
ERIC R. CARPENTER

Florida International University College of Law
11200 SW 8th St., RDB 2037, Miami, FL 33199
<https://law.fiu.edu/directory/eric-r-carpenter/>
ercarpen@fiu.edu, (305) 348-4560

EDUCATION

- 2001 University of California, Los Angeles, J.D.
- 2005 The Judge Advocate General's School, U.S. Army, LL.M.
- Military Law with a Criminal Law Specialty
 - Commandant's List
 - The Judge Paul W. Brosman Award for Outstanding Achievement in the Study of Criminal Law
- 2010 Command and General Staff College, U.S. Army, MMAS
- Thesis: *Applying the Capital Jury Project Findings to Court-Martial Practice*
 - Class Vice President for 1,100 students
 - A Master of Military Art and Science is to the military what an MPA is to government or an MBA is to business
- 1993 University of California, Berkeley, B.A.
- Major: economics; Minor: rhetoric
 - With distinction (*cum laude*)

EXPERIENCE

- 2013–present Florida International University College of Law, Miami, FL
- Professor of Law, 2023–present
Associate Professor of Law, 2016–2023 (tenure granted 2019)
Assistant Professor of Law, 2013–16
Affiliated Faculty, University Graduate School, 2013–present
Affiliated Faculty, Center for Women's and Gender Studies, 2013–present
- Teaching Subjects: Criminal Law, Criminal Procedure, Evidence, Military Justice, Sexual Violence
 - Law Review Faculty Advisor (2021–present), Law Review Committee Chair (2016-21). Increased Washington & Lee ranking

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- from 187 to 119, increased issue production from two per year to four, and executed first open submissions cycle in school history
 - Parliamentarian (2014–present)
 - Admissions Committee (2016–19)
 - Curriculum Committee (2018–19, 2020–21)
 - Scholarly Reputation Working Group (2016–17, 2018–19)
 - Student Conduct Committee (2014–15)
 - Hiring Committee, Legal Skills and Values and Bar Preparation (2014–15)
 - Lecturer Review Committee (2013–14, 2021–present)
 - Adjunct Professor Review Committee (2015–19, 2021–present)
 - Served on seven legal psychology Ph.D. committees
- 2010–13 The Judge Advocate General’s School, Charlottesville, VA
- Chair and Professor, Criminal Law Department, 2011–13
- Supervised ten full-time professors and six adjunct professors
 - Responsible for all aspects of the criminal law curriculum for an LL.M. program and short courses with a throughput of over 1,200 students per year
 - ABA NCSCJ Judicial Education Award, 2014 (awarded to the Department)
- Associate Professor, Criminal Law Department, 2010–11
- Teaching Subjects: Criminal Law, Criminal Procedure, Professional Responsibility, Evidence, Military Justice, Sexual Violence, Trial Advocacy, Capital Litigation
- 2005–09 Senior Defense Counsel, Fort Bragg, NC
- Chief of all defense services at the Army’s largest base with over 50,000 soldiers
 - Supervised ten attorneys and three paralegals
 - Served as lead defense counsel for a capital murder court-martial, securing a life sentence for the client
- 2003–04 Prosecutor, Fort Drum, NY
- 2002–03 Chief of Operational and International Law, Fort Drum, NY
- Responsible for national security law advice (law of armed conflict, targeting, rules of engagement, detainee operations) to a two- and three-star level command
 - Deployed to Afghanistan, 2003
 - Supervised two attorneys
 - Awarded Bronze Star (for service)

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- 2002 Chief of Legal Assistance, Fort Drum, NY
- Provided family law, consumer law, and personnel law advice
 - Supervised four attorneys and one paralegal
- 1997–98 Executive Officer, Fort Carson, CO
- Second in command of a 220-soldier company
 - Responsible for maintaining a fleet of over 80 vehicles
- 1994–97 Platoon Leader, Fort Carson, CO
- Led a 30-soldier supply platoon, a 45-soldier maintenance platoon, and a ten-soldier flight platoon
 - As a flight platoon leader, responsible for the maintenance of two UH-1H helicopters and associated flying hour budget and the training and safety of six pilots

PROFESSIONAL MEMBERSHIPS

- 2013–present American Law Institute
- Membership Consultative Group for the Model Penal Code Sexual Assault and Related Provisions Project (2013–21)
- 2013–present American Bar Association
- Chair, Military Justice Committee (2021–present)
- 2014–present National Institute of Military Justice
- Board of Directors (2023–present)
 - Fellow (2021–2023)
 - Board of Advisors (2014–21)
 - Director of Guantanamo Affairs (2021–present)
 - Editor, REPORTS FROM GUANTANAMO, volumes 4-7
- 2011–present National College of Capital Voir Dire
- Participate in annual training 90 defense counsel from across the country in a capital-specific method of voir dire
 - Organized and executed four three-day training events in Florida that trained 60 defense counsel each

ARTICLES AND BOOK CHAPTERS

Differential Treatment of Sexual Assault Cases by US Army Law Enforcement, 29 VIOLENCE AGAINST WOMEN 882 (2023) (peer-reviewed)

Normative Words and the Fundamental Limits of Rape Law Reform, 74 S.C. L. REV. 351 (2022)

The Effect of Changing the Military's Sexual Assault Laws on Law Enforcement Investigative Findings in the US Army, 46 LAW & HUM. BEHAV. 313 (2022) (peer-reviewed, with Gonzalez, I., Garcia, S., & Odom, G.)

Hidden Killers and Imagined Saints: Why Courts Fail to Identify Unconstitutional Jurors in Death Penalty Cases, 2021 MICH. ST. L. REV. 449 (2021)

An Integrated Approach to Defending Those with Mental Health Conditions, in FORENSIC PSYCHOLOGY IN MILITARY COURTS-MARTIAL (Christopher Stein & Jeffrey Younggren, eds., 2019)

The Bergdahl Block: How the Military Blocks Access to Preliminary Hearings and What We Can Do About It, 26 WM. & MARY BILL RTS J. 789 (2018)

An Empirical Look at Commander Bias in Sexual Assault Cases, 22 BERKELEY J. CRIM. L. 101 (2017) (peer-refereed)

Patriarchy, Not Hierarchy: Rethinking the Effect of Cultural Attitudes in Acquaintance Rape Cases, 68 HASTINGS L.J. 225 (2017)

- Reprinted in WOMEN AND THE LAW (Tracy Thomas ed., 2017)

Evidence of the Military's Sexual Assault Blind Spot, 4 VA. J. CRIM. L. 154 (2016)

The Military's Sexual Assault Blind Spot, 21 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 383 (2015)

Seizures Without Searches: Defining Property Seizures and Developing a Property Seizure Model, 41 GONZ. L. REV. 167 (2007)

- Reprinted in 34 SEARCH & SEIZURE L. REP. 9 (Oct. 2007)
- Cited by WAYNE R. LAFAVE, SEARCH AND SEIZURE §9.8(e) n.158 (5th ed. 2012)

SHORTER WORKS AND HANDBOOKS

The Beginning of the End of Florida's Death Penalty?, FLA. DEFENDER, Winter 2016, at 12.

PRACTICING MILITARY JUSTICE, CRIMINAL LAW DEP'T, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (editor, 2011–13; contributing author, 2010–13)

OPERATIONAL LAW HANDBOOK, INT'L & OPERATIONAL LAW DEP'T, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (contributing author, 2011–13)

COMMANDER'S LEGAL HANDBOOK, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (2013) (contributing author)

Rethinking Voir Dire, ARMY LAW., Feb. 2012, at 5

- Cited by JEFFREY T. FREDERICK, MASTERING VOIR DIRE AND JURY SELECTION 174 n.3, 307 n.38 (2018) [the leading practitioners guide for *voir dire*]

An Overview of the Capital Jury Project for Military Practitioners: Aggravation, Mitigation, and Admission Defenses, ARMY LAW., July 2011, at 16

An Overview of the Capital Jury Project for Military Practitioners: Jury Dynamics, Juror Confusion, and Juror Responsibility, ARMY LAW., May 2011, at 6

- Cited by *United States v. Akbar*, 74 M.J. 364, 385 n.11 (C.A.A.F. 2015)
- Cited by JEFFREY T. FREDERICK, *MASTERING VOIR DIRE AND JURY SELECTION* 308 nn.45, 47 (2018)

Simplifying Discovery and Production: Using Easy Frameworks to Evaluate the 2009 Term of Cases, ARMY LAW., Jan. 2011, at 31

Book Review, ARMY LAW., June 2005, at 48

SELECTED MEDIA APPEARANCES

Thomas Novelly, *Biden's Marijuana Pardons Don't Apply to Service Members*, MILITARY.COM, Oct. 7, 2022

Rebecca Kheel, *Army Officer's Sex Assault Trial Paused over Unanimous Verdict Order by Judge*, MILITARY.COM, Jan. 5, 2022

Rebecca Kheel, *Defense Bill Headed to Biden's Desk as Military Justice Debate Rages On*, MILITARY.COM, Dec. 15, 2021

Nancy Youssef & Lindsay Wise, *Joint Chiefs Warn Against Bill Overhauling Military Justice System*, THE WALL STREET JOURNAL, June 22, 2021

Lindsay Wise & Nancy Youssef, *Military Justice Overhaul Reaches Key Level of Support in Senate*, THE WALL STREET JOURNAL, May 13, 2021

Lindsay Wise & Nancy Youssef, *Push to Overhaul Military Sexual-Assault Prosecutions Gains Momentum*, THE WALL STREET JOURNAL, Apr. 29, 2021

Gary D. Robertson, *Cunningham Inches Back into Public as Army Confirms Probe*, ASSOCIATED PRESS, Oct. 7, 2020

Nancy Youssef, *Few Rules Govern Police Use of Military-Style Uniforms*, THE WALL STREET JOURNAL, July 24, 2020

Nancy Youssef & Golden Lubold, *Troops Await Orders as Administration Mulls a Military Response*, THE WALL STREET JOURNAL, June 3, 2020

Willard Shepard, *Miami Police Shift Strategy During Protests*, NBC 6 South Florida, June 2, 2020

Nancy Youssef, *Navy to Decide on Review of Three SEALs Tied to Gallagher*, THE WALL STREET JOURNAL, Nov. 26, 2019

Mike Simpson & Charles Feldman, *InDepth*, KNX NEWS RADIO, Nov. 25, 2019

Gallagher Coverage, CBS NEWS RADIO, Nov. 24, 2019

Nancy Youssef, *Trump Intervenes in War Crimes Cases Against Three U.S. Military Members*, THE WALL STREET JOURNAL, Nov. 16, 2019

Cast member, *Leavenworth*, STARZ, Oct.-Nov. 2019

Mike Simpson & Charles Feldman, *InDepth*, KNX NEWS RADIO, June 21, 2019

Corey Dickstein, *Pardons for War Crimes Could Harm Commanders' Influence, Former Military Lawyers Warn*, STARS & STRIPES, May 22, 2019

Joshua Eaton, *Pentagon Mised Obama Administration on Gun Background Check Problem, Document Shows*, THINKPROGRESS, Oct. 11, 2018

Dianna Cahn, *Senators Urge Pentagon to Rethink Sending Military Lawyers to be Immigration Prosecutors*, STARS & STRIPES, June 22, 2018

Corey Dickstein, *Missing Fort Bragg Soldier Found, Has Returned to His Unit*, STARS & STRIPES, Apr. 3, 2018

Joshua Eaton, *One Military Reporting Error Means Tens of Thousands Could Buy Guns Illegally*, THINKPROGRESS, Mar. 30, 2018

Rebecca Kheel, *Texas Shooting Puts Scrutiny on Military's Criminal Reporting System*, THE HILL, Nov. 12, 2017

W.J. Hennigan, *The Air Force Error That Let the Texas Church Shooter Buy a Gun Is Just One of 'Thousands'*, TIME MAGAZINE, Nov. 8, 2017

Zusha Elinson, et al., *Texas Gunman Had a Violent Past, but It Didn't Prevent Him From Buying Guns*, THE WALL STREET JOURNAL, Nov. 6, 2017

Nancy Youssef, et al., *U.S. Military Failed to Send Texas Gunman's Conviction Record to FBI*, THE WALL STREET JOURNAL, Nov. 6, 2017

Jonathan Drew, *AP Explains: Bergdahl Judge Weighed Complex Leniency Factors*, ASSOCIATED PRESS, Nov. 4, 2017

Bergdahl Coverage, CBS NEWS RADIO, Nov. 3, 2017

Corey Dickstein, *Deserter Bergdahl Gets No Jail Time; Dishonorably Discharged*, STARS & STRIPES, Nov. 3, 2017

Joey Flechas, *Sexual Harassment Claims Threaten to Derail His Candidacy. But He Won't Back Down*, MIAMI HERALD, Nov. 2, 2017

Corey Dickstein, *Prosecutors Recommend 14 Years in Prison for Bergdahl; Judge Could Decide Sentence Friday*, STARS & STRIPES, Nov. 2, 2017

Jonathan Drew, *Trump Comments Concern Judge, Loom Large Over Bergdahl Sentencing*, ASSOCIATED PRESS, Oct. 24, 2017

Bowe Bergdahl Facing Life in Prison, THE TODAY SHOW, Oct. 23, 2017

Bergdahl Coverage, CBS Radio, Oct. 23, 2017

Jonathan Drew, *Dramatic Sentencing Hearing Expected in Bergdahl Case*, ASSOCIATED PRESS, Oct. 22, 2017

Bergdahl Coverage, CBS RADIO, Oct. 17, 2017

Jonathan Drew, *Bergdahl Guilty Pleas Leave Room for Drama at Sentencing*, ASSOCIATED PRESS, Oct. 17, 2017

Corey Dickstein, *A Guilty Plea by Bergdahl on Monday Could Set Up a Unique Military Pre-sentencing Trial*, STARS & STRIPES, Oct. 13, 2017

Corey Dickstein, *Bergdahl Enters Guilty Plea to Desertion, Misbehavior Charges Without a Plea Deal*, STARS & STRIPES, Oct. 16, 2017

Jonathan Drew, *Army Schedules Hearing to Consider Bowe Bergdahl Plea*, ASSOCIATED PRESS, Oct. 12, 2017

Jonathan Drew, *Searchers' Wounds Will Be Considered at Bergdahl Sentencing*, ASSOCIATED PRESS, June 30, 2017

Jonathan Drew, *Navy SEAL Testifies About Wound During Bowe Bergdahl Search*, ASSOCIATED PRESS, June 21, 2017

Jonathan Drew, *Bergahl Lawyers Rip Gov't Case, Dispute Most Serious Charge*, ASSOCIATED PRESS, June 21, 2017

Corey Dickstein, *FBI Joins Army, Air Force and Coast Guard in Investigation into Nude-Photo Scandal*, STARS & STRIPES, Mar. 17, 2017

Jonathan Drew, *Prosecutors: Bergdahl to Get Fair Trial Despite Trump Jabs*, ASSOCIATED PRESS, Feb. 6, 2017

Jonathan Drew, *Bergdahl Case Presents Early Legal Test of Trump Rhetoric*, ASSOCIATED PRESS, Jan. 21, 2017

Corey Dickstein, *A Pardon for Bowe Bergdahl? Unlikely, Experts Says*, STARS & STRIPES, Dec. 13, 2016

Eric Tucker & Jonathan Drew, *Bergdahl Seeks Pardon from Obama to Avert Desertion Trial*, ASSOCIATED PRESS, Dec. 3, 2016

Jonathan Drew, *Prosecutors Cite 2 Soldiers' Injuries in Bergdahl Arguments*, ASSOCIATED PRESS, Sept. 7, 2016

Jonathan Drew, *Top General Scheduled to Testify at Bergdahl Hearing*, ASSOCIATED PRESS, Aug. 24, 2016

Corey Dickstein, *Prosecution: Bergdahl Charges Can't be Dropped over McCain Comments*, STARS & STRIPES, Aug. 23, 2016

Corey Dickstein, *Bergdahl Trial Schedule in Question as Accused Deserter Returns to Court*, STARS & STRIPES, Aug. 18, 2016

Jonathan Drew, *Bergdahl Lawyers: McCain Comments Violate Due Process Rights*, ASSOCIATED PRESS, Aug. 2, 2016

Corey Dickstein, *Bergdahl Lawyers Ask Judge to Remove Soldier's Case from Docket*, STARS & STRIPES, July 29, 2016

Emery P. Dalesio, *Bergdahl to be Court-Martialed under New Commander-in-Chief*, ASSOCIATED PRESS, May 17, 2016

Corey Dickstein, *Bergdahl to Return to Court Tuesday after Long Pause in Case*, STARS & STRIPES, May 13, 2016

Jonathan Drew, *New Details Hint at Role of Psychology in Bergdahl Defense*, ASSOCIATED PRESS, Mar. 17, 2016

Corey Dickstein, *Experts: Bergdahl Defense Pushing to Change Public Perception*, STARS & STRIPES, Mar. 17, 2016

Jonathan Drew, *Bergdahl Lawyers: Trump Attacks Damage Chances of Fair Trial*, ASSOCIATED PRESS, Mar. 11, 2016

Juan A. Lozano, *Hearing Set to Debate Sgt. Bowe Bergdahl Desertion Charges*, ASSOCIATED PRESS, Sept. 16, 2015

SELECTED PRESENTATIONS

Presenter, *Normative Words and the Fundamental Limits of Rape Law Reform*, FIU/UM Summer Workshop, June 16, 2022

Presenter, *The Morgan Method of Voir Dire and Identifying Life and Death Prone Jurors*, Arizona Public Defender Association, June 20, 2022

Presenter, *The Morgan Method of Voir Dire and Identifying Life and Death Prone Jurors*, Florida Public Defender Association, June 6, 2022

Presenter, *Capital Voir Dire in the Military*, Department of Defense Joint Capital Defenders Course, Oct. 13, 2021

Presenter, *Measuring Venireperson Disqualification in Death Penalty Cases*, FIU/UM Virtual Summer Workshop, June 16, 2021

Presenter, *The Effect of Changing the Military's Rape Law on Law Enforcement Case Processing*, Loyola University Chicago School of Law, Mar. 9, 2021

Presenter, *The Morgan Method of Voir Dire and Identifying Life and Death Prone Jurors*, Military Commissions Defense Organization, Dec. 2, 2020

Presenter, *The Effect of Changing the Military's Rape Law on Law Enforcement Case Processing*, FIU/UM Virtual Summer Workshop, Aug. 13, 2020

Presenter, *Voir Dire and the Military Commissions*, Military Commissions Defense Organization, Aug. 12, 2020

Panelist, *Sexual Assault in the #MeToo Era*, National Bar Association's 95th Annual Convention, July 27, 2020

Presenter, *Identifying Life and Death Prone Jurors in Capital Voir Dire*, Arizona Public Defender Association's 17th Annual Statewide Conference, June 17, 2019

Presenter, *Law Enforcement Bias in Military Sexual Assault Cases*, University of Arkansas School of Law, Apr. 2, 2019

Presenter, *The Morgan Method of Voir Dire*, Florida Public Defender Association, Jan. 7-8, 2018

Panel Member, *What Civilians Can Learn from the Military Experience with Sexual Assault*, ABA Criminal Justice Section Fall Institute, Nov. 2, 2018

Presenter, *The Cognitive and Social Psychology Behind the Morgan Method of Voir Dire*, Office of the Public Defender, 9th Judicial Circuit, Aug. 7, 2018

Moderator, *Capital Punishment: Good Idea or Bad Idea?*, Southeastern Association of Law Schools Annual Conference, Aug. 5, 2018

Presenter, *Identifying Life and Death Prone Jurors in Capital Voir Dire*, Arizona Public Defender Association's 16th Annual Statewide Conference, June 18, 2018

Presenter, *The Cognitive and Social Psychology Behind the Colorado Method of Voir Dire*, Office of the Federal Public Defender, District of Arizona, Dec. 13, 2017

Presenter, *A New Day in Florida for Capital Litigation*, Office of the Public Defender, 9th Judicial Circuit, Jul. 25, 2017

Presenter, *A New Day in Florida for Capital Litigation*, National Defender Investigator Association National Conference, Apr. 26, 2017

Presenter, *An Empirical Look at Law Enforcement Bias in Military Sexual Assault Cases*, Indiana University McKinney School of Law, Apr. 6, 2017

Panel Member, *Continuing the Trauma of Victims of Military Sexual Assault*, 2017 Association of American Law Schools Annual Meeting, Jan. 5, 2017

Presenter, *Commanders and Sexual Assault Case Attrition in the U.S. Army*, 2016 Law and Society Association Annual Meeting, July 3, 2016

Presenter, *Commanders and Sexual Assault Case Attrition in the U.S. Army*, Texas Tech University School of Law, Oct. 21, 2015

Panel Member, *Policing Police and Soldiers*, Southeastern Association of Law Schools Annual Conference, July 27, 2015

Presenter, *Patriarchy, Not Hierarchy: Rethinking the Effect of Cultural Attitudes in Acquaintance Rape Cases*, Southeastern Association of Law Schools Annual Conference July 30, 2015

Presenter, *Evidence of the Military's Sexual Assault Blind Spot*, Albany Law School Emerging Scholars Workshop, Feb. 7, 2015

Presenter, *Comparing How the Military and General Public Assess Sexual Assault*, Michigan State University Junior Faculty Workshop, Sept. 26, 2014

Presenter, *Measuring the Military Population's Gender Bias and Predicting Its Effects*, FIU Center for Women's and Gender Studies Faculty Research Series, Mar. 27, 2014

Presenter, *Measuring the Military Population's Gender Bias and Predicting Its Effects*, 11th Circuit Legal Scholarship Forum, Stetson Law School, Nov. 2, 2013

OTHER

Guest blogger, PRAWFSBLAWG, Oct. –Nov. 2019 (providing running commentary on *Leavenworth* docuseries)

Guest blogger, PRAWFSBLAWG, Dec. 2015–Apr. 2016 (providing running commentary on *Serial* Season 2 podcast)

Guest blogger, PRAWFSBLAWG, Mar. 2015, Nov. 2015

Invited post, *Report on Military Commission Hearings in the al-Nashiri Case*, CAAFLOG (Nov. 16, 2014), <http://www.caaflog.com/2014/11/16/report-on-military-commission-hearings-in-the-al-nashiri-case-held-november-5-6-2014/>

Invited post, *Culture, Cognition & Consent in the U.S. Military*, CULTURAL COGNITION BLOG (Sept. 26, 2014), <http://www.culturalcognition.net/carpenter-military-cultural-co>

Invited post, *What Just Happened at the Naval Academy*, PRAWFSBLAWG (Sept. 20, 2013), <http://prawfsblawg.blogs.com/prawfsblawg/2013/09/what-just-happened-at-the-naval-academy.html>

Founder, editor and contributor (2011–2013), 31(B)LOG, <http://tjaglcs-adc.blogspot.com/>

BAR MEMBERSHIPS

United States Supreme Court, 2004

State of California, 2001

District of Columbia, 2003

Court of Appeals for the Armed Forces, 2007

Army Court of Criminal Appeals, 2007

Air Force Court of Criminal Appeals, 2017