



# Hon. Christopher J. Burke

## Magistrate Judge, U.S. District Court for the District of Delaware

by Michele Sherretta Budicak



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In the office of U.S. Magistrate Judge Christopher J. Burke there sits a bobblehead in his likeness. The smiling statue wears a suit and tie, but just like the iconic image of Clark Kent in “Superman,” the bobbleheaded mini Judge Burke has ripped open his civilian shirt to reveal the “B” in the shield on his chest that marks his true superhero identity. The bobblehead was given to Burke as a gift from his colleagues at the U.S. Attorney’s Office for the District of Delaware, just before he departed for the bench. And while it would be reasonable to assume that the Superman reference simply pays homage to Judge Burke’s legendary hair—hair that colleague Judge Colm Connolly described as “perfectly combed, immovable hair [that] can both repel water and withstand hurricane force winds. [A] style [that] is certainly very much in the spirit of Superman’s alter ego.”—it is not the only characteristic that Burke shares with the Man of Steel. Though one of the youngest members of the federal bench when he was appointed in 2011, Judge Burke quickly earned a reputation as a judge who, like the Man of Steel, is impeccably smart, remarkably thorough, and consistently fair. His talent for making litigants feel as though they have been heard, no matter the outcome, seems innate. And those who have appeared before him cannot help but comment on how his disposition never, ever wavers from the combination of cheerful yet appropriately serious and completely serene. But the thing that truly defines Burke, and that no doubt prompted his former colleagues to memorialize him as a modern-day Clark Kent, is his genuine love of people and his passion for public service and mentoring. Much like Superman, Judge Burke leaves the impression on all who meet him that he is wholeheartedly committed to the ideals of truth, justice, and the greater good.

Born and raised in Broomall, Pa., a suburb of Philadelphia, Burke learned early on about the value of education and hard work. His mother, Anne Burke, worked her way up through the ranks at General Electric (later Lockheed Martin) for over 40 years. Anne Burke began her work at GE as a secretary, straight out of high school. A devoted single parent, she put herself through college at night while working full time, later earned a college degree and eventually



retired at GE as an accountant. Judge Burke recalls accompanying his mom to classes at the local colleges she attended. “I would sit outside of her classroom in the evenings and do my homework. She was in school most of the years that I was. She taught me to really respect education and showed me the impact that education, along with a good work ethic, can have.”

At Georgetown University, where he majored in government and English, Burke was, unsurprisingly, a dedicated student. He was a member of the honors societies Phi Beta Kappa and Alpha Sigma Nu, and was the Pennsylvania State Winner and a national finalist for a Rhodes Scholarship. Still, he never took himself too seriously. On the contrary, his friends from college describe him as “someone that everyone wanted to be around,” said Caleb Pitters, Burke’s college roommate.

“He was known most for being a formidable flag football player and having a remarkable memory,” recalled Pitters. “To this day, he can still recite the names and room numbers of the nearly 100 people on our floor of the dormitory.”

Burke’s cheerfulness and his authentic interest in other people made him fast friends wherever he went. “He took the time to get to know people in a way that others didn’t and he wouldn’t forget the details,” Pitters explained. “He always made you feel like you’ve known him for a long time, a quality he inherited from

his mom, who's the same way. He has a way of making you feel like you're the most important person in the room."

It did not take long before Burke discovered a way to put his remarkable ability to connect with people to good use. He began mentoring in earnest while at Georgetown—a passion that continues to play a large role in his life today. He attributes his interest in mentoring to his childhood experience. "Growing up, my mother was an amazing mentor, but I did not know many adults who worked in the legal field, for example. Looking back, I think a desire to find additional mentors is actually what served to inspire me to be a good mentor myself as I got older." Burke remembers arriving at Georgetown as a freshman and realizing for the first time in his life how large the spectrum of opportunity actually is. "I remember meeting students who came from privileged backgrounds such that they had a pool of mentors available to them, in part due to the large network of people that their parents knew. It really left an impression regarding the different opportunities that are available to different people." From that point on he began to look for ways to create opportunities where there had been none before.

The first chance for him to do so came in Burke's senior year, when Georgetown's head of the Center for Minority Student Affairs—then one of the few people of color in the university's leadership—resigned. Many students of color on campus viewed this as a big loss from a mentoring perspective. Burke, along with Pitters and several others, decided to do something about it. In 1997, they founded the Patrick F. Healy Fellowship, which works to bring together student leaders from diverse backgrounds and pair them with successful Georgetown alumni mentors. In its over 20 years of existence, the fellowship has created countless opportunities for its more than 100 participants, connecting the "Healy Fellows" with leaders in their career field of interest. Judge Burke remains on the board of the fellowship and keeps in touch with many of the program's alumni, including some who have gone on to careers as law professors, attorneys, political activists, journalists, and more. He continues to find ways to add value to their lives long after they have graduated.

With the creation of the fellowship as tangible evidence of the impact he might be able to make on the world, Burke decided that law school was the next step for him. In the fall of 1997, Burke headed to Ann Arbor, Mich., where he began his studies at the University of Michigan Law School. As a first-year law student, Burke was one of several students selected for a feature in an issue of *Time* devoted to exploring graduate schools. In discussing his reasons for attending law school, Burke told the interviewer that "law school was the best way ... [he] could think of to do what makes him happy: help people." The article quotes a 21-year-old Burke, describing why he chose law school over business school, as saying, "I felt I would be in a better position, in a much shorter amount of time, to effect positive social change."

He added, "I'd like to use my law degree to get involved eventually in politics or in not-for-profit work—any way I can make a difference."<sup>1</sup>

His first stop on that journey after graduating from law school was in South Bend, Ind., at the U.S. Court of Appeals for the Seventh Circuit, where he clerked for Hon. Kenneth F. Ripple. Judge Burke still affectionately refers to Judge Ripple as "my judge" and credits him with serving as a superb example of what a judge should be. "I understood from watching him in his professional and personal life how seriously he took the judicial role—and that it was a 24-hour-a-day job. I say that not only due to the fact that Judge Ripple worked incredibly hard while he was in chambers, but also because, in Judge Ripple's view, the way he comported himself in all aspects of his life was a reflection on his court and on the judicial branch. That mindset left an impression on me. I also saw, both during my clerkship and afterwards, how the judge viewed his role with his clerks as that of a teacher and a mentor. I've tried to take that same mindset in my work as a judge."

But Judge Burke left his own impression on the then-veteran judge. When asked if he recalled anything that stood out about the young man who clerked for him more than 17 years ago, Judge Ripple's response was simply: "Chris was just born to be a judge." Ripple explained that the trait that he looks for more than any other in choosing his law clerks is judicial temperament. Specifically, "the ability to suspend judgment, look at all sides of a question, and take the time to make sure that the outcome is not just 95 percent right, but 100 percent right. And that's Chris. He has a very high horizon and sees how everything is interconnected, which is very important in judicial office." But perhaps even more than his legal ability, Ripple recalls Burke's "outstanding moral character" as his strongest trait. "He always sees the moral dimension in any situation he's dealing with, which when combined with his legal acumen, is a very rare combination. He's the quintessential statesman lawyer. His ascension to the bench was the natural progression of his career."

Following his clerkship, Burke returned to the East Coast to work as an associate in Covington & Burling LLP's Washington, D.C., office. At Covington, where he maintained a heavy caseload of white collar cases, Burke focused as much of his free time as possible on pro bono matters. These included his successful arbitration (with another Covington associate) of claims of racial discrimination in the federal farm loan system, which resulted in a substantial damages award for his client. And it included a six-month rotation as a Covington-loaned staff attorney for The Children's Law Center, a Washington, D.C.-based nonprofit organization, where Burke served as lead counsel in his first trial. All of these experiences eventually led him to seek a position as a criminal prosecutor. "The amount and type of work that I was able to do at Covington was impactful because I learned that I really enjoyed doing investigatory work on the criminal

side and that I always wanted my legal career to have a public service dimension. Being a prosecutor seemed like a great way to accomplish both of those things.” So when he saw an opening in 2005 for an assistant U.S. attorney (AUSA) position at the U.S. Attorney’s Office for the District of Delaware, he promptly applied.

In Wilmington, “Burke” (as he was known around the office), left an immediate impression on his new co-workers. Colleague Chief Judge Leonard Stark, then a fellow AUSA, remembers working on a complex case with Burke, where each person on the team plotted out his or her own version of what the trial should look like. He recalls one person prepared an index card, he himself prepared two pages, and Burke prepared a five-page outline with details that everyone else had overlooked. “From then on, any time the need for a written plan arose, we would joke about whether the task was one that required a ‘Burkean Outline’ or something less exhaustive.” Judge Connolly, formerly the U.S. Attorney for the District of Delaware, recalled how Judge Burke was known around the office for his tenaciousness. At Burke’s investiture, Connolly joked that “[Burke’s] nickname, the Burkenator, stuck in large part because Chris actually seemed at times like a relentless cyborg as he prepared voluminous outlines to prep witnesses for trial and grand jury.” These sentiments were echoed by the present U.S. Attorney for the District of Delaware, David Weiss, who also supervised then-AUSA Burke. “Chris’ skills in the areas of organization, preparation, and attention to detail are legendary.”

Yet despite Judge Burke’s palpable dedication to his prosecutorial work, he continued to find time for mentoring. In the U.S. Attorney’s Office, he took the lead with supervising and mentoring summer interns—making sure they had challenging assignments and sufficient exposure to legal opportunities. Then, in 2010, he took his interest in mentoring outside the office when he became the chairman of the district court’s Federal Trial Practice Seminar, a prestigious, biannual training opportunity for young lawyers who practice in Delaware’s federal courts. It includes eight instructional sessions and provides participants with the opportunity to hear from nationally renowned trial lawyers who serve as guest speakers. The seminar also provides the participants with multiple chances to practice what they have learned and to be critiqued by members of the district court bench and bar. The seminar concludes with daylong mock trials before real juries comprised of Delaware citizens, overseen by district court judges. The creation of the seminar has been a game-changer for young lawyers in Delaware, who otherwise struggled to get the trial experience often necessary for advancement in their careers. Judge Burke’s leadership was integral in making it happen.<sup>2</sup>

From the perspective of his colleagues at the U.S. Attorney’s Office, the leap from prosecutor to judge seemed to be a natural one for Burke. Those who knew him as an AUSA note that the qualities that made him a good prosecutor are also what make him a great judge.

As U.S. Attorney Weiss explains it, “a critical characteristic for a prosecutor is a good sense of fair play and his was always obvious to me. Chris would always ask questions and challenge supervisors, which you should do. He also always had a very open mind. If opposing counsel had a good argument, he listened and digested it and was able to hear and react appropriately and fairly. These are all valuable traits in a judge.” It was perhaps unsurprising then when, in 2011, Burke was appointed to the position of U.S. magistrate judge on the U.S. District Court for the District of Delaware.

At only 36 years old when he was sworn in, Judge Burke quickly proved himself an exception to the old rule that wisdom comes with age. It did not take long before he established himself as a judge who is smart, thorough, and more than capable. As his staff can attest, Judge Burke gives every task before him, from the routine to the exceptional, the same level of attention and focus. Every word that comes out of his chambers, whether it is in the context of a lengthy opinion or an email, is thoughtfully prepared and painstakingly reviewed. After listening to Judge Burke describe the rationale for his approach, it is clear that it is grounded in humility and a sense of obligation to the community. “I am first and foremost a public servant and I represent something that is much bigger than me. The court has a reputation that it is my duty to uphold and so I strive to do that every day. When I am working on a decision or an opinion, I try to make sure that the litigants know that, whether they win or lose, the product that comes out of my chambers is born of hard work and care. I want them to know that I respect the time that they have put into their case and how much it means to them. In reading the papers submitted to the court, I can tell that weeks and months of effort from lots of people have gone into what I am reviewing, and my staff and I try to mirror that from the other side of the bench. I strive to make sure people know that they have been heard.”

And it seems they do. David Moore, a partner at Potter Anderson & Corroon LLP, is a patent lawyer who frequently appears before Judge Burke due to the district court’s patent litigation-heavy docket. Moore discussed how word has spread through the national patent bar that a case assigned to Judge Burke is in good hands. “Clients in other jurisdictions have come to have confidence in him and we’re seeing a greater number of cases where people consent to his jurisdiction for the entire case. When you appear before him, whether on a teleconference or in person, you quickly see how much work he puts into his cases, how prepared he is. And you know, whether you win or lose, when you get a work product out of his chambers it is going to be well-reasoned and you can accept it and move on. His decision will be focused and practical. Clients appreciate that.”

Steve Brauerman, a director at Bayard P.A. agreed. “Judge Burke is always extraordinarily well prepared. He listens, he asks pointed questions, and if he does not agree with your position, he will tell you that and is open

to being persuaded, which is refreshing. My clients are universally impressed, even when he rules against them. Litigants want a judge who doesn't have an agenda. Everyone, whether on the winning side or losing side, wants to have a fair shake and wants a judge who they know heard them and understood their case." Burke is that judge.

Judge Burke also spends a considerable portion of his time in chambers acting as a mediator, since local rules require mediation in almost all civil cases. In a given year, he estimates he mediates about 50 cases, most of which eventually settle, though not always in one day. At any given time, Burke may be actively mediating 10 different cases, with post-mediation follow-up conferences spanning days or even months after the initial mediation session. As a mediator, Burke says that he follows the model established by the district's veteran magistrate judge, Chief Magistrate Judge Mary Pat Thyng, who is widely known as one of the best mediators in the country. However, he definitely has his own style.

"My approach to mediation tends to be a mix of both facilitative and evaluative efforts. I try to serve as a good faith buffer in between two sides that are likely having a contentious litigation. I'm trying to take out all the distractions and subtly let each side know what the tougher parts of their case are, in order to convince them to compromise," Judge Burke said. "But I'm not someone who is going to pound on the table; my mediation efforts are going to be in line with my personal style. That means working to tamp down the sharp edges while letting people know how they might be overvaluing their case."

Those who have participated in mediations with Judge Burke say his style is quite effective. Brauerman, who has participated in almost 30 mediations before Judge Burke said, "He is not afraid to tell people what they don't want to hear. Sometimes mediators can be too passive, and he walks that line very well. Clients need to hear that there are real risks to their cases."

Moore agreed, noting, "He is very astute in how he deals with people and stays involved long after the face-to-face mediation occurs, which is what it often takes to get to a resolution."

Despite an increasingly busy docket, Judge Burke remains unceasing in his commitment to mentoring and serving the community. He continues to chair the Federal Trial Practice Seminar and he also serves as the judge for the district court's Re-Entry Court Program, which provides assistance to Delaware residents on supervised release who present a significant risk of recidivism.<sup>3</sup> Participants in the Re-Entry Court qualify for priority services in areas such as job training, placement, education, and housing, among others, and also receive peer mentoring. The participants appear before Judge Burke every two weeks for at least the first year following their release; upon successful completion of the program, the participants are eligible for a reduction of up to one year of their term of supervised release.

Six years into the program that he helped bring to Delaware, with nearly 15 graduates to date, Judge Burke



A departing gift from his colleagues at the U.S. Attorney's Office, the Burkenator is proudly displayed in Judge Burke's chambers.

views the Re-Entry Court as a great success. But he still felt he could do more to help those in his community. So in 2016, Judge Burke founded the District Court's High School Fellowship Program,<sup>4</sup> which gives underprivileged high school students in and around Wilmington—a city that has been hit particularly hard of late with teen violence and crime—an opportunity to spend a summer in a paid position in the legal field. Selected fellows not only work with the judges from the district court and area attorneys, but they also benefit from unique networking and mentoring opportunities.

In addition to impacting those who live in the local community, Judge Burke has also found a way to help those newest to the legal profession in his own courtroom. Recognizing the changing nature of today's practice of law, where very few cases actually go to trial and speaking opportunities for young lawyers are few and far between, Judge Burke recently issued a standing order to encourage the participation of newer attorneys in proceedings before him.<sup>5</sup> Judge Burke is one of a growing number of federal judges who have issued such an order. He hopes it will incentivize clients and senior attorneys to give opportunities to newer lawyers that otherwise might take years to obtain. The impetus for this approach was his own experience as a young attorney. "During my time as an associate, I had the chance to get so much experience through pro bono work; it really emphasized to me how getting stand-up opportunities as a young attorney can have a huge impact on your career."



**Not unexpectedly, Judge Burke also makes it a priority to nurture all of the personal relationships in his life. At the courthouse, he arranges happy hours, monthly lunches, holiday gatherings, and reunions. He keeps candy dishes in his chambers to welcome visitors and has been known to show up spontaneously in other judges' chambers with doughnuts. When he is not at work, Judge Burke relishes his roles as a husband, father, son, and friend.**

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count on in a bind. In fact, above and beyond his many accomplishments, it is Judge Burke's genuine kindheart-

edness and authentic desire to help his fellow human beings that never goes unnoticed.

At his investiture in 2011, humbled by the scope of the job ahead, Judge Burke spoke about his hope that he would someday be the kind of judge that attorneys would say it was a pleasure to practice in front of. Though only a little more than seven years have passed since then, it seems safe to say that he is indeed that type of judge. Luckily for Delaware, Judge Burke has many years left on the bench to continue making an impact, both in the law and the community. I think I speak for all of us when I say that we look forward to seeing what he does next. ☺

#### Endnotes

<sup>1</sup>*Making Your Case*, TIME & THE PRINCETON REVIEW: THE BEST GRADUATE SCHOOL FOR YOU (1998), at 19.

<sup>2</sup>*See The Federal Trial Practice Seminar*; DELAWARE CH. OF THE FED. BAR ASS'N, <https://defba.org/federal-trial-practice> (last visited Oct. 13, 2019).

<sup>3</sup>*See Re-entry Court*, U.S. DIST. CT. DIST. OF DEL., <http://www.ded.uscourts.gov/re-entry-court> (last visited Oct. 13, 2019).

<sup>4</sup>*See High School Fellowship Program*, U.S. DIST. CT. DIST. OF DEL., <http://www.ded.uscourts.gov/high-school-fellowship-program> (last visited Oct. 13, 2019).

<sup>5</sup>*See Standing Order for Courtroom Opportunities for Newer Attorneys*, U.S. DIST. CT. DIST. OF DEL., <http://www.ded.uscourts.gov/sites/default/files/forms/StandingOrder2017.pdf> (last visited Oct. 13, 2019).

