



## **Robin S. Rosenbaum**

### **Nominee to the United States Court of Appeals for the Eleventh Circuit**

On November 7, 2013, President Obama nominated Judge Robin S. Rosenbaum to the United States Court of Appeals for the Eleventh Circuit.<sup>1</sup> When confirmed, she will serve in the seat vacated by Judge Rosemary Barkett, who retired from the bench on September 30, 2013. Judge Rosenbaum currently serves as United States District Judge for the Southern District of Florida. Following her nomination, President Obama observed that “Judge Rosenbaum has a long and impressive record of service and a history of handing down fair and judicious decisions. She will be a thoughtful and distinguished addition to the 11th Circuit[.]”<sup>2</sup>

### **Biography**

Judge Rosenbaum was born in Chapel Hill, North Carolina in 1966.<sup>3</sup> In 1988, she graduated with a Bachelor of Arts degree from Cornell University. She earned her J.D., *magna cum laude*, from the University of Miami Law School in 1991. In law school, Judge Rosenbaum was a member of Law Review and won “Best Brief” and “Best Oral Advocate” in the Advanced Moot Court Competition. Upon graduation, she was named the Most Outstanding Graduating Law Student.

After law school, Judge Rosenbaum joined the U.S. Department of Justice as a trial attorney in the Civil Division, Federal Programs Branch. In 1995, she left DOJ to work for the Independent Counsel investigating the finances of former U.S. Secretary of Commerce Ronald Brown. In 1996, Judge Rosenbaum entered private practice as a litigation associate at Holland & Knight LLP. She left the firm in 1998 to clerk for Judge Stanley Marcus on the Eleventh Circuit Court of Appeals. After her clerkship, she returned to DOJ as a federal prosecutor in the U.S. Attorney’s Office for the Southern District of Florida. She served in that office from 1998 to 2007, and was promoted to Chief of the Economic Crimes Section in 2002.

Judge Rosenbaum joined the federal bench in 2007 when she became a U.S. Magistrate Judge in the Southern District of Florida. In 2012, President Obama appointed her to the district court judgeship where she currently serves. She has also served as an adjunct professor at the University of Miami Law School since 2009, teaching legal writing and motions practice.

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<sup>1</sup> The Senate returned Judge Rosenbaum’s nomination to the White House at the end of 2013, and President Obama renominated her on January 6, 2014.

<sup>2</sup> White House Press Release, *President Obama Nominates Robin S. Rosenbaum to Serve on United States Court of Appeals*, (Nov. 7, 2013), available at <http://www.whitehouse.gov/the-press-office/2013/11/07/confirmation-request-president-obama-nominates-judge-robin-s-rosenbaum-s>.

<sup>3</sup> Senate Judiciary Committee Questionnaire, available at <http://www.judiciary.senate.gov/nominations/113thCongressJudicialNominations/upload/Rosenbaum-Senate-Questionnaire-Final.pdf>

## Legal Experience and Expertise

Judge Rosenbaum has spent all but one year of her career in public service, and she has broad experience in federal civil and criminal litigation as both a practicing attorney and a trial judge.

Early in her career, Judge Rosenbaum gained complex investigative experience working on the Independent Counsel's investigation of Secretary Brown. The Independent Counsel was appointed by the Special Division of the D.C. Circuit Court of Appeals to investigate corruption allegations against Secretary Brown. As one of two "staff-counselors," Judge Rosenbaum wrote memoranda on legal issues that arose during the investigation, and was actively involved in the investigation itself. The inquiry ended after one year when Secretary Brown died in a plane crash.

Judge Rosenbaum turned her investigative expertise to financial crimes as a federal prosecutor. In *United States v. Johnson*,<sup>4</sup> she led the prosecution against a defendant who fraudulently solicited \$20 million from investors for his personal use. Judge Rosenbaum earned a conviction on all counts after a 30 day trial, and the defendant was sentenced to 16 years imprisonment. In *United States v. Livdahl*,<sup>5</sup> she prosecuted a doctor who created his own unapproved version of "Botox" and used it on unknowing patients. The doctor ultimately pleaded guilty and received the maximum prison sentence after a contested sentencing hearing. Judge Rosenbaum's criminal investigation also led to the names of 200 other physicians who had purchased the fake "Botox."

As a trial judge, several of Judge Rosenbaum's notable decisions were to let civil rights claims survive summary judgment and proceed to trial. In *Lawson v. Plantation General Hospital*,<sup>6</sup> she let a jury decide whether the defendant hospital discriminated against a former secretary based on race, age, disability, national origin, and gender. Likewise, in *Peters v. Peake*,<sup>7</sup> she denied summary judgment on claims that the Veterans Administration retaliated against one of its physicians for complaining about a sexually hostile work environment.

Finally, Judge Rosenbaum's experience prosecuting complex economic crimes proved relevant in *SEC v. Huff*. In *Huff*, the SEC accused the defendant of defrauding a publicly traded company out of \$130 million. Judge Rosenbaum presided over a bench trial—serving as finder of both fact and law—and ultimately ordered the defendant to disgorge \$10 million and barred him from serving as officer or director of a public company.

## Professional and Community Activities

From 2002 to 2007, Judge Rosenbaum sat on the board of directors for the Broward Chapter of the Federal Bar Association. Her community service includes participation in the Florida Bar's Justice Teaching program. The program educates students from elementary school through high school about the Constitution and the fundamental principles of our justice system.

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<sup>4</sup> 440 F.3d 1286 (11th Cir. 2006).

<sup>5</sup> See *U.S. v. Livdahl*, 356 F. Supp. 2d 1289 (S.D. Fla. 2005) (parallel civil proceeding).

<sup>6</sup> Civil Docket No. 08-61826 (S.D. Fla. 2008).

<sup>7</sup> Civil Docket No. 08-81162 (S.D. Fla. 2008).