

June 15, 2016



Rebecca Ross Haywood
Nominee to the United States Court of Appeals for the Third Circuit

President Obama nominated Rebecca Ross Haywood to the United States Court of Appeals for the Third Circuit on March 15, 2016. If confirmed, Haywood will become the first African American woman to serve on the Third Circuit Court of Appeals. Haywood has spent the last thirteen years as an Assistant United States Attorney in the Western District of Pennsylvania, serving as Chief of the Appellate Division since 2010. Upon her nomination, President Obama observed “[t]hroughout her career, Rebecca Ross Haywood has shown unwavering integrity and an outstanding commitment to public service.”¹

Biography

Haywood was born in McKeesport, Pennsylvania in 1962 and raised in the neighboring town of Elizabeth. She earned a bachelor’s degree *cum laude* from Princeton University in 1990, and her J.D. *magna cum laude* from the University of Michigan School of Law in 1994. During law school Haywood served as an associate editor of the Michigan Law Review.

After law school Haywood completed the first of two clerkships for U.S. District Judge Alan N. Bloch of the Western District of Pennsylvania. From 1996 to 1997 she worked at the Pittsburgh office of Jones, Day, Reavis & Pogue (now Jones Day). She then became an Assistant United States Attorney in the Civil Division of the United States Attorney’s Office for the Western District of Pennsylvania, handling civil matters, including representing federal agencies in employment and medical malpractice cases. After returning to Judge Bloch’s chambers for a second clerkship from 2001-2003, Haywood rejoined the U.S. Attorney’s Office Civil Division. She transferred to the Appellate Division in 2005, and in 2010 was promoted to Chief of the Appellate Division. In this position, where she continues to serve, Haywood oversees all of the Western District’s appellate work and argues on behalf of the government in the Third Circuit. During her time in the United States Attorney’s Office, Haywood has been actively involved in workplace management and training, serving as a member of the executive and training committees since 2011, as well as serving as the coordinator for prevention of workplace harassment from 2004 to 2010.

Legal Experience and Expertise

With over twenty years of serving the public in the Western District of Pennsylvania, Haywood has significant experience in civil, criminal, and appellate matters. David J. Hickton, U.S.

¹ White House Press Release, *President Obama Nominates Rebecca Ross Haywood to Serve on the United States Court of Appeals* (Mar. 15, 2016), available at <https://www.whitehouse.gov/the-press-office/2016/03/15/president-obama-nominates-rebecca-ross-haywood-serve-united-states-court>.

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Attorney for the Western District of Pennsylvania, commented that Haywood is “a lawyer of unparalleled legal ability and judgment.”²

Throughout her service in the U.S. Attorney’s office, Haywood has handled a variety of complex appellate matters that make her uniquely suited to serve on a federal circuit. For example, in *United States v. Noyes*, Haywood represented the United States in a defendant’s appeal of a conviction for possessing and transporting child pornography.³ The FBI initially investigated the defendant after receiving an anonymous tip that the defendant was attempting to use the internet to obtain a four-year-old girl and her mother to keep as sex slaves.⁴ After his conviction and sentencing, the *pro se* defendant appealed to the Third Circuit arguing that he was inadequately warned of the risks of self-representation and that his sentence was unreasonable. Haywood represented the U.S. at the Third Circuit, which affirmed the conviction and sentence.

Haywood also represented the United States against a defendant’s appeal of a conviction for healthcare fraud and making false statements related to healthcare in violation of federal law.⁵ The conviction stemmed from the defendant’s scheme to falsify records to conceal from regulators substandard care and conditions at the nursing home she operated, which specialized in the care of Alzheimer’s patients. Between 1999 and 2003, the defendant defrauded Medicare and Medicaid out of more than \$7 million.⁶ The defendant appealed to the Third Circuit, arguing that there was insufficient evidence presented at trial to convict her and that the government failed to disclose exculpatory evidence. The Third Circuit affirmed the defendant’s conviction in its entirety.

In *United States v. Sempf*, Haywood helped prosecute and ultimately convict a postal worker of conspiring to transport and transporting stolen property in interstate commerce.⁷ The defendant had been preying on the desperation of people struggling with drug addiction, enlisting them to shoplift specific items for him then buying the items from them at a steep discount. He would then resell the stolen goods at a flea market in Ohio. The estimated value of the stolen goods exceeded \$250,000.⁸ Following a five day trial, the defendant was convicted on both charges. Haywood also handled the appeal and the Third Circuit affirmed the conviction in May 2016.⁹

Professional and Community Activities

In addition to a career in public service, Haywood is an active member of the community and a former member of the Public Service Committee of the Allegheny County Bar Association. She has organized book drives and collected sports equipment for underprivileged youth; she is a

² Brian Bowling, *McKeesport Native Nominated to Federal Bench*, PITT. TRIB. REV. (Mar. 15, 2016), <http://triblive.com/news/adminpage/10152007-74/haywood-attorney-judge>.

³ 501 F. App’x 168 (3d Cir. 2012), *cert. denied*, 133 S. Ct. 1654 (2013).

⁴ *United States v. Noyes*, No. 1:08-CR-55-SJM-1, 2010 WL 5139859, at *2 (W.D. Pa. Dec. 8, 2010).

⁵ *United States v. Bell*, 282 F. App’x 184 (3d Cir. 2008).

⁶ *Ex-nursing home head convicted of fraud*, READING EAGLE, Aug. 24, 2005, at B4.

⁷ *United States v. Sempf* (W.D. Pa. Docket no. 12-123).

⁸ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Rebecca Ross Haywood, *available at* <https://www.judiciary.senate.gov/download/haywood-senate-questionnaire-final>.

⁹ *United States v. Sempf*, No. 15-2023, 2016 WL 2946029 (3d Cir. May 20, 2016).

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volunteer reader at the Crescent Early Development Center in Homewood, Pennsylvania; and through her church membership and service on the board of two youth gymnastics organizations, Haywood participates in many service activities to benefit non-profit organizations.¹⁰ Further, while an Assistant U.S. Attorney in the Civil Division, Haywood was actively involved in the Department of Justice's Weed & Seed program, which was created to help solve crime problems and fund various social programs in local communities.

¹⁰ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Rebecca Ross Haywood, *available at* <https://www.judiciary.senate.gov/download/haywood-senate-questionnaire-final>.