

2011 WILLIAM S. FULTON CONFERENCE
22 September 2011
Thurgood Marshall Federal Judiciary Building
Washington, DC

SPEAKER BIOGRAPHIES

LIEUTENANT GENERAL RICHARD C. HARDING
The Judge Advocate General, United States Air Force

Lieutenant General Richard C. Harding is The Judge Advocate General (TJAG), Headquarters U.S. Air Force, Washington, D.C. In that capacity, General Harding serves as the Legal Adviser to the Secretary of the Air Force and all officers and agencies of the Department of the Air Force. He directs all judge advocates in the performance of their duties and is responsible for the professional oversight of more than 2,200 judge advocates, 350 civilian attorneys, 1,400 enlisted paralegals and 500 civilians in the Total Force Judge Advocate General's Corps worldwide. General Harding oversees military justice, operational and international law, and civil law functions at every level of command.

General Harding, the son of an Air Force officer and grandson of a Naval officer, entered the Air Force with a direct commission in 1980. Since that time, he has served in a variety of assignments as a Judge Advocate, to include serving six assignments as a staff judge advocate at the unified command, major command, numbered air force and wing levels. Specifically, General Harding has served as follows:

January 1980 - March 1983	Assistant Staff Judge Advocate, Bitburg Air Base, West Germany
March 1983 - July 1986	Deputy Staff Judge Advocate, Dyess AFB, Texas
July 1986 - August 1988	Deputy Chief, later, Chief, Executive Services Division, Office of The Judge Advocate General, Headquarters U.S. Air Force, Washington, D.C
August 1988 - May 1990	Chief of the Special Law Branch, later, Chief of the Information and Privacy Law Branch, General Law Division, Headquarters U.S. Air Force, Washington, D.C.
May 1990 - July 1992	Chief of Officer Assignments, Judge Advocate General Professional Development Division, Headquarters U.S. Air Force, Washington, D.C.
July 1992 - July 1995	Staff Judge Advocate, 12th Flying Training Wing,

	Randolph AFB, Texas
July 1995 - July 1998	Staff Judge Advocate, 3rd Wing, Elmendorf AFB, Alaska
October 1998 - April 2000	Deputy Chief Counsel, Office of Chief Counsel, U.S. Transportation Command, Scott AFB, Ill.
April 2000 - June 2002	Staff Judge Advocate, U.S. Strategic Command, Offutt AFB, Neb.
June 2002 - July 2004	Staff Judge Advocate, Headquarters 8th Air Force, Barksdale AFB, La.
July 2004 - May 2006	Staff Judge Advocate, Headquarters Air Force Space Command, Peterson AFB, Colo.
May 2006 - June 2007	Staff Judge Advocate, Headquarters Air Combat Command, Langley AFB, Va.
June 2007 - Feb 2010	Commander, Air Force Legal Operations Agency, Bolling AFB, D.C.
Feb 2010 - present	The Judge Advocate General, Headquarters U.S. Air Force, Washington, D.C.

General Harding received a Bachelor of Science degree from the University of Arkansas at Fayetteville, in 1975, and continued at the University of Arkansas College of Law to receive his Juris Doctor in 1979. In 1984, General Harding completed Squadron Officer School at Maxwell Air Force Base, Alabama. In 1988, General Harding graduated from the Air Command and Staff College, and graduated from the Air War College in 1994.

General Harding's awards and decorations include the Distinguished Service Medal, the Defense Superior Service Medal with oak leaf cluster, the Legion of Merit with oak leaf cluster, and the Meritorious Service Medal with silver oak leaf cluster.

HONORABLE JAMES E. BAKER

Judge, United States Court of Appeals for the Armed Forces

Judge Baker was appointed to the United States Court of Appeals for the Armed Forces on September 19, 2000. The Court is composed of five civilian judges appointed for 15-year terms by the President with the advice and consent of the Senate. The Court has appellate jurisdiction over cases arising under the Uniform Code of Military Justice. Decisions of the Court are subject to review by the United States Supreme Court.

Judge Baker was born in New Haven, Connecticut and grew up in Cambridge, Massachusetts. He graduated from Yale College in 1982 and Yale Law School in 1990. Following college he served in the Marine Corps as an infantry officer. He resigned from the Reserves as an infantry officer upon joining the United States Court of Appeals for the Armed Forces.

Judge Baker has also served as a legislative aide and Acting Chief of Staff to Senator Daniel Patrick Moynihan. In the Office of the Legal Advisor, U.S. Department of State, he provided legal advice on law enforcement, intelligence, and counter-terrorism issues and served as counsel to delegations to various environmental negotiations. Judge Baker's civil service also includes posts as Deputy Legal Advisor to the National Security Council (1994-1997) and as Counsel to the President's Foreign Intelligence Advisory Board and Intelligence Oversight Board (1993). From 1997 to 2000, he was Special Assistant to the President and Legal Advisor to the National Security Council (NSC). At the NSC, Judge Baker advised the President, the National Security Advisor and the National Security Council staff on domestic and international national security law.

Judge Baker is the recipient of the 1999 Colonel Nelson Drew Award. That award, the NSC's highest honor, recognizes "distinguished contributions to the formation of peaceful, cooperative relationships between states, and U.S. security policy for global peace." He is also a recipient of the "Director's Award," given by the Director of Central Intelligence as recognition for "superior contributions in the fields of intelligence and national security." In 2009, the U.S. Army Command and General Staff College awarded Judge Baker the honorary degree of Master of Military Art and Science.

In addition to numerous articles, Judge Baker is the author of, *IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES* (Cambridge University Press, 2007) and, with Michael Reisman, *REGULATING COVERT ACTION* (Yale University Press, 1992). He is a member of the American Bar Association's Standing Committee on Law and National Security, as well as the Editorial Board of the *Journal of National Security Law & Policy*. He regularly teaches at Georgetown University Law Center and the University of Iowa College of Law, and has also taught at Yale Law School and the University of Pittsburgh School of Law.

Judge Baker's community service includes membership on the Board of Trustees of Save Historic Arlington House, Inc., a not-for-profit "Friends Group" of the National Park Service dedicated to the restoration and preservation of the residence, former slave quarters and Freedman's Village that are part of the historic site that overlooks Arlington National Cemetery.

MAJOR GENERAL (RETIRED) CHARLES J. DUNLAP, JR.
Visiting Professor & Executive Director of the Center of Law, Ethics, and
National Security, Duke University School of Law

Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010. His teaching and scholarly writing focus on national security, international law, civil-military relations, cyberwar, and military justice.

Dunlap retired from the Air Force in June 2010, having attained the rank of major general during a 34-year career in the Judge Advocate Corps. In his capacity as deputy judge advocate general from May 2006 to March 2010, he assisted the judge advocate general in the professional supervision of more than 2,200 judge advocates, 350 civilian lawyers, 1,400 enlisted paralegals, and 500 civilians around the world. In addition to overseeing an array of military justice, operational, international, and civil law functions, he provided legal advice to the Air Staff and commanders at all levels.

In the course of his career, Dunlap has been involved in various high-profile interagency and policy matters, highlighted by his testimony before the U.S. House of Representatives concerning the Military Commissions Act of 2006.

Dunlap previously served as staff judge advocate at Headquarters Air Combat Command at Langley Air Force Base in Virginia and at Headquarters Air Education and Training Command at Randolph Air Force Base in Texas, among other leadership posts. His other assignments include the faculty of the Air Force Judge Advocate General School where he taught various civil and criminal law topics. An experienced trial lawyer, he also served a two-year term as a military trial judge for a 22-state circuit. He served tours in the United Kingdom and Korea, and he deployed for operations in the Middle East and Africa, including those in support of the wars in Afghanistan and Iraq. He also led military-to-military delegations to Colombia, Uruguay, and the Czech Republic.

A prolific author and accomplished public speaker, Dunlap's commentary on a wide variety of national security topics has been published in leading newspapers and military journals. His 2001 essay written for Harvard University's Carr Center on "lawfare," a concept he defines as "the use or misuse of law as a substitute for traditional military means to accomplish an operational objective," has been highly influential among military scholars and in the broader legal academy. His essay "Lawfare Today...And Tomorrow" will appear in *International Law and the Changing Character of War* (Daria Wollschlaeger, ed., US. Naval War College, forthcoming 2011).

Dunlap's legal scholarship also has been published in the *Stanford Law Review*, the *Yale Journal of International Affairs*, the *Wake Forest Law Review*, the *Fletcher Forum of World Affairs*, the *University of Nebraska Law Review*, the *Texas Tech Law Review*, and the *Tennessee Law Review*, among others. He is the author of "The Origins of the Military Coup of 2012", originally published in 1992, which was selected for the 40th Anniversary Edition of *Parameters* (Winter 2010-2011). His article, "Perspectives for Cyber Strategists on Law for Cyberwar" appears in the Spring 2011 issue of *Strategic Studies Quarterly*. His essay, "The Military Industrial Complex" will be published in the Summer 2011 issue of *Daedalus*. He is the author of "Airpower" in *Understanding Counterinsurgency* (Thomas Rid and Thomas Keaney, eds., Routledge, 2010). He also wrote the introduction to *The War on Terror and the Law of War: A Military Perspective* (Michael Lewis and Geoffrey Corn, eds., Oxford University Press, 2010).

COLONEL BARBARA G. BRAND

Chief Judge, Air Force Court of Criminal Appeals

Col Brand graduated from Western Kentucky University with a degree in mathematics and journalism. Upon graduation, she taught high school mathematics for nine years. While teaching high school, she attended law school at the University of Louisville and received her Juris Doctor degree in 1981. Col Brand received her direct commission in the United States Air Force in August 1985. Her first assignment was as an Assistant Staff Judge Advocate at MacDill AFB, FL. In 1986, she became the Area Defense Counsel and served in that position until 1987, when she was assigned at RAF Greenham Common, United Kingdom, as a direct-fill Area Defense Counsel.

In 1989, Col Brand was assigned as a Circuit Trial Counsel with the First Circuit at Bolling AFB, DC. In 1991, she traveled to Travis AFB, CA, where she became the Deputy Chief Circuit Defense Counsel in the Fifth Circuit. Col Brand's next assignment took her to Wright-Patterson AFB, OH, in 1994, where she was assigned as an Assistant Staff Judge Advocate in the General Law Division at Air Force Materiel Command. From there, she went across the base and assumed the duties of Deputy Staff Judge Advocate at the 88th Air Base Wing legal office. In 1997, Col Brand became the Staff Judge Advocate at Fort Meade, MD.

In 1999, she was again assigned to Bolling AFB as a Military Trial Judge and was the deputy to the Chief Trial Judge of the Air Force. In 2001, Col Brand assumed the duties of Staff Judge Advocate at Keesler AFB, MS. Prior to assuming her current position as an Appellate Military Judge, she was assigned as the Deputy Chief Trial Judge of the Central Circuit, Randolph AFB, TX, from July 2003 until December 2006. Col Brand joined the Court in January 2007 and, in October 2008, she was also appointed as an appellate judge to the Court Of Military Commission Review by the Secretary of Defense. In 2009, Col Brand was appointed Chief Appellate Military Judge for the Air Force of Criminal Appeals.

Col Brand's awards and decorations include the Meritorious Service Medal with seven Oak Leaf Clusters, the Air Force Commendation Medal, and the Air Force Achievement Medal.

Col Brand is married to Col (ret) Jeffrey Brand.

LIEUTENANT COLONEL DEVIN A. WINKLOSKY

Professor, Criminal Law Department, Army JAG School

Lieutenant Colonel Devin A. Winklosky is a United States Marine and professor of military criminal law, but he did not start his military career as a JAG officer. He is a 1993 graduate of the United States Naval Academy, and 1994 graduate from The Basic School at Quantico,

Virginia. Prior to moving into JAG, he gained the following military experience and training: Adjutant Course, Camp Lejeune, North Carolina, 1994; Adjutant, 2d Battalion, 5th Marines, Camp Pendleton, California, 1994-1996; Adjutant, Battalion Landing Team 2/5, 31st Marine Expeditionary Unit (Special Operations Capable), Okinawa, Japan, 1995-1996; Adjutant, 5th Marines, Camp Pendleton, California, 1996-1997.

In 1997, Lt Col Winklosky entered law school under the Funded Legal Education Program, receiving his Juris Doctor from University of Pittsburgh School of Law in 2000. After completing Naval Justice School at Newport, Rhode Island, later that same year, Lt Col Winklosky served as Defense Counsel, Trial Counsel, and Chief Trial Counsel for the 2d Force Service Support Group, Camp Lejeune, North Carolina, from 2000-2004. During that time, he deployed overseas to serve as a Military Justice Officer for Marine Logistics Command, Camp Fox, Kuwait, in 2003. After his assignment in North Carolina, he returned to school and received his LL.M from the 53th Judge Advocate Graduate Course in 2005.

From 2005 to 2008, Lt Col Winklosky served as Military Judge for the Eastern Judicial Circuit, Navy-Marine Corps Trial Judiciary, Camp Lejeune, North Carolina. He deployed again in 2007, this time to Iraq, where he served as Theater Military Judge for Operation Iraqi Freedom. Staying overseas, Lt Col Winklosky first took the position of Staff Judge Advocate for 3d Marine Logistics Group in Okinawa, Japan, from 2008-2009; moved on to serve as an Executive Officer in 2009, for Combat Logistics Regiment 3 in Okinawa; and finished his time in Okinawa, serving as Officer-in-Charge of Legal Services Support Section, 3d Marine Logistics Group, from 2009-2011. He returned to the United States to teach at the Army JAG School in 2011.

Lt Col Winklosky is a member of the Bars of the State of Pennsylvania, the Navy-Marine Corps Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, and the United States Supreme Court.

MR. DWIGHT SULLIVAN

Acting Chief, Air Force Appellate Defense Division

Mr. Dwight H. Sullivan is the acting chief of the Air Force Appellate Defense Division. He is also a colonel in the United States Marine Corps Reserve, currently serving as the Reserve counterpart to the Chief Defense Counsel of the Marine Corps.

From 2005-2007, Mr. Sullivan served as the Chief Defense Counsel of the Office of Military Commissions, where he supervised representation of Guantanamo detainees being tried by military commissions. From 1997-2003, he was a managing attorney with the ACLU of Maryland.

Mr. Sullivan is the co-author of *Military Justice Cases and Materials*, a casebook published by LexisNexis in 2007. He is also the co-editor of *Evolving Military Justice*, an anthology published by the Naval Institute Press in 2002. He has published more than a dozen law review and law journal articles on military and Maryland law. He is an elected member of the American Law Institute.

Mr. Sullivan is a graduate of the University of Virginia School of Law (J.D., 1986) and the University of Maryland (B.A., 1982; M.A., 1987). He also holds an LL.M. from The Judge Advocate General's School, U.S. Army (1994).

MR. WILLIAM T. BARTO

Senior Attorney, Administrative Office of the United States Courts

Mr. William Barto is a Senior Attorney with the Office of Judges Programs in the Administrative Office of the United States Courts in Washington, D.C.

Mr. Barto served 27 years as an Army officer before retiring in 2008 from his position as Staff Judge Advocate, Military District of Washington. Other significant assignments included Associate and then Senior Judge, U.S. Army Court of Criminal Appeals, 2002-2006; Chief, Operations Branch, Deputy Chief, and then Chief, Criminal Law Division, Office of The Judge Advocate General, 2001-2002; Military Judge, Fifth Judicial Circuit, U.S. Army Trial Judiciary, 1998-2001; Professor, Criminal Law Department, The Judge Advocate General's School, 1994-97; Senior Defense Counsel, 82nd Airborne Division Field Office, U.S. Army Trial Defense Service, 1992-93; Trial Counsel and Special Assistant U.S. Attorney, Fort Lewis, WA, 1990-91; Funded Legal Education Program, 1987-1990; Battalion Adjutant and then Battery Commander, 3rd Battalion, 4th Air Defense Artillery (ADA), 82nd Airborne Division, Fort Bragg, NC, 1985-87; Battalion Adjutant, 2nd Battalion, 61st ADA, 2nd Infantry Division, Republic of Korea, 1983-84; and Platoon Leader, 1st Battalion, 43rd ADA, Fort Bliss, TX, 1982-83.

Mr. Barto graduated with honors from Johns Hopkins University and was commissioned through the ROTC program there as a Second Lieutenant in the Air Defense Artillery in 1981. He also graduated with honors from the University of North Carolina at Chapel Hill School of Law in 1990, where he served as a staff member of the Law Review. His military education includes the Air Defense Artillery Officer Basic and Advanced Courses, the Judge Advocate Basic and Graduate Courses, and the Command and General Staff Officer Course.

Mr. Barto is a member of the bar of North Carolina and admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the Eastern District of North Carolina, the U.S. Court of Appeals for the Armed Forces, and the U.S. Army Court of Criminal Appeals.

MR. J. BROOKE DONAHUE

Supervisory Special Agent, Federal Bureau of Investigations

Mr. Brooke Donahue currently serves as an FBI Supervisory Special Agent (SSA) in the Cyber Division/Innocent Images Operations Unit in Linthicum, MD. SSA Donahue supervises a group of agents and support personnel who target individuals, domestically and internationally, who utilize the internet to facilitate the sexual exploitation of children. He is a 13 year veteran of the

FBI and has investigated federal crimes involving the online sexual exploitation (OCSE) of children for the past eight years. Prior to the FBI, Agent Donahue was employed as a police officer in Portsmouth, VA.

In his current position, SSA Donahue has traveled throughout the world giving presentations and providing instruction on how to investigate OCSE. He currently leads the FBI's Innocent Images International Task Force, which is comprised of law enforcement officers from 43 countries dedicated to investigating OCSE. He is also a court certified expert on Peer to Peer networks and has testified to such in several federal prosecutions.

MR. MICHAEL L. YODER

Supervisory Special Agent, Federal Bureau of Investigations

Supervisory Special Agent Mike Yoder has been with the FBI for over fourteen years. Currently SSA Yoder is assigned to the FBI's Behavioral Analysis Unit 3 (Crimes Against Children) where he advises on areas of Online Sexual Exploitation of Children, missing children, Child Pornography and Cyberbullying. In addition to conducting case consultations on active and cold cases for law enforcement agencies throughout the United States, SSA Yoder also provides training and conducts research in those areas to gain a deeper understanding of behavioral crimes relating to child victims.

Prior to his transfer to BAU-3, SSA Yoder led the FBI's Safe Child Task Force in Atlanta, Georgia and was the coordinator of a group of agents and local police officers dedicated to investigating online child sex offenders and those engaged in child pornography.

Before becoming an FBI Special Agent, Mr Yoder graduated from the United States Military Academy at West Point and was an Army Officer for eleven years where he commanded two companies – an M1 Abrams tank company and an Army Recruiting company. SSA Yoder holds a Masters degree in Organizational Management.