



# Arianna J. Freeman

## Nominee for the United States Court of Appeals for the Third Circuit

On January 19, 2022, President Joe Biden [nominated](#) Arianna J. Freeman to the United States Court of Appeals for the Third Circuit to the seat being vacated by Judge Theodore McKee, who is retiring. Freeman has dedicated her entire legal career to public service. She is currently the Managing Attorney of the Non-Capital Habeas Unit in the Federal Community Defender Office for the Eastern District of Pennsylvania, where she has served since 2009. If confirmed, Freeman would be the [first Black woman](#) — and first woman of color — to ever serve on the Third Circuit.

### **Biography**

Arianna Freeman was born in Boston, Massachusetts, in 1978. She received her B.A. with honors from Swarthmore College in 2001, then spent three years conducting social science research with Mathematica Policy Research, Inc., the Center for Court Innovation, and the Bureau of Justice Assistance in South Africa. She went on to earn her J.D. from Yale Law School in 2007. At Yale, Freeman was on the Editorial Team of the *Yale Journal of International Law* and earned the [Stephen J. Massey Prize](#), which is awarded to the student who best exemplifies the values of the Jerome N. Frank Legal Services Organization through their work of behalf of clients and other community service.

From 2007 to 2009, Freeman clerked for Judge James T. Giles and Judge C. Darnell Jones II, both on the United States District Court for the Eastern District of Pennsylvania. She also served as a temporary law clerk to Judge Joel Harvey Slomsky of the same court. During her clerkships, Freeman assisted the judges with a wide range of criminal and civil matters, including antitrust, social security, and civil rights cases.

### **Legal Experience**

Freeman has spent her entire legal career at the Federal Community Defender Office for the Eastern District of Pennsylvania, where she represents indigent individuals who are typically incarcerated in state or federal prisons and subject to lengthy criminal sentences. In 2009, she first joined the Office's Capital Habeas Unit as a Research and Writing Specialist. In this role, she participated on legal teams that represented more than fifteen death-sentenced individuals in their post-conviction litigation. Freeman's responsibilities included conducting legal research, drafting pleadings and memoranda, engaging in factual investigation, and working with experts in medicine, neuroscience, and firearms evidence.

From 2014 to 2016, Freeman served as an Assistant Federal Defender in the Of-

Office's Non-Capital Habeas Unit. She was the attorney of record and lead counsel in dozens of federal habeas matters for individuals seeking post-conviction relief in non-capital cases. Since 2016, Freeman has been the Managing Attorney of the Non-Capital Habeas Unit, where she maintains individual case work while also supervising a team of attorneys and staff members. Freeman has coordinated the Office's litigation of more than 500 post-conviction matters arising from the United States Supreme Court's decision in [Johnson v. United States](#), which invalidated the residual clause of the Armed Career Criminal Act as unconstitutionally vague.

Freeman has extensive experience in both federal district court and the U.S. Court of Appeals for the Third Circuit. At the district-court level, she has presented oral argument in at least six post-conviction cases and live testimony at evidentiary hearings in at least four additional post-conviction matters. Freeman has litigated more than 100 post-conviction matters to judgment in the U.S. District Court for the Eastern District of Pennsylvania.

With respect to appellate practice, Freeman frequently appears as counsel of record in the U.S. Court of Appeals for the Third Circuit. She has filed briefs in more than fifteen appeals and presented oral arguments seven times — including once to the court sitting en banc. Freeman has also filed many substantive motions and accompanying memoranda. Additionally, she has submitted three petitions for writ of certiorari and one brief in opposition to a petition for writ of certiorari to the Supreme Court of the United States.

### **Representative Cases**

Because post-conviction cases in federal courts are civil matters, Freeman has broad knowledge of both federal civil and criminal law and procedures. The vast majority of her practice has taken place in federal courts, with the exception of a few state court matters. Here are a few notable cases:

- [In re Crosland](#): From 2019 to 2021, Freeman represented Mr. Crosland, a man who was convicted and sentenced to life based entirely on the statements of two witnesses who either recanted their testimony or failed to appear in court. After serving 34 years of his life sentence, Mr. Crosland was exonerated and all charges against him were dropped.
- [In re Matthews](#): Freeman successfully obtained the Third Circuit's authorization for five lead petitioners to file second or successive post-conviction petitions raising due process challenges. As a result of this decision, the Third Circuit also authorized the filing of approximately 200 similar post-conviction petitions, which included several petitioners who ultimately won relief for unconstitutional convictions.

## Professional Activities and Memberships

Freeman has demonstrated a commitment to using her legal training in service of others outside of her legal practice. For instance, she has devoted significant time to mentoring and teaching the next generation of public interest attorneys. From 2019 to 2020, she co-taught a “Death Penalty Law” course at Drexel University School of Law, and from 2011 to 2014, she co-convened the Drexel Summer Theory Institute, where she met weekly with students pursuing the practice of public interest law.

Freeman has served as Planning Committee Member of the Non-Capital Habeas Conference since 2016. She is on the Board of Directors of [First Person Arts](#), a nonprofit whose mission is “to transform the drama of real-life into memoir and documentary art to foster an appreciation for our unique and shared experiences.” She is also involved with the National Clearinghouse for the Defense of Battered Women (NCDBW), having served as a Board Member since 2014 and as Board Chair since 2016. In 2021, she was [awarded](#) a Valentine Foundation Visionary Leadership Grant in her capacity as Board Chair of the NCDBW.