



Judge Luis Felipe Restrepo
Nominee to the United States Court of Appeals for the Third Circuit

President Obama nominated L. Felipe Restrepo to the United States Court of Appeals for the Third Circuit on November 12, 2014. His nomination was recommended by both Pennsylvania senators, Democrat Bob Casey and Republican Pat Toomey. If confirmed, Judge Restrepo will fill the seat vacated by Judge Anthony J. Scirica, who assumed senior status on December 17, 2014. Judge Restrepo has served as a U.S. District Judge in the Eastern District of Pennsylvania since June 2013. Upon Judge Restrepo's nomination, President Obama remarked that Judge Restrepo has "displayed exceptional dedication to the legal profession through [his] work," and "[he] will be [a] diligent, judicious and esteemed addition[]" to the Third Circuit.¹

Biography

Judge Restrepo was born in Medellin, Colombia in 1959 and moved to the United States at the age of two. He received his B.A. from the University of Pennsylvania in 1981, and his J.D. from Tulane University Law School in 1986.

After law school, Judge Restrepo served one year as a law clerk at the American Civil Liberties Union's National Prison Project. He then spent the next seven years as a public defender, first for the Defender Association of Philadelphia from 1987 to 1990, and then for the Federal Community Defender for the Eastern District of Pennsylvania from 1990 to 1993. In 1993, Judge Restrepo started his own law firm, Krasner & Restrepo, which specialized in criminal defense and civil rights litigation. He remained there until 2006 when he was appointed U.S. Magistrate Judge for the Eastern District of Pennsylvania. Judge Restrepo was confirmed as U.S. District Judge in 2013.

Legal Experience and Expertise

Judge Restrepo has spent much of his legal career in public service and has extensive litigation experience as both a judge and advocate.

In his criminal defense practice, Judge Restrepo often handled high-stakes and high-profile matters. In 2005, he was appointed to represent a member of a transnational criminal gang accused of capital murder. Restrepo presented a successful mitigation defense during the penalty phase of trial and his client avoided a death sentence.² In another capital case, Restrepo convinced the government to withdraw its notice to seek the death penalty after he presented

¹ White House Press Release, *President Obama Nominates Two to Serve on the United States Courts of Appeal* (November 12, 2014), available at <http://www.whitehouse.gov/the-press-office/2014/11/12/president-obama-nominates-two-serve-united-states-courts-appeals>.

² *United States v. Grande*, 353 F. Supp. 2d 623 (E.D. Va. 2005).

evidence of his client's mental disability.³ In *United States v. Cantero*, Judge Restrepo represented a juvenile—one of the few charged in federal court—who faced multiple offenses arising out of a kidnapping and carjacking. At sentencing, the victim testified on the defendant's behalf, and Restrepo convinced the court to depart downward from the sentencing guidelines.⁴

Judge Restrepo also had success as an appellate litigator. In *United States v. Evans*,⁵ Restrepo persuaded the Third Circuit that a sentencing court can depart from the sentencing guidelines based on a criminal defendant's disclosure of his or her true identity to law enforcement. On remand, and in light of the Third Circuit's opinion, Restrepo secured a reduced sentence for his client.

On the bench, Judge Restrepo has handled a number of significant civil rights cases. In one Title VII case, an employee of Montgomery County, Pennsylvania alleged that the County retaliated against her over complaints she made about a male supervisor.⁶ After a jury awarded the plaintiff \$750,000 in compensatory damages, Judge Restrepo encouraged successful settlement discussions that resolved all remaining issues, and spared the parties from lengthy post-verdict litigation. In another civil rights case, Restrepo rejected the discrimination claims of three workers who were fired after posing for a workplace photograph dressed as members of the Ku Klux Klan.⁷ The workers argued that their employer improperly considered their respective races (Caucasian and Native American), but Judge Restrepo explained: "The Ku Klux Klan is a white supremacist organization that has pursued its agenda through violence and terror largely directed at African-Americans. In light of that history, it is a simple reality that fair-skinned men presenting themselves as members of the KKK to a dark-skinned person has a very particular resonance. That this may have factored into [the employer's] interpretation of the event does not change the discrimination analysis[.]"⁸

Finally, as both a Magistrate Judge and District Judge, Judge Restrepo has led the Eastern District's reentry program. The program is a collaborative effort between the court, the U.S. Attorney's Office, the Federal Defender's Office, the Office of Probation, and other community partners to help individuals recently released from federal custody, most with a violent or otherwise serious criminal history, reenter the community and live productive lives.

Professional and Community Activities

Judge Restrepo has been a member of myriad legal associations and boards, covering a wide variety of issues. In addition, Judge Restrepo is a visiting law professor in the L.L.M. Trial Advocacy Program at Temple University's Beasley School of Law, where he received the Gideon Award in 2014 for his work and commitment to ensuring that the indigent are afforded competent counsel.

³ *United States v. Williams*, No. 01-CR-00512, Doc. 760 (E.D. Pa. Apr. 4, 2006).

⁴ *United States v. Cantero*, No. 96-CR-245 (E.D. Pa. Apr. 5, 2001) *aff'd*, 29 F. App'x 102 (3d Cir. 2002).

⁵ 49 F.3d 109 (3d Cir. 1995).

⁶ *Murray v. Cnty of Montgomery*, No. 11-CV-00107, 2013 WL 6175606 (E.D. Pa. Sept. 13, 2013).

⁷ *Barker v. Boeing Co.*, 21 F. Supp. 3d 417, 425 (E.D. Pa. 2014).

⁸ *Id.* at 425.