



Continuing Legal Education and Training Program

of the
United States Court of
Appeals for the Armed Forces

MAY 15 -16, 2024



George Mason University
Antonin Scalia Law School
Van Metre Hall
3351 Fairfax Drive
Arlington, Virginia 22201



THE
2024 CONTINUING LEGAL EDUCATION AND TRAINING
PROGRAM

of the

UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES



May 15-16, 2024

Schedule of Events

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1. Schedule of Events for May 15-16, 2024
2. Biographies of the Judges of the U.S. Court of Appeals for the Armed Forces
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(available at <https://www.armfor.uscourts.gov/newcaaf/ConfPage.htm>)

2024 CONTINUING LEGAL EDUCATION AND TRAINING PROGRAM
U.S. Court of Appeals for the Armed Forces

Wednesday, May 15, 2024

- 7:30 a.m. *Registration***
- 7:55 a.m. *Welcoming Remarks***
The Honorable Kevin A. Ohlson, Chief Judge, U.S. Court of Appeals for the Armed Forces
- 8:00 a.m. *To Fight and Win The Nation's Wars: American War Crimes and the Failure of Military Justice In the Second World War***
Dr. Benjamin M. Schneider, Assistant Professor, Department of Military History, U.S. Army Command and General Staff College
- 9:00 a.m. *Jurisdiction Options for Adjudicating the Russian Crime of Aggression in Invading Ukraine***
Mr. Robert Monahan, Captain, J.A.G.C., U.S. Navy (Retired); Commissioner to the Honorable Kevin A. Ohlson, U.S. Court of Appeals for the Armed Forces, and Ms. Deborah S. Mayer, Captain, J.A.G.C., U.S. Navy (Retired); Former Prosecutor, Special Prosecutor's Office, Kosovo Specialist Chambers
- 10:00 a.m. *Break***
- 10:10 a.m. *Military Sentencing Under a New Paradigm: Parameter and Criteria Offenses***
Captain Stephen C. Reyes, JAGC, U.S.N., Chief Trial Judge, Navy-Marine Corps Trial Judiciary, and Chair, Sentencing Parameter and Criteria Board
- 11:10 a.m. *Break***
- 11:20 a.m. *DoD Use of CODIS: Overbroad, Misuse, or Necessary Law?***
Lieutenant Colonel Christopher Goewert, U.S. Air Force, and Major Ryan Farrell, Trial Attorney, Federal Defenders of Eastern Washington and Idaho; California Air National Guard
- 12:20 p.m. *Lunch***
- 1:20 p.m. *Normative Words and the Fundamental Limits of Rape Law Reform***
Professor Eric R. Carpenter, Professor of Law, Florida International University
- 2:20 p.m. *Break***
- 2:25 p.m. *Confrontation and Multiple Analysts***
Professor Paul F. Rothstein, Carmack Waterhouse Professor of Law, Georgetown Law, and Adjunct Professor Ronald J. Coleman, Georgetown Law, Visiting Fellow, Information Society Project, Yale Law School

3:25 p.m. *Break*

3:30 p.m. *Corpus Linguistics as an Interpretative Tool*

Professor Jennifer Mascott, Assistant Professor of Law, Antonin Scalia Law School; Co-Executive Director, The C. Boyden Gray Center for the Study of the Administrative State

4:30 p.m. *Adjournment/Evaluations*

2024 CONTINUING LEGAL EDUCATION AND TRAINING PROGRAM
U.S. Court of Appeals for the Armed Forces

Thursday, May 16, 2024

- 8:00 a.m. *How the United States Government Handles American Citizens in Combat Zones***
Lieutenant Colonel Caitlin Chiaramonte, United States Army; Academy Professor, United States Military Academy West Point, and Lieutenant Colonel Marc Zelnick, United States Army; Deputy Staff Judge Advocate, 21st Theatre Sustainment Command
- 9:00 a.m. *Break***
- 9:10 a.m. *The Evolving Legal Landscape of Image-Based Sexual Abuse***
Dr. Mary Ann Franks, Eugene L. and Barbara A. Bernard Professor in Intellectual Property, Technology, and Civil Rights Law at George Washington Law School; President and Legislative & Tech Policy Director of the Cyber Civil Rights Initiative
- 10:10 a.m. *Break***
- 10:20 a.m. *A New Era of Military Justice***
The Honorable Caroline D. Krass, General Counsel of the Department of Defense
- 11:20 a.m. *Veterans and Servicemembers Clinic***
Mr. Tim MacArthur and Ms. Leigh Winstead
- 11:30 a.m. *Presentation of Awards for Appellate Advocacy***
The Judge Advocates Association
- 11:40 a.m. *Lunch***
- 12:40 p.m. *Who Sits in Judgment? Exploring the Race, Ethnicity, and Gender of Military Panels***
Ms. Martha Bashford, Manhattan District Attorney's Office, (Retired); Fellow, American Academy of Forensic Sciences and American College of Trial Lawyers, Dr. William Wells, Department of Criminal Justice and Criminology, Sam Houston State University; Criminologist, Defense Advisory Committee on the Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, and Kate Tagert, Attorney-advisor, Defense Advisory Committee on the Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces
- 1:40 p.m. *Break***
- 1:50 p.m. *Ethics of Using Artificial Intelligence in Litigation***
The Honorable Martin Mitchell, Veterans Law Judge, Board of Veterans' Appeals

2:50 p.m. *Break*

3:00 p.m. *Ethics of Gifts to Judges and Financial Disclosures*
The Honorable Martin Mitchell, Veterans Law Judge, Board of Veterans'
Appeals

4:00 p.m. *Adjournment/Evaluations*

THE
2024 CONTINUING LEGAL EDUCATION AND TRAINING
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of the

UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES



May 15-16, 2024

**Biographies of the Judges
of the Court**

Chief Judge Kevin A. Ohlson

Chief Judge Ohlson was appointed by President Barack Obama to the United States Court of Appeals for the Armed Forces on November 1, 2013. He became Chief Judge on August 1, 2021.

Chief Judge Ohlson was born and raised in Sterling, Massachusetts, and attended Washington and Jefferson College on a four-year Army R.O.T.C. scholarship, graduating in 1982. While in college, Chief Judge Ohlson completed Air Assault training with the 101st Airborne Division at Fort Campbell, Kentucky, served as the commander of the corps of cadets, and was elected to Phi Beta Kappa.

Upon graduating from the University of Virginia School of Law in 1985, Chief Judge Ohlson attended the U.S. Army Judge Advocate General's School. He then completed Airborne training at Fort Benning, Georgia, and was placed on jump status at his next duty assignment at Fort Bragg, North Carolina. Chief Judge Ohlson parachuted more than 30 times and into three foreign countries: Honduras, Jordan, and Egypt.

While at Fort Bragg, Chief Judge Ohlson prosecuted a number of criminal cases, handled administrative law matters, and served as an Article 32 (UCMJ) Investigating Officer in a multiple rape and murder case where, at trial, the defendant was sentenced to death. At the conclusion of his four-year tour of duty in December of 1989, Chief Judge Ohlson became a federal prosecutor in the United States Attorney's Office for the District of Columbia. However, in October of 1990 he was recalled to active duty and deployed to Saudi Arabia during Operation Desert Storm where he served as a legal advisor to the XVIII Airborne Corps Command Staff. Chief Judge Ohlson was awarded the Bronze Star for his service.

Chief Judge Ohlson returned to the United States Attorney's Office for the District of Columbia in 1991 and resumed prosecuting drug crimes and crimes of violence. The following year, Chief Judge Ohlson was appointed to serve as Special Counsel to the United States Attorney. In this capacity, Chief Judge Ohlson advised two consecutive United States Attorneys on legal and policy issues.

In 1997, Chief Judge Ohlson was appointed as Chief of Staff to the Deputy Attorney General. After four years in that position, Chief Judge Ohlson was appointed as a member of the Board of Immigration Appeals where he served in a judicial capacity deciding appeals in immigration cases. He later was appointed as deputy director, and then director, of the Executive Office for Immigration Review, a component of the Department of Justice with more than 1,000 employees and more than 50 offices nationwide.

In 2009, Chief Judge Ohlson was appointed as Chief of Staff and Counselor to the Attorney General. In this position, Chief Judge Ohlson advised the Attorney General on legal and policy issues and handled operational issues affecting the Department of Justice. During this period, Chief Judge Ohlson received the Attorney General's Distinguished Service Award and the Edmund J. Randolph Award.

After stepping down as Chief of Staff and Counselor to the Attorney General in 2011, Chief Judge Ohlson became chief of the newly created Professional Misconduct Review Unit and oversaw disciplinary action involving Department of Justice attorneys who allegedly engaged in prosecutorial misconduct. He was appointed to his position on the U.S. Court of Appeals for the Armed Forces two years later.

Chief Judge Ohlson lives in Virginia with his wife, Dr. Carolyn Davis. They have two children, Matthew and Katherine.

Judge John E. Sparks, Jr.

President Barack Obama appointed John E. Sparks, Jr. to the United States Court of Appeals for the Armed Forces on April 8, 2016.

Judge Sparks is a native of Mount Holly, New Jersey, and enlisted in the U.S. Navy in July 1971. He was selected for the Naval Academy Preparatory School (NAPS) program and was sent to Naval Training Center Bainbridge, Maryland, for eight months of instruction. After completing the NAPS program, he received an

appointment to the United States Naval Academy and began the course of instruction as a midshipman in July 1972.

Upon graduation from the Academy in June 1976, Judge Sparks accepted a commission as a second lieutenant in the United States Marine Corps. He spent the first seven years of his career as an infantry officer and held billets typical for that occupational specialty such as platoon commander, assistant operations officer, rifle company executive officer and rifle company commander. In 1983, he was accepted into the Marine Corps Excess Leave Law Program and began the study of law at the University of Connecticut School of Law. He was admitted to the Connecticut Bar in 1986 and was certified as a Marine Corps judge advocate.

Between 1986 and 1996 Judge Sparks served in a variety of legal positions including military prosecutor, defense counsel, legal adviser to a naval hospital, three years as a military judge and two years as Military Assistant and Special Counsel to the General Counsel of the Navy. In May 1996, he was assigned to the White House to serve as a Deputy Legal Advisor to the National Security Council.

In January 1998, after twenty-three years of service to the U.S. Marine Corps, he retired and was asked by Secretary Dan Glickman, Secretary of Agriculture, to serve as his Special Assistant for Civil Rights activities and issues for the department. Judge Sparks also was instrumental in the settlement of a class action lawsuit against the department by African American farmers. In January 1999, he joined the Department of the Navy as the Principal Deputy General Counsel of the Navy where he was vested with full authority to act for and with the General Counsel in all legal matters affecting the Department of the Navy.

In December 2000, Judge Sparks joined the United States Court of Appeals for the Armed Forces as the senior legal advisor to then Judge and later Chief Judge James E. Baker. He served in that position until retirement from federal service on July 31, 2015.

Judge Sparks lives in Virginia with his wife, Wendy. They have three grown children.

Judge Gregory E. Maggs

Judge Maggs was appointed to the United States Court of Appeals for the Armed Forces by President Donald J. Trump on February 1, 2018.

Judge Maggs grew up in Urbana, Illinois. He is a graduate of Harvard College (1985) and Harvard Law School (1988). He was a law clerk for Justices Clarence Thomas (1991-1992) and Anthony M. Kennedy (1989-1990) of the U.S. Supreme Court and for the late Judge Joseph T. Sneed of the U.S. Court of Appeals for the Ninth Circuit (1988-1989).

Judge Maggs was a member of the George Washington University Law School faculty from 1993 until 2018. He was the Interim Dean of the law school from 2010-2011 and from 2013-2014, the Senior Associate Dean for Academic Affairs from 2008-2010, and a Co-director of the law school's National Security and U.S. Foreign Relations LL.M. program from 2011-2018.

He taught mainly in the areas of commercial law, constitutional law, and contracts, and wrote extensively on these and other subjects. By vote of the graduating class, he received the law school's Distinguished Faculty Service Award in 1997, 1998, 2004, 2005, 2011, 2012, 2013, 2014, and 2015. In 2012, the university gave him the George Washington Award for outstanding service. In 2017, he became the Arthur Selwyn Miller Research Professor of Law.

Judge Maggs served in the U.S. Army Reserve, Judge Advocate General's Corps, from 1990 until 2018. He retired in the rank of colonel upon appointment to the U.S. Court of Appeals for the Armed Forces. From 2007 to 2017, he was assigned as either a reserve trial or appellate military judge. Judge Maggs is a graduate of the U.S. Army War College, the Joint and Combined Warfighting School, the Military Judge Course, the Command and General Staff Officer Course, the Judge Advocate Officer Advanced and Basic Courses, the Air Assault School, and the Infantry Weapons Specialist Course. He was mobilized as an appellate

military judge in 2007-2008. He received the Judge Advocates Association's Outstanding Career Armed Services Attorney Award in 2002.

His other past experience includes service as the reporter for the Advisory Committee on the Federal Rules of Appellate Procedure, a special master for the U.S. Supreme Court, a consultant to Independent Counsel Kenneth Starr in the Whitewater Investigation, an assistant professor of law at the University of Texas, and an assistant to the late Judge Robert H. Bork in private practice and research.

Judge Maggs lives in Virginia with his wife, Janice. They have one grown child.

Judge Liam P. Hardy

Judge Hardy joined the U.S. Court of Appeals for the Armed Forces in December 2020. He currently teaches seminars on constitutional issues arising in the military justice system as an adjunct professor at Notre Dame Law School and as a Lecturer on Law at Harvard Law School.

Prior to his nomination to the Court by President Donald J. Trump, Judge Hardy served as a Deputy Assistant Attorney General in the U. S. Department of Justice's Office of Legal Counsel. The Office of Legal Counsel assists the Attorney General in his role as legal adviser to the President and the Executive Branch agencies, writing legal opinions and providing other legal advice in response to requests from the President, the Department of Justice, and other Executive Branch agencies.

Prior to serving in the Department of Justice, Judge Hardy practiced law as a litigation partner in the Washington D.C. office of Kirkland & Ellis LLP. He represented clients in a wide variety of complex litigation matters at both the trial and appellate levels and provided guidance on legislative and policy issues. Judge Hardy's litigation practice focused on a broad array of subject matters, including intellectual property disputes, class actions, mass torts, government investigations, breach of contract, and fraud. He also advised clients on a wide range of policy issues related to constitutional and administrative law, and intellectual property rights.

Before joining Kirkland, Judge Hardy served as a law clerk to Justice Clarence Thomas of the Supreme Court of the United States, Chief Judge David B. Sentelle of the United States Court of Appeals for the District of Columbia Circuit, and Judge Margaret A. Ryan of the United States Court of Appeals for the Armed Forces. Judge Hardy holds a J.D. from the Georgetown University Law Center, an M.S. from Stanford University, and a B.S.E. from Princeton University. Prior to attending law school, Judge Hardy worked as a professionally licensed engineer, including as an aerospace engineer for the U.S. Army's Aeroflightdynamics Directorate at NASA Ames Research Center, Moffett Field, California.

Judge Hardy lives in Virginia with his wife, Jennifer, and their three children Grace, Luke, and Sarah.

Judge M. Tia Johnson

Judge M. Tia Johnson was appointed to the United States Court of Appeals for the Armed Forces by President Joseph R. Biden, Jr. on December 22, 2022.

Judge Johnson is a native of Philadelphia, PA. She attended Hampton Institute (now University), where she was awarded a two-year ROTC Scholarship. Commissioned in 1980, she was granted an Educational Delay to attend Temple University Law School. While in law school she served as the Research Assistant for the late Judge A. Leon Higginbotham of the U.S. Court of Appeals for the Third Circuit.

Upon graduation in 1983 and subsequent admission to the Pennsylvania Bar, Judge Johnson entered active duty in the U.S. Army Judge Advocate Generals' Corps. From 1984-2013, Judge Johnson served in a variety of legal positions, of increasing importance, achieving a number of "firsts" along the way. These include becoming the first African American female: to attend the Graduate Course and earn a Master of Laws in Military Law (with a specialty in International/Operational Law) from the U.S. Army Judge Advocate Generals' School (renamed the Judge Advocate Generals' Legal Center and School); and later, the first to chair an Academic Department at the school, where she occupied the

Waldemar A. Solf Chair of International/Operational Law. Finally, in 2002, she became the first African American female to be selected to the rank of colonel in the U.S. Army JAG Corps' 227-year history. In her final assignment, she served as the Senior Military Assistant to the Department of Defense General Counsel.

After retirement, Judge Johnson served as a Presidential Appointee at the U.S. Department of Homeland Security. She was initially the Senior Adviser to the Director, Immigration and Customs Enforcement. In that role, she developed strategies and plans to implement the President's 2014 Executive Actions on Immigration. In 2015, she was appointed as the Assistant Secretary for Legislative Affairs. During her two-year tenure she was instrumental in getting major legislation passed that enhanced the department's mission, authorized its components, and codified new processes and organizations.

In March 2017, Judge Johnson joined the faculty of the Georgetown University Law Center, where she served as a Visiting Professor and former Director of the National Security Law LL.M. Program. She was also a Visiting Fellow at Georgetown's Center on National Security and the Law, and a Distinguished Fellow at the Center for National Security Law at the University of Virginia School of Law. At Georgetown, she taught in the areas of constitutional law and governance, and National Security Law.

Judge Johnson earned a second LL.M. in International/National Security Law from the University of Virginia School of Law as well as a M.S. in Strategic Studies from the U.S. Army War College. In addition to her numerous military awards, Judge Johnson has been recognized by the civilian bar. She is a 1995 joint recipient of the American Bar Association's Hodson Award for Outstanding Public Service. In 2002, she was inducted into the National Bar Association's Military Law Section Hall of Fame. In 2005, she was selected as the American Bar Association's Outstanding Military Service Career Judge Advocate. And, in 2022, in recognition of her trailblazing career, Judge Johnson was selected for Induction into the U.S. Army Women's Hall of Fame.

Judge Johnson lives in Virginia with her husband, Alvin K. Phillips, a retired U.S. Army Lieutenant Colonel, and non-profit executive.

Senior Judges

Walter T. Cox III

- Active: Sep. 6, 1984 - Sep. 18, 2000
- Chief Judge: 1995 - 1999

Eugene R. Sullivan

- Active: May 27, 1986 - Sep. 30, 2002
- Chief Judge: 1990 - 1995

Susan J. Crawford

- Active: Nov. 19, 1991 - Sep. 30, 2006
- Chief Judge: 1999 - 2004

Andrew S. Effron

- Active: Aug. 1, 1996 - Sep. 30, 2011
- Chief Judge: 2006 - 2011

James E. Baker

- Active: Sep. 19, 2000 - July 31, 2015
- Chief Judge: 2011 - 2015

Charles E. “Chip” Erdmann

- Active: Oct. 2, 2002 - July 31, 2017
- Chief Judge: 2015 - 2017

Margaret A. Ryan

- Active: Dec. 20, 2006 - July 31, 2020

Scott W. Stucky

- Active: Dec. 12, 2006 - July 31, 2021
- Chief Judge: 2017 - 2021

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May 15-16, 2024

**Speaker Biographies
For Wednesday, May 15**

Dr. Benjamin M. Schneider

Assistant Professor, Department of Military History,

U.S. Army Command and General Staff College

DATE: Wednesday, May 15, 2024

TIME: 8:00 a.m. – 9:00 a.m. (60 minutes)

SUBJECT: To Fight and Win The Nation's Wars: American War Crimes and the Failure of Military Justice In the Second World War

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Schneider, Benjamin M. (2021). Making Killers: Hate Training and the US Army's War in Europe, 1942–5. *Journal of Contemporary History*, 56(2), 343-363.

Dr. Benjamin M. Schneider

Dr. Benjamin M. Schneider is an assistant professor in the Department of Military History at the U.S. Army Command and General Staff College. He has held fellowships at the U.S. Naval War College, the Harry Frank Guggenheim Foundation, and the U.S. Army Center of Military History. He received his doctorate from George Mason University in 2019, and his research has appeared in *The Journal of Contemporary History* and *War In History*. He is currently working on a book manuscript examining the trials of American war criminals for crimes committed in the European theater of the Second World War.

Robert P. Monahan Jr.

*Captain, J.A.G.C., U.S. Navy (Retired); Commissioner to the Honorable
Kevin A. Ohlson, U.S. Court of Appeals for the Armed Forces*

Deborah S. Mayer

*Captain, J.A.G.C., U.S. Navy (Retired); Former Prosecutor, Special
Prosecutor's Office, Kosovo Specialist Chambers*

DATE: Wednesday, May 15, 2024

TIME: 9:00 a.m. – 10:00 a.m. (60 minutes)

SUBJECT: Jurisdiction Options for Adjudicating the Russian Crime of
Aggression in Invading Ukraine

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Russia Aggression Against Ukraine CLE Handout.

Robert P. Monahan Jr.
CAPT, JAGC, USN (Ret.)

Mr. Monahan graduated from the United States Naval Academy in 1995 with a Bachelor of Science degree in Political Science. He then earned a Master of Arts degree in Government and Politics from the University of Maryland at College Park in 1996. Following completion of professional training, Mr. Monahan then served onboard Precommissioning Unit/USS HOPPER (DDG 70) as the Auxiliary Machinery Officer and the Gunnery Officer. He later served onboard USS RODNEY M. DAVIS (FFG 60) as the Navigator and participated in a Middle East Force deployment to the Arabian Gulf. Mr. Monahan participated in the Navy Law Education Program as a student at Boston College Law School where he served as a Solicitants Editor of the Boston College Law Review and earned his Juris Doctor degree in 2002. His first assignment as a judge advocate was at Naval Legal Service Office Mid-Atlantic in Norfolk, VA, where he served as a legal assistance attorney, a defense counsel, and ultimately as the Senior Defense Counsel. He then served as an Assistant Force Judge Advocate on the COMUSNAVEUR/COMSIXTHFLT staff in Naples, Italy.

Mr. Monahan was next assigned to Naval Legal Service Office Southeast, where he served as a Region Defense Counsel/Region Department Head at the command's headquarters at Naval Station Mayport, FL. He then deployed to Kabul, Afghanistan from January 2010 until July 2010, serving as the Chief of Operational and International Law on the staff of NATO Training Mission-Afghanistan/Combined Security Transition Command-Afghanistan. In 2011, he earned an LL.M. in Litigation and Dispute Resolution from The George Washington University Law School in Washington, DC. Mr. Monahan then served in Jacksonville, FL as the Executive Officer of Region Legal Service Office Southeast and prosecuted cases as trial counsel. From 2013 until 2016, Mr. Monahan served in Washington, DC as a military judge, and later as the Circuit Military Judge for the Northern Judicial Circuit. He next served as the Circuit Military Judge for the

Central Judicial Circuit in Norfolk, VA from 2016 until 2018. From 2018 until 2020, Mr. Monahan served as the Deputy Assistant Judge Advocate General (Criminal Law). He served as the Chief Judge, United States Navy-Marine Corps Court of Criminal Appeals from August 2020 through August 2022. From September 2022 until January 2023, he served as the Acting Assistant Judge Advocate General (Chief Judge, Department of the Navy).

Mr. Monahan retired from the United States Navy in 2023 and currently serves as the Senior Level Commissioner to Chief Judge Kevin Ohlson of the United States Court of Appeals for the Armed Forces. He is licensed to practice law in Massachusetts, New Jersey, and the District of Columbia.

Deborah Sue Mayer
CAPT, JAGC, USN (Ret.)

Ms. Mayer most recently served as Prosecutor, Kosovo Specialist Chambers, Specialist Prosecutor's Office in The Hague where she prosecuted the former Prime Minister of Kosovo and other former high level government officials for alleged war crimes and crimes against humanity including murder, torture, and enforced disappearance.

From January 2015 until November 2021, Ms. Mayer was the Chief Counsel and Staff Director for the U.S. Senate Select Committee on Ethics, serving as the non-partisan chief legal advisor and professional staff leader for the only bipartisan committee in the Senate. Ms. Mayer personally advised Members of the Committee and Senate, and oversaw the non-partisan staff providing ethics advice and education, administering the Senate's financial disclosure program, and conducting investigations and enforcement of ethics rules, laws and standards of conduct. From July 2011 until January 2015, Ms. Mayer served as the Director of Investigations for the House Ethics Committee, overseeing all of the Committee's investigations into Members of Congress or their staff.

From November 2002 to July 2011, Ms. Mayer was a prosecutor with the U.S. Department of Justice, beginning as an Assistant U.S. Attorney in the Eastern District of New York, where served in the Organized Crime and Racketeering Section investigating and prosecuting members and associates of La Cosa Nostra. Her cases included prosecuting the boss of the Colombo Crime Family for murder in aid of racketeering, and conducting one of the only trials on the country involving the smuggling of antiquities looted from the Iraq Museum. In 2008, Ms. Mayer joined the Criminal Division's Public Integrity Section, where she investigated and prosecuted public corruption at all levels of government throughout the United States.

From November 1998 until March 2022, Ms. Mayer served as a Judge Advocate in the U.S. Navy, both on active duty and in the reserve. She served in a

variety of litigation and operational assignments including as a military judge, trial and appellate prosecutor, and Staff Judge Advocate. Her mobilizations included serving as Deputy SJA, JTF-GTMO (2013-2014), and Military Judge, Navy-Marine Corps Trial Judiciary (2020-2021).

In addition to her work as an attorney, Ms. Mayer has trained prosecutors at the Department of Justice's National Advocacy Center and the U.S. Navy's Naval Justice School, taught seminars to law enforcement agents at the Federal Law Enforcement Training Center, educated industry professionals on congressional ethics and compliance, and served as an Adjunct Assistant Professor of Clinical Law at Brooklyn Law School.

Captain Stephen C. Reyes

*JAGC, U.S. Navy, Chief Trial Judge, Navy-Marine Corps Trial
Judiciary, and Chair, Sentencing Parameter and Criteria Board*

DATE: Wednesday, May 15, 2024

TIME: 10:10 a.m. – 11:10 a.m. (60 minutes)

SUBJECT: Military Sentencing Under a New Paradigm: Parameter
and Criteria Offenses

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Military Sentencing Under a New Paradigm: Parameter and
Criteria Offenses Handout.

Captain Stephen C. Reyes

CAPT Reyes is currently the Chief Trial Judge for the Navy-Marine Corps Trial Judiciary.

CAPT Reyes received his LL.M from Harvard University, his J.D. from the University of the Pacific and his B.A in Philosophy from the University of California, Davis. He is a member of the Navy's Military Justice Litigation Career Track and is a designated Expert. CAPT Reyes's published works include: *By Reason of Serving Their Country*, 65 NAVAL L. REV. 69 (2017); *Dusty Gallows: The Execution of Private Bennett and the Modern Capital Court-Martial*, 62 NAVAL L. REV. 103 (2013); and *Left Out in the Could: The Case for a Learned Counsel Requirement in the Military*, THE ARMY LAWYER (Oct. 2010)

CAPT Reyes's previous assignments include Commanding Officer of Defense Service Office West from 2020 to 2022; Circuit Judge for Western Pacific Judicial Circuit from 2017-2020; and Executive Officer of Defense Service Office West from 2016-17.

CAPT Reyes's other notable assignments include lead defense counsel to a high value detainee facing capital offenses for the USS COLE bombing before a military commission in Guantanamo Bay; individual military counsel in a capital court-martial; appellate defense counsel in two death penalty cases; and National Security Trial Counsel for the Eastern Region.

CAPT Reyes is authorized to wear the Legion of Merit (X2); the Defense Meritorious Service Medal (x2); the Navy Meritorious Service Medal (x2); the Navy-Marine Corps Commendation Medal (x3); and the Navy-Marine Corps Achievement Medal. He is married to the former Nicole Gantner. They reside in Woodbridge, Virginia with their son, Ethan, and daughters, Quinn and Kerris.

Major Ryan M. Farrell

*Trial Attorney, Federal Defenders of Eastern Washington and Idaho;
California Air National Guard*

Lieutenant Colonel Christopher Goewert

U.S. Air Force

DATE: Wednesday, May 15, 2024

TIME: 11:20 a.m. – 12:20 p.m. (60 minutes)

SUBJECT: DoD Use of CODIS: Overbroad, Misuse, or Necessary Law?

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Captain Ryan M. Farrell & Lieutenant Colonel Christopher J. Goewert, *Virtue Lies in Moderation: The Department of Defense's Overbroad DNA Criminal Indexing System*, 228 MIL. L. REV. 421 (2020).

Major Ryan M. Farrell

Major Ryan Farrell is one of two Area Defense Counsels in Washington State, serving all Washington Air National Guard installations across the state. He provides a broad range of defense services for National Guard personnel, including representation in military justice and administrative actions, providing lectures on military law, and offering an alternative legal perspective for leaders at all levels of the chain of command.



Maj Farrell graduated from The John Marshall Law school in Chicago, Illinois in 2015. During law school, he externed with both the Coast Guard and Navy JAG Corps. He received a direct commission as an Air Force judge advocate in December 2015 and entered active duty in January 2016. Prior to this assignment, Maj Farrell served on active duty as an assistant staff judge advocate with a focus on international law and military justice, and as an area defense counsel.

In his civilian practice, Maj Farrell is a Trial Attorney with the Federal Defenders of Eastern Washington & Idaho. In that role, he provides indigent federal criminal defendants with the right to counsel guaranteed by the Sixth Amendment to the United States Constitution. Maj Farrell is admitted to practice law before the Supreme Courts of Illinois, Idaho, and Washington, the United States District Courts of the Eastern District of Washington and the District of Idaho, and the United States Court of Appeals for the Armed Forces.

EDUCATION

- 2011 Bachelor of Arts degree in Liberal Arts, *summa cum laude*, Gannon University, Pa.
- 2015 Juris Doctor, *summa cum laude*, The John Marshall Law School, Ill.
- 2018 Squadron Officer School, *Distinguished Graduate*, Maxwell Air Force Base, Ala.

ASSIGNMENTS

1. January 2016 – July 2018, Assistant Staff Judge Advocate (Chief of Legal Assistance, Adverse Actions, and Military Justice), 374th Airlift Wing, Yokota AB, Japan
2. July 2018 – August 2018, student, Squadron Officer School, Maxwell AFB, Ala.
3. August 2018 – August 2019, Assistant Staff Judge Advocate (Chief of International Law), 39th Air Base Wing, Incirlik AB, Turkey
4. August 2019 – July 2020, Assistant Staff Judge Advocate (Chief of Military Justice), 92d Air Refueling Wing, Fairchild AFB, Wash.
5. July 2020 – October 2022, Area Defense Counsel, Trial Defense Division, Fairchild AFB, Wash.
6. November 2022 – present, Area Defense Counsel, Air National Guard Defense Services, Fairchild AFB, Wash.

PUBLICATIONS

Ryan M. Farrell & Christopher J. Goewert, *Virtue Lies in Moderation: The Department of Defense's Overbroad DNA Criminal Indexing System*, 228 MIL. L. REV. 421 (2020).

MAJOR AWARDS AND DECORATIONS

Air & Space Commendation Medal with two oak leaf clusters
Air & Space Outstanding Unit Award with four oak leaf clusters
Air & Space Organizational Excellence Award Small Arms Expert
Marksmanship Ribbon (Pistol)

EFFECTIVE DATES OF PROMOTION

First Lieutenant	10 January 2016
Captain	10 July 2016
Major	14 December 2021

(Current as of March 2024)

LIEUTENANT COLONEL CHRISTOPHER “CHRIS” J. GOEWERT

Lt Col Goewert currently serves at the Office of Military Commissions, Prosecution, which is charged with prosecuting members of Al Qaeda and their affiliates for violations of the Law of War. He is the Lead Counsel in the case of *United States v. Nurjaman*.

Lt Col Goewert received his commission through ROTC, University of Maryland, Det. 330 in June 2005. He has held a number of positions in military justice and twice served as counsel in capital murder trials. He has been stationed in Germany and Japan and deployed to Liberia. Prior to his current position, he was the Chief of Military Justice at AETC.



EDUCATION

- 2000 B.S., International Business, St. Louis University, St. Louis, MO
- 2005 Juris Doctor, George Mason University, Arlington, VA
- 2006 Squadron Officer's School (correspondence)
- 2012 Air Command and Staff College (correspondence)
- 2020 Air War College (correspondence)

ASSIGNMENTS

1. December 2005 – September 2007, Assistant Staff Judge Advocate, 28th Bomb Wing, Ellsworth Air Force Base, SD
2. September 2007 – September 2009, Area Defense Counsel, Ellsworth AFB, SD
3. September 2009 – March 2012, Senior Trial Counsel, European Region, Ramstein Air Base, Germany
4. March 2012 – September 2012, Senior Trial Counsel/Special Victim's Unit, European Region, Ramstein AB, Germany

5. September 2012 – July 2014, Instructor, Military Justice Division, The Judge Advocate General's School, Maxwell, AFB, AL (June 2013 – December 2013, Operation ONWARD LIBERTY, Legal Mentor, Monrovia, Liberia)
6. July 2014 – July 2015, Senior Defense Counsel, Maxwell Region, Maxwell AFB, AL
7. July 2015 – August 2017, Senior Defense Counsel, Eastern Circuit, Langley AFB VA
8. August 2017 – July 2019, Deputy Staff Judge Advocate, 374th Airlift Wing, Yokota AB, Japan
9. July 2019 – September 2020, Chief, Military Justice, Fifth Air Force, Yokota AB, Japan
10. September 2020 – July 2021, Deputy Staff Judge Advocate, Fifth Air Force, Yokota AB, Japan
11. July 2021 – July 2023, Chief, Military Justice, Air Education and Training Command, Randolph AFB, TX
12. July 2023 – Present, Lead Counsel, *U.S. v. Nurjaman*, Office of Military Commissions Prosecution.

MAJOR AWARDS AND DECORATIONS

Meritorious Service Medal (5 OLC)

Air Force Commendation Medal (1 OLC)

Joint Service Achievement Medal

PUBLICATIONS

1. *Sexual Assault: Four Commonly Held Beliefs*, The Reporter, Vol. 40, No. 2, 2013 (w/Capt Andrew Norton)
2. *The Scope of a Victim's Right to be Heard Through Counsel*, The Reporter, Vol. 40, No. 3, 2013 (W/Capt Seth Dilworth)
3. *Air Force JAGs in Liberia: The Patient Labor of DoD's Rule of Law Mission Bears Fruit*, The Reporter, Vol. 41, No. 2, 2014
4. *The Article 32 Process after the National Defense Authorization Act of 2014*, 232 A.F. L. Rev. Vol. 72 (2015) (w/Capt Nicole Torres)
5. *The Accused: The Unacknowledged Victim of the Military's Robust Prosecution of Sexual Assault*, The Reporter, Vol. 43, No. 1, 2016
6. *Virtue Lies in Moderation: The Department of Defense's Overbroad DNA Criminal Indexing System*, 228 MIL. L. REV. 421 (2020) (w/Capt Ryan Farrell)

EFFECTIVE DATES OF PROMOTION

Second Lieutenant	21 May 2005
First Lieutenant	5 December 2005
Captain	4 June 2006
Major	1 December 2012
Lieutenant Colonel	1 October 2019

(Current as of April 2024)

Professor Eric R. Carpenter

Professor of Law, Florida International University

DATE: Wednesday, May 15, 2024

TIME: 1:20 a.m. – 2:20 p.m. (60 minutes)

SUBJECT: Normative Words and the Fundamental Limits of Rape Law Reform

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Eric R. Carpenter, *The Effect of Changing the Military's Sexual Assault Laws on Law Enforcement Investigative Findings in the U.S. Army*, 46 LAW & HUM. BEHAV. 313 (2022) (peer-reviewed, with Gonzalez, I., Garcia, S., & Odom, G.).
- Eric R. Carpenter, *Normative Words and The Fundamental Limits of Rape Law Reform*, 74 S.C. L. REV. 351 (2022).

Professor Eric R. Carpenter

Professor Carpenter joined the FIU College of Law in 2013. He served as a helicopter pilot in the Army for five years before attending law school under the Army's Funded Legal Education Program. Following law school, he served as a legal aid attorney, international law attorney, prosecutor, and supervising defense counsel in the Army JAG Corps. He deployed to Afghanistan in 2003 and served as the lead defense attorney on a capital murder case from 2007-2009. From 2010 to 2013, he helped develop training and policy to address the sexual assault issue in the military while teaching at the Army's law school in Charlottesville, Virginia, where he was the Chair of the Criminal Law Department. His research interests are in military justice, sexual violence against women, and capital litigation. He was elected to the American Law Institute in 2013 and to the National Institute of Military Justice in 2014. He is also a member of the ABA's Military Justice Committee and an affiliated faculty member with the FIU Center for Women's and Gender Studies. His scholarship has appeared in the Hastings Law Journal and the William and Mary Bill of Rights Journal, among others. He is a nationally recognized expert in military justice and has provided commentary to the Today Show, CBS Radio, the Wall Street Journal, Time Magazine, and the Associated Press.

Professor Paul F. Rothstein

Carmack Waterhouse Professor of Law, Georgetown Law

Professor Ronald J. Coleman

*Georgetown Law, Visiting Fellow, Information Society Project, Yale Law
School*

DATE: Wednesday, May 15, 2024

TIME: 2:25 p.m. – 3:25 p.m. (60 minutes)

SUBJECT: Confrontation and Multiple Analysts

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Paul F. Rothstein & Ronald J. Coleman, *Confrontation's Multi-Analyst Problem*, 9 TEX. A&M L. REV. 165 (2021).

Paul F. Rothstein

Paul F. Rothstein is Carmack Waterhouse Professor of Law at Georgetown Law. He is the author of several books and numerous articles, many on Evidence and the Constitutional Confrontation Clause. His background is as a practicing lawyer on civil and criminal cases. Paul is also the recipient of the 2024 Wigmore Lifetime Achievement Award from the Evidence Section of the Association of American Law Schools.

Ronald J. Coleman

Ronald J. Coleman (“RJ”) is a Visiting Fellow in the Information Society Project at Yale Law School and an Adjunct Professor of Law at Georgetown Law, where he has also, among other things, hosted the Georgetown Law-Ernst & Young “Compliance & Legal Risk” podcast and been a center-affiliated fellow. A former Visiting Researcher in the Department of International Development at the University of Oxford, and with a practice background at Cleary Gottlieb, his book and journal publications have primarily focused on the evidence, criminal, and technology areas.

Professor Jennifer Mascott

Assistant Professor of Law, Antonin Scalia Law School; Co-Executive Director, The C. Boyden Gray Center for the Study of the Administrative State

DATE: Wednesday, May 15, 2024

TIME: 3:30 p.m. – 4:30 p.m. (60 minutes)

SUBJECT: Corpus Linguistics as an Interpretative Tool

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Jennifer Mascott, Who Are “Officers of the United States”?, 70 STAN. L. REV. 443 (2018).

Jennifer Mascott

Jennifer Mascott is Assistant Professor of Law and Co-Director of The C. Boyden Gray Center for the Study of the Administrative State at the Antonin Scalia Law School. Professor Mascott writes in the areas of administrative and constitutional law and the separation of powers, and she serves as a Supreme Court contributor for NBC News. Her scholarship has been cited extensively by the Supreme Court and federal circuit and district courts and has been published or is forthcoming in the Stanford Law Review, the Notre Dame Law Review, the Supreme Court Review by the University of Chicago Press, the George Washington Law Review, the BYU Law Review, the Harvard Journal of Law and Public Policy, and the George Mason Law Review, among other journals.

In 2022, Professor Mascott joined as coauthor for the upcoming 9th edition of Beermann/Cass/Diver's Administrative Law: Cases and Materials. The well-known Legal Theory Blog has reviewed Professor Mascott's work as "path breaking," and she is a permanent commentator at the Yale Journal of Regulation's Notice and Comment blog. In 2023, Professor Mascott received the Justice Joseph Story Award given annually to a young academic for excellence in scholarship, concern for students, and commitment to teaching in a manner that advances the rule of law.

Professor Mascott has been elected to a three-year term as Council Member of the ABA's Administrative Law Section. And she serves as a Public Member of the Administrative Conference of the United States. She frequently testifies in the U.S. Senate and U.S. House on topics ranging from executive privilege to regulatory reform to Supreme Court jurisdiction and has testified during the confirmation hearings for two U.S. Supreme Court justices. Professor Mascott has also testified on sentencing guidelines reform before the U.S. Sentencing Commission. In 2021, Professor Mascott created a seminar on the "Separation of Powers in the Political Branches" and founded the student Separation of Powers Clinic at the Scalia Law School. Previously, Professor Mascott served as Faculty Director of the law school's Supreme Court and Administrative Law clinics.

Professor Mascott routinely presents at academic conferences and symposia, including at past events affiliated with Yale, Harvard, Stanford, Texas, UVA, Duke, and Georgetown law school organizations, the American Bar Association, the American Constitution Society, the Heritage Foundation, and the Federalist Society. She regularly provides commentary related to her academic expertise in the national media and trade press including past appearances on Meet the Press, NBC News Special Report, the Today Show, ABC's This Week, PBS NewsHour, CNN, C-Span, MSNBC, and Fox News. Professor Mascott has published in the Wall Street Journal and Washington Post and has been quoted or cited by the New York Times, the WSJ, AP, Bloomberg, Reuters, USA Today, and the National Law Journal, among other publications.

In 2019, Professor Mascott took a leave of absence from the law school to serve as Deputy Assistant Attorney General in the Office of Legal Counsel within the U.S. Department of Justice. In May 2020, she was appointed Associate Deputy Attorney General and starting in November 2020, served in a double appointment as both ADAG and a deputy in OLC through January 2021. Separate from her formal responsibilities in those two roles, Professor Mascott assisted with aspects of Justice Amy Coney Barrett's confirmation process and argued cases in federal appellate and trial courts during her government service.

From 2015 through 2017, Professor Mascott served as an Olin/Searle Fellow in Law affiliated with the Georgetown University Law Center. She also previously taught at the George Washington University Law School as a Professorial Lecturer in Law. Professor Mascott is a former law clerk to Supreme Court Justice Clarence Thomas and to then-Judge Brett M. Kavanaugh, formerly of the U.S. Court of Appeals for the D.C. Circuit. Professor Mascott graduated summa cum laude from the George Washington University Law School, where she earned the highest cumulative graduating GPA on record at the law school. She received the John Bell Larnier Award for the highest cumulative GPA in the graduating class, the Jennie Hassler Walburn Award for excellence in the area of civil procedure, and the Imogen Williford Constitutional Law Award.

THE
2024 CONTINUING LEGAL EDUCATION AND TRAINING
PROGRAM

of the

UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES



May 15-16, 2024

**Speaker Biographies
For Thursday, May 16**

Lieutenant Colonel Caitlin Chiaramonte

*United States Army; Academy Professor, United States Military
Academy West Point*

Lieutenant Colonel Marc Zelnick

*United States Army; Deputy Staff Judge Advocate, 21st Theatre
Sustainment Command*

DATE: Thursday, May 16, 2024

TIME: 8:00 a.m. – 9:00 a.m. (60 minutes)

SUBJECT: How the United States Government Handles American
Citizens in Combat Zones

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- How Does the United States Government Handle
American Citizens in Combat Zones? (IACs and NIACs).

LTC Marc Zelnick
Deputy Staff Judge Advocate
21st Theater Sustainment Command

Education

B.A. – Middlebury College (2001)

J.D. – University of Arkansas (2004)

Prior Assignments:

Attorney-Advisor, Security Assistance Group – Ukraine (2022-2023)

CJA, Security Force Assistance Command, Fort Bragg (2020-2022)

3d Operational Support Group, Fort Bragg (2017-2020; two OIR Deployments)

Student, Command and General Staff College, Fort Leavenworth (2016-2017)

Chief of Justice, 1st Cavalry Division, Fort Hood (2014-2016)

Student, Judge Advocate Graduate Course, TJAGLCS (2013-2014)

Defense Counsel, Fort Campbell (2011-2013)

Chief, Client Legal Services, 8th Army, Yongsan, Korea (2010-2011)

Trial Counsel & OpLaw, 3-2 Stryker Brigade Combat Team, Fort Lewis (2009-2010, OIF Deployment)

Administrative Law, USAREUR, USAG Bamberg (2008)

OpLaw & Trial Counsel, 173d Airborne Brigade Combat Team, USAG Bamberg (2007-2008, OEF Deployment)

Trial Counsel, 1st Infantry Division, USAG Bamberg (2006-2007)

Administrative Law, 1st Infantry Division, USAG Bamberg (2005-2006)

Lieutenant Colonel Caitlin Chiaramonte

Caitlin Chiaramonte is a Lieutenant Colonel in the United States Army and an Academy Professor of Law in the Department of Law at the United States Military Academy, West Point, New York. Caitlin is from Poughkeepsie, New York, and graduated from Our Lady of Lourdes High School in 1998. She attended Fordham University on a full athletic scholarship as a Division I Women's Basketball Team member. She graduated in 2002 with a degree in International Economics and Politics. Caitlin earned a Master of Arts in International Political Economy and Development with a concentration in Global Business and Finance from Fordham University Graduate School in 2003. During the graduate program, she earned an advanced degree certificate in Emerging Markets and Country Risk Analysis. Caitlin then attended Fordham Law School and earned her Juris Doctorate in 2006.

Following law school, Caitlin played professional basketball from 2006 – 2008 in Germany and Finland. During the off-season, she worked as a litigation associate at a New York City law firm.

Caitlin joined the United States Army Judge Advocate General's Corps in 2008. Her first duty assignment was with the Office of the Staff Judge Advocate of Fort Benning, Georgia. While at Fort Benning, she served as a legal assistance attorney, tax attorney, and prosecutor. Caitlin prosecuted complex felony cases, including multiple sexual assault cases. After graduating from Airborne School, she was assigned to the 82nd Airborne Division, deployed to Afghanistan (Operation ENDURING FREEDOM) for one year, and oversaw all complex investigations in Southern Afghanistan. Caitlin was assigned as the Brigade Judge Advocate for the 18th Fires Brigade, 82nd Airborne Division from 2012-2104 following deployment. She then served as a defense attorney, defending service members charged with misdemeanor and felony offenses (sexual assault, attempted homicide, and involuntary manslaughter) in Bavaria, Germany.

In 2017, Caitlin earned her Master of Law (LLM) from the Judge Advocate General's School in Charlottesville, Virginia. She then served as a special

operations attorney until May 2019 in the United States Special Operations Command, advising on the law of war, rules of engagement, intelligence and cyber operations, lethal targeting, and detention operations. Additionally, she deployed twice in support of Operation INHERENT RESOLVE to Iraq and other Middle Eastern locations.

In 2019, Caitlin was selected for the United States Congressional Fellowship Program. As part of the program, she earned a master's degree in Legislative Affairs from The George Washington University School of Political Management. She served a year in the office of U.S. Senator Kirsten Gillibrand, a Senate Committee on Armed Services member. She advised the Senator and critical staff on military justice, foreign affairs, and defense policy issues. Caitlin then served at the Pentagon as a legislative counsel in the U.S. Army Office of the Chief Legislative Liaison, handling the military justice and national security law portfolios.

In 2022, Caitlin was selected as an Academy Professor at the United States Military Academy at West Point. She teaches Constitutional & Military Law, serves on several committees, is an academic advisor, Law and Legal Studies Program Director, internship director, and the Superintendent's representative to the Army Women's Basketball & Volleyball Teams.

Education

- B.A., Fordham University
- M.A., Fordham University Graduate School of Arts and Science
- M.P.S., The George Washington University
- J.D., Fordham University School of Law
- LL.M., The Judge Advocate General's Legal Center and School (Administrative Law Specialty)

Dr. Mary Ann Franks

*Eugene L. and Barbara A. Bernard Professor in Intellectual Property,
Technology, and Civil Rights Law at George Washington Law School;
President and Legislative & Tech Policy Director of the Cyber Civil
Rights Initiative*

DATE: Thursday, May 16, 2024

TIME: 9:10 a.m. – 10:10 a.m. (60 minutes)

SUBJECT: The Evolving Legal Landscape of Image-Based Sexual Abuse

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Mary Anne Franks, *Redefining “Revenge Porn” Reform: A View From the Front Lines*, 69 Fla. L. Rev. (2017).

Dr. Mary Anne Franks

Dr. Mary Anne Franks is the Eugene L. and Barbara A. Bernard Professor in Intellectual Property, Technology, and Civil Rights Law at the George Washington University Law School. She is an internationally recognized expert on the intersection of civil rights, free speech, and technology. Her other areas of expertise include family law, criminal law, criminal procedure, First Amendment law, and Second Amendment law.

Dr. Franks is also the President and Legislative & Tech Policy Director of the Cyber Civil Rights Initiative, a nonprofit organization dedicated to combating online abuse and discrimination. In 2013, she drafted the first model criminal statute on nonconsensual pornography (sometimes referred to as “revenge porn”), which has served as the template for multiple state laws and for pending federal legislation on the issue. She served as the reporter for the Uniform Law Commission’s 2018 Uniform Civil Remedies for the Unauthorized Disclosure of Intimate Images Act and frequently advises state and federal legislators on various forms of technology-facilitated abuse. Dr. Franks also advises several major technology platforms on privacy, free expression, and safety issues. She has been an Affiliate Fellow of the Yale Law School Information Society Project since 2019.

Dr. Franks is the author of the award-winning book, *The Cult of the Constitution: Our Deadly Devotion to Guns and Free Speech* (Stanford Press, 2019). She was awarded a Knight Foundation grant to support research for her second book, *Fearless Speech*, which is expected in 2024. Her scholarship has also appeared in the *Harvard Law Review*, the *California Law Review*, and *UCLA Law Review*, among others.

Prior to joining the GW faculty, Dr. Franks was the Michael R. Klein Distinguished Scholar Chair at the University of Miami School of Law and an Affiliated Faculty member of the University of Miami Department of Philosophy. She previously taught at the University of Chicago Law School as a Bigelow Fellow and Lecturer in Law and at Harvard University as a lecturer in social studies and

philosophy. She holds a JD from Harvard Law School as well as a doctorate and a master's degree from Oxford University, where she studied as a Rhodes Scholar. She was named a member of the American Law Institute in October 2018 and is a member of the District of Columbia Bar.

The Honorable Caroline D. Krass

General Counsel of the Department of Defense

DATE: Thursday, May 16, 2024

TIME: 10:20 a.m. – 11:20 a.m. (60 minutes)

SUBJECT: A New Era of Military Justice

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- A New Era of Military Justice Brief.

The Honorable Caroline Krass

Caroline Krass is the General Counsel of the Department of Defense. Appointed by the President with the advice and consent of the Senate, she was sworn in on August 2, 2021. As General Counsel, Ms. Krass serves as the chief legal officer of the Department and the principal legal advisor to the Secretary of Defense. Ms. Krass is responsible for legal determinations and legal policy across the Department of Defense and its components. She also serves as the Director of the Defense Legal Services Agency, which is comprised of the legal staffs assigned to the Defense Agencies and Department of Defense Field Activities.

Ms. Krass was previously the Senior Vice President & General Counsel, General Insurance and Deputy General Counsel of American International Group (AIG), where she led a global legal team supporting the primary business unit, as well as the cybersecurity and privacy, technology, and innovation teams across AIG. Before that, she was a partner and Chair of the National Security Practice Group at the law firm Gibson Dunn.

In 2014, Ms. Krass was the first woman to be confirmed by the United States Senate as General Counsel of the Central Intelligence Agency (CIA), where she served as the chief legal officer and primary legal advisor to the CIA Director until 2017. Previously, Ms. Krass served as the Acting Assistant Attorney General for the Office of Legal Counsel (OLC) in the Department of Justice, advising the President, Attorney General, and other Executive Branch leaders on complex questions of constitutional and statutory law. That role was the culmination of thirteen years at the Department, primarily as a career lawyer in OLC and as a Special Assistant U.S. Attorney within the National Security Section at the U.S. Attorney's Office for the District of Columbia. In 2009, Ms. Krass was appointed Special Assistant and Special Counsel for National Security Affairs to President Obama and Principal Deputy Legal Adviser to the National Security Council (NSC), where she advised officials on a range of legal issues related to national security and foreign policy.

Earlier in her career, Ms. Krass served as Deputy Legal Adviser to the NSC, as Special Assistant to the General Counsel of the Department of the Treasury, and as a lawyer at the Department of State. Ms. Krass clerked for the Honorable Patricia M. Wald on the U.S. Court of Appeals for the D.C. Circuit. She graduated Phi Beta Kappa from Stanford University and received her J.D from Yale Law School.

Ms. Krass has received multiple awards and honors, including the CIA Distinguished Intelligence Medal and CIA Director's Award, the John Marshall Award -- the highest Department of Justice Award for an attorney, and the Department of Defense Medal for Outstanding Public Service, as well as the Department of State Superior Honor Award. She has served in a number of advisory roles, including in the Intelligence Community as well as on the American Bar Association Standing Committee on Law and National Security, the Advisory Board of George Mason University Law School's National Security Institute, and the Advisory Board of the Cybersecurity Law Institute at Georgetown University Law Center.

Tim MacArthur

and

Leigh Winstead

Mason Veterans and Servicemembers Legal Clinic

DATE: Thursday, May 16, 2024

TIME: 11:20 a.m. – 11:30 a.m. (20 minutes)

SUBJECT: Veterans and Servicemembers Clinic

Timothy M. MacArthur

Timothy M. MacArthur is a Clinical Professor and Director of the Mason Veterans and Servicemembers Legal Clinic (M-VETS) at the Antonin Scalia Law School at George Mason University. Professor MacArthur has served in this position since May 2016. Professor MacArthur brings to the position over 15 years of military experience with the United States Army as a Judge Advocate. Also, Professor MacArthur practiced as a Principal Assistant Public Defender in Lake County, Illinois, from 2005 through 2013. Professor MacArthur received his Juris Doctorate from Michigan State University/Detroit College of Law in 2001. In addition, he received a Bachelor of Science degree in Psychology from Madonna University in 1998. Professor MacArthur is a member of the Illinois Bar.

Leigh Winstead

Leigh Winstead is a Clinical Professor and Deputy Director for the Mason Veterans and Servicemembers Legal Clinic (M-VETS). She oversees all civil litigation matters and manages the clinic's daily operations. Before joining George Mason University, Ms. Winstead was an associate at Odin, Feldman & Pittleman, P.C. in civil litigation and intellectual property practice groups. Ms. Winstead's diverse practice encompassed, among other things, commercial contract disputes and intellectual property litigation in state and federal court. While in private practice, Ms. Winstead was named among Virginia's Legal Elite by Virginia Business magazine for Legal Services/Pro Bono in 2013 and 2015. Professor Winstead earned her B.A. from The Pennsylvania State University and her J.D. from American University, Washington College of Law, where she was an American University Law Review member. Professor Winstead is a member of the Virginia Bar.

Martha Bashford

Manhattan District Attorney's Office, (Retired); Fellow, American Academy of Forensic Sciences and American College of Trial Lawyers

Dr. William Wells

Department of Criminal Justice and Criminology, Sam Houston State University; Criminologist, Defense Advisory Committee on the Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces

Kate Tagert

Attorney-advisor, Defense Advisory Committee on the Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces

DATE: Thursday, May 16, 2024

TIME: 12:40 p.m. – 1:40 p.m. (60 minutes)

SUBJECT: Who Sits in Judgment? Exploring the Race, Ethnicity, and Gender of Military Panels

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Study of the Race, Ethnicity, and Gender of Military Panel Members Brief.

Martha Bashford

Martha Bashford served in the New York County District Attorney's Office starting in 1979 until her retirement in 2020. At the time of her retirement, she was the chief of the New York County District Attorney's Office Sex Crimes Unit, which was the first of its kind in the country. She served in this role starting in 2011. Previously she was co-chief of the Forensic Sciences/Cold Case Unit, where she examined unsolved homicide cases that might now be solvable through DNA analysis. Ms. Bashford was also co-chief of the DNA Cold Case Project, which used DNA technology to investigate and prosecute unsolved sexual assault cases. She indicted assailants identified through the FBI's Combined DNA Index System (CODIS) and obtained John Doe DNA profile indictments to stop the statute of limitations where no suspect had yet been identified. She is a Fellow in the American Academy of Forensic Sciences. Ms. Bashford graduated from Barnard College in 1976 (summa cum laude) and received her J.D. degree from Yale Law School in 1979. She is a Fellow in both the American College of Trial Lawyers and the American Academy of Forensic Sciences.

Dr. William Wells

Dr. William Wells is Professor of Criminal Justice and Criminology at Sam Houston State University (SHSU) and also serves as Director of Research in the Law Enforcement Management Institute of Texas. In 2021 Dr. Wells received the SHSU Award for Excellence in Scholarly and Creative Accomplishments. Dr. Wells has been involved in several large-scale policing research projects in the United States and internationally since 1996. He is currently collaborating on a violence-reduction project with the U.S. Attorney's Office for the Southern District of Texas and multiple criminal justice agencies in the area. He is also a member of the research team that is assessing a Houston Police Department (HPD) initiative to reduce human trafficking. His published research has appeared in The Proceedings of the National Academy of Sciences, Injury Prevention, Journal of Quantitative Criminology, Journal of Interpersonal Violence, Criminology, Journal of Research in Crime & Delinquency, and American Journal of Public Health.

Kate Tagert

Ms. Kate Tagert is an attorney-advisor for the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD). Kate advises federal advisory committee members on statutes, legislative reforms, and stakeholder perspectives as they relate to advising the Secretary of Defense and Congress. Kate specializes in large-scale project management to produce comprehensive studies on military justice matters. Before joining the Department of Defense as a civilian, she served 8 years on active duty as a judge advocate in the U.S. Army practicing as both a prosecutor and defense counsel. In addition to Kate's civilian duties, she serves in the U.S. Army Reserve, including serving as a deputy regional defense counsel and adjunct professor of criminal law.

Martin Mitchell

Veterans Law Judge

Board of Veterans' Appeals

DATE: Thursday, May 16, 2024

TIME: 1:50 p.m. – 2:50 p.m. (60 minutes)

SUBJECT: Ethics of Using Artificial Intelligence in Litigation Brief

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Ethics of Using Artificial Intelligence in Litigation Brief.

DATE: Thursday, May 16, 2024

TIME: 3:00 p.m. – 4:00 p.m. (60 minutes)

SUBJECT: Ethics of Gifts to Judges and Financial Disclosures

WRITTEN MATERIALS PROVIDED AT CAAF WEBSITE:

- Ethics of Gifts to Judges and Financial Disclosures Brief

Mr. Martin Mitchell

Mr. Martin Mitchell teaches Lawyer Bargaining as an adjunct associate professor of law with the Washington College of Law at American University. Mr. Mitchell is also a frequent CLE lecturer on the topics of legal ethics, appellate practice, military justice, and constitutional law. Mr. Mitchell has instructed trial and appellate judges on the limits of independent research, judicial canons, conflicts and recusals at the Fulton Conference, the Army Judge Advocate's School of Law and the Court of Appeals of Armed Forces annual training.

Mr. Mitchell retired as a Colonel in the United States Air Force after more than twenty-one years of service. Mr. Mitchell's assignments with the Air Force included trial counsel, area defense counsel, circuit defense counsel, and chief circuit defense counsel. Mr. Mitchell also served as a military trial judge and appellate military judge. Along with his work in the courtroom, Mr. Mitchell was a labor and employment attorney and staff judge advocate for a cyber operations wing and an air mobility wing. Mr. Mitchell culminated his Air Force career as the Director of Civil Law and Litigation (JAC), where he supervised a staff of 280 attorneys, paralegals and support personnel at 38 duty locations who represent the Air Force in labor and employment, claims and tort litigation, and environmental law and litigation.

In 2016, Mr. Mitchell was appointed by President Obama to serve as an appellate military judge on the U.S. Court of Military Commissions Review. Mr. Mitchell was a commissioner at the U.S. Court of Appeals for the Armed Forces. He is currently a Veterans Law Judge with the Board of Veterans Appeals with the Department of Veterans Affairs.

This image shows a full page of blank white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for writing or drawing. There are no margins, text, or other markings present.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.