THE JUDGE ADVOCATE GENERAL'S CORPS

2017 Annual Report

FROM
THE JUDGE ADVOCATE GENERAL
OF THE UNITED STATES AIR FORCE
TO THE
AMERICAN BAR ASSOCIATION
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TO
THE AMERICAN BAR ASSOCIATION
2017 ANNUAL MEETING

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The mission of the Air Force Judge Advocate General’s Corps (JAG Corps) is to provide the Air Force, commanders, and Airmen with professional, full-spectrum legal support required for mission success in air, space, and cyberspace.

Today’s JAG Corps Airmen are involved at every level of command and integrated in all military operations. From supporting operators flying combat sorties and defending our computer networks to advising commanders exercising court-martial convening authority and assisting Airmen and their families, JAG Corps members provide world-class legal support and advice—anywhere, any time. We are “Charged with Excellence!”

The Air Force JAG Corps

The Judge Advocate General (TJAG), a position held by a lieutenant general, leads the JAG Corps and is, by statute, the legal advisor to the Secretary of the Air Force and to 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 their professional development. Lieutenant General Chris Burne serves as the Air Force’s 17th Judge Advocate General. Major General Jeff Rockwell serves as the Deputy Judge Advocate General, and Chief Master Sergeant Bo Stout serves as the Senior Paralegal Manager.

JAG Corps Organization

The Total Force JAG Corps is comprised of over 4,300 personnel, including judge advocates (JAGs), civilian attorneys, enlisted and civilian paralegals, and civilian support personnel. Of this total, over 1,200 are judge advocates serving on active duty and nearly 500 are civilian attorneys. Additionally, there are over 825 paralegals on active duty and over 300 civilian paralegals, court reporters, and other administrative staff. The Air Reserve Component (ARC), comprised of Air Force Reserve and Air National Guard, consists of over 1,400 judge advocates and paralegals. The JAG Corps continues to draw from the best and brightest law school graduates and young attorneys, selecting only a tenth of those who apply.
The JAG Corps performs most of its work at legal offices located at Air Force installations and deployed locations around the world. These offices work for commanders and provide them legal advice and counsel; administer military justice and other legal programs; and provide a wide variety of personal and civil law-related legal services to the base population. This report highlights some of the work done by these legal offices in the Air Force Major Command (MAJCOM) section of this report.

In addition to installation legal offices, there are several legal offices assigned to Headquarters Air Force in Washington D.C. These offices support the Secretary and the Chief of Staff of the Air Force. Another component of the JAG Corps is our field operating agency: the Air Force Legal Operations Agency (AFLOA), consisting of a worldwide network of legal offices engaged in specialty legal practices. AFLOA is the parent command for approximately 25 percent of our worldwide JAG Corps personnel and is responsible for the administration of military justice, civil law and litigation. AFLOA leadership supervise senior trial counsel (senior prosecutors), defense counsel, special victims' counsel, and appellate counsel. AFLOA oversees 11 field support centers, civil litigation counsel, The Judge Advocate General's School (JAG School) at Maxwell Air Force Base (AFB), AL, and the Legal Information Services Directorate. The headquarters staff, along with the members of AFLOA, provide strategic planning and resource management, litigation expertise in military justice and civil law, and offer extensive education and training to the field. This report features some of their diverse missions.

Air Reserve Component

The ARC, an indispensable component of the Total Force JAG Corps, makes invaluable contributions daily by providing operationally-trained and combat-ready judge advocates and paralegals to help meet the Air Force's mission.

The JAG Corps was recently approved to expand the Voluntary Limited Period of Active Duty (VLPAD) Program authorizing ARC judge advocates to perform VLPAD tours to increase the strength of the Office of Military Commissions or to enhance the effectiveness of the military justice system and the Air Force's ability to combat sexual assault. The program allows up to 36 ARC judge advocates in the grade of first lieutenant, captain, major, and lieutenant colonel to enter into three-year active duty tours. Experienced reserve judge advocates began entering active duty to fill this mission need in May 2016.

Through the Home Station Support (HSS) Program, reservists provide on-time support to active duty offices short-manned due to deployments, increased workload requirements, and other mission needs. The HSS team canvasses the needs of active duty offices and answers the call with appropriately skilled reserve judge advocates and paralegals available to perform additional duty via Military Personnel Appropriation tours.

This past year, judge advocates and paralegals performed over 8,500 Annual Tour days and almost 12,000 Inactive Duty Tour periods/days. They performed close to 12,000 days on active duty orders in a support role and over 1,500 days on active duty orders for training purposes. As an example of an extended support tour, Lt Col Deanna Daly, the first Individual Mobilization Augmentee assigned to the Special Victims' Counsel (SVC) Program, performed a 180-day tour, where she facilitated and provided training, developed policy and procedures, and oversaw the representation of sexual assault victims through the mentoring and training of Senior SVCs, SVCs and Special Victims' Paralegals worldwide.

Reservists bring a great deal of breadth of skill and experience to the Air Force and enhance the performance of other active duty and reserve members in their communities. The Training by
Reservists in Advocacy and Litigation Skills (TRIALS) program is a uniquely reserve-oriented hands-on litigation training program, comprised of reserve and guard judge advocates with vast litigation experience in the Air Force and in their civilian practices. This past year, the Team offered nine training sessions at six bases in the Continental United States plus programs in Germany and Korea.

In 2016, Staff Sergeant "Yomi" Martins, a reserve paralegal at Dover AFB, DE was honored as a 2016 Air Force Reserve Command Profile in Leadership. He was one of 16 citizen Airmen selected to share his personal story about how his service affected his life and made a difference to the Air Force. SSgt Martins’s profile details his amazing journey from immigrating to US with $750 in his pocket to becoming an American citizen, serving his county and becoming an investment banker.

HEADQUARTERS AIR FORCE AND AFLOA DIRECTORATES
The following sections provide more detail on how the directorates provide legal support to Headquarters Air Force and to the field.

Professional Development Directorate
The Professional Development Directorate (JAX) successfully transitioned TJAG’s Professional Responsibility (PR) Program from a primarily case processing focus to one of outreach and education. JAX delivered 10 PR presentations in 2016, tailored to specific audiences, teaching standards of ethical conduct and providing workable PR guidance to 550+ active duty Air Force lawyers and paralegals in field. In addition, JAX delivered a PR presentation to 650+ ARC judge advocates and paralegals at the April 2016 Annual Survey of the Law, providing real-world/practical PR scenarios unique to guard and reserve personnel.

As part of its continued effort to recruit qualified applicants, in 2016 the JAG Corps participated in more than 115 national and regional recruiting special events, including over 30 events with affinity attorney bar associations and law student organizations throughout the United States. These JAG Corps-wide recruiting efforts also included 568 visits to law schools, providing information to more than 3,900 law students. Moreover, recruiters visited 125 Air Force Reserve Officer Training Corps Detachments and made contact with over 8,600 cadets.

Additionally, JAX improved its outreach law schools by continuing the Career Service Officer (CSO) Orientation Course, a three-day course at the JAG School designed to introduce CSOs to the JAG Corps, our spectrum of practice and the opportunities available to their law students and alumni. Twenty CSOs attended the course at Maxwell AFB, AL from 24 May – 27 May 2016. The program garnered rave reviews from the attendees and will help us build and maintain relationships with legal hiring professionals across the country.

With over 900 civilian employees working in the legal career field, JAX directed the implementation of Career Development Plans (CDP) for Civilian Legal Personnel. Over 300 attorneys submitted a CDP, providing JAG Corps leadership with valuable information concerning each individual’s professional goals. More than 165 of those that submitted a CDP also requested career-vectoring feedback from the Senior Leader Development Team, approximately 150 more than the previous year.

JAX also oversaw and managed all deployments on behalf of TJAG. Last year, more than 120 judge advocates and paralegals spent time in a deployed environment, bringing vital legal support to worldwide military operations.

Strategic Plans and Programs Directorate
The JAG Corps published The JAG Corps Flight Plan, implementing the Air Force’s Strategic Master Plan. At its heart are the JAG Corps’ Strategic and Operational Goals. Aligned with Air Force strategic documents, the goals guide our activities and, through the efforts of the JAG Corps Council, enable strategy to lead planning and programming in the JAG Corps. They are built upon the two other sections of the Flight Plan.
Our Future describes the JAG Corps Strategy, Planning, Programming, Budgeting, and Execution Process, and projects where the Air Force may be headed in terms of legal challenges and issues. It envisions the future military-legal environment and associated strategic assumptions while not limiting the JAG Corps' ability to quickly and proactively handle contingencies.

Our Foundation ties together the why we serve and what we do regarding JAG Corps service and presents them within the context of how we serve, who we are and where we've been. A series of components—vision, mission, legal functions, competencies, values, people, organizational qualities, and heritage—build to the reason we exist: to provide the legal services that result in essential contributions to the Air Force mission.

In addition to the Flight Plan, the most recent Directorate initiative was the launch of the Staff Judge Advocate-Legal Office Superintendent Toolbox, which will serve as a one-stop collection point for the most important tools, techniques, and lessons learned for our installation leaders.

Inspections and Standardization Directorate

In 2016, the Inspections and Standardization Directorate inspected 71 legal offices, including 17 General Court-Martial Convening Authorities (GCMCA) legal offices, at 38 installations across 8 MAJCOMs, pursuant to 10 USC § 806(a), increasing readiness and capabilities, while continuously improving the quality and consistency of legal services provided to commanders and clients across the Air Force. Together, inspections of base and GCMCA legal offices provide an unparalleled opportunity to evaluate how effectively Air Force legal professionals deliver legal services throughout the Air Force.

Operations and International Law Directorate

This past year saw the emergence of a new threat to military operations, both at home and abroad, in the form of small unmanned aircraft systems (SUAS). Legal professionals in the Operations and International Law Directorate (JAO) actively participated in weekly meetings and working groups both inside the Pentagon and throughout the National Capital Region to develop and coordinate law, policy, and strategy governing the development, testing, and approvals of new systems for countering the threat posed by SUAS. Leveraging efforts from the National Security Council Staff, Under Secretary of Defense for Policy, Chairman's Legal, and multiple other agencies, JAO helped shape Department of Defense (DoD) and Air Force policy and ensure that implementing guidance conformed with new authorities, such as those granted by the FY17 National Defense Authorization Act for the protection of strategic assets.

JAO spearheaded a new initiative to reengineer the Air Force Law of War Program as part a TJAG-directed effort to reemphasize the importance of operations law across the service. JAO members launched several lines of effort including review of all service publications relating to the law of war, the complete overhaul of the Air Force's online-based law of war training, evaluation of all career field pipeline training requirements, and development of a new service law of war manual—the first in thirty seven years—as a service complement to the DoD Law of War Manual.
Administrative Law Directorate

The Administrative Law Directorate (JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; the Inspector General; and commanders and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. This past year, JAA provided the subject matter expertise on a number of significant issues.

JAA provided legal representation to the Invisible Wounds Initiative, which sought to address the possibility that the military services have separated members whose Service-related, but insufficiently undocumented disabilities, such as Post-Traumatic Stress Disorder and Traumatic Brain Injury, lead to post-transition adjustment problems. The group drafted new Air Force Secretarial policy regarding the dual processing of Airmen being separated for both involuntary administrative and medical reasons. It also examined corrective action for dozens of complaints from Airmen who had been evaluated by the Disability Evaluation System regarding Air Force culture, Medical Evaluation Board processing, retirement and separation benefits, and procedural due process implementation.

The defense enterprise office system will provide a mobility-ready computer capability for every Airman. Further requirements exist for “digital flight bags” containing technology support for deployment, and a capability to support “bring-your-own-device.” In all of these areas, JAA played a critical role providing legal advice on information law and guiding the development of new solutions. With the Office of the Chief, Information Dominance and Chief, Information Officer, Defense Information Systems Agency, and the DoD Chief Information Officer, JAA developed requirements for a DoD enterprise information management application, including tagging and search capability to be incorporated into the DEOS making DoD compliant with Office of Management and Budget requirements. The system will also provide new tools to conduct e-Discovery, Freedom of Information Act, and Criminal Investigative Services /Air Force Office of Special Investigations investigative searches of all unstructured Air Force data. This initiative will also produce a repeatable, defendable and appropriately secure process to search electronic records across the Air Force.

Community Legal Services Directorate

The Community Legal Services Directorate (CLS) is comprised of three Divisions, which provide eligible clients with one-on-one attorney representation on a diverse range of legal issues. This includes the Office of Airmen’s Counsel, Community Legal Issues Division (CLSL), and Special Victims’ Counsel Division (CLSV).

The Office of Airmen’s Counsel Division (OAC)

The OAC provides professional, candid, and independent counsel to Airmen throughout the Integrated Disability Evaluation System and Legacy Disability Evaluation System. Its ten attorneys and seven paralegals assist Airmen throughout the disability process and advise them on the legal and practical implications of various decisions they make. Ultimately, the representation culminates in a physical appearance, with counsel, in front of the Formal Physical Evaluation Board should the Airmen choose to do so. Thereafter, the OAC helps clients prepare appeals to the Secretary of the Air Force Personnel Council and submit matters for Department of Veterans Affairs ratings reconsiderations. In 2016, the OAC represented over 1,700 Airmen.
undergoing military disability evaluation processing. Of those, over 770 clients were represented by OAC counsel at a formal board hearing.

**Community Legal Issues Division (CLSL)**

The Air Force Legal Assistance and Tax Assistance Programs proudly continue their successful collaboration with the American Bar Association's (ABA) Standing Committee on Legal Assistance for Military Personnel (LAMP) and the Tax Section, delivering phenomenal support for Airmen and their families. Last year, Air Force legal assistance practitioners supported over 191,000 legal assistance clients. In addition, legal offices assisted Airmen and military retirees with filing over 90,000 free federal and state tax returns, saving them over $16 million dollars. Through Operation Stand-By, volunteer attorneys recruited by the ABA provided expert advice on myriad complex legal issues to help Air Force judge advocates further serve the needs of their service member clients.

Additionally, AFLOA/CLSL and the LAMP committee’s Military Pro Bono Project partnered to provide pro bono legal services to over 45 junior enlisted service members since the beginning of 2016, saving an additional $263,700 in legal fees. The Project accepts case referrals from legal assistance attorneys on behalf of Airmen experiencing personal, civil legal issues that exceed the available scope of military legal assistance. The Project then places these Airmen with pro bono attorneys where the assistance is needed, saving the Airmen thousands of dollars in civilian legal fees and allowing them to quickly solve their legal problems.

Several recent examples highlight the effectiveness of this teamwork. At Ramstein Air Base (AB), Germany, a military attorney teamed with the Military Pro Bono project to successfully place a client with a volunteer attorney. This Airmen, a victim of domestic violence and stationed overseas, was able to work with her pro bono attorney in California to have her spouse served with divorce paperwork while he was in prison awaiting charges for the abuse. The client was successful in obtaining the divorce in a complex situation. At Langley AFB, VA a volunteer attorney assisted an Airman with a consumer law issue involving a fraudulent vehicle sale. Ultimately, the Airman was able to obtain relief from the car dealership. Additionally, the dealership’s dealer license was revoked and the dealership was investigated for multiple fraud cases. In these, and the other Pro Bono Project cases, it is clear how the military and ABA’s partnership helps take care of servicemembers and their families, allowing them to focus on the mission. We are incredibly grateful for all the support and look forward to building upon these incredible partnerships in the future.

**Special Victims’ Counsel (SVC) Program**

The Special Victims’ Counsel (SVC) Program promotes justice, strengthens confidence in the military justice system, and offers legal assistance services to victims of military sexual assault through experienced, licensed, and independent legal counsel from the inception of the investigation, through the prosecution, and through the appellate process. During 2016, 82 attorneys and paralegals actively represented over 1,300 sexual assault victims in 158 courts-martial; 180 hearings; 900 victim interviews with investigators, prosecutors, and defense counsel; and countless other out-of-court alternative dispositions that satisfied the victims’ goals and interests.

In 2016, the SVC Program, continuing its trailblazing tradition within the Department of Defense, initiated an appellate litigation section. This broadened victim representation beyond trial-level services. Within months of establishing the robust appellate litigation section, the SVC Program extended its appellate advocacy to 21 clients. Specifically, the appellate section filed pleadings in seven appellate cases, a reply brief in the Navy-Marine Corps Court of Criminal Appeals, and a Writ of Mandamus in a Coast Guard Court of Criminal Appeals. Most notably, the SVC Program presented oral arguments for an Air Force victim of sexual assault before the Court of Appeals for the Armed Forces.

The Air Force’s SVC Program has been by-name requested to represent officers and enlisted members from other branches of the military and from military services of other countries. SVC attorneys have petitioned a United Kingdom Chief Prosecutor and worked with Slovenian law enforcement to ensure justice was served for their clients. The attorneys were successful in advocating their clients’ interests ensuring the perpetrators in both cases were charged under the applicable foreign laws. As part of the military justice process, victims of domestic abuse may be eligible for transitional compensation. SVCs
have assisted over 20 victims receive nearly one million dollars in combined transitional compensation benefits.

The Program’s success grew beyond the Air Force borders and has broadened to the civilian community as well. Most notably, several of the Program’s attorney-paralegal teams have been by-name requested to present at state and national conferences such as: the National Center for the Victims of Crime Conference; the National Crime Victim Law Institute Conference; the Texas Association Against Sexual Assault; and, the American Bar Association’s Legal Assistance for Military Personnel Committee.

The Judge Advocate General’s School

The JAG School, located at Maxwell AFB, AL is the educational hub of the Air Force JAG Corps. JAG School faculty directed and taught 79 JAG School resident and distance learning courses over the last year, reaching more than 3,400 students. In addition, JAG School instructors taught at Air University centers and schools and other courses throughout the Department of Defense, totaling 210 events, 1,293 faculty hours, and instructing more than 14,000 students.

While most of the JAG School’s resident courses were held in the Dickinson Law Center on Maxwell AFB, many courses were at regional sites throughout the United States and the world. Additionally, JAG School faculty taught seven offerings of the Intermediate Sexual Assault Litigation Course at bases in Europe, Korea, and the United States. The Annual Survey of the Law—the JAG School’s largest and most complex course—was held again this year in Chicago, providing required legal training to more than 550 reserve and guard judge advocates and paralegals.

In December 2016, the JAG School hosted its inaugural Cyber Law Symposium as part of its annual Cyber Law Course. The JAG School partnered with and drew upon the unique subject matter expertise and organizational skill of Air University’s Air Force Cyber College to present an astounding event. The symposium was attended by approximately 100 individuals from the various military Services, civilian government institutions, and local business and academic concerns who had the opportunity to hear from and interact with some of the premier cyber-law practitioners and thinkers active in the field today.

The JAG School maintains a robust publication schedule. Since January 2016, the JAG School has published three editions of the Air Force Law Review and six editions of The Reporter, a quarterly legal professionals’ magazine. Both publications are available digitally and in hard copy. As of June 2017, The Reporter is now available via LexisNexis. Moreover, the 2016 Military Commander and the Law, a biennial legal resource volume, was published with over 10,000 copies distributed worldwide to Air Force commanders, support staff, and judge advocates. The thirteenth edition features a complete rewrite with new emphasis provided on hot topics in military law, such as cyber warfare.

The Air Force Court of Criminal Appeals

The United States Air Force Court of Criminal Appeals is an independent appellate judicial body authorized by Congress and established by TJAG pursuant to his exclusive authority under Article 66(a), Uniform Code of Military Justice (UCMJ), 10 USC § 866(a). The court has jurisdiction over (1) trials by court-martial where the sentence includes confinement for 12 months or longer, a punitive discharge, or death; (2) cases forwarded for review by TJAG under Article 69(d), UCMJ; (3) certain government appeals of orders or rulings of military trial
judges, pursuant to Article 62(a), UCMJ; (4) petitions for new trial referred by TJAG, pursuant to Article 73, UCMJ; (5) petitions for extraordinary relief under the All Writs Act and Article 6b, UCMJ.

Since January 2016, the Court has rendered over 290 decisions, including 16 published opinions providing new guidance and binding precedent in all Air Force courts-martial. The court also heard oral argument in 20 cases, the highest number since 2012. These arguments addressed issues ranging from right to due process, search and seizure of electronic data, confrontation, and the legality of the Air Force's drug testing program. Two of these cases were argued outside the National Capital Region as the court continued its Project Outreach program by holding oral arguments at the Moritz College of Law, Ohio State University, and the University of Houston Law Center. These arguments gave the public a close-up view of the military justice process and were very well received.

The Trial Judiciary

This past year, Trial Judiciary Directorate (JAT) military judges presided over 500 courts-martial and over 110 pretrial hearings worldwide. JAT was also recognized by the ABA in the following award categories: The ABA Judicial Education Award for 2016; The ABA Career Service Award for 2016 – Colonel Natalie Richardson; and The American Bar Association Top Graduate of the 59th Military Judges' Course – Major Mark Rosenow.

Late last year the directorate expanded to include the enlisted court reporters. At least one enlisted court reporter is assigned to each circuit office, with central tasking authority held at the directorate. This milestone marked the first step in transitioning all court reporters to the trial judiciary to further support timely transcription assistance worldwide.

JAT, along with the senior trial, defense and special victims' counsel, held its first Air Force Circuit Annual Training for all trial judges and senior counsel. This 5-day event provided the trial judiciary the opportunity for the newly reestablished circuits to foster professionalism while also offering instruction on such areas as new statutes and rules related to sexual offenses, sentencing considerations, digital evidence, and recent appellate cases. Additionally, JAT has developed an e-filing system to replace the current ad hoc system of "filing" court-martial documents via e-mail. The system is currently under beta test in the Eastern Circuit but expected to be launched worldwide by summer 2017. It has shown to provide a reliable source from which all pleadings, responses and orders will be accessible.

Judiciary Directorate

The Judiciary Directorate (JAJ) is responsible for the administration of military justice across the Air Force, and performs its mission through five divisions: Military Justice, Government Trial and Appellate Counsel, Trial Defense, Appellate Defense and Clemency, Corrections and Officer Review.

Appellate Defense Division (JAJA)

JAJA carries out TJAG's statutory duty to provide representation for Airmen at all stages of the criminal appellate process. In addition to representing appellants before the Air Force Court of Criminal Appeals (AFCCA), the US Court of Appeals for the Armed Forces (CAAF), and the US Supreme Court (USSC), appellate counsel also provide military justice expertise to judge advocates in the field to develop strategy and tactics in cases tried throughout the Air Force.

The Division's advocacy before the AFCCA, CAAF, and the USSC led to many high-impact and possibly far-reaching opinions favorable to Air Force appellants as well as to the defense bar in general. Notable cases are US v. Thomas (AFCCA), US v. Fetrow (CAAF), and US v. Dalmazzi (USSC). In US v. Thomas, appellate defense counsel successfully persuaded AFCCA that despite her pleas of wrongfully using cocaine and marijuana, the military judge erred in admitting a cellular telephone extraction report and related testimony. As a result, the conviction was set aside and a rehearing
authorized.

In *US v. Fetrow*, appellate defense counsel convinced AFCCA and CAAF that despite Appellant being convicted of attempted abusive sexual contact with a child and aggravated sexual contact with a child that the military judge erred in admitting evidence under Mil. R. Evidence 414 and that this error prejudged a substantial right of the Appellant. AFCCA set aside the findings and sentence and authorized a rehearing. The CAAF affirmed the decision of the AFCCA.

In *US v. Dalmazzi*, in accordance with her pleas, appellant was found guilty of wrongfully using a controlled substance. The AFCCA approved the findings and sentence. Appellant filed a petition with the CAAF. The CAAF granted review on whether a United States Court of Military Commission Review (CMCR) Judge is authorized to sit as an AFCCA Judge on a panel that decided appellant's case and whether service on both courts violates the appointments clause given the military judge's status as a superior officer. After argument, the CAAF decided to vacate the order granting review and denied the petition. Appellant currently has a petition for Writ of Certiorari pending before the USSC on whether the Court of Appeals erred in holding Petitioner's claims were moot, whether the military judge's service on the CMCR disqualified him from continuing to serve on the AFCCA under 10 USC § 973(b)(2)(A)(ii), and whether his simultaneous service on both the CMCR and the AFCCA violated the Appointments Clause.

**Trial Defense Division (JAJD)**

The 187 defense counsel and paralegals of JAJD continued to build on their now 42-year legacy of independent defense services by providing zealous, ethical, and professional representation to more than 23,000 Airmen in around 500 courts-martial, 4,000 nonjudicial punishment actions, and more than 2,800 administrative discharge actions, at 72 worldwide operating locations. Additionally, Air Force Defenders continued their advocacy on behalf of Airmen everywhere through their professional writing and testimony before congressionally-directed panels. Their efforts continued a tradition of JAJD team members advocating for a fair system of justice that protects the rights of all Airmen, including those accused of crimes.

**Government Trial and Appellate Counsel Division (JAJG)**

JAJG judge advocates continued to lead the charge in shaping a disciplined force capable of projecting air power worldwide. JAJG's Senior Trial Counsel (STCs) brought expertise to over 85 percent of general courts-martial tried within the Air Force, ensuring top-notch representation for the United States in the service's most complex cases. Of note, in early 2017, two of the Division's most experienced STCs obtained a conviction, a life sentence without the possibility of parole and a dishonorable discharge in the Air Force's first capital premeditated murder case in over a decade. Additionally, two STCs assigned to JAJG's Special Victims Unit unraveled complex issues regarding parental discipline and causation in the court-martial of an Airman accused of killing his two-year-old stepson. Ultimately, that case resulted in 34 years confinement and a dishonorable discharge from the Air Force for the Accused. Through the effective prosecution of these and many other complex courts-martial, the STC corps continues to demonstrate that the Air Force effectively maintains the expertise to try any case, anywhere, at any time.
After trial, JAG's appellate counsel developed positions on the cutting edge of the law in their efforts to preserve convictions and argue the positions of the United States on appeal. To that end, appellate counsel made over 675 filings with military appellate courts and provided oral argument in over 40 cases over the same 18-month period. In addressing a challenge to the wording of the Air Force's pattern instruction on the "beyond a reasonable doubt" standard, JAG counsel successfully articulated to the CAAF why the current instruction was an accurate statement on the law, thereby preserving hundreds of litigated convictions. Appellate counsel also worked on the cutting edge of the law in addressing the Constitution's impact on the collection of digital forensic evidence, winning a decision on appeal that confirmed an Accused does not retain a reasonable expectation of privacy in a lawfully obtained forensic copy of digital evidence. More recently, appellate counsel have filed briefs and made argument in pending cases involving the appropriateness of law enforcement actions when executing searches of encrypted files, the proper scop ing of search authorizations when seeking digital forensic evidence and the extent of the psychotherapist-patient privilege in cases involving sexual violence.

JAGs assigned to JAG also fulfilled their mission to train the next generation of Air Force litigators. Counsel created, distributed and conducted training sessions on digital forensics and proper discovery procedures throughout the JAG Corps. In total, JAG counsel provided over 3,000 man hours of training directed at junior JAGs and paralegals. This training enables base level counsel to ensure a fair and just system exists to preserve good order and discipline in the Air Force well into the future.

Military Justice Division (JAJM)

The Military Justice Division (JAJM) provides counsel to Air Force senior leaders on military justice matters; supports more than 150 convening authorities and legal offices on military justice administration; conducts appellate and other reviews of courts-martial and military justice actions; responds to requests for information and records; and represents the Air Force on the DoD Joint Service Committee on Military Justice.

In 2016, the Policy and Process Branch updated guidance to the field in Air Force Instruction 51-201, Administration of Military Justice, and Air Force Manual 51-203, Records of Trial. The Branch also responded to 600 requests for information and reviewed for release 24,000 pages of military justice records. The Justice and Court Activities Branch managed more than 2,700 special interest cases for Headquarters Air Force situational awareness; processed 22 requests for Secretarial action in military justice cases; and trained 120-plus judge advocates and paralegals on military justice administration.

Through Central Witness Funding, the Branch approved $486,000 for 300 expert and other witnesses to testify in courts-martial. The Relief and Inquiries Branch answered 50 high-level inquiries from the White House, members of Congress, and Air Force senior leaders, including the Secretary and Chief of Staff; provided advisory opinions for more than 100 applications to the Air Force Board for Correction of Military Records; and performed over 40 post-trial reviews for T-JAG under Article 69, UCMJ. The Appellate Records Branch processed 577 records of trial for appellate review and archiving. The Victim and Witness Policy Branch supported the Judicial Proceedings Panel with its study of cases involving adult sexual assault, providing 100,000 pages of documents from 200 courts-martial and coordinating Air Force witnesses and participants for the Panel's public meetings and site visits. Last but certainly not least, the Joint Service Policy and Legislation Branch drafted and presented the Air Force position on the sweeping changes to the UCMJ in over 30 years.
Clemency, Corrections and Officer Review Division (JAJR)

The Clemency, Corrections and Officer Review Division (JAJR) is responsible for making clemency recommendations on court-martial cases to TJAG and the Secretary of the Air Force and serves as general counsel to the Air Force Security Forces community on all corrections matters.

All courts-martial involving officers with adjudged dismissal actions are reviewed by JAJR for action by the Secretary of the Air Force under Article 71(b), UCMJ. Last year, JAJR provided 17 case analysis and recommendations for the Secretary’s action. The Secretary followed JAJR’s advice and ordered the dismissals executed in each of those cases.

During this past reporting period, JAJR reviewed two cases for special clemency under Article 74(b), UCMJ. JAJR believed these cases contained circumstances worthy enough to warrant the Secretary’s attention. Case analyses and recommendations were supplied with those cases, and the Secretary granted clemency by way of substituting administrative discharges for the adjudged, approved and affirmed punitive discharges in one of them.

JAJR serves as TJAG’s representative on the Air Force Clemency and Parole Board. This board reviews cases of long-term prisoners, i.e., those with approved sentences of a year or more, for consideration of clemency, parole, and mandatory supervised release. The board also considers whether to revoke parole when parole conditions are violated, and reviews the applications of members for potential return to duty. The board took approximately 500 actions during the reporting period, including 110 parole decisions, 81 mandatory supervised release actions and 174 clemency decisions. The Air Force’s parole revocation rate is very low, and comprises less than 10 percent of those on parole or mandatory supervised release.

The President of the United States is given the authority by the Constitution of the United States to grant pardons to offenders, including those convicted by court-martial. In the past year, JAJR advised several former members of the procedure to apply for a Presidential pardon, and prepared case analyses in eight applications for the United States Justice Department’s Pardon Attorney, at his request, on Air Force offenders.

JAJR educates counsel and the field through a variety of resources and briefings at the JAG school and at other training sessions including the Intermediate Sexual Assault Litigation Course and the Defense Orientation Course.

Civil Law and Litigation Directorate

The Civil Law and Litigation Directorate (JAC) defends Air Force interests in civil litigation, excluding contract litigation, in various forums, including local, state, federal administrative bodies, federal district courts, the US Court of Federal Claims, and federal appellate courts. JAC includes three divisions: Claims and Tort Litigation (JACC), General Litigation (JACL), and Environmental Law and Litigation (JACE).

JAC Litigation Support Center (JAC-LSC)

The JAC Litigation Support Center (LSC) provides case analysis tools, document review databases, and other technology-assisted litigation support services to the JAC and JAQ directorates. From January 2016 to May 2017, LSC processed 248 gigabytes of electronically stored information (approximately 644,672 pages) in 12 civil litigation and administrative cases. The LSC’s efforts enhanced the litigation teams’ ability to efficiently review and produce information, and meet discovery requirements.
Claims and Tort Litigation Division (JACC)
Capt Troy Taylor, an Air Force Medical Law Consultant, briefed the Botswana Defence Force (BDF) Act Review Committee on Health Insurance Portability and Accountability Act (HIPAA) issues and record handling, the USAF HIV management program, as well as licensure, credentialing and privileging. Furthermore, he instructed BDF medical providers, including the BDF Surgeon General, on medical quality operations. They discussed the Federal Tort Claims Act (FTCA) and Feres Doctrine extensively. As a result of this teaming, and upon the request of the BDF, Capt Taylor worked with them to provide draft language to codify FTCA principles in the BDF Act.

Environmental Law and Litigation Division (JACE)
JACE works to preserve and protect air, land, and other precious natural and cultural resources central to the successful performance of the Air Force Mission. JACE helps Air Force clients comply with environmental laws, seeks resolutions of environmental issues impacting the mission, and defends the Air Force against legal challenges that threaten mission accomplishment.

March ARB, CA - Encroachment
When a private corporation constructed modular buildings in the clear zone outside March Air Reserve Base, JACE worked with the base and the City of Perris to enforce zoning restrictions and an easement that prohibited constructing buildings in the area. JACE was instrumental in a cooperative effort that ensured continued safe military flight operations near Riverside, CA.

F-35 Basing - Challenge
The F-35 Lightning II Joint Strike Fighter is the end result of a multi-decade effort to provide premier strike fighter aircraft to the Air Force, Marine Corps, and Navy. When the Secretary of the Air Force selected Burlington Air Guard Station, VT, as home for a squadron of F-35 aircraft, a group of local citizens filed a lawsuit to prevent the basing action. The group claimed that the Air Force had violated the National Environmental Policy Act by failing to take the requisite "hard look" at the environmental consequences of the basing action. JACE worked closely with the Department of Justice (DOJ) to draft and submit a motion for summary judgment that clearly demonstrated how the Air Force fully considered and disclosed the environmental consequences of the action. The motion prevailed on all counts and JACE was instrumental in ensuring the Secretary's basing action proceeded unfettered by the litigation.
Pacific Air Forces Divert Capability – Commonwealth of the Northern Mariana Islands
JACE was instrumental in steering the Environmental Impact Statement (EIS) for Divert Activities and Exercises at Commonwealth of the Northern Mariana Islands (Divert) to a Record of Decision (ROD), which was signed in December 2016. The Divert EIS analyzed PACAF’s proposed action to provide divert capabilities in the western Pacific in the event access to Andersen AFB was unavailable. In support of DoD Pacific Resiliency efforts, Pacific Air Forces (PACAF) proposed to construct facilities and infrastructure at existing airports necessary to support a combination of cargo, tanker, and similar aircraft and associated personnel for divert operations, periodic exercises, and humanitarian assistance and disaster relief. The ROD reflected the decision selecting the airport on the North side of Tinian as the location for implementing the proposed action. JACE has provided environmental law expertise to PACAF, US Pacific Command (USPACOM), Headquarters Air Force, and the Air Force Secretariat on this project since 2011.

General Litigation Division (JACL)
The General Litigation Division has over 841 cases open with over $181 million at risk. The Labor Law Field Support Center, Military Personnel Litigation Branch, and the Information Litigation Branch successfully defended the Air Force in over 600 cases before the Equal Employment Opportunity Commission, the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority, US District Courts and US Appeals Courts.

The Labor Relations Branch continues to successfully defend against lawsuits for alleged unpaid overtime under the Fair Labor Standards Act (FLSA). FLSA issues at Holloman AFB, NM and Pope AAF, NC are currently in arbitration with approximately $110 million at risk.

The Military Personnel Litigation Branch, along with counsel from the Department of the Army, worked closely with the Department of Justice to successfully defend a federal lawsuit titled Baldwin et. al. v. Department of Defense (US Dist. Ct. for the Eastern Dist. of VA), challenging a military commander’s authority to convene sex assault courts-martial. The DoD won the lawsuit on a motion to dismiss. The successful outcome of this lawsuit preserved commander authority to convene sex assault courts-martial.

Acquisition Law and Litigation Directorate
The Acquisition Law and Litigation Directorate (JAQ) serves as the strategic level headquarters element supporting the Air Force in its pursuit of acquisition excellence. JAQ is TJAG’s lead in supporting the Air Force’s acquisition workforce and Air Force senior leader’s acquisition goals. JAQ provides acquisition advice to TJAG, the Air Staff, and to the Secretariat, as well as overseeing all Air Force commercial litigation.

JAQ in conjunction with the Secretary of the Air Force Office of General Counsel for Acquisitions (SAF/GCQ) guided the source selection strategy for the UH-1N Recap Program, which will significantly reduce or eliminate pre-award bid protests saving the Air Force millions. JAQ provided critical housing privatization litigation risk assessments and supported real property attorneys in negotiations which prevented litigation related to charges from Basic Housing Allowance reductions and saved the Air Force millions of dollars in housing improvements and deficiency corrections. JAQ advised the Chaplain on the parameters of faith-specific contracts and terminations, which ensured the Air Force could contract for the services it needed within the bounds of Title VII.
JAQ also counseled the Air Force Audit Agency on public-private partnership depot maintenance agreements and provided multiple courses of action to firewall contractors from business case analysis to eliminate conflicts of interest. JAQ participated in a Tiger Team geared towards refreshing Air Force alternative dispute resolution (ADR) guidance and the Air Force’s commitment to pursuing ADR first. The Tiger Team presented a webcast that disseminated critical ADR practice tips and strategies to 100+ attorneys.

**Commercial Litigation Field Support Center (JAQC)**


JAQC resolved 52 contract claims before the Armed Services Board of Contract Appeals representing a total of $64 million in potential liability and defended an additional 52 ongoing claims with a total value of over $675 million in potential liability.

In 2016, JAQC attorneys, working with the Department of Justice, successfully defended a $363 million procurement for base operational services at Thule Air Base, Greenland, before the Court of Federal Claims and the Court of Appeals for the Federal Circuit. Additionally in early 2017, the commercial litigation team defeated Northrup Grumman’s protest of a $359 million procurement for combat rescue radios, vital to the safety of troops engaged in Operation Inherent Resolve. Finally, as pictured above, JAQC received the Air Force Alternative Dispute Resolution Award in June 2016.

**Contract Law Field Support Center (JAQK)**

The Contract Law Field Support Center (JAQK) leverages proactive problem prevention in providing full spectrum contract and fiscal law expertise to commanders and judge advocates in the field in order to maximize their understanding and employment of procurement tools and processes in support of Air Force operations.

Of particular note for 2016 and early 2017, JAQK took the lead on the legal planning efforts and judge advocate participation for the 2017 Operational Contract Support Joint Exercise (OCSJX 17) held at Fort Bliss, TX from 15 March to 28 March 2017. OCSJX is the Department of Defense’s premier operational contract support exercise that brings together acquisition professionals from contracting, legal, finance, and logistics. OCSJX improves synergy in the DoD’s Joint, Interagency, Intergovernmental, and Multinational approach to operational contracting support, which is the process of planning for and obtaining supplies, services, and construction from commercial sources in support of deployed joint operations. JAQK’s efforts received praise from Brigadier General Holt, the Air Force...
Installation Contracting Agency Commander, for organizing the best OCSJX that he has ever seen.

Since the last ABA report, JAQK launched the Corrective Action Program. The program is designed to achieve two objectives. First, it provides dedicated legal support to ensure corrective action is implemented effectively to reduce repeat litigation. Second, JAQK generates a quarterly report that identifies reoccurring bid protest grounds. The report is used to determine the areas where acquisition professionals need additional training and to assist acquisition professionals and attorneys in identifying potential source selection pitfalls. Finally, JAQK provided “reachback” contract law support to commanders and judge advocates across the globe on 433 issues totaling 36.4 billion dollars in total value of contracts affected. Support included 49 reviews of Contracting Officers’ Final Decisions on Contract Disputes Act claims filed by Air Force contractors, 24 reviews of proposed terminations for default, 17 interpretations of fiscal law, and 216 responses to field questions concerning such topics as source selection and contract administration.

### Legal Information Services Directorate

The Legal Information Services Directorate (JAS) provides a broad range of information technology solutions to the Air Force and DoD legal communities that enhances case, knowledge and content management while encouraging collaboration and facilitating decision-making. JAS currently supports a portfolio of 70 applications utilized by JAG Corps members and provides vital information to commanders and other clients. This includes the constantly evolving military justice reporting system, the Automated Military Justice Analysis and Management System, now undergoing a complete renovation to perform broader and more advanced case management functions.

In 1983, JAG Corps personnel developed a system of storing and retrieving legal information through the use of computers. Today JAS continues this tradition, carrying out the Air Force’s responsibilities as DoD’s Executive Agent for the Federal Legal Information Through Electronics system via procurement of Computer-Assisted Legal Research online research capabilities and services for the Air Force, Army, Navy, Marine Corps, and DoD.

This past year saw the release of state-of-the-art, open source learning and knowledge management systems to create a comprehensive training and knowledge sharing environment for Air Force and DoD legal professionals. These newly streamlined systems enable and enhance the capacity to capture, develop, share, and effectively organize substantive legal and AFJAGC organizational knowledge.

### US Air Force Academy

The Air Force Academy Athletic Corporation (AFAAC), a statutorily permitted Colorado 501(c)(3) organization whose sole purpose is to support Air Force Academy athletics, was effectuated through a JAG Corps and Air Force General Counsel led cross-functional AFAAC Working Group consisting of regular Air Force, reserve, and civilian members. Through the creation of more than 40 policy documents, the Group fully leveraged this unique public-private partnership. The resultant policies, delegations, and processes related to issues ranging from commercial sponsorships, trademarks and logos, to real property transactions. The AFAAC Working Group successfully bridged authority gaps, protected the Air Force from liability, and maximized revenue generation in support of cadet athletic programs, significantly contributing to the Academy mission of graduating lieutenants of character.

### US Air Force Academy Department of Law

The Department of Law (DFL) at the US Air Force Academy (USAF) provides meaningful opportunities for cadets to apply their substantive legal knowledge and to develop their critical thinking and effective communication skills in multiple local, national, and international advocacy competitions. Moot Court is one of four legal competition teams at the Academy, in addition to mock trial, international humanitarian law, and an interdisciplinary cyber team. Moot Court participants, as part of a law class, research case law and prepare an oral argument about both sides of a legal problem – such as whether solitary confinement constitutes cruel and unusual punishment. Three DFL instructors coach the team and additional DFL instructors and other local attorneys play the role of appellate judges during competitions. During competitions, judges quiz the competitors during their argument, scoring them on how well they respond to questions, as well as their poise and argument style. This year’s USAF “Powerhouse” Moot Court Team placed second in the country amongst the top 80 teams in the Nation. In total, four USAF teams earned bids to the national tournament and USAFA won regionals for the
fourth consecutive year. DFL also hosted a moot court dual (and won) with Cal State Long Beach at USAFA. Multiple cadets also earned the distinction as top tier advocates at competitions throughout the season.

**MAJOR COMMANDS**

Legal offices generally operate at two levels—wing or base level and higher headquarters. There are about 90 offices operating at the wing level; ranging from 10 or fewer personnel up to 60. Higher headquarters legal offices are located at the Numbered Air Forces (NAFs) and MAJCOMs. In addition to supporting their commanders, these higher headquarters offices exercise professional supervision over subordinate legal offices.

**Air Combat Command**

Air Combat Command Legal Office (ACC/JA) hosted the inaugural Advanced Air Operations Law Training Course during the week of 20-24 March at Hurlburt Field, FL at the 505th Command and Control Wing, which has a mission of educating and training Air Operations Center (AOC) professionals. This course was designed as part of a four-phased operations-law training pipeline. Phase 1 is attendance at an operations law course. Phase 2 is attendance at this advanced operation law course, phase 3 is participation in an exercise as a player and the final phase is attendance at an exercise as a subject matter expert. The goal of this operations law-training pipeline is to enhance our Operations law expertise and build a proven framework to support our warfighting commanders in the future.

A team of 17 judge advocates and paralegals put their operational law skills to the test in ACC’s BLUE FLAG 17-1 exercise, held at the 612th AOC and the Twelfth Air Force (Air Forces Southern (AFCENT)) crisis action center at Davis-Monthan AFB, AZ. Crisis Action Planning (CAP) for the exercise began in January 2017, with the execution phase following in April. The execution portion of the exercise served as a capstone event for the Advanced Air Operations Law Course. Attorneys and paralegals integrated within all AOC divisions—they worked side-by-side with AOC personnel, participating in the Multi-Domain Planning Group, reviewing kinetic and non-kinetic Rules of Engagement (ROEs) and ROE change requests, writing and editing Special Instructions changes, reviewing target folders for kinetic and non-kinetic strikes, coordinating on dynamic targets, participating in operational planning teams, and advising on the evacuation of non-combatant US citizens and on intelligence and reconnaissance activities.

AFCENT attorneys played an important role in preparing the Colombian military to put an end to the 50-year conflict with the Colombian Revolutionary Armed Forces (FARC) by helping the Defense Institute for International Legal Studies (DIILS) develop and present a new operations law course.
Back in 2015, at the request of the Colombian Ministry of Defense (MoD), AFSOUTH and DIILS attorneys worked together to provide a new operations law course that would help Colombian judge advocates and commanders address legal issues arising in the conflict with the FARC, and to address challenges that would remain if a peace agreement with the FARC was eventually obtained. As a result, DIILS developed a course that commanders would attend with their operations law attorney, where they would receive an overview of the Law of Armed Conflict (LOAC) and International Human Rights Law, followed by a practical exercise based on a scenario modeled after Colombia’s internal conflict. The second half of the course would include a second exercise based on the likely post-FARC environment, in which FARC members who refuse to demobilize, guerrilla organizations that still had not made peace, and heavily armed criminal organizations still threatened public security.

DIILS presented the course three times in 2015 and 2016, with Lt Col Loertscher and Maj Jennifer Sanchez, from AFSOUTH, participating as instructors. The DIILS teams have included JAGs from the US Air Force, Army, Navy, and Marine Corps. DIILS has also incorporated the reserve component into the program, taking advantage of the existing relationship with the South Carolina Air National Guard, which works with Colombia in the National Guard’s State Partnership Program. The Colombian military has taken full advantage of the course, having sent flag officers and colonels to attend with their legal advisors, who work side-by-side during the week discussing the operational and legal implications of the exercise scenarios.

The Colombian government reached a historic peace agreement with the FARC in November 2016, when the Colombian Congress ratified the accord negotiated during four years of peace talks held in Havana, Cuba. DIILS is slated to present the course twice in 2017 to continue helping Colombian commanders and judge advocates address the complex legal issues that will persist in the post-FARC environment.

In April 2017, CONR-1AF(AFNORTH) participated in a national level exercise to train personnel for defense support to civil authorities consequence management operations in response to the detonation of an improvised nuclear device. One of the concerns that arose was proper handling of airborne commercial aircraft contaminated with nuclear materials resulting from the detonation of the device.
As the Air Component for United States Central Command (USCENTCOM), Air Force Central (AFCENT) is responsible for developing contingency plans and conducting air operations in a 20-nation area of responsibility covering Central and Southwest Asia. Personnel assigned to USAFCENT provided legal counsel on all aspects of military justice, operations, international, and fiscal law across seven Air Expeditionary Wing legal offices and the Combined Air Operations Center (CAOC).

Personnel assigned to AFCENT support a variety of missions to include close air support, air mobility, combat search and rescue, intelligence, surveillance and reconnaissance, air control and communications, aeromedical evacuation, and electronic attack operations. Legal personnel throughout the area of responsibility (AOR) instruct operators on ROE training scenarios to practice and execute operation orders and contingency plans.

Deployed legal staffs support the full spectrum of issues that arise at a stateside legal office, often with consideration given to host nation law, culture, and custom. A deployed JAG produced a potential cost-savings of over $40,000 over the course of two years by drafting new policies to ensure off-base traffic tickets are disposed of in accordance with fiscal law policies. JAGs provide key legal advice for civilian casualty investigations as well as aircraft mishaps and ground accident investigations.

AFCENT Legal Office (AFCENT/JA) led the Defense Procurement Acquisition Policy effort to address vulnerabilities in vetting contractors in the AFCENT AOR, striking a balance that leveraged existing authorities to maintain force protection for service members with minimal litigation risk. With approximately three contractors to every service member in the AOR, the impact of AFCENT/JA's contract and fiscal law advice on mission accomplishment cannot be overstated. From contract formation, through administration, and on to termination or closeout, AFCENT/JA implemented a $2.6 billion contract portfolio. AFCENT/JA is also responsible to ensure that the Command successfully navigates restrictions in fiscal law to accomplish the mission while remaining good stewards of public funds.

Air Education and Training Command

In March 2017, the 56th Fighter Wing Legal Office at Luke AFB, AZ conducted a Military Justice Symposium co-hosted by the Maricopa County Attorney, Mr. Bill Montgomery. The event was held at the historic Security Building in downtown Phoenix. 55 prosecutors and law enforcement personnel representing 26 local, state and federal agencies attended the event. The agenda focused on familiarizing civilian jurisdictions with the military justice system and illustrating how our agencies work together. This training proved to be very valuable for all parties on future jurisdiction requests.
Captain Alexander Navarro provides closing argument in a sexual assault mock trial to students of the 81st Training Group

Based on Captain Daniel Beaulieu's airtight legal analysis, DOJ's attorneys agreed the landlord violated the Servicemembers Civil Relief Act (SCRA) by failing to return the security deposit and secondly, claiming unwarranted damages against the Airman to dissuade him from seeking relief. Sparred on, Captain Beaulieu remained engaged with the DOJ litigation team throughout the process, providing critical insight and information. This led the DOJ to pursue a negotiated enforcement action to make the client whole and mandate the landlord's future compliance with the SCRA. This result was a victory, not just for a military member who lacked the time and resources to fight a corrupt landlord in court, but showed that no case is too small when enforcing the rights of military families. Additionally, Captain Beaulieu briefed this client success story as "Spotlight" training for the benefit for all command base legal offices.

Mr. James Bivens Jr. of the 502d Force Support Group legal office, Joint Base San Antonio-Ft Sam Houston, TX won the 2016 ABA LAMP Distinguished Service Award. This award is given to one Air Force military legal assistance professional each year and is designed to shine a light on those blazing paths in military legal assistance that others might follow. Mr. Bivens, a paralegal specialist in the Fort Sam Legal Office, runs the office's "pro se" programs; helping service members through the probate, divorce and name change process without attorney's fees. Mr. Bivens runs the Air Force's only Program; helping members and dependents navigate the process of probating a will without hiring an attorney. This self-help and low-cost option provided by the clinic represents about 10 percent of the Bexar County probate docket and now has reached out to assist in 14 counties. In the last year, he has helped 267 through the Pro Se Probate Clinic; saving them $937,000 in probate attorney fees. In the Pro Se Divorce and Pro Se Name Change Clinics, he has helped uniformed service members, dependents and military retirees file 42 agreed divorce petitions and 21 name changes with a savings of $31,000 in civil attorney fees.

The 502d Installation Support Group Legal Office, Joint Base San Antonio-Lackland, TX (502 ISG/JA) continued to excel in ensuring the Air Force pipeline remains open. As the legal office responsible for advising Basic Military Training, 502 ISG/JA oversaw more than 2,300 discharges; 49 percent of all discharges in the United States Air Force. In addition, 502 ISG/JA had an impact throughout San Antonio. The legal office partnered with the Texas Attorney General's Office to provide three Parenting Order Legal Clinics to on-base personnel and held an impressive Retiree Appreciation Day seeing over 100 people, executing 81 wills, and saving clients over $24,000 in fees in a single day!

Major Benjamin Martin, 81st Training Wing legal office, led the way as a torch bearer for the Special Olympics Torch Run.
On 22 February 2016, a storm with 60-plus mile-per-hour winds and golf ball-sized hail hit Laughlin AFB, TX causing millions of dollars of damage to vehicles, houses, and aircraft. Within 12 hours, Captain Micah Pischnotte and Staff Sergeant Samuel Hamilton set up a claims service center to help hundreds of service members file personal claims with the Air Force. SSgt Hamilton immediately briefed over 1,700 base personnel at two different assemblies and visited three separate squadrons to inform the populous about the claims process and their rights as claimants. Capt Pischnotte and SSgt Hamilton established and maintained a local emergency claims service center in order to streamline the claims process and served as liaison between the claimants and the Air Force Claims Service Center. In the end, the team assisted 353 claimants in recovering over $454,000 to assist in replacing and repairing their damaged property.

### Air Force Global Strike Command

Air Force Global Strike Command (AFGSC) continues to flourish as the Air Force’s newest major command, providing strategic deterrence, global strike and combat support...anytime, anywhere. Legal “Strikers” are embedded with units throughout the Command as they maintain two legs of the Nation’s nuclear triad. In the past year, with AFGSC/JA’s assistance, the Command formally stood up the Nuclear Command, Control, and Communications Center, appointed its first commander, and started the process of hiring the over 330 personnel needed to man this new Air Force weapons system. AFGSC/JA also guided the command’s chief scientist as he developed ties to the academic and scientific communities, successfully negotiating the assignment of two scientists from Federally Funded Research and Development Centers and establishing a Global Strike Independent Strategic Assessment Group.

Legal Strikers continued to push for legislative relief to clarify the authority to defend nuclear weapon systems against attack by sUAS. The first legislative proposal assisted in the development of 10 USC § 130i, while a recently submitted proposal calls for the creation of an aerial trespass by sUAS over military installations. AFGSC/JA worked with United States Strategic Command, Headquarters Air Force, and AFGSC operators to identify lawful methods to counter threats from these systems. AFGSC/JA successfully advocated for a kinetic response option and assisted in the development of tactics, techniques and procedures for its use. AFGSC/JA continues to work with all interested stakeholders to employ non-kinetic response options in the near future to further defend against sUAS threats.

Legal Strikers helped draft guidance governing the employment of deadly force for newly armed helicopters that escort nuclear convoys to missile sites and later travelled to each missile wing to provide training on the formal rules for use of force. Additionally, Strikers held a successful Operations Law Conference and organized a “Deployment Day” where returning deployers shared lessons learned with all eight Air Force bases. They also established a monthly operations law-training program for wing legal offices and developed an operations law-training plan for paralegal personnel.
Air Force Material Command

In response to a strong demand to exploit more Air Force innovation through strong intellectual property protection, the Air Force Materiel Command’s Law Office worked closely with Air Force General Counsel and the Air Force Research Laboratory (AFRL) to develop and implement a number of pilot programs to increase patents, licensing and royalties related to Air Force inventions.

The office began by revamping training for inventors Air Force wide with a special focus on our research laboratories. Following training, patent lawyers embedded themselves in various laboratory directorates with an “attorney office hours” program. These initiatives combined with a strong marketing campaign from AFRL leadership to inventors have resulted in the Air Force more than doubling initial invention disclosures (the first step in the patent process) so far this year. Patent lawyers also sit on invention evaluation boards with lab leadership to assess importance to the Air Force mission, patentability, and technology transfer potential, as well as to prioritize patent application workload.

Air Force Space Command

In today’s interconnected world, much of the globe’s day-to-day activities rely on outer space capabilities and services. As a result, the impact of an armed conflict in space could be devastating. In an effort to identify and clarify rules governing the military use of outer space, including the initiation and conduct of hostilities and the law of armed conflict, McGill University’s Centre for Research in Air and Space Law has initiated the Manual on International Law Applicable to Military Uses of Outer Space (MILAMOS) Project. An Air Force Space Command Legal Office (AFSPC/JA) attorney has been participating in the project as a member of the Editor-in-Chief Group. Through this project, AFSPC/JA brings operational legal experience to a project expected to produce a manual valuable to the legal profession and space operators alike.

Commercial space launch is a burgeoning industry with an increasingly significant role in the national security space sector. The Air Force is committed to maintaining and coordinating space launch guidelines and regulations fully aligned with the needs of the commercial launch industry and Congressional intent to strengthen the commercial launch industry through streamlined processes. AFSPC/JA has played an integral role in harmonizing Air Force processes, requirements, and resources with the needs of a fast-moving commercial industry while also meeting Congressional intent. To that end, AFSPC/JA has coordinated with the Federal Aviation Administration (FAA) and the National Aeronautics and Space Administration (NASA) in an effort to remove duplicative requirements from the launch approval and safety certification processes. As a result, the Air Force is better positioned to harness the full benefits of a robust commercial space launch industry.

The emerging "flyback" capability of commercial space launch providers offers tremendous potential to reduce the cost of space launch through reusable launch vehicles. Testing of flyback capabilities has raised new questions regarding the roles and responsibilities of the Air Force pertaining to licensing, oversight and safety. In coordination with the FAA and NASA, AFSPC/JA has been leading the way in developing clearly established roles and responsibilities for flyback missions.
Air Force Special Operations Command

Air Force Special Operations Command (AFSOC), headquartered at Hurlburt Field, FL provides special operations forces (SOF) for worldwide deployment and assignment to regional Combatant Commands. The AFSOC Legal Office (AFSOC/JA) delivers professional, candid, independent counsel to SOF commanders worldwide. In 2016 and 2017, AFSOC’s main focus continued to be on special operations to deter, disrupt, and defeat terrorist threats. In addition to providing legal support to hundreds of SOF deployers, AFSOC deployed eight attorneys in direct support of AFSOC operations to multiple locations across the world.

In addition to supporting the downrange mission, AFSOC judge advocates participated in the 10th annual Emerald Warrior Exercise, a two-week event based out of Hurlburt Field but crossing four additional states. Emerald Warrior is a joint and international special operations exercise combining SOF and conventional forces to develop irregular warfare skills. The approximately $6 million exercise involved 1,340 participants, with representatives from all branches of service, five foreign countries, Department of State, and DOJ. This was the first year to include ROE, which meant significant legal involvement. ROEs define the rules on the battlefield, regulating the use of force against the enemy. AFSOC judge advocates worked with the exercise planners to develop appropriate ROE for all parts of the exercise scenarios. Using ROE and practicing with them in an exercise is crucial to creating life-like training because commanders and operators—those flying the aircraft and calling in airstrikes from the ground—are required to follow them in the real-world. During the exercise, the JAGs participating in the exercise helped the operators ensure their proposed actions complied with the rules of engagement. AFSOC judge advocates working at the Joint Operations Center (exercise headquarters) reviewed all operational plans.

In preparation for partner nation participation, AFSOC judge advocates reviewed Acquisition and Cross-Servicing Agreements and Procedural Agreements. These documents allowed the foreign partners to bring their aircraft to the United States and reimburse the local base for repairs, alleviating the need to have spare parts brought in from their home countries. As Emerald Warrior evolves into a more strategic exercise and mirrors the emerging challenges on the battlefield, it presents a great opportunity for JAGs and operators to learn how to work together in furtherance of the downrange mission.

Air Mobility Command

The Air Mobility Command (AMC) legal offices support a major command of more than 133,700 personnel that is responsible for worldwide cargo and passenger delivery, air refueling and aeromedical evacuation. The command also transports humanitarian supplies to hurricane, flood, and earthquake victims both at home and around the world.
In 2016, the Travis AFB, CA Legal Office created the "True North" Preventive Law Program, a no-cost program that partnered with one of California's Department of Correction's Medical Facilities, where a large population of prior service inmates are housed. The program consists of a two-part education and mentorship experience from participants. The first part, which takes place in the Travis AFB courtroom, includes a legal office and Air Force Office of Special Investigations-led discussion on the legal process and criminal investigations, followed by Airmen recently convicted by court-martial recounting their own experiences with the military justice process. The second part of the program takes place at the California Medical Facility. This stage of the program is run by inmates who tour the participants through the prison, and later give compelling stories about the life-altering decisions that landed them in prison. After these presentations, participants pair up with inmates for individual mentoring sessions.

True North's success is borne out of its breadth and philosophy. The concept of True North mirrors the "Scared Straight" program, but focuses principally on education and mentorship, rather than fear. While the program's key features of education and mentoring, discussed above, are fundamental to its success, participants are also highly influenced by a healthy dose of exposure to the criminal justice system. In addition to seeing the inside of a courtroom and learning the realities of being investigated, accused, and prosecuted, True North participants experience a day in the life of a prison inmate. To date, nearly 100 Airmen, ranging from airman basic to colonel, have participated in True North. All participants gave True North the highest ratings and would recommend the program to their peers. The program was recently cited as a best practice Air Force and DoD-wide.

**Pacific Air Forces**

The PACAF legal offices are composed of more than 260 judge advocates, paralegals and civilians at 15 legal offices. These legal experts support commanders and more than 100,000 Airmen and dependents in Alaska, Hawaii, Guam, Japan and the Republic of Korea (ROK).

PACAF legal professionals in ROK focused on multiple deterrence and readiness efforts in response to over 20 provocations from the North Korean regime. Operations law attorneys were instrumental in coordinating the joint flights of US bombers and ROK fighter aircraft over the Korean peninsula after two North Korean nuclear tests. The legal team also took a lead role in rewriting non-combatant evacuation plans and expediting munitions transfers to the ROK Air Force.

The operational law team in Korea also demonstrated multi-national readiness with their ROK counterparts while participating in major training exercises Key Resolve and Ulchi Freedom Guardian,
the largest command-and-control exercises in the world. Over 30 JAGs and paralegals provided critical support and gained valuable real world experience.

In Japan, the Yokota AB legal staff, in addition to providing full spectrum legal support to the command, enabled an extension of immigration status under the US-Japan Status of Forces Agreement for a widow of a deceased Airman. This action allowed her to remain in her home on base, her children to complete the school year and added stability while the family coped with the loss of their husband and father.

The base legal office at Joint Base Elmendorf-Richardson (JBER), AK was honored this year with the ABA’s Legal Assistance for Military Personnel Distinguished Service Award. In 2016, the legal assistance program assisted more than 5,000 clients, saving the community more than one million dollars in legal fees. JBER attorneys and paralegals also proactively stepped out into the community to provide bedside wills for critically-ill clients and telephone consultations for clients living in remote parts of Alaska.

US Air Forces in Europe / Air Forces Africa

US Air Forces in Europe and Air Forces Africa (USAFE-AFAFRICA) remains fully engaged to respond to an ever-changing global dynamic across the European and African continents. Our legal professionals provided vital support as the US military’s increased focus in Europe moved away from simply reassuring allies to an effective deterrence against Russia. The 2017 National Defense Authorization Act quadrupled funding for what was originally called the European Reassurance Initiative. The $3.4 billion effort was renamed the European Deterrence Initiative. USAFE-AFAFRICA attorneys worked diligently to ensure proper agreements were in place in the Baltics, Eastern European and North Atlantic Treaty Organization (NATO) countries to support air policing missions and basing of aircraft and personnel throughout the US European Command (EUCOM) area of responsibility. One office staff member served as the US delegate to a NATO group of experts revising a standardization agreement on Law of Armed Conflict training. As US African Command (AFRICOM) expanded capabilities to support counterterrorism missions against Islamic State actors, USAFE-AFAFRICA reviewed various international agreements to include aircraft basing on foreign airfields, and was authorized to negotiate and conclude arrangements permitting use of airspace by remotely piloted aircraft.

In support of broader DoD efforts to improve operability and positively influence key partner nations, USAFE-AFAFRICA executed two important outreach and engagement efforts.

The first, held in Ghana in conjunction with AFRICOM and the Kofi Annan International Peacekeeping Training Centre involved 17 nations, the African Union and the International Committee of the Red Cross.

USAFE-AFAFRICA attorneys planned a day and a half of air-specific agenda with legal briefings,
supported by South African, Senegalese, and Malawian speakers. The program highlighted the important issue of interoperability and standardization in African and allied air forces, and bolstered Air Force efforts to encourage cooperation among African nations for counter-terrorism and peacekeeping operations.

Additionally, USAFE-AF AFRICA attorneys provided substantial support to an international legal event hosted by the Estonian Ministry of Defense on Coalition Air Operations. Intended to support USAFE and EUCOM efforts to improve interoperability and to deter Russian aggression, the eleven nation workshop included a scenario on the legal and technical issues involved in coalition operations outside of the NATO context (e.g., close air support, battle space management, forward air controllers, international agreements and national caveats). Speakers included experts from Estonia, Lithuania, Latvia, the US and the Czech Republic.

**Conclusion**

As commanders face increasingly complex legal challenges in carrying out military operations, JAG Corps professionals stand at the ready to support them at every step. Our highly talented personnel, supported by JAG Corps, training and resources, ensure we provide outstanding and response service. Relying on our guiding principles of *Wisdom, Valor and Justice*, the Air Force JAG Corps will tackle our current and future challenges in the delivery of legal services to advance the Air Force mission and strengthen our national security. JAG Corps lawyers, paralegals, and civilian support staff remain dedicated to providing world-class legal advice and services to commanders, Airmen, and their families. Air Force JAG Corps members are proud to be the legal wingmen to Air Force members and commanders as we execute the mission to fly, fight and win in air, space, and cyberspace. We are “Charged with Excellence!”