

Judicial Proceedings Panel
13 May 2016
Judge Advocate Training and Experience in Adult Sexual Assault Cases
Speaker Biographies

Overview on Judge Advocate Military Justice Training
9:00 a.m. – 10:30 p.m.

Brigadier General Charles Pede, U.S. Army, is the Commander/Commandant of The Judge Advocate General's Legal Center and School in Charlottesville, Virginia. The mission of the Legal Center and School is to train and educate Army JAG Corps professionals and warriors in legal and leadership skills, develop capabilities, conduct strategic planning, and gather lessons learned to support the proactive delivery of principled counsel and mission-focused legal services to the Army and the Nation. Brigadier General Pede's previous assignments include: trial defense counsel; chief, criminal law; Chief, Military Justice; Professor of Law, Criminal Law Department, The Judge Advocate General's Legal Center and School; staff judge advocate; Legislative Counsel, Office of the Chief of Legislative Liaison; Executive Officer to The Judge Advocate General of the Army; and Commander, U.S. Army Legal Services Agency and Chief Judge, U.S. Army Court of Criminal Appeals. Brigadier General Pede graduated from the University of Virginia, receiving a commission through R.O.T.C. He thereafter attended the University of Virginia Law School. He also holds an LL.M. in military law and a master's degree in national security and strategic studies. He attended the Judge Advocate Officer Basic and Graduate courses, the Army Command and General Staff College, and the Industrial College of the Armed Forces.

Colonel Kirk Davies, U.S. Air Force, is the Commandant of The Judge Advocate General's School, Maxwell Air Force Base, Alabama. Colonel Davies has served as an Air Force judge advocate for 26 years. During that time he has served as a trial counsel, defense counsel, deputy staff judge advocate, and staff judge advocate. Colonel Davies was also assigned to the Air Staff as the Chief, Integrated Plans and Strategy Division for the Secretary of the Air Force's strategic communications staff.

Captain John Luce, U.S. Coast Guard, is currently the Chief, Legal Policy and Program Development (CG-LPD) and Executive Assistant to the Judge Advocate General. As Chief of CG-LPD, he oversees training, staffing, resources and growth and development of the Coast Guard legal program. And as the Executive Assistant, Captain Luce is responsible for the day-to-day management of the legal program. Prior to this assignment, Captain Luce served as Chief, Office of Claims and Litigation. As agency litigation counsel he represented the Coast Guard in federal courts to defend its policies, preserve its authorities, and provide litigation support to the Department of Justice. In particular, he was actively involved in all aspects of the Deepwater Horizon Civil Litigation. Prior duties include: program reviewer in the Office of Budget and Programs; Deputy Chief, Office of Claims and Litigation; Coast Guard detailee to the Department of Justice Civil Division, Torts Branch Admiralty Litigation attorney; senior government appellate counsel; and procurement and operational law attorney. Captain Luce graduated from the U.S. Coast Guard Academy with a B.S. in management. He received a Juris Doctor from The George Washington University Law School and is a member of the New York Bar.

Lieutenant Colonel Hanorah Tyer-Witek, U.S. Marine Corps, is currently the Executive Officer, Naval Justice School. She received a Bachelor of Science degree in social work from Loyola University, Chicago and her Juris Doctor from the University of Illinois. In 2010, Lieutenant Colonel Tyer-Witek earned her LL.M. in military law, with a criminal law specialty from the Army Judge Advocate General's Legal Center and School. Some of Lieutenant Colonel Tyer-Witek's prior duties include instructor, adjutant and legal officer, trial counsel, civil law officer, legal assistance attorney, operational law attorney, deputy staff judge advocate. She has also served as the Deputy Staff Judge Advocate, SAUSA and Base Magistrate, Marine Corps Base Hawaii. After the reorganization of the Marine Corps legal community, she became the Officer-in-Charge, Legal Service Support Team, Kaneohe Bay, Hawaii. She transferred to her current position as the Executive Officer, Naval Justice School in July 2014.

Overview on Training and Experience of Attorneys Prosecuting Adult Sexual Assault Cases
10:30 a.m. – 12:00 p.m.

Colonel Katherine Oler, U.S. Air Force, is currently assigned as the Chief, Government Trial and Appellate Counsel Division, Air Force Legal Operations Agency, Joint Base Andrews, Maryland. In that capacity, she represents the Air Force in appellate review of all courts-martial before the Air Force Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, and the United States Supreme Court, in conjunction with the Solicitor General. She supervises 18 prosecutors in the Senior Trial Counsel Program and provides litigation support to staff judge advocates, local trial counsel and chiefs of military justice, worldwide. She received her commission in 1996 and has served in various capacities during her time on active duty, to include work as the chief of legal assistance, claims officer, chief of military justice, area defense counsel, circuit trial counsel, executive officer, military judge, and staff judge advocate.

Commander Michael J. Luken, U.S. Navy, currently services as the Director for the U.S. Navy's Trial Counsel Assistance Program for the Office of the Judge Advocate General. Commander Luken has served as a staff judge advocate, military judge, senior trial counsel, and senior defense counsel throughout his naval career. He has litigated a wide-range of courts-martial including sexual assault, homicide, aggravated assault, child abuse, child pornography and domestic violence. His current duties include supporting the Navy's prosecutors in all cases - advising on criminal procedure, military justice and military rules of evidence issues, developing specialized training in special victim crimes, assisting in development of SVIP capabilities and overseeing U.S. Navy's prosecution practices.

Lieutenant Colonel Bret Batdorff, U.S. Army, serves as the Chief of the Army's Trial Counsel Assistance Program. In that role, he has three primary responsibilities: training the Army's prosecutors, providing direct prosecutorial assistance on specific cases, and managing the Army's special victim prosecutors, special victim paralegals, and special victim witness liaisons. Lieutenant Colonel Batdorff's previous duties include assignments as a military judge, deputy staff judge advocate, brigade judge advocate, command judge advocate, senior defense counsel, defense counsel, trial counsel and claims judge advocate.

Major Jesse Schweig, U.S. Marine Corps, serves as the Officer in Charge, Trial Counsel Assistance Program. Major Schweig has been on active duty for 8 years and has served as a defense counsel, trial counsel, senior trial counsel, complex trial counsel, and battalion judge advocate. He has been detailed to more than 100 cases as a defense counsel and more than 200 cases as a trial counsel. He has tried more than 40 cases involving a wide variety of charges, to include the SVIP subject areas of child pornography, sexual assault, homicide, child abuse, and severe domestic violence. He has served as an instructor for the Naval Justice School, the Family Advocacy Program, the Trial Counsel Assistance Program, and the Trial Counsel Orientation Program. Major Schweig has also been a guest speaker on the subject of military law at both the Emory Riddle and University of North Carolina schools of law.

Ms. Julia Wolf Hejazi, U.S. Marine Corps, is a highly qualified expert, and provides consultation, teaching and assistance in the prosecution of sexual assault cases. She works with the Trial Counsel Assistance Program in creating and presenting training to Marine Corps prosecutors. In addition, she works with the regional legal services office at Marine Corps Base Quantico by providing consultation to prosecutors in both trial preparation and during sexual assault trials. Prior to her position as a highly qualified expert, Ms. Hejazi worked for 16 years as a prosecutor in North Carolina, serving as an assistant district attorney in Guilford County and later as the Chief Assistant District Attorney in Rockingham County. She has provided training to prosecutors in the area of sexual assault at the Naval Justice School, Camp Pendleton, Camp Lejeune, Marine Corps Base Quantico, the Federal Law Enforcement Training Center, and for the North Carolina Conference of District Attorneys. Ms. Hejazi is a graduate of Wake Forest School of Law and has a master's degree in social work from the University of Louisville.

Overview on Training and Experience of Attorneys Defending Adult Sexual Assault Cases
1:00 p.m. – 2:30 p.m.

Colonel Daniel Brookhart, U.S. Army, is currently the Chief of the U.S. Army Trial Defense Service. He is a graduate of the University of Iowa and the University of Iowa College of Law. Colonel Brookhart has a LL.M. in military law from the U.S. Army Judge Advocate General's School and an MA in defense resource strategy from the Eisenhower School. Previous duty assignments include staff judge advocate, professor and chair of the criminal law department at the Army JAG's school, chief of military justice, deputy staff judge advocate, senior defense counsel; branch chief of the government appellate division, training officer for the trial counsel assistance program and trial counsel.

Colonel Daniel Higgins, U.S. Air Force, is the Chief, Trial Defense Division, Air Force Legal Operations Agency, Joint Base Andrews, Maryland. He is responsible for providing zealous, ethical, and professional legal defense services to Air Force members world-wide. He leads a team of 108 judge advocates and 79 paralegals as they represent military members in courts-martial, administrative discharge boards and other criminal and adverse personal proceedings. Colonel Higgins received his commission through the Reserve Officer's Training Corps. Upon commissioning, he joined the inactive reserves as part of the educational delay program, allowing him to attend law school. He graduated from the University of Wyoming College of Law in May 1994. He has served as a staff judge advocate, a deputy staff judge advocate, an instructor, and an area defense counsel. He is admitted to practice law before the Supreme Court of Nebraska and the United States Court of Appeals for the Armed Forces.

Colonel Terri Zimmermann, U.S. Marine Corps Reserve, is the Reserve Counterpart to the Chief Defense Counsel of the Marine Corps/Head, Defense Services Branch, Reserve Legal Support, Judge Advocate Division. She is a graduate from the University of Texas and the Georgetown University Law Center. Colonel Zimmermann served as a Marine Corps judge advocate on active duty from 1993-1996, serving two years as a trial counsel. In 1996, she left active duty and began practicing law as a criminal defense lawyer. Since 1996, Colonel Zimmermann has been active as a drilling reservist, serving in a variety of assignments to include many years as an appellate defense counsel and as a judge on the Navy-Marine Corps Court of Criminal Appeals. In her civilian practice, she represents citizens accused of violating state, civilian federal, and military law at the trial, appellate, and post-conviction levels, and handles other military administrative matters as well. She is board certified in criminal law and criminal appellate law by the Texas Board of Legal Specialization and is a board certified criminal trial advocate for the National Board of Trial Advocacy.

Commander Stephen Reyes, U.S. Navy, is currently the Director of the Defense Counsel Assistance Program (DCAP). Commander Reyes received his LL.M. from Harvard University, his J.D. from University of the Pacific and his B.A from University of California, Davis. He has been designated as a Specialist II in military justice. Commander Reyes also has experience in defending capital, civil, and appellate cases. He is the author of *Left out in the Cold: The Case for A Learned Counsel Requirement in the Military, Army Law*. Oct. 2010 and *Dusty Gallows: The Execution of Private Bennett and the Modern Capital Court-Martial*, Naval Law Review, 2013.

Overview of Training and Experience of Special Victims' Counsel 2:30 p.m. – 4:00 p.m.

Colonel Andrea deCamara, U.S. Air Force, is the Chief, Special Victims' Counsel Division, Community Legal Services Directorate, Air Force Legal Operations Agency. She is responsible for developing policies and procedures for the AF SVC program and provides professional oversight for 40 judge advocates and 26 paralegals serving in 32 locations worldwide. Colonel deCamara has served in a variety of positions throughout her career including as an area defense counsel, appellate defense counsel, executive officer, and staff judge advocate. Prior to her current assignment, Colonel deCamara was the Deputy Staff Judge Advocate and later, Executive Officer to the Commander, Ninth Air Force, Shaw Air Force Base, South Carolina.

Colonel Katherine McDonald, U.S. Marine Corps, is the Victims' Legal Counsel Organization, Officer-in-Charge for the United States Marine Corps. Prior to this assignment, she served on the Navy and Marine Corps Court of Military Appeals as a military judge. Colonel McDonald has also served as Staff Judge Advocate for Marine Corps Base, Camp Lejeune and 3d Marine Logistics Group, Okinawa, Japan. While stationed at Marine Corps Air Station, Cherry Point, North Carolina, she served as a special assistant U.S. attorney responsible for prosecuting a wide range of cases to include Federal Employment Compensation Act fraud, drug possession and larceny. Colonel McDonald also served as a defense counsel and later as a senior defense counsel.

Lieutenant Colonel Christopher Kennebeck, U.S. Army, is the Chair and Professor, Criminal Law Department, The Judge Advocate General's Legal Center and School. He began his military career by enlisting in the Army in 1985 as an armor crewman on M60A3 Patton and M1A1 Abrams tanks. After his honorable discharge, he received his Bachelor of Science in English and linguistics from the University of South Dakota and joined the Reserve Officer Training Corps where he received his commission as a lieutenant. After being granted an educational delay, he received his Juris Doctor from the University of South Dakota and then attended the Officer Basic Course at the Judge Advocate General's Legal Center and School. He has also received an LL.M. in military law from TJAGLCS. Lieutenant Colonel Kennebeck's developmental assignments include legal assistance, trial counsel, and special assistant U.S. attorney, observer/controller, instructor/writer, senior defense counsel, chief of military justice, chief of criminal law policy and deputy staff judge advocate.

Ms. Charlotte Cluverius, U.S. Navy, is the Deputy Chief of Staff for the Navy Victims' Legal Counsel Program (VLCP). She has served in this capacity since July 2015. Prior to joining the VLCP, Ms. Cluverius was a legal assistance attorney for the Navy for four years as a civilian, and three years prior to that while serving on active duty. Ms. Cluverius is a commander in the Navy Reserves and is currently assigned to the reserve unit supporting the Naval Justice School in Newport, Rhode Island. In addition to her most recent experience, Ms. Cluverius has served as a criminal defense counsel, an assistant professor at the United States Naval Academy, and a litigator in private practice.