and in private practice in both smaller and larger Philadelphia law firms focusing on insolvency work. Ashely M. Chan succeeded Judge Coleman as chief judge in 2024 after being selected by the court of appeals to join the court in 2014 after clerking for bankruptcy court Judge Burns in New Jersey and working with large and midsize Philadelphia insolvency practices. Patricia M. Mayer now serves with Chief Judge Chan from the court's Reading vicinage following a career in insolvency practice in Philadelphia, including in her own firms. Derek Baker joined the court in 2025 following a career in insolvency and bankruptcy law in Eastern Pennsylvania with a larger regional law firm, including being elected as a Fellow of the American College of Bankruptcy and serving as chair of the Eastern District of Pennsylvania Bankruptcy Conference.

13. The parties and counsel benefit from Circuit Judge Restrepo and Judge Diamond volunteering to assist the parties in resolving dozens of matters pending on other district judges' dockets and alleviating the workload on magistrate judges.

The court also transitioned from the longest serving clerk of court in the United States courts, Michael E. Kunz, who retired in 2016. Clerk Kunz began as a deputy clerk and eventually became recognized as an innovative clerk of court, focusing on the best interest of the court and its interaction with the political branches, lawyers, and the community. The Board of Judges selected Kate Barkman, Esq. to fill Clerk Kunz's shoes and serve as the first female clerk of court after years of administering a large docket in Allegheny County, Pennsylvania. Clerk Barkman led the Clerk's Office during a period of significant challenges, including a reduced budget and allocation of resources for the district, a government shutdown, and the COVID-19 pandemic. Clerk Barkman left the court in 2022. The Board of Judges then selected George Wylesol, who formerly served as deputy clerk to Judge DuBois in this district and then rose to a management clerk position in the District of Delaware Clerk's Office. Clerk Wylesol also faces significant challenges in doing more with less resources, particularly coming out of the COVID-19 pandemic and with the demand from the public and lawyers for technological advances now so common in their home and law firm offices.

This generation of public servants with widely different experiences but who are stridently dedicated to the rule of law created several programs to aid our communities while facing unprecedented challenges. This generation brings thoughtful energy and focus to more specific offender reentry issues arising from mental health and drug addiction relapse.

B. Treatment Courts Evolving into a National Criminal Justice Model

Judge Bartle introduced the concept of treatment courts to the district judges during President George W. Bush's and Attorney General Alberto Gonzalez's tenure. He discussed their early days in his 2011 book.¹⁴ But, we venture to guess that no one could have imagined how successful these efforts would be.

1. The STAR Reentry Court Offers a National Lesson

President Bush and Attorney General Gonzalez began a focused effort to bring treatment courts more common in state drug treatment programs to the federal courts in 2005. The United States Attorney for this district, Patrick Meehan (later a U.S. congressman), had a long-stated interest in reducing street crime in the Philadelphia area. He saw a way to meet President Bush's goals with his street crime initiatives. He volunteered his Assistant United States Attorneys in the Eastern District to explore the best means of accomplishing the administration's hope of working to reduce repeat offenders then under probation officers' supervision. It was the only program chosen by the Department of Justice on the Eastern Seaboard. Patrick Meehan, along with experienced federal prosecutor Maureen Barden, reached out to their former colleague, Magistrate Judge Timothy R. Rice, who took on the opportunity and led the program until leaving our district in 2022. This idea became known as the Supervision to Aid

14. See BARTLE, *supra* note 1, at 237–38.

Reentry (STAR) program, which has grown in import and impact since 2010 here and across the nation.¹⁵

The STAR program shines. It continues to receive national recognition for its sixteen-year history of successfully mitigating recidivism for returning citizens convicted of violent crime in the Eastern District of Pennsylvania.¹⁶ It started with twelve participants and has expanded to thirty or forty participants divided into two separate courts. The selected persons attend biweekly sessions before a judge, currently either Judges Restrepo (since 2008) or Reid (since 2022).¹⁷ Representatives from the United States Attorney's Office, the Federal Defender's office, the probation office, and the judges meet for approximately ninety minutes before each biweekly court session to discuss the participants' progress and develop plans to succeed. They discuss all aspects of their supervised release, interim challenges, and long- and short-term goals.

Participating in the program results in more than just a reduced sentence.¹⁸ The program involves people in the participants' lives helping to walk them through the obstacles faced by persons returning from long sentences.¹⁹ Ensuring individuals get out and stay out of prison is a continued priority for the program, the participants, the prisons, and their resources. The STAR program's analytics prove recidivistic outcomes are preventable.²⁰

15. See Judge L. Felipe Restrepo & Judge Scott W. Reid, Reentry Court Program, 2023–2024 Annual Report 4 (Mar. 19, 2024) (unpublished report) (on file with authors) (describing the impact of the STAR program locally and nationally).

16. See *Court Eases Reentry into Community and a Crime-Free Life*, U.S. CTS. (Mar. 11, 2020), <https://www.uscourts.gov/data-news/judiciary-news/2020/03/11/court-eases-reentry-community-and-crime-free-life> [<https://perma.cc/3WAE-GSWR>]; Zoe Tillman, *Federal Courts Focus on High-Risk Ex-Offenders*, NAT'L L.J. (June 7, 2016), <https://www.law.com/nationallawjournal/almID/1202759416650/> [<https://perma.cc/D3QK-DLVT>]; Jeremy Roebuck, *Holder Endorses Federal Ex-Offenders Program*, PHILA. INQUIRER (Nov. 5, 2013, 8:18 PM), https://www.inquirer.com/philly/news/20131106_Holder_endorses_federal_ex-offenders_program.html [<https://perma.cc/Z3CN-GWC5>].

17. Judge Rice and Judge Restrepo led the two reentry courts before 2022.

18. Judge Timothy R. Rice, Judge Luis Felipe Restrepo & Edwin Villanueva, *Keynote Presentation: Supervision To Aid Reentry (STAR) Program*, 89 TEMP. L. REV. 673, 676 (2017).

19. *Id.*

20. Since the program began, only 14% of its 471 participants have been rearrested or revoked. A rate of 14% is significantly below the district's revocation rate for similarly situated individuals not enrolled in the program. The STAR court's 2023–2024 annual report shares analytics demonstrating the ongoing success of the program's initiatives: 377 of 471 (80%) total participants since 2007 either have graduated (343), are currently in the program (29), or have completed the program and will take part in the next graduation (5). Restrepo & Reid, *supra* note 15, at 2. Of the 471 total participants since 2007, only sixty-seven persons (14%) failed to complete the program due to revocation (46) or rearrest (21). *Id.* The remaining participants who enrolled in the program but did not graduate (27 of 471) either moved from the Philadelphia area, died, obtained employment that precluded regular attendance at court sessions, voluntarily left, or were discharged for noncompliance unrelated to new criminal activity. *Id.* at 2 n.4.

This remains below the U.S. Probation Office's national prepandemic five-year average revocation rate of 29.2% for all risk types. Given the uncertainty surrounding the impact that the COVID-19 pandemic has had on revocation rates during the time period since March 2020, the most relevant five-year time period for comparison's sake is 2015–2019, which saw a 29% revocation rate for similarly situated individuals. See U.S. Probation Office for the Eastern District of Pennsylvania, Fiscal Year 2020 Annual Report 24–25 (on file with authors). In fiscal year 2023, the U.S. Probation Office for the Eastern District of Pennsylvania reported an

The STAR program has national impact. It continues to be a model program locally and nationally. In 2010, former Attorney General Eric Holder confirmed the Department of Justice planned to replicate the court's reentry program nationally.²¹ The most unique aspect of the program is the dialogue and group dynamic. The establishment of goals and the uniform sanctions employed to foster positive changes in behavior truly create an environment dedicated to the participants' short- and long-term success. Participants experience the joy of their completion through a graduation ceremony. Participants, their families, and presiding judges join to celebrate this accomplishment together. It is a special experience for all involved. Participants avoid revocation proceedings and recidivism all together, easing their transition back into community, and making it a better place along the way.

2. The Court Focuses on Specialized Programs Addressing Mental Health and Addiction Relapse Affecting Citizens in the Criminal Justice System

Judges Rice and Restrepo, Assistant United States Attorney Barden, federal defenders, and the probation officers worked the STAR program's growth into a featured aspect of the court by 2011. Judge Rice did not stop. Judge Rice spearheaded the Mental Health Protocol as a pilot innovative mental health program in 2011 in response to the 21st Century Cures Act, through which Congress mandated an evaluation of federal problem-solving court programs and encouraged the implementation of interventions for seriously mentally ill defendants in federal custody.²² This protocol assists individuals on bail or supervision who show signs of persistent and severe mental health issues contributing to their offense. The program's goal is to prevent recidivism and promote mental health stability.

The Board of Judges later adopted this pilot protocol as a permanent program in early 2020 as the Strategies that Result in Developing Emotional Stability (STRIDES) program, which adopts the model from the STAR program.²³ Each selected participant is assigned a team consisting of at least one Assistant United States Attorney, Assistant Federal Defender, and supervising officer, together with an assigned judge. The team is

overall 14.6% revocation rate for all individuals on supervision. The national average revocation rate for all individuals on supervision is 33.2%. When the revocation rate is adjusted by those with similarly moderate and high-risk levels, the national average revocation rates (over a similar time frame) are 54.9% and 70.3%, respectively. These accomplishments highlight the impact STAR continues to make. The use of intermediate sanctions by the STAR reentry program reduces criminal justice system involvement overall.

The program directly impacts the offenders' and their families' lives and indirectly affects many others. Lower recidivism rates directly correlate with the amount of court and corrections resources saved. Incarcerating a federal offender costs approximately \$42,672 annually. It costs approximately \$39,197 to establish halfway house confinement per individual. *See generally Annual Determination of Average Cost of Incarceration Fee (COIF)*, 88 Fed. Reg. 65405-06 (Sept. 22, 2023).

21. *See* Restrepo & Reid, *supra* note 15, at 4.

22. Kimberly A. Houser, Christine A. Saum & Matthew L. Hiller, STRIDES Program, U.S. District Court – Eastern District of Pennsylvania: Process and Outcome Evaluation Research Report (Nov. 2021) (unpublished report) (on file with author).

23. *The "STRIDES" Program (Strategies That Result In Developing Emotional Stability): A Proposal for the Eastern District of Pennsylvania*, U.S. DIST. CT., E. DIST. OF PA. 1 (Jan. 13, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/STRIDES%20Program%20Description.pdf> [<https://perma.cc/9P3B-AHZQ>].

responsible for working together to address the participant's mental health needs. The successful candidates are then eligible for a one-year reduction in their term of supervised release.

Judge Rice invited Magistrate Judge Elizabeth Hey to join the leadership team. Judge Hey earned a doctorate in Clinical Psychology from Hahnemann (now Drexel) University. She also has extensive experience with mental health cases from her time as an Assistant Federal Defender for the Eastern District of Pennsylvania (like Judge Restrepo's experience). Magistrate Judge Richard Lloret also assisted in the beginning stages. Judges Hey and Carlos presently manage the STRIDES program.

The STRIDES model, like the STAR program, requires participants to complete fifty-two weeks of credit. It is possible to complete the program over the span of a year. Participants must attend status hearings every other Thursday.²⁴ The hearings measure the participants' compliance with the conditions of their bail or supervision, and discuss plans of action to address their needs. The STRIDES team discovered participants found it easier to maintain accountability when they interacted often with their team and other participants. STRIDES meetings are brief and more positive than negative.

STRIDES planned a partnership with Drexel University to allow participants to take part in its Cognitive Behavioral Therapy (CBT) course, akin to what Drexel offered in the STAR program.²⁵ This CBT course focuses on restructuring, behavioral activation, exposure, and developing good action plans for out-of-session practice that benefit participants for a lifetime. The course is under the Wellness, Risk-Reduction, and Prevention (WRAP) program, which requires participants to complete a thirteen-week module with an additional thirteen weeks available depending on their needs. Drexel offers the course at a reduced fee for STRIDES participants. The remaining amount is funded through the Luongo Fund for post-conviction participants and the Second Chance Act for pretrial participants.²⁶ Several participants also received aid provided by the Temple University Beasley School of Law Federal Reentry Court Clinic.

The STRIDES program has been highly successful. One of the program's strengths is the ability to address defendants on a highly individualized basis.²⁷ To better accommodate participants in surrounding counties, STRIDES started holding video hearings for persons who live closer to the Allentown and Reading courthouses.

The court followed the STAR and STRIDES successes in 2018 with a pilot Relapse Prevention Court program. Its overarching aim is to assist individuals with significant drug use histories and risk of relapse upon their release from federal

24. Judge Elizabeth T. Hey & Judge Richard A. Lloret, STRIDES Program Annual Report (Mar. 2024) (on file with author).

25. *See id.* at 5.

26. *Id.*

27. One participant, who struggled with regulating high levels of stress in dealing with harassment at home, made significant progress while in the program. The STRIDES team found this participant treatment and peaceful shelter away from the pressures at home. Another example: A veteran who suffered from PTSD and anxiety participated in the STRIDES program. With the help of his STRIDES team and his hard work, by the completion of the program the veteran no longer showed signs of threatening conduct and had not been charged with violations of his supervision.

custody. All participants have maintained a lengthy period of sobriety by the time they enter the program, whether due to incarceration or participation in programming (like inpatient treatments).²⁸ The Relapse Prevention Court consists of an interdisciplinary team and participants in various phases and stages of recovery. Participants gather every other week to share progress, goals, challenges, and updates. Circuit Judge McKee and Judge Schmehl lead the program, which shares resources and community partners established through the STAR Court.

C. *The Court Engages in Outreach to Promote the Rule of Law and Diversify Our Juries*

The courts have long maintained an outward look to our community in welcoming students into our courthouses. But over the last fifteen years, the court has engaged in purposeful outreach with a variety of specific programs designed to promote the rule of law and judicial independence at every level of public engagement and throughout a lifetime learning cycle. The court, through each of its chief judges, working together with the chief judge of the Third Circuit court of appeals, has made community outreach and civics education a significant part of its mission while working through identified committee leaders such as Judges Padova, Rufe, Sánchez, and Kearney.

The court has participated in continuing education and education of lawyers and law students for decades. Then and today, judges teach at every law school in the Philadelphia area. They also teach other judges through various judicial education programs, as well as attorneys attending seminars throughout the United States.

Judge Rufe has continually invested substantial time to promoting the rule of law in our communities in addition to managing her complex docket. Judge Rufe managed the Law Day program for many years, hosted lawyers and judges from other countries, served as President of the Federal Judges Association, and most recently succeeded in bringing an adult civics education program to the Community College of Philadelphia and the Bucks County Community College. Judge Rufe also works with the court of appeals in the community efforts led by the former Chief Judge of the Third Circuit, D. Brooks Smith. Their efforts include an essay contest for fifth and sixth graders, a video contest for students of all levels, and repeated outreach across the jurisdiction.

As Chief Judge, Juan R. Sánchez promoted the community outreach and public relations portions of the court's outward-facing focus consistent with his outreach efforts as a Chester County Court of Common Pleas judge. He and other judges regularly visited with students, particularly those of diverse backgrounds, to promote the rule of law and increase the diversity in our profession. The judges began and continue to develop an innovative jury diversity and education project after extensive study of the makeup of juries in our district. These efforts are described in a *Temple Law Review* article and have inspired many community leaders at the federal and state levels to focus on the need for juries representing the entirety of the community.²⁹

28. U.S. Probation Off., Relapse Prevention Court Proposal, U.S. DIST. CT., E. DIST. OF PA. 5 (Feb. 2018), <https://www.paed.uscourts.gov/sites/paed/files/documents/Drug%20Court%20Proposal.pdf> [https://perma.cc/8KUL-6MA8].

29. Chief Judge Juan R. Sánchez, *A Plan of Our Own: The Eastern District of Pennsylvania's Initiative To Increase Jury Diversity*, 91 TEMP. L. REV. ONLINE 1 (2019).

Judges Schmehl, McHugh, Younge, Perez, and others are now leading a targeted effort in conjunction with community nonprofits, law schools, and the state court leadership to educate potential jurors about the importance of jury service with a particular focus on increasing the diversity in our jury pools.

Judge Sánchez and Chief Judge Goldberg remain vigilant in promoting the rule of law and judicial independence through a robust community outreach committee led for several years by Judges Padova, Rufe, and now Kearney. This committee holds bimonthly extended conferences discussing initiatives across the district, and in many cases, across the Commonwealth. The committee organizes through the able assistance of Clerk of Court Wylesol's team, coordinating regular visits from grade schools and high schools into our courtrooms. The court benefits from its close physical proximity to our neighbor, the Constitution Center. Most of the judges participate in Judge Chats, in which they speak to groups of students at the Constitution Center, as well as in Read Aloud programs where the judges read from books to first through third graders almost every month. The court also, through the Rendell Center, presides over high school mock trials and works closely with the Pennsylvania Bar Association in reaching into every town in the Eastern District.

The court's outreach is uniquely designed to educate students from the early primary grades through adult civics education. It is difficult to find a week in which some member of the court is not engaged in speaking or community outreach at every level of the educational system. The court highlights these efforts in its widely followed social media presence, attempting to reach audiences more accustomed to video and instant news than mailings more common a generation ago.³⁰

D. A Busy Urban Court Adjusts to Budget Restrictions and a Pandemic

On top of a declining budget, the court had to contend with a protracted partial government shutdown from December 22, 2018 to January 25, 2019. This thirty-five-day shutdown was the longest in history.³¹ Although the judiciary possessed sufficient funds to continue operations for some period of time, it could not do so indefinitely. As the shutdown wore on, there was a real risk that the available funds would be exhausted, the judiciary and partner agencies would be required to reduce operations, and employees, jurors, and Criminal Justice Act attorneys would not be paid.

To plan for this possibility, Chief Judge Sánchez convened an emergency group of court unit executives and other key stakeholders in the justice system to meet and address issues of common concern. The emergency group included the district's four court unit executives (the Chief U.S. Probation Officer, the Chief U.S. Pretrial Services Officer, and the clerks of court for the district and bankruptcy courts) as well as representatives of the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Community Defender Office, and the General Services Administration. The group met

30. See U.S. Dist. Ct., E. Dist. of Pa., LINKEDIN, <https://www.linkedin.com/company/104268067/admin/dashboard/> (last visited Jan. 18, 2025).

31. Caitlin Yilek, *What Was the Longest Government Shutdown in U.S. History?*, CBS NEWS (Sept. 30, 2023, 10:21 PM), <https://www.cbsnews.com/news/longest-government-shutdown-us-history/> [<https://perma.cc/6KMZ-8EAV>].

several times in January 2019 to discuss shutdown plans and to prepare to continue essential operations consistent with federal law.

The court continued with full operations for the duration of the shutdown. But the establishment of the emergency group proved invaluable as a resource for future crises, including other government shutdowns and the COVID-19 pandemic.

Beginning in March 2020, the court faced an unprecedented set of challenges with the onset of the COVID-19 pandemic. The pandemic affected every aspect of daily life and required significant adjustments to court operations to ensure the court could continue to fulfill its constitutional responsibilities while also protecting the health and safety of the court's workforce and all those entering court facilities. Forced to curtail on-site operations, the court adapted and found new and innovative ways of working, some of which remain in place today. Throughout the many stages of the pandemic, the court remained open and operational due to the dedication of its judges and workforce and the efforts of partner agencies and the bar.

Key to the court's success in navigating this extraordinary public health crisis was communication. As concern about the spread of COVID-19 grew, Chief Judge Sánchez convened the emergency group and expanded it to include representatives of the Federal Detention Center, where most of the district's pretrial detainees and those awaiting sentencing were housed, as well as additional judges, including the chairs of the court's Criminal Business Rules and Jury Committees, the magistrate judge liaison, and others. The group met weekly by phone from March 2020 until August 2020 and continued to meet regularly thereafter providing a critical forum for court units, partner agencies, and court leadership to share information, address operational issues, and problem solve. At the circuit level, Chief Circuit Judge Brooks Smith convened weekly calls with all chief judges within the Third Circuit. These calls provided an opportunity to share information among districts and helped to facilitate a unified response to the pandemic within the circuit, consistent with the best available public health guidance and conditions on the ground in each district.

Chief Judge Sánchez also established an advisory group of judges composed of the chairs of the court's committees in certain core operational areas and worked closely with the clerk of court. The advisory group included the chairs of the court's Criminal and Civil Business Rules Committees, Jury Committee, Space and Facilities Committee, and Education Committee.³² The group met regularly throughout the pandemic to steer the court's response and necessary operational changes. As the court began implementing a phased reopening plan, an ad hoc committee of three judges monitored COVID-19 trends and data in the district and made recommendations regarding any shifts in the court's operational posture.

The court's initial response to the pandemic focused on transitioning to remote operations to ensure the court could remain open while protecting health and safety. As schools and business in the district began to close, the court quickly acted to reduce in-person activity at court locations by temporarily suspending jury trials and public

32. Judge Savage (Criminal Business), Judge McHugh (Civil Business), Judge Schmehl (Jury), Judge Diamond (Space and Facilities), and Judge Quiñones Alejandro (Education) served on the Advisory Committee.

gatherings in court facilities.³³ Within a week, the court sent most employees home to work remotely.

The rapid shift to remote work did not prove easy. Many of the court's operations remained paper-intensive, and the court lacked enough laptops and other necessary equipment to allow employees to remotely perform their job responsibilities. The court managed to shift to teleworking in a highly compressed timeframe, thanks almost entirely to long hours from its IT professionals.

While operating remotely, the court had to find new ways of doing things to ensure its essential work could continue. The court expanded electronic filing, suspending provisions of its Local Civil Rules to permit initial papers in civil cases to be filed electronically, and accepting pro se filings via email.³⁴ Almost immediately, magistrate judges began holding felony preliminary proceedings by videoconference with individuals detained at the Federal Detention Center in Philadelphia and the Lehigh County Jail. With the enactment of the Coronavirus Aid, Relief, and Economic Security (CARES) Act in late March of 2020, video and telephone conferencing became available for an expanded range of criminal case events, including felony pleas and sentencings, during the COVID-19 national emergency.³⁵ In April 2020, judges began conducting additional criminal proceedings by video conference with individuals detained at the Federal Detention Center prioritizing proceedings that might lead to release. Individual judges also began using video and telephone conferencing for

33. Chief Judge Juan R. Sánchez, Standing Order In re: Temporary Continuance of Civil and Criminal Jury Trials Due to the Exigent Circumstances Created by COVID-19, U.S. DIST. CT. FOR THE E. DIST. OF PA. ¶¶ 2, 7 (Mar. 13, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/Standing%20Order%20-%20Temporary%20Continuance.pdf> [https://perma.cc/CV3K-KSXP].

34. Chief Judge Juan R. Sánchez, Standing Order In re: Electronic Filing of Complaints in Civil Cases, E. DIST. OF PA. (Mar. 17, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/Standing%20Order%20-%20Electronic%20Filing%20of%20Complaints%20in%20Civil%20Cases.pdf> [https://perma.cc/PQ9C-HHFE]; Chief Judge Juan R. Sánchez, Standing Order In re: Extension of Adjustments to Court Operations Due to the Exigent Circumstances Created by COVID-19, U.S. DIST. CT. FOR THE E. DIST. OF PA. ¶ 15 (Apr. 10, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/StandingOrder-1ExtAdjCtOpCOVID-19.pdf> [https://perma.cc/PQ83-9BCT].

35. Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527–30 (2020). Upon a finding by the Judicial Conference of the United States that emergency conditions due to the COVID-19 national emergency would materially affect the functioning of the federal courts, the CARES Act granted chief judges of district courts covered by the finding emergency authority to allow the use of video and telephone conferencing for an expanded range of criminal case events. *Id.* § 15002(b), 134 Stat. at 528. On March 30, 2020, Chief Judge Sánchez authorized the use of video and telephone conferencing for all criminal case events listed in Section 15002(b) of the Act. Chief Judge Juan R. Sánchez, Standing Order In re: Video Teleconferencing and Telephone Conferencing for Criminal Proceedings Under the CARES Act, U.S. DIST. CT. FOR THE E. DIST. OF PA. (Mar. 30, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/StandingOrderVidTelCrProceedings.pdf> [https://perma.cc/PV8Z-V6R9]. The authorization was renewed every ninety days for the duration of the COVID-19 national emergency. *See* Chief Judge Juan R. Sánchez, Standing Order In re: Video Teleconferencing and Telephone Conferencing for Criminal Proceedings Under the CARES Act – Twelfth Extension, U.S. DIST. CT. FOR THE E. DIST. OF PA. (Feb. 24, 2023), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/StandingOrder-VideoTelephoneExtension12.pdf> [https://perma.cc/WLB5-KTLU]; Chief Judge Juan R. Sánchez, Amended Standing Order In re: Video Teleconferencing and Telephone Conferencing for Criminal Proceedings Under the CARES Act – Twelfth Extension, U.S. DIST. CT. FOR THE E. DIST. OF PA. (Apr. 21, 2023), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/StandingOrder-VideoTelephoneExtensionEnd.pdf> [https://perma.cc/ZLT3-ZNR8].

conferences and arguments in civil cases, and magistrate judges began holding settlement conferences by video conference.

While operating mostly remotely, the court also began planning for a phased reopening. In June 2020, as public officials lifted “stay-at-home” orders, the court began gradually bringing employees back into the workplace on a staggered schedule and resumed holding essential in-person proceedings in a limited number of designated courtrooms with masking and other precautions in place. Judges first held proceedings in just two designated courtrooms, which were available for a morning and an afternoon session four days per week. Four courtrooms were available by July 2020. Judges prioritized criminal cases, especially pleas and sentencing hearings.

Resuming jury trials posed a considerably greater challenge. Judge Schmehl, the Chair of the Jury Committee, established a working group which drafted the Initial Guidelines for the Reinstitution of Jury Trials.³⁶ He also worked with the U.S. Attorney’s Office to identify cases suitable for the first round of trials, prioritizing short, single-defendant cases involving accused persons in custody. In September 2020, the court resumed holding criminal jury trials on an extremely limited basis under these Guidelines. These trials were both space- and staff-intensive. Each trial required the use of four courtrooms and the jury assembly room for jury selection, and two courtrooms for trial, one of which was used as the jury deliberation room.

As trials resumed, the court issued COVID-19 Reopening Guidelines, drafted by Judge Quiñones, which outlined the court’s phased approach to reopening, including the operations appropriate at each phase.³⁷ An ad hoc committee chaired by Judge Quiñones, which included Judge Bartle and Judge Wolson, monitored COVID-19 data and trends in the district to evaluate when the court could safely transition from one phase of reopening to another.

In October 2020, to address the backlog in arbitration hearings, the court suspended various provisions of Local Civil Rule 53.2,³⁸ allowing arbitration hearings to be conducted remotely by video conference.³⁹ The first virtual arbitration hearing was later held in January 2021.

The reopening process was not linear. After conducting four criminal jury trials in September and October 2020, the court paused all jury trials in November 2020 as COVID-19 cases surged in the district, including at the Federal Detention Center.

The high COVID-19 case counts persisted through the winter and much of the spring of 2021, and with the agreement of a majority of the Board of Judges, jury trials remained suspended through April 2021. The court eventually expanded in-person operations by May 2021 when it resumed holding criminal jury trials on the same limited basis as in Fall 2020. At the same time, the court expanded the number of

36. United States District Court for the Eastern District of Pennsylvania Initial Guidelines for the Reinstitution of Jury Trials (Oct. 1, 2020) (on file with the Eastern District of Pennsylvania).

37. United States District Court for the Eastern District of Pennsylvania COVID-19 Reopening Guidelines (Oct. 1, 2020) (on file with the Eastern District of Pennsylvania).

38. E.D. PA. L. CIV. R. 53.2.

39. Chief Judge Juan R. Sánchez, Standing Order In re: Conducting Arbitration Hearings by Videoconference, E. DIST. OF PA. (Oct. 5, 2020), <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/Standing%20Order%20-%20Conducting%20Arbitration%20Hearings%20by%20Videoconference.pdf> [<https://perma.cc/72K3-T25B>].

courtrooms available for in-person proceedings from four to fourteen. In June 2021, the court resumed civil jury trials with an initial limit of one trial per week using the Ceremonial Courtroom in the Philadelphia federal courthouse. Arbitration hearings, settlement conferences, and mediations could again be held in person, though remote arbitration hearings remained an option. Additionally, the Clerk's Office reopened to the public with limited hours.

In July 2021, civil jury trials returned to regular courtrooms, with jury selection available three days per week. In September 2021, judges began scheduling civil and criminal jury trials in individual courtrooms as they saw fit, subject only to limitations on the number of jurors summoned for each trial and per day. Judges began tackling the backlog of civil and criminal trials with the increased capacity. From May 2021, when jury trials resumed, through the end of the COVID-19 national emergency in April 2023, judges held approximately 175 jury trials—69 criminal and 106 civil⁴⁰—effectively eliminating the pandemic-related backlog.⁴¹

As operations returned to a new normal, judges continued to make use of remote proceedings as needed. Magistrate judges continued to conduct felony preliminary proceedings by video conference until May 2022 and then used a combination of remote and in-person hearings until duty hearings resumed entirely in-person in March 2023. In addition, the CARES Act authorization for expanded video and telephone conferencing for criminal case events remained available for the duration of the COVID-19 national emergency, and judges continued to conduct proceedings remotely in appropriate cases.

Throughout the reopening process, the court kept the bar and the public informed of changes in its operational status through its website.⁴² Judges appeared often in virtual legal education programs sponsored by county bar associations across the district to update the hundreds of attorneys interested in learning when they would be able to have full access.

While the pandemic created tremendous dislocation for the court and the entire legal community, it also pushed the court to find new—and sometimes better—ways of doing things to remain open and operational. The court reduced its reliance on paper. This change remains in place today, as reflected, for example, in the court's updated Local Civil Rules regarding electronic case filing.⁴³ With limited ability to hold in-person proceedings, judges adapted to new technologies and learned what types of proceedings could effectively be conducted by videoconference or teleconference. Even absent restrictions on in-person proceedings, remote hearings remain a helpful adjunct to in-person proceedings for many judges. This is also true for the court's arbitration program, in which the virtual arbitration option remains available at the parties' election. Although in-person has remained the preferred format for arbitration hearings since 2022, a quarter or more of all arbitration hearings held in 2023 and 2024

40. These statistics originate from internal court records on file with the Eastern District of Pennsylvania.

41. These totals reflect the number of juries selected during this period and may include cases ending before a verdict.

42. *Notices*, U.S. DIST. CT., E. DIST. OF PA., <https://www.paed.uscourts.gov/notices> [<https://perma.cc/7GGU-9VJ8>] (last visited Apr. 17, 2025).

43. See E.D. PA. L. Civ. R. 5.1.2(2)(b), (6).

remained virtual.⁴⁴ The pandemic experience showed public servants can be effective working remotely, enabling the court to retain hybrid work schedules for many employees.

E. An Innovative Court Moves to the Next Challenges

The nature of the cases and backgrounds of the judges in the fifteen years since Chief Judge Bartle's detailed history of the court has changed many of the ways the court interacts with lawyers and communities. The court's members now face a need to involve the public, lawyers, and litigants (especially those under criminal supervision) more directly in a dialogue. Nationally honored treatment courts, weekly outreach to students of all ages, and an ever-growing familiarity with the benefits of technology in resolving disputes brought on by budget concerns and a worldwide pandemic are the hallmarks of this transition. The United States District Court for the Eastern District of Pennsylvania continues to lead in its scholarship and efficiency. It can now add the transition to a responsive court as another capstone to the legacy formed in 1789 and fostered by over 110 judges and thousands of officers, law clerks, and professionals working with the Clerk of Court since its inception to meet the promise of equal justice under the law.

44. This statistic originates from internal court records on file with the Eastern District of Pennsylvania.