

# FRANKLIN D. ROSENBLATT

320 Covington Cove  
Madison, MS 39110  
frosenblatt@mc.edu  
202-793-0005 (cell)  
601-925-7119 (office)

## ACADEMIC APPOINTMENT

Mississippi College School of Law, Aug. 2021–present  
*Assistant Professor of Law*

- Courses taught: Evidence, International Criminal Law, Constitutional Law, First Amendment, International Law, Trial Practice, Comparative Civil Rights Law

## AFFILIATIONS

Vice President, National Institute of Military Justice

President, Criminal & Disciplinary Law Committee, International Society of Military Law and the Law of War

Court of Appeals Judge, Mississippi Army National Guard

Advisory Director, Chicago-Kent School of Law's Center for National Security and Human Rights Law

International Advisor, Jindal Society for International Law (India)

Contributor, Global Military Justice Reform blog

Of Counsel, Cave & Freeburg LLP, A Global Military Law Practice

## EXPERIENCE

**Butler Snow LLP**, Ridgeland, MS, 2020–2021

*Senior Counsel*

- First-chaired litigation in federal and state courts

**The Honorable Barbara Jacobs Rothstein, U.S. District Court for the District of Columbia**, 2018–2020

*Judicial Law Clerk*

**U.S. Army Judge Advocate General's Corps**, 2006–2018

*Lieutenant Colonel*

*Current as of June 14, 2023*

- Lead military defense attorney for Sergeant Bowe Bergdahl in the most publicized court-martial in American history
- Served as a prosecutor, legal advisor, and defense counsel in a series of worldwide assignments

## EDUCATION

The Judge Advocate General's Legal Center and School, LL.M, 2010

University of Virginia School of Law, J.D., 2006

- Founding member, Virginia Law and Business Review

James Madison University, B.A., *magna cum laude*, 1998

- Philosophy & Religion major
- Honors Program; Phi Kappa Phi award for best undergraduate honors thesis

## BOOKS

MILITARY JUSTICE: CASES AND MATERIALS, (4th ed.) (forthcoming, Carolina Academic Press, 2023), with Eugene R. Fidell, Brenner M. Fissell, Dwight H. Sullivan

MILITARY COURT RULES OF THE UNITED STATES: PROCEDURE, CITATION, PROFESSIONAL RESPONSIBILITY, CIVILITY, AND JUDICIAL CONDUCT, (9th ed.) (LexisNexis, 2023), with Eugene R. Fidell, Benjamin K. Grimes, Jonathan F. Potter, Jocelyn C. Stewart

MARCH TO JUSTICE: GLOBAL MILITARY LAW LANDMARKS (BluOne Ink, 2021), with Navdeep Singh

## ARTICLES & BOOK CHAPTERS

*Nonjudicial Punishment*, 68 VILLANOVA LAW REVIEW \_\_ (forthcoming 2023)

Action Pénale et Action Disciplinaire: *the Origins and Current Activities of the Criminal and Disciplinary Law Committee of the International Society of Military Law and the Law of War*, MILITARY LAW AND THE LAW OF WAR REVIEW, Vol. 60 No. 2 (2022)

*Investigations: International Courts and Tribunals*, MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL PROCEDURAL LAW (forthcoming 2023)

*The Foundation of Modern International Criminal Law: The International Military Tribunals at Nuremberg*, HOLOCAUST AND THE LAW (forthcoming 2024)

- Preliminary Hearings in the United States Military*, JOURNAL OF NATIONAL SECURITY LAW AND POLICY (2022) (symposium) (peer-reviewed)
- MILITARY JUSTICE REFORM SOURCEBOOK FOR LEGISLATORS AND JOURNALISTS, National Institute of Military Justice (2021) (co-editor)
- Shadow Advisory Group of Experts (SARGE) report on § 540F of the 2019 National Defense Authorization Act (2020) (co-author) (submitted to Congress)
- Preliminary Examination in the United States Military: Quality Control and Reform*, in QUALITY CONTROL IN PRELIMINARY EXAMINATION: REVIEWING IMPACT, POLICIES, AND PRACTICES, (Torkel Opsahl Academic ePublisher, 2018)
- Commanders Must Stop Boycotting the UCMJ*, ARMY TIMES, Sept. 17, 2018
- Awakening Self-Interest: American Military Justice in Afghanistan and Iraq*, in MILITARY SELF-INTEREST IN ACCOUNTABILITY FOR CORE INTERNATIONAL CRIMES, (Torkel Opsahl Academic ePublisher, 2015)
- Fifteen Good Legal Practices to Address Terrorism: Ways to Bolster National Criminal Justice Systems*, FORUM (Nov. 2015)
- Lawful Command Emphasis: Talk Offense, Not Offender; Talk Process, Not Results*, THE ARMY LAWYER, Aug. 2014
- Non-Deployable: the Court-Martial System in Combat from 2001 to 2009*, 44 CREIGHTON LAW REVIEW 1045, 2011
- Honorable Mention, Kevin J. Barry legal writing award
  - “#1 Military Justice Story of the Year” on CAAFlog.com

#### CONFERENCES / PRESENTATIONS

- Testimony, “Transparency in Military Justice,” Military Justice Review Panel, New York, NY (July 2023)
- Panel moderator and speaker, “Accountability for Misconduct during Military Operations,” Seminar of Legal Advisors (Worldwide) of the International Society for Military Law and the Law of War, United States Military Academy–West Point (Jun. 2023)
- “The Nuremberg Military Tribunals,” Chicago-Kent School of Law’s Holocaust and the Law class (Jun. 2023)
- “Professional Responsibility and the Basic Roles of Military Lawyers,” International Seminar on the International Humanitarian Law in the 21<sup>st</sup> Century, Paul Tsai China Center at Yale Law School, Military Law Institute at China

- University of Political Science and Law (an initial closed-door dialogue between U.S. and China military law experts) (May 2023)
- “Juvenile Life Without Parole in Mississippi,” In Legal Terms program, Mississippi Public Radio, May 16, 2023 (with Andre de Gruy)
- “The Self-Interest of Armed Forces in Accountability for War Crimes by their Own Members,” U.S. Army Command and General Staff College, Fort Leavenworth, Kansas (2021, 2022, 2023)
- “Emergency Departments and Responses to Sexual Assault: Criminal Law Considerations,” University of Mississippi Medical Center (Apr. 2023)
- “A Legislator’s Ability to Effect Change in the Lives of Veterans,” Mississippi College Law Review Symposium (Mar. 2023)
- “Defending cases involving classified information,” U.S. Air Force JAG Corps, Eglin Air Force Base, FL (Mar. 2023)
- Moderator, “The Cavalese Cable Car Disaster at 25: Lessons in Criminal Law and International Law,” MC Law CLE (Mar. 2023) (A program with 12 guest speakers, held in Italian and English)
- “Unlawful Influence,” Military Justice Reform: The Next Twenty Years, Villanova Law Review Symposium, Philadelphia, PA (Feb. 2023)
- CLE moderator, “Post-Conviction Review, Fundamental Rights, and the Mississippi Supreme Court’s *Howell* Decision,” (with Krissy Nobile, David Voisin, and Graham Carner) (Feb. 2023)
- Invited panelist, “First U.S. Army Classified Litigation Course,” Fort Belvoir, VA (Feb. 2023)
- “America’s Commissars,” Current Voices in National Security Law Panel, American Association of Law Schools, San Diego, CA (Jan. 2023)
- Faculty forum, presented work-in-progress “America’s Commissars” to the MC Law faculty (Nov. 2022)
- CLE speaker (along with Sarah Matthews from ProPublica), “Secret Courts? The Media’s Right of Access to Military Courts-Martial” at Chicago-Kent School of Law, Chicago, IL (Nov. 2022)
- “America’s Commissars,” National Security Law Scholarship Forum, Cowan Liebowitz & Latman PC, New York City, NY (Oct. 2022)
- “Media Considerations in Litigation” with Anna Wolfe and Judge Adrienne Wooten, Mississippi College School of Law (Sept. 2022)

- “The Military’s Shadow Courts” on the Civil Procedure and Remedies panel, Southeast Association of Law Schools (SEALS) conference, San Destin, FL (Aug. 2022)
- “America’s Commissars” at the Next Article Workshop, SEALS conference, San Destin, Florida (Aug. 2022)
- “A Tribute to Dr. Klaus Rackwitz,” International Nuremberg Principles Academy, Nuremberg, Germany (Jul. 2022)
- “[Military Justice: Reflections and Learnings](#),” Panjab University (India) and Bar & Bench magazine (Jun. 2022)
- “Core International Crimes – Developments”, 22nd Congress of the International Society for Military Law and the Law of War, Florence, Italy (May 2022)
- “Military Justice Reform”, 22nd Congress of the International Society for Military Law and the Law of War, Florence, Italy (May 2022)
- “Investigating War Crimes,” Justice in War Conference, University of Virginia School of Law, Charlottesville, VA (Apr. 2022)
- “Military Tribunals,” National University of Ireland – Galway (Feb. 2022)
- “Global Military Law Landmarks,” Royal Canadian Military Institute, Toronto, Canada (Feb. 2022) (with Preston Lim and Rory Fowler)
- “Global Military Law Landmarks,” O.P. Jindal Global University, India (Jan. 2022)
- “Preliminary Hearings in the United States Military,” Georgetown Center on National Security, Washington, D.C. (Oct. 2021)
- “The Baghuz Strike: Legal and Ethical Issues,” National Institute of Military Justice expert roundtable (Oct. 2021)
- “The Bergdahl Case: a Defense Perspective,” Keynote speaker, 2021 Washington Criminal Defense Lawyers Association annual conference and CLE, Chelan, Washington (Jun. 2021)
- “Limits of Lawyering at Guantanamo Bay,” University of Chicago-Kent School of Law’s National Security Law symposium, Chicago, IL (Feb. 2021)
- “Litigating Cases Involving Classified Information,” Military Commissions Defense Organization, Arlington, VA, (Nov. 2020)
- “Litigating Cases Involving Classified Information,” U.S. Air Force JAG Office, Eglin Air Force Base, FL (Nov. 2020)
- “The Bergdahl Case,” U.S. Army Contracting Command, Redstone Arsenal, Alabama (Nov. 2020)

- “The Bergdahl Case,” Mississippi and Louisiana Army National Guard Annual CLE (Nov. 2020)
- “Summary Discipline,” International Society for Military Law and the Law of War, Aix-en-Provence, France (scheduled but could not attend due to travel restrictions (May 2020)
- “A Defense Perspective on Media Considerations in High-Profile Trials,” Joint Capital and Complex Defenders Course, Washington D.C. (Apr. 2020) (canceled due to pandemic)
- “Public Service and the Law,” University of Virginia School of Law, Charlottesville, VA (2018, 2019, 2020)
- Expert Participant, “Yale Expert Workshop on Draft Principles for Military Summary Proceedings,” Yale Law School, New Haven, CT (Feb. 2019)
- “A Defense Perspective on Litigating Cases Involving Classified Information,” U.S. Navy Classified Litigation Division, Washington, D.C. (2018 and 2019)
- “The Bergdahl Case,” Trial Advocacy class, University of Illinois School of Law, Champaign, IL (2019 and 2021)
- “The Bergdahl Case,” Military Law class, Mississippi College School of Law, Jackson, MS (2019 and 2021)
- Expert Participant, “Workshop on the UN Draft Principles Governing the Administration of Justice Through Military Tribunals,” Yale Law School, New Haven, CT (Mar. 2018)
- “Unlawful Command Influence,” Military Justice class, Yale Law School, New Haven, CT (2016, 2017, 2018)
- “Prosecuting War Crimes,” The Lieber Institute’s Inaugural Military Operations Course, United States Military Academy–West Point, West Point, NY (July 2018)
- Participant, The Nuremberg Principles Academy Seminar for Young Professionals (fully funded; first-ever American selected to participate), Nuremberg, Germany (July 2018)
- “Duties to Clients in Criminal Cases,” Wheaton College, Wheaton, IL (Jan. 2018)
- “Unlawful Influence in Criminal Trials,” Congress of the International Society of Military Law and the Law of War, Lisbon, Portugal (May 2018)
- “Limits of Self-Investigation,” Forum for International Criminal and Humanitarian Law, The Peace Palace, The Hague, Netherlands (Apr. 2017)
- “Tribunalization,” speaker and panel moderator, Indian Progressive Lawyer’s Forum, Chandigarh, India (Feb. 2017)

“Current Issues in National Security Law,” Congress of the International Society of Military Law and the Law of War, Prague (Apr. 2015)

“Diagnosing Flawed Investigations,” The Pentagon, Washington, D.C. (Apr. 2013)

Expert participant, “The Self-Interest in Armed Forces in Accountability for their Members for Core International Crimes: And International Expert Symposium,” Hoover Institution of Stanford University in conjunction with UC Berkeley War Crimes Center and the Forum for International Criminal and Humanitarian Law, Palo Alto, CA (Nov. 2012)

“Non-Deployable: The Court-Martial System in Combat from 2001 to 2009,” Creighton Law Review Symposium, Omaha, NE (Mar. 2011)

“Non-Deployable: The Court-Martial System in Combat from 2001 to 2009,” annual American Bar Association’s Standing Committee on Law and National Security, during which a panel of experts discussed the proposals in my law review article. Washington, D.C. (Nov. 2010)

## AMICUS BRIEFS

*United States v. Gilmet*, Crim. App. Dkt. No. 202200061, U.S. Court of Appeals for the Armed Forces (with National Institute of Military Justice) (Mar. 2023)

*ProPublica v. Butler*, Case No. 22-cv-1455-BTM-KSC, U.S. District Court for the Southern District of California (with National Institute of Military Justice) (Oct. 2022)

Amicus brief of Military and Veteran’s Law Professors in *Jackson v. Secretary of the Navy*, U.S. Court of Appeals for the D.C. Circuit, No. 21-5252 (Apr. 2022)

*Navy SEALS v. Biden*, U.S. Court of Appeals for the Fifth Circuit, No. 22-10077, (with National Institute of Military Justice) (Apr. 2022)

Amicus brief of Military Law Scholars in *Ohio Adjutant General’s Dep’t v. Federal Labor Relations Authority*, U.S. Supreme Court, No 21-1454 (Dec. 2022)

*Sissell v. Wormuth*, U.S. Court of Appeals for the D.C. Circuit, Case #22-5045 (with Eugene Fidell) (Sept. 2022)

Brief of War Powers Scholars as Amici Curiae in Support of Petitioner, *Torres v. Texas Dep’t of Public Safety*, U.S. Supreme Court (Feb. 2022)

*Prosecutor v. Ongwen*, Appeals Chamber, International Criminal Court (ICC) in The Hague, Netherlands (with National Institute of Military Justice) (Dec. 2021)

- Selected to give amicus oral argument
- Brief was cited favorably ten times in the Appeals Chamber’s decision

## **MEDIA**

Daniel Wilson, “Split Decision For Bergdahl On Bid to Nix Court-Martial,” LAW360, Apr. 4, 2023

Megan Rose, “[New Pentagon Rules Keep Many Military Records Secret.](#)” PROPUBLICA, Feb. 1, 2023

Vianna Davila, Lexi Churchill, Ren Larson, “[Twice Accused of Sexual Assault, He Was Let Go by Army Commanders. He Attacked Again.](#)” PROPUBLICA, Aug. 9, 2022

Kyle Rempfer, “[Eight Green Berets Quietly Disciplined After Afghan Prisoner’s Beating Death.](#)” ARMY TIMES, Mar. 29, 2022

Davis Winkie, “[Colorado Guard JAG Officer Suing Superiors Over His Participation in BLM Protests.](#)” ARMY TIMES, Apr. 22, 2021

Kyle Rempfer, “[The Army Doesn’t Know How Many Extremists it has Booted.](#)” ARMY TIMES, Feb. 19, 2021

Kyle Rempfer, “[Army General Loses Star, Retires Over Sexual Misconduct Complaint He Disputes.](#)” ARMY TIMES, Aug. 18, 2020

Mary Wood, “[Defending Bowe Bergdahl: JAG Lawyer Frank Rosenblatt ’06 Is Handling His Toughest Case Yet.](#)” UVA LAWYER, Feb. 1, 2016

Chelsea Carter, “[Frank Rosenblatt Returns to Iraq as a Lawyer – and a New Father.](#)” CNN.COM, Dec. 11, 2011

## **EXPERT CONSULTATIONS**

One of seven international experts selected to write expert reports for the Geneva Centre for Security Sector Governance (DCAF) in Switzerland about military justice reform in Ukraine. I, along with two of those experts, wrote the expert report for DCAF on military prosecutors (Jan. 2023)

One of seven international experts engaged by DCAF to conduct a survey of parliamentary oversight of national military justice practices among European countries (Apr. 2023, survey results and analyses expected by the end of 2023)



## LAW SCHOOL AND INSTITUTIONAL SERVICE

Director, Litigation and Dispute Resolution Center

Director, International and Comparative Law Center

Member, Academic Programs Committee

Member, Academic Standards Committee

Coached three law school moot court teams

- International Criminal Law moot court (2022)
- Jessup international law moot court (2023)
- Bayou Classic mock trial competition (3<sup>rd</sup> place) (2023)

## COMMUNITY SERVICE

*Pro bono* representation of Mississippi juveniles who were sentenced to life without the possibility of parole

- *Roberson v. State of Mississippi* (presented oral argument to Mississippi Court of Appeals)
- *Whittington v. State of Mississippi*

*Pro bono* representation of Bowe Bergdahl in *Bergdahl v. United States*, U.S. District Court for the District of Columbia

Organized a grassroots effort for members of the law school community to voice their support to a proposed change to Miss. R. Crim. P. 7.2 to eliminate a “dead zone” where indigent pre-trial detainees could be incarcerated for years without counsel or charges. Our initiative gained 23 faculty and staff signatures and 142 law students. The effort succeeded and the Mississippi Supreme Court adopted the Rule 7.2 change on April 13, 2023

## AWARDS

Military awards include the Expert Infantryman Badge, Combat Action Badge, Legion of Merit, and two awards of the Bronze Star Medal

Capital Area Bar Association (Jackson, MS) award for most outstanding *pro bono* service (2021)

MC Law Excellence in Advocacy Award (for most outstanding *pro bono* contribution) (2022)

MC Law Daniel E. Ruhl '04 award (for best moot court coach) (2022)

MC Law Professor of the Year (voted by students) (2023)