Report of
The Judge Advocate General of the Army
to the American Bar Association

2017 Annual Meeting
INTRODUCTION

The Judge Advocate General’s Corps (JAGC) supports the Army mission by providing a full range of legal services in both the deployed and garrison environment in support of a ready, globally responsive, and regionally engaged Army. The Soldiers of the Army JAGC remain focused on core missions of fostering personal and organizational discipline; advising commanders and leaders; providing Soldier services in claims, legal assistance, and criminal defense; protecting Army interests before regulatory boards and in civil courts; and developing tomorrow’s leaders. The JAGC is one legal team—competent, confident, caring, and courageous; grounded in values; committed to justice; and totally integrated into the Army. On July 14, 2017, Lieutenant General Charles N. Pede became The Judge Advocate General (TJAG), and is the 40th officer to hold this position. Major General Stuart W. Risch became the 21st Deputy Judge Advocate General (DJAG) on August 2, 2017.
MANAGEMENT AND OPERATIONS

STRENGTH

There are approximately 1,855 Judge Advocates (JAs) on active duty; 2,708 JAs in the Army Reserve (USAR) and Army National Guard (ARNG); and 644 Civilian attorneys subject to the qualifying authority of TJAG. Currently, over 278 JAGC Soldiers are deployed worldwide and there are more than 270 Reserve Component JAGC Soldiers mobilized for full-time active duty. Together, JAGC personnel supported more than 600 legal offices and deployed task forces in over thirty countries, including Afghanistan, Iraq, Kuwait, Qatar, Egypt, Honduras, Korea, Kosovo, and a number of countries on the African continent. Diversity in the JAGC continues to increase, with women accounting for nearly 28% of all active duty JAs. Minority officers serve in the JAGC at a rate higher than the national average of minority practicing attorneys, comprising almost 20% of the JAGC’s active duty attorney strength.

As the Army ensures readiness, builds an agile and adaptive force, and takes care of its Soldiers and Families, the JAGC will continue to evolve and transform as well. Throughout these transformations, the Judge Advocate Legal Services (JALS) will continue to meet the needs of the expeditionary Army and the Joint Force. The Personnel, Plans, and Training Office (PPTO) ensures that members of the JALS are organized, resourced, and prepared to provide gold standard legal services anywhere around the world.
PERSONNEL

The Personnel Section of PPTO provides career management and assignments for active and reserve component Judge Advocates. Officers enter the JAGC either as direct commissionees, through the ROTC-commissioned educational delay program, or through the Army’s funded legal education program (FLEP) for already serving active duty officers. In Fiscal Year (FY) 2017, the JAGC will assess onto active duty 135 direct commissionees, 14 ROTC educational delay officers, and 24 FLEP officers for a total of 173 new JAGC officers.

The transformation of new attorneys into JAs begins with successful completion of the Direct Commission Course (DCC) and the Judge Advocate Officer Basic Course (JAOBC). At the six-week DCC at Fort Benning, Georgia, new JAs learn the tactical and leadership skills needed to succeed in the demanding operational tempo of the Army.

Following DCC, JAs attend the ten and a half week JAOBC at The Judge Advocate General’s Legal Center and School (TJAGLCS), in Charlottesville, Virginia. During this phase, JAs learn the organization, function, and mission of the JAG Corps, and receive an overview of military law in the U.S. Army. Once selected for promotion to major, JAs return to TJAGLCS to attend the ten-month Judge Advocate Graduate Course, which prepares them to serve as mid-grade leaders and legal advisors to more senior commanders.

In addition to graduate level legal training, 20 JAs are selected yearly to attend the Command and General Staff College, the Army’s intermediate level education resident course, at Fort Leavenworth, Kansas. The JAGC seeks to ensure it retains experts across the full spectrum of legal practice by sending up to eight JAs to obtain advanced degrees in specialty practice areas of law every year. This year, JAs will receive LL.M.s in procurement law, criminal law, cyber law, environmental law, international law, labor and employment law, and national security law. There are also broadening assignments, including serving in joint assignments at the Joint Staff or with combatant commands; a teaching fellowship at the International Institute for Humanitarian Law in San Remo, Italy; duty at the Congressional Liaison Office; serving as a professor of international law at the U.S. Naval War College; or fellowship opportunities with the Department of Justice and the Office of the Director of National Intelligence.
JUDGE ADVOCATE RECRUITING

The Judge Advocate Recruiting Office (JARO) oversees the recruitment, selection, qualification, and appointment of law students and licensed attorneys in the active and reserve components of the JAGC. The JARO employs approximately 90 JAs from legal offices across the world as field screening officers (FSOs) to interview law students and conduct outreach.

The JAGC sustained its efforts to strengthen the Corps by recruiting and selecting only the best qualified law students and attorneys. The JARO attracted talented candidates with an aggressive on-campus recruiting program. The FSOs recruited at all 206 American Bar Association (ABA) accredited law schools that award a Juris Doctor degree. As a result, 173 attorneys were commissioned into the Regular Army, 78 attorneys into the USAR, and 34 attorneys into the ARNG.

More information on JAGC recruiting and what attorneys will do in their first four years as a JA is available at: https://www.youtube.com/watch?v=T-rHex1WIP0

![Army JAs at the National Black Law Students Annual Convention, Houston, TX, March 2017](image)

SUMMER INTERNSHIP PROGRAM

The JAGC conducted its Summer Internship Program for the 46th year. This year, 65 law students participated in an eight-week paid internship at Army installations throughout the United States (U.S.) and abroad. These interns, and dozens of unpaid externs earning law school credit, assisted active duty JAs in providing legal services in all the JAGC legal disciplines.
PLANS

The Plans Branch of PPTO is responsible for the force management of JALS personnel in the Army's Operating and Generating Forces, JAGC Proponency, JAGC personnel policies, JALS Strength Management, and the Judge Advocate Officer Incentives Program (JAOIP).

As the Army resizes, the JAGC expects to see continued demand for the high quality legal services provided by JAs stationed and deployed around the world. In an effort to continue to attract and retain exceptional military attorneys, PPTO continues to implement the JAOIP. The JAOIP provides a combination of student loan repayment up to $65,000 over four years for new JAs, and a bonus incentive of $60,000 for captains in their fourth year of service in exchange for four additional years of service. In an era of fiscal uncertainty, the JAGC continues to fight for JAOIP to retain the exceptional legal professionals necessary to provide proactive legal support while deployed and at home to enable the Army and the Joint Force to conduct operations for the Nation.

In order to maintain the health and welfare of the JAGC, this year TJAG launched the “Why You Stay” initiative which enabled Judge Advocates to share their ideas and provide recommendations on ways we might improve our Corps. Additionally, PPTO spearheaded the JAGC's effort to update Army Regulation (AR) 27-1, Judge Advocate Legal Services. This major revision was published in January 2017, and includes provisions that incorporate statutory changes related to special victim counsel; updates TJAG’s statutory authorities; provides policy and guidance on the consolidated legal offices; updates information pertaining to transferring a Funded Legal Education Program officer from their basic branch upon passing the bar; and revises professional conduct and fitness inquiries.

As the Army continues to focus on readiness to ensure the best equipped and professionally trained Soldiers are available to meet its mission, the Plans Branch vigilantly monitors and reviews proposed strength reductions, increases in authorizations or other changes to ensure the JAGC remains able to provide principled counsel and premier legal services in support of a ready, globally responsive, and regionally engaged Army.

CIVILIAN ATTORNEYS AND PARAPROFESSIONALS

Recognizing the importance of our more than 1,400 civilian attorneys and paraprofessionals, TJAG includes the Director, Civilian Personnel, and Labor and Employment Law in his leadership team. The Director’s office includes a Civilian Attorney Career Program Manager and two full-time assistant managers to ensure that the Civilian members of JALS are professionally developed and utilized to support the JAGC mission and vision.
DOCTRINE, DEVELOPMENT, EDUCATION, AND TRAINING

THE JUDGE ADVOCATE GENERAL’S LEGAL CENTER AND SCHOOL

The Judge Advocate General’s Legal Center

The Judge Advocate General’s Legal Center serves as a strategic resource for TJAG and the almost 10,000 lawyers, legal administrators and paralegals that make up the active duty, USAR and ARNG membership of the Army JAGC. The Legal Center's mission is to support TJAG's strategic planning, and to assist TJAG in ensuring that lessons learned from military operations are integrated in the development of legal force structure, doctrine, and training strategies to optimize legal support to current and future operations.

Established in July 2003, the Legal Center supports our nation's commitment to conforming military operations to the rule of law. Through its four Directorates — the Center for Law and Military Operations, Future Concepts, Training Developments, and Educational Technology and Distributed Learning — the Legal Center works with The Judge Advocate General's School, U.S. Army (TJAGSA) to provide premier legal support to the Army and the Joint Force.

Center for Law and Military Operations

The Center for Law and Military Operations (CLAMO) has the mission to study and improve legal practices in military operations. In fulfilling its mission, CLAMO helps to uphold The Judge Advocate General’s Legal Center and School’s (TJAGLCS) commitment to ensure that U.S. military operations conform to domestic and international law.

Established in 1988 at the direction of the Secretary of the Army, CLAMO is a joint, interagency, and multi-national organization. During the last 12 months, Army, Navy, Marine Corps, and Coast Guard officers; an officer from the British Army; and a civilian attorney from the German Defense Force were assigned to CLAMO.
This year, CLAMO has continued to collect lessons learned from all operations, including: Iraq and Afghanistan; active duty, Reserve and National Guard support to domestic operations following disasters; and international disaster relief operations. CLAMO has focused greater attention on the collection of trends by JA Observer Controller/Trainers during the Army’s training rotations at the Combat Training Centers that are designed to simulate an expeditionary environment during a contingency operation. CLAMO has also captured initial lessons learned and started developing resources to assist JAs supporting Regionally Aligned Force (RAF) exercises and missions. CLAMO entered into the second year of publication of *Operational Law Quarterly*, which contains practitioner-focused articles of immediate relevance. This newsletter already has distribution across the Department of Defense (DoD) and to over twenty countries.

*The Future Concepts Directorate*

The Future Concepts Directorate (FCD) is the JAGC’s bridge to concept, capabilities, and doctrine development and integration in the Army and Joint Force. The FCD participates in the drafting, review, and implementation of Army and Joint Force doctrine and future concepts, and determines how such developments are likely to impact the mission, requirements, and capabilities of the JAGC. The FCD develops, writes, and staffs JAGC doctrine that describes how legal personnel support the Operational Army across the full range of military operations and serves as the central repository for all doctrinal and conceptual matters affecting the JAGC. This year, in support of the Army’s efforts to make its doctrine more clear, concise, current, and accessible to Army leaders and Soldiers, the FCD is working to update the JAGC’s capstone doctrinal publication, *Army Field Manual (FM) 1-04, Legal Support to the Operational Army.*

*Training Developments Directorate*

The Training Developments Directorate (TDD) analyzes training needs, designs training strategies, and leverages training and education technologies to support JAGC training. TDD’s core mission is to provide current legal training materials for resident and nonresident paralegal education for the JAGC’s enlisted personnel. This year, TDD and the TJAGSA faculty have developed and fielded seventeen Standard Training Packages (STPs) for JA personnel to use to conduct legal training in any environment. The STPs ensure that critical law-related courses taught throughout the Army will be current and correct. Additionally, the TDD Director continued to serve as a member of the ABA Standing Committee on paralegals. TDD also manages the Army Paralegal Degree Program through which JAGC enlisted personnel can earn an ABA-approved Bachelor or Associate Degree from the University of Great Falls.
Educational Technology and Distributed Learning Directorate

The Educational Technology and Distributed Learning Directorate (ETDL) manages online courseware and training products for over 30,000 military and federal students annually via the Judge Advocate General’s University (JAGU). The ETDL analyzes and provides educational technologies and best practices to enable subject matter experts to deliver the most engaging and immersive learning events to students in residence and online. The ETDL manages the TJAGLCS Games for Learning program which creates cross-platform web-based applications, games and simulations, including a Law of Armed Conflict trainer, both accessible anytime, anywhere. The ETDL provides access to and training in immersive educational techniques to include real-time online collaboration and virtual problem-based practical exercises to offer instructors and students an effective blended curriculum and a seamless learning experience.

The Judge Advocate General’s School

The Judge Advocate General’s School (hereinafter, “the School”), part of TJAGLCS, educates JAs, civilian attorneys, law office managers, and paralegals from all branches of the military, as well as commanders from across the Army and lawyers and paralegals from many other federal agencies.

The School’s curriculum mirrors the substantive legal areas practiced by attorneys in the DoD. In addition to enhancing professional legal skills, the curriculum is designed to develop and refine students’ legal research, writing, and communication skills; to instill Army values; to teach and sharpen Soldier and officer skills; and to impart a sense of the rich history of the Judge Advocate General’s Corps and the Army. There are six honorary academic chairs at the School, all named for distinguished members of the legal profession and former members of the Corps.

The relationship between the School and the ABA has existed since the late 1950s and continues to prosper. The Dean, Colonel Randall J. Bagwell, fully participates in the online forums for law school deans. In addition, Colonel Bagwell led the School through a highly successful ABA site visit in November of 2016. Mr. Maurice A. Lescault, Jr., the School’s Associate Dean for Academics, maintains a strong liaison with the ABA staff and has served in several committee assignments in the past. Other examples of our continuing involvement with the ABA include the Administrative and Civil Law Department’s longstanding participation with the ABA Legal Assistance to Military Personnel (LAMP) Committee, teaching classes at
their Continuing Legal Education (CLE) programs, inviting Committee members to teach at The School short courses, and participating fully as liaisons to committee meetings.

Our relationship with University of Virginia and location next to its exceptional law school continues to present tremendous opportunities and benefits to us. Examples of collaboration include our International and Operational Law Department co-sponsoring several events per year with UVA and the International Committee of the Red Cross (ICRC) for participants ranging from law students to policy makers. The Criminal Law department also capitalizes on this relationship by providing academic credit for graduate course students’ participation in the UVA Mock Trial Team and Moot Court coaching program. Additionally, our schools continue to exchange students in some of our respective elective offerings. The School also participates in events with other ABA law schools around the country.

The School’s resident program continues to educate nearly 5,500 students per year. When combined with non-resident programs, including distributed learning and on-site training for Army Reserve Component attorneys, the School educates a significant number of lawyers, paralegals, and other leaders throughout the federal government annually. In FY 2016, the total approached nearly 15,000 students.

Our institution’s crown jewel remains our 10-month long, ABA-recognized Graduate Course that awards a Master of Laws degree in Military Law. The 65th Graduate Course graduated on June 1, 2017, with a class of 116 students, consisting of 112 U.S. officers, one Department of the Army Civilian Attorney, and three international students. The U.S. officers represent every military service, including the Coast Guard, and include members of the Active,
Reserve, and National Guard Components. The international students were uniformed lawyers from Egypt and South Korea, along with a military civilian lawyer from Armenia.

*The 65th Graduate Course at the Supreme Court in February 2017*

The School also conducted over 60 class iterations of 49 unique courses during the past year, varying in length from three days to three weeks. These courses were taught at TJAGLCS, various locations throughout the U.S., and overseas. Our courses are accredited or recognized by all jurisdictions that have mandatory CLE. Our faculty also invest significant effort toward maintaining military and legal proficiency of Reserve Component attorneys and paralegals so that they are prepared to mobilize in support of the national defense.

While continuing to maintain a strong belief in the benefits of resident instruction, the School faculty and staff continue to deliver instruction and educational products to Judge Advocates around the world through the use of Distributed Learning (DL) technology. The Contract and Fiscal Law Department’s online Comptroller Accreditation and Fiscal Law Course is available to legal and non-legal personnel throughout the DoD, and is accessed by approximately 8,000 students each year. The nearly 25-hour course remains the Army’s sole accredited source of online fiscal law training for comptroller personnel.

The School’s most important DL effort is the Judge Advocate Officer Advanced Course – a required education course for USAR officers. Phase I of the course includes 145 hours of online instruction. Professors have worked diligently to improve the content and presentation of this critical material incorporating interactive activities and online video. This effort has resulted in a more complete preparation for our reserve component Judge Advocates as they reach the rank of major. The course is capped off by a two-week resident phase to solidify their education and connect them to their Regimental Home at TJAGLCS.
TJAGSA continues to publish two highly respected periodicals. The quarterly *Military Law Review* provides a forum for those interested in military law to share the products of their experience, legal research, and legal thinking. The School also publishes a monthly practice-oriented publication called *The Army Lawyer*. These outstanding publications include articles written by faculty members, expert military practitioners from the field, and government and private sector attorneys and scholars, as well as Graduate Course students, who frequently submit scholarly papers written to satisfy their degree requirements. According to the Washington & Lee Law Library law journal rankings website, the *Military Law Review* was ranked 11th in 2016 among 334 peer-edited journals from around the world. *The Army Lawyer* ranked 22d for the same time period.

*MAJ Laura O’Donnell, formerly the supervising editor of the Military Law Review and The Army Lawyer, was named the 2016 Army Editor of the Year. MAJ O’Donnell received this award from the Honorable Robert Speer, Acting Secretary of the Army, at a ceremony in the Pentagon on June 6, 2017.*

In conjunction with instruction for attorneys and legal professionals, TJAGSA continues to expand its offering of legal orientation courses for senior military commanders and general officers from non-legal branches. This education is considered critical by the senior leaders of the Army. The Vice Chief of Staff of the Army made attendance at the Senior Legal Orientation Course for new brigade commanders a mandatory course before these officers are allowed to take command. In addition, the Chief of Staff of the Army has incorporated legal education at every level of the new Army Senior Education Program.
Finally, after completing a transformational renovation of the library in September 2016, the School maintains the premier military law library in the DoD. The library boasts an exceptional physical collection and a growing set of digital collections. The library's holdings are particularly strong in the areas of the law of armed conflict, operational law, primary source ICRC publications, and military justice. This specialized collection, which includes many rare and one-of-a-kind books and documents, compliments the massive one million-volume collection general law library at the UVA Law School, which is available to all TJAGSA faculty and students.
CURRENT PRACTICE AND ISSUES

OFFICE OF THE JUDGE ADVOCATE GENERAL
ADMINISTRATIVE LAW

The mission of the Administrative Law Division of OTJAG is, for those matters that fall within the scope of the functions assigned to the Division, to assist TJAG in carrying out his responsibilities as the military legal adviser to the Secretary of the Army and to all officers and agencies of Headquarters, Department of the Army (HQDA) and performs such other duties as may be prescribed by law.

During the last year, the Administrative Law Division provided more than 4,200 legal opinions to the JAGC leadership, the Army Staff, and subordinate commands in the areas of general administrative law, military personnel law, ethics, legislation, and government information practices. These opinions included advice on such varied topics as the Army’s policy on religious accommodation, Army transgender policy, the Army’s policy on the accommodation of children with diabetes, post-Government employment, and the assignment of functions and responsibilities of the HQDA Principal Officials. The Administrative Law Division also conducted ethics training and oversaw the filing and certification of public and confidential financial disclosure reports (OGE Forms 278 and 450).

MAJ Laura Grace, OTJAG Administrative Law Division, runner-up for the Army’s 55th Annual Pace Award
The Pace Award recognizes one service member and one civilian at the Headquarters, Department of the Army level for contributions of outstanding significance to the Army. MAJ Grace was recognized by the Honorable Robert Speer, Acting Secretary of the Army, for her research and development on the Army transgender service plan and training.
Criminal Law Division


The Military Justice Act of 2016 (MJA16) represents some of the most significant changes to the UCMJ in more than 30 years. There are forty new Articles (including thirty new punitive Articles) and 77 amended Articles (including 17 punitive Articles). After extensive, exhaustive efforts, primarily involving the CLD working with colleagues in other services in the Joint Service Committee (JSC) and members of the Military Justice Review Group, which drafted the MJA16, the President signed the MJA16 into law on 23 December 2016. There will be significant pretrial, trial, post-trial, and appellate updates and changes to current practice.

During FY 2016 (1 October 2015 through 30 September 2016, FY16), the Army tried 558 general courts-martial, 237 trials by special court-martial, and 161 trials by summary court-martial. While the case load has declined, trials are generally more prolonged and complex than in years past, especially, though not exclusively, sexual assault cases.

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<tr>
<th></th>
<th>FY11</th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
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<tbody>
<tr>
<td>General Court-Martial</td>
<td>617</td>
<td>725</td>
<td>714</td>
<td>665</td>
<td>636</td>
<td>558</td>
</tr>
<tr>
<td>Special CM</td>
<td>464</td>
<td>465</td>
<td>376</td>
<td>314</td>
<td>226</td>
<td>237</td>
</tr>
<tr>
<td>Summary CM</td>
<td>632</td>
<td>473</td>
<td>380</td>
<td>456</td>
<td>148</td>
<td>161</td>
</tr>
<tr>
<td><strong>Total CMs</strong></td>
<td><strong>1,713</strong></td>
<td><strong>1,663</strong></td>
<td><strong>1,470</strong></td>
<td><strong>1,435</strong></td>
<td><strong>1,010</strong></td>
<td><strong>956</strong></td>
</tr>
<tr>
<td>CM Rate Per 1000 Soldiers (Not SCM)</td>
<td>1.90</td>
<td>2.16</td>
<td>2.05</td>
<td>1.87</td>
<td>1.75</td>
<td>1.67</td>
</tr>
<tr>
<td>Nonjudicial Punishment (NJP)</td>
<td>36,942</td>
<td>34,772</td>
<td>42,407</td>
<td>31,689</td>
<td>33,708</td>
<td>29,707</td>
</tr>
<tr>
<td>NJP Rate Per 1000 Soldiers</td>
<td>64.91</td>
<td>63.21</td>
<td>79.94</td>
<td>62.14</td>
<td>68.40</td>
<td>62.14</td>
</tr>
<tr>
<td>Army Active Duty Strength</td>
<td>569,139</td>
<td>550,064</td>
<td>530,506</td>
<td>510,002</td>
<td>491,365</td>
<td>475,400</td>
</tr>
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</table>
International and Operational Law Division

The International and Operational Law Division (IOLD) provides legal advice and subject matter expertise to TJAG, the Army Staff, and JAs in the field in the areas of international law, intelligence activities, information operations, stability operations, and the rule of law. The Division helps TJAG advise Army senior leaders on critical legal issues related to training and operations. In addition, IOLD helps JAs in the field as they provide commanders and staffs with advice, counsel, and expertise on a wide array of issues affecting the Army and the Joint Force.

This year IOLD assisted TJAG in executing the JAGC’s first-ever gathering of ground force Judge Advocate Generals and senior legal advisors at TJAGLCS. Approximately 80 participants joined this inaugural Multinational Judge Advocate General Interoperability Symposium including representatives from 23 nations from around the world plus the NATO Headquarters. The two-day event provided an excellent opportunity for TJAG and DJAG to meet and discuss current topics with their senior leader counterparts. More importantly, it served as a unique venue for holding frank and open discussions about the complex legal challenges involved in coalition operations. The talks focused primarily on legal interoperability, including how the various militaries handle targeting, detention operations, and investigations, and on the ways multinational coalitions can best manage the threats associated with hybrid armed conflict.

1st Multinational TJAG Symposium

- First-Ever Gathering of Ground Force TJAGs from Around the World.
- Held at the Judge Advocate General’s Legal Center and School in Charlottesville, VA.
- 80 Attendees from 23 Countries plus NATO.
- Two-Day Discussions focused on Coalition Interoperability and Hybrid Warfare.
- Directly Supported GCC’s Theater Security Cooperation Plans.

Additionally, in May 2017, the IOLD published the "Targeting and the Law of War: Administrative Investigations & Criminal Law Supplement." The supplement articulates the necessary elements of proof to substantiate a LOAC violation and explains which punitive articles under the UCMJ are implicated. The UCMJ discussion is within the context of Law of War principles such as target identification, advanced warnings, feasible precautions, proportionality, and command responsibility. Moreover, the guide explains how violations of these principles may amount to a breach of the 1949 Geneva Conventions. The supplement be
a key resource for legal advisors to ensure officers investigating targeting incidents develop the pertinent facts and analyze the critical issues that bear upon the UCMJ and the Law of War.

The IOLD, in conjunction with CLAMO conducted predeployment training for legal offices deploying in support of operations in Iraq in Afghanistan. This year, mobile training teams have conducted training at multiple Army units including 3rd Infantry Division, and III Corps OSJAs.

![Predeployment training participants at Fort Stewart, GA, after completing the Marne Mile, June 2017](image)

Finally, the IOLD edited and staffed within the Army, Marine Corps, and DoD an update to Field Manual (FM) 27-10, *The Law of Land Warfare*, which will be renumbered FM 6-27, and renamed the *Commander’s Handbook on the Law of Land Warfare*. On the verge of publication, FM 6-27 will become doctrine for the Army and Marine Corps.

**Legal Assistance Division**

**Client Services**

The FY16 workload reports indicate that Army legal assistance services remain in high demand. The numbers below reflect the number of clients and the percentage they represent of the total client population seen in Army Legal Assistance Offices.

<table>
<thead>
<tr>
<th></th>
<th>FY14</th>
<th>%</th>
<th>FY15</th>
<th>%</th>
<th>FY16</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Enlisted</td>
<td>61,556</td>
<td>57%</td>
<td>55,695</td>
<td>54%</td>
<td>51,228</td>
<td>54%</td>
</tr>
<tr>
<td>Officer</td>
<td>16,375</td>
<td>15%</td>
<td>15,166</td>
<td>15%</td>
<td>14,877</td>
<td>15%</td>
</tr>
<tr>
<td>Retirees</td>
<td>17,125</td>
<td>16%</td>
<td>19,032</td>
<td>19%</td>
<td>18,900</td>
<td>19%</td>
</tr>
<tr>
<td>Other</td>
<td>13,533</td>
<td>12%</td>
<td>12,530</td>
<td>12%</td>
<td>11,958</td>
<td>12%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>108,660</strong></td>
<td><strong>102,423</strong></td>
<td><strong>96,963</strong></td>
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</table>
In FY16, Army Legal Assistance personnel assisted 52,825 active and USAR Soldiers during pre and post-deployment Soldier Readiness Programs (SRP). The SRP is a process to determine the Soldier’s legal preparedness for deployment and upon their return from deployment. Necessary legal documents including wills and powers of attorney are prepared during SRPs. Currently, Soldiers seen during SRP are not included in the client count.

Army legal assistance personnel, together with unit tax advisors, temporary employees, and volunteers, prepared and filed 105,898 Federal and 67,161 state income tax returns during the FY16 tax filing season. The Soldiers, retirees, and Family members who visited our Tax Assistance Centers saved over $35,900,000 in tax preparation and filing fees last year.

Every year Army legal assistance services collectively save our clients substantial fees they would otherwise incur if purchasing the advice and services. Using average national costs of services provided by the ABA Standing Committee of Legal Assistance for Military Personnel (LAMP), legal assistance offices saved our clients over $77,500,000 in legal fees in FY16.

Special Victims’ Counsel

There are currently 48 full-time and 44 part-time Special Victim’s Counsel (SVC) serving in the Army at installations throughout the world. Since the inception of the program, Army SVCs have seen 2,979 clients, including 101 child victims; they participated in over 500 courts-martial. Army SVC filed 2 extraordinary writs before the Army Court of Criminal Appeal in FY16. The Army trained 207 SVC at certification courses and child victim training courses. Additionally, in FY16 an SVC role was built into the Army’s Sexual Assault Trial Advocacy Training (SATAC); 17 SVC attended the first SATAC course.

U.S. ARMY LEGAL SERVICES AGENCY

U.S. Army Legal Services Agency (USALSA) represents the Army in civil matters before courts and administrative bodies; directs and manages the Army Trial Judiciary and operates the Army Court of Criminal Appeals (ACCA); provides subject matter expertise and advice in contract, fiscal, environmental, regulatory, and intellectual property law; and provides fiscal administrative, and logistical support to assigned elements. Commanded by a brigadier general, USALSA encompasses more than 20 offices, divisions, and activities worldwide.

Litigation Division

The U.S. Army Litigation Division represents the Army in four areas of civil litigation: Military Personnel Law, General Litigation, Civilian Personnel Law, and Tort Litigation. The Army has 754 active civil cases. The nature of practice continues to be highly complex and includes due process, First Amendment, Fifth Amendment, and equal protection litigation; filings for information under government information practices statutes; challenges to the Feres doctrine; jury trials in employment discrimination law; and rapid growth in requests for official information and government witnesses in third-party litigation (Touhy requests).
The Military Personnel Branch continues to defend military personnel policy, including policies on the integration of women into combat arms positions. In Hegar, et. al. v. Carter, plaintiffs filed suit alleging the DoD Direct Ground Combat Definition and Assignment Rule (DGCDAR), preventing females from service in combat arms positions, violated the Equal Protection Clause. Despite DoD rescinding the DGCDAR prohibitions, plaintiffs maintain the suit alleging the Army still engages in discriminatory practices and fails to fully integrate women into combat arms positions. The Northern District of California maintains jurisdiction over the case as the Army continues to recruit and qualify women in combat arms positions. In fact, the Army recently assigned 31 females to Armor and Infantry positions in combat units.

The General Litigation Branch represented the Army interests in several cases alleging complex constitutional challenges. For instance, in U.S. v. Bergdahl a reporter sued for injunctive relief seeking to prevent the service of a military subpoena for audio recordings of his interview with a Soldier accused in a court-martial citing First Amendment protections. Additionally, the Branch litigated several cases arising under the Taking Clause of the Fifth Amendment, such as Box v. Army, a suit where plaintiff sought to quiet title and for damages due to an alleged trespass relating to an Army Nike missile site obtained in the 1950s.

The Civilian Personnel Branch continues to litigate Army employment law cases, a highly specialized area of the law that often presents issues unique to the military environment. In Al-Kasey v. Engility Corporation, et al., a contract linguist supporting Soldiers in Iraq was removed from theater and fired by his contract employer when he was found to be in ongoing and unauthorized cell phone contact with a known insurgent. He filed suit alleging national origin and religious discrimination. He claimed that the derogatory information listed in the security file prevented him from securing employment and his inability to obtain adjudication of the derogatory information left him stuck in a limbo without the ability to clear his record. The branch successfully argued that his termination was based on predictive national security decisions not subject to review under Department of Navy v. Egan and its progeny.

The Army’s tort caseload remained steady and involved in the full tort spectrum, including medical malpractice, personal injury, premises liability, constitutional torts, and cases in admiralty. Federal Tort Claims Act (FTCA) cases of interest include Manning v. McHugh, et al., brought in the U.S. District Court for the District of Columbia. The 163 plaintiffs are a mixture of victims who were wounded in the November 2009 Fort Hood shooting incident, the estates of those who were killed, and Family members of those wounded or killed. The plaintiffs allege several bases for relief under the FTCA and the U.S. Constitution. The military plaintiffs also allege under the APA that they are entitled to the Purple Heart and other compensation for the injuries they sustained. While the suit was pending, Congress retroactively amended the law and extended the award of the Purple Heart to service members who are killed or wounded in attacks by individuals that are in communication with a foreign terrorist organization before the attack and who were inspired to make the attack by the foreign terrorist organization.
Consequently, the Army awarded the Purple Heart to 27 of the 33 military plaintiffs. The remaining six did not have qualifying injuries and litigation regarding these plaintiffs continues.

**Environmental Law and Litigation**

As of May 2017, the Army had 74 open environmental litigation cases. The Army devotes substantial environmental litigation resources to cases potentially impacting Army ranges and operations. These types of challenges directly impact the Army's ability to organize, train, equip, and deploy forces in support of combat operations. For example, the Army has been in almost continuous litigation since 2001 concerning its National Environmental Policy Act (NEPA) analysis in regard to a live-fire range at Makua Military Reservation in Hawaii. The latest rounds of litigation involve implementation of provisions of settlement agreements the Army reached with the Native Hawaiian group known as Malama Makua.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cases remain the overwhelming majority of Army environmental litigation cases. Many of these cases involve remediation of contamination that occurred during the World War II and Cold War eras. Remediation of these sites is often very costly, with claims against the Army and other federal agencies for millions of dollars.

The Army protects more than 170 threatened and endangered species on its installations. The Army leverages internal assets, contractors, comments from the public, and consultations with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to develop solutions which allow the Army to meet both its operational requirements and the conservation and recovery requirements of the Endangered Species Act. The Army continues its efforts to conserve listed species across the United States. The Army uses its authority under the Sikes Act to develop and implement Integrated Natural Resources Management Plans to aid conservation and recovery of species at risk but not protected by the Endangered Species Act.
Contract and Fiscal Law Division

The Contract and Fiscal Law Division (KFLD) is TJAG’s premier contract litigation center. The KFLD executes first-chair litigation of contract disputes and bid protests on behalf of the Army before the Armed Services Board of Contract Appeals (ASBCA) and the Government Accountability Office (GAO). KFLD also supports DOJ in contract litigation before the Court of Federal Claims (COFC) and the Court of Appeals for the Federal Circuit (CAFC).

KFLD currently has 193 active ASBCA appeals with a claim value of $402.9 million. This reporting period, KFLD received 164 new appeals and closed 186 appeals. Of the closed appeals, the ASBCA denied or dismissed 133 appeals on substantive grounds, dismissed 35 appeals following successful settlement negotiations, and sustained 11 appeals. KFLD continues to litigate appeals arising from Middle East contingency operations. Although claims from Iraq are increasingly vulnerable to statute of limitations defenses, we expect claims from contracts awarded in Afghanistan will continue unabated for the next several years.

There were 192 GAO bid protests of Army contract actions filed since our last report. Of these protests, the GAO denied or dismissed 101 protests on substantive grounds, dismissed 60 protests as academic or moot following corrective action, and sustained 2 protests. The KFLD currently has 11 active GAO protests with a $4.2 billion aggregate contract value. Unsuccessful GAO protesters continue to take advantage of the two-bite protest process (i.e., GAO then COFC) allowed under the Competition in Contracting Act and the COFC’s practice rules.
ARMY COMMANDS

United States Army Forces Command

United States Army Forces Command (FORSCOM) trains, mobilizes, deploys, sustains, transforms, and reconstitutes assigned conventional forces, providing relevant and ready land power to combatant commanders. The command’s number one mission is readiness, which it builds through collective training of all active Army, USAR and ARNG personnel of all continental U.S. (CONUS) units. Highlights regarding the accomplishments of FORSCOM subordinate units during the reporting period are included below.

Combat Training Centers

The Joint Readiness Training Center (JRTC) and National Training Center (NTC) provide the only opportunity for full Brigade Combat Teams (BCT) to engage in force-on-force maneuver. CTC rotation scenarios assess the ability of BCTs to conduct battalion and brigade level operations and to identify focus areas for future home-station training in preparation for world-wide deployment. Training includes legally significant events; participants are coached to anticipate and identify legal issues in the areas of operational and international law, fiscal law, operational contracting, and administrative law.
The SVC of a child victim made significant case law by filing a writ on behalf of her client to the ACCA. The ACCA opinion provided a bright line rule for when privileged behavioral health information is required to be disclosed as part of discovery. The Court made clear that behavioral health records that are not in the Government’s possession are not subject to disclosure as Brady material, nor are they to be released under a broad constitutional right to discovery. The Court also narrowly construed the child abuse exception to Military Rule of Evidence S13, stating that the exception was written to facilitate the passing of information to commanders when health care providers receive physical abuse reports. The SVC’s writ and outcome reaffirmed the importance of the behavioral health privilege and made a solid step in ensuring her client’s communications to a therapist remained privileged.

III Corps and Fort Hood

During four Warfighter Exercises, the III Corps OSJA provided exceptional legal advice to commanders in various topics including: the law of armed conflict, fiscal law, and international law. In preparation for the upcoming deployment to Operation Inherent Resolve (OIR), the III Corps OSJA also hosted an OIR conference, bringing together current and incoming deploying personnel with subject matter experts.

The Army lawyer serving as a Special Assistant U.S. Attorney at III Corps led the establishment of the Fort Hood Veterans Treatment Court that diverts veterans with mental health challenges related to their military service out of the criminal justice system and into treatment provided by the Department of Veterans Affairs. In January 2017, U.S. Senator John Cornyn attended a ceremony for the first two veterans to graduate from this program. A video on the Fort Hood Veteran Treatment Court is viewable on You Tube: https://youtu.be/CX5OK6__J9M

The Fort Hood Veterans Court Team at the National Association of Drug Court Professionals Annual Conference, Gaylord National Resort and Convention Center, Washington DC, 10 July 2017

Major General (Retired) Tate talks with Senator John Cornyn during the first Fort Hood Veterans Treatment Court graduation in January 2017
The XVIII Airborne Corps deployed to Kuwait and Iraq in August 2016 for a 13-month tour as the Headquarters, Combined Joint Task Force – Operation Inherent Resolve. The XVIII Airborne Corps OSJA was instrumental in drafting and implementing a standard operating procedure for assessing the credibility of civilian casualty allegations in Iraq and Syria. The OSJA also established processes for reporting LOAC violations to U.S. Central Command. Finally, the OSJA conducted AR 15-6 investigations into strikes on Al Salam Hospital and an ambulance in Mosul, Iraq.

Additionally, the XVIII Airborne Corps OSJA completed a high-profile investigation into a helicopter crash which occurred in January 2017 at Fort Campbell. The investigation revealed an Army-wide discrepancy in the attachment of fast rope insertions to Black Hawk helicopters. The investigation’s findings and recommendations were broadly disseminated to warn other units of this danger. Finally, at the start of the year, the military justice team prosecuted a sexual assault case involving a chaplain’s assistant who stood accused of preying on the children. A judge sentenced the accused to 45 years confinement and a dismissal. In a recent court-martial, a senior non-commissioned officer was sentenced to 16 years and a dishonorable discharge after a judge found him guilty of committing sexual assault upon his daughter.

1st Infantry Division and Fort Riley

The 1st Infantry Division (1ID) headquarters deployed to Iraq as part of Operation Inherent Resolve, a 23-nation coalition dedicated to defeating ISIS in Iraq. Attorneys advised leaders on the full spectrum of legal issues, but focused on targeting and the law of armed conflict (LOAC). During the nine-month deployment, the coalition assisted Iraqi forces in liberating the city of Mosul in the largest urban combat operations since World War II. Other elements of the 1ID legal team were fully engaged while the 1ID headquarters deployed to Iraq. The Combat Aviation Brigade deployed to Afghanistan in support of Operations Freedom’s Sentinel and Resolute Support and 1st Armored BCT completed a successful rotation in Korea.

The 1ID SJA and TF Falcon BJA were the first JAs to step foot in Mosul since U.S. forces left in 2011 and ISIS took over the city.
1st Cavalry Division

1st Cavalry Division (1CD) provided operational support to multiple missions over the past year. In the summer of 2016, the 1CD headquarters and the 1CD Sustainment Brigade deployed in support of Operation Freedom’s Sentinel in Afghanistan. In the spring of 2017, the 2nd Armored BCT deployed to the Republic of Korea in support of an initiative to regionally align our forces, and the 3d Armored BCT deployed to Kuwait in support of Operation Spartan Shield.

1st Armored Division and Fort Bliss

The focus for the past year has been to prepare the 1st Armored Division for deployment in support of Operation Iraqi Resolve in June 2017. Working closely with the USAR Legal Command and our Texas (TX) ARNG partners, the OSJA arranged for the deployment and mobilization of a USAR JA, a TXARNG JA, and a TXARNG paralegal to accompany the OSJA forward. At Fort Bliss, the Legal Assistance Office earned its nineteenth straight Army Chief of Staff Award for Excellence in Legal Assistance. The Claims Office also continued its tradition of excellence by winning TJAG’s annual award for Excellence in Claims for the sixteenth time in the past eighteen years.

3d Infantry Division and Fort Stewart

The legal team for the 1st Armored BCT, 3d Infantry Division (3ID) returned in October 2016 from their nine-month deployment as part of the RAF mission in Europe. The legal team simultaneously operated out of multiple countries, providing legal support to the brigade’s elements in 11 countries. The legal team also participated in Combined Resolve VII, a joint NATO Decisive Action combat exercise at the Joint Multinational Training Center in Hohenfels, Germany. In October 2016, within 24 hours of civil authorities lifting evacuation orders, the 3ID OSJA provided claims and legal assistance legal support to Hurricane Matthew victims. In January 2017, the Legal Assistance Office collaborated with the Georgia-Alabama Chapter of the Immigration Lawyers Association to provide services to approximately 70 Soldiers and their Families in support of their naturalization efforts.

JAs advising on air and fire assets in a Brigade TOC Hohenfels, Germany
4th Infantry Division and Fort Carson

From July 2016 to June 2017, the 4th Infantry Division (4ID) and its subordinate brigades performed a diverse set of operational missions and exercises. In February 2017, the 4ID Staff Judge Advocate and the 4ID Operational Law Division participated in Exercise Austere Challenge 17, a multinational training exercise in Germany. Meanwhile, back at home station, the Claims Office maintained its current streak of eight consecutive years of earning TJAG’s Claims Award of Excellence.

7th Infantry Division

From forward deployed military justice, to domestic operations in support of the defense chemical, biological, radiological, nuclear, and explosives response force (DCRF), 7th Infantry Division (7ID) JAs were at the forefront of many of the Army’s worldwide missions. While 7ID trial counsel prosecuted over 45 courts-martial, operational law JAs deployed to the Pacific Theater for the Pacific Pathways, Yudh Abhyas, and Rising Thunder training exercises. In preparation for assuming the DCRF mission, JAs deployed to Guardian Response, a training exercise designed to test the Army’s response to a weapons of mass destruction attack on U.S. soil. In June 2017, the 7ID OSJA participated in Exercise Bayonet Focus 17-03, a joint training exercise with over 7,000 personnel at Yakima Training Center, WA.

10th Mountain Division (LI) and Fort Drum

In September 2016, the Division SJA, three JAs and a paralegal re-deployed from Afghanistan and Operation Freedom’s Sentinel and Operation Resolute Support. The Soldiers returned to a new legal facility at Fort Drum. The facility includes office suites for the SJA, Military Justice and Administrative Law Divisions, Tax Center, Trial Defense Service, and a state-of-the-art courtroom rededicated to Nuremburg court reporter and Watertown native Henry V. Cumoletti. In January 2017, two JAs and two paralegals deployed to Europe with the 10th Combat Aviation Brigade in support of Operation Atlantic Resolve.

*Courtesy photo. Courtesy photo. Courtesy photo.*

*Ceremony rededicating Fort Drum’s courtroom in honor of Henry V. Cumoletti.*
25th Infantry Division and U.S. Army Hawaii

The 25th Infantry Division (25ID) and U.S. Army Hawaii OSJA and its subordinate brigade legal offices experienced an extremely challenging year. During Orient Shield, for example, an operational law attorney deployed to Japan, where she worked closely with her Japanese counterparts on complicated issues including the impact of treaties on the use of cluster munitions by the U.S. in Japan. In addition to robust legal operations in the areas of Military Justice, Client Services, and Administrative and Civil Law, the OSJA planned, organized, trained, and executed legal support for 10 Division-level exercises across 8 partner nations in support of U.S. Army Pacific Command USARPAC and I Corps. In April 2017, during the 25ID’s division-level Warfighter Exercise, the OSJA participated in all aspects of the operational planning and execution and achieved huge successes in building knowledge and skills, refinement of tactics, techniques and practices for executing legal support to operations, and developing relationships among the staff elements necessary to support legal operations.
In the past year, 82nd Airborne Division celebrated its 100th anniversary. “All American Week 100” required significant support from 82nd Airborne Division JAs throughout the planning process to ensure compliance with administrative, fiscal, and ethical rules. Judge Advocates and paralegals also deployed to Iraq in support of Operation Inherent Resolve, advising commanders on targeting, land use, contracting, claims, and foreign force vetting in the fight against Da’esh (ISIS) and, specifically, U.S. operations in Mosul. Additionally, the 82nd’s JAs and paralegals participated in Exercise Judicious Response 2017 under U.S. Africa Command.

The Operational Law JA, 3rd BCT, 82nd Airborne Division, observes a member 3rd BCT using a terrain model to brief the concept of the operation for a live fire exercise.

The 82nd OSJA Chief of Operational Law, performs duties as the Jumpmaster for a jump into Germany for Exercise Judicious Response.

Office of the Staff Judge Advocate, 82nd Airborne Division
The 101st Airborne Division (Air Assault) Headquarters deployed to Iraq from February to November 2016, in support of Operation Inherent Resolve. Members of the Division’s deployed legal team were involved closely with all aspects of combat operations, including the laws of armed conflict, Rules of Engagement, fiscal and contracting law, ethics advice, administrative law, legal assistance, claims, and military justice. Of particular significance, the Division’s operational law attorneys provided exceptional legal support to commanders during the Government of Iraq’s successful recapture of Ramadi, Fallujah, and Qayyarah. Additionally, on 14 December 2016, Fort Campbell’s year-round Tax Center moved into a completely renovated facility, which was rededicated as the SGT Brett T. Christian Tax Center. Sergeant Christian was assigned to the Tax Center from December 2001 to January 2002, before his deployment to Iraq. He died on 23 July 2003, following a rocket propelled grenade attack on his convoy in Mosul, Iraq. The new facility is a testament to SGT Christian’s legacy and to Fort Campbell’s continued dedication to providing premier services to the Fort Campbell Community.

**United States Army Training and Doctrine Command**

The U.S. Army Training and Doctrine Command (TRADOC) is primarily responsible for all initial Army military training, leader development, doctrine, and combat development. It serves as the Executive Agent for execution of Army transformation, particularly in the areas of leader development, training, and equipping the future force structure. TRADOC executes its mission through six major subordinate centers and commands. It further provides oversight for 32 Army schools organized under eight Centers of Excellence — each focused on a separate area of expertise—Mission Command, Intelligence, Signal, Aviation, Maneuver, Fires, Maneuver Support, and Sustainment. These centers operate at 13 installations and train over 500,000 military personnel each year.

Headquarters, TRADOC JAs advised senior TRADOC leaders and staff at the forefront of Army transformation, particularly in response to recent directives regarding both gender integration in combat arms branches as well as the new transgender training programs and implementation. Military lawyers were heavily involved as TRADOC generated the Transgender Education Module and oversaw tiered training across the Army. In addition, attorneys worked hand-in-hand with the TRADOC Unit Ministry Team to establish systems for handling religious accommodation requests on a broad scale and established new enduring procedures for approving such requests in a more efficient manner at subordinate levels. Finally, TRADOC lawyers continued to provide legal advice on government information practices, including review and issuance of written legal opinions concerning release of documents under the FOIA and Privacy Act, and providing expert legal guidance on Inspector General and Congressional Affairs activities and inquiries, some of which garnered significant media scrutiny and required constant and close coordination with the Office of Public Affairs.
Where is TRADOC...

Every major Army installation CONUS and OCONUS

TRADOC is in every state and four territories across the Nation

- 1200+ Recruiting Centers
- 270 ROTC Colleges
- 37 Permanent Army Schools
- 162,000 New Hires Each Year
- 500,000-Student Population
- 1,100,000 Customers

TRADOC installations include the U.S. Army Garrison Fort Belvoir, the Maneuver Center of Excellence and Fort Benning, the U.S. Army Combined Arms Support Center and Fort Lee, Cadet Command and Fort Knox, the Combined Arms Center (CAC) and Fort Leavenworth, the Cyber Center of Excellence and Fort Gordon, the US Army Garrison Fort Meade, and the Fires Center of Excellence and Fort Sill. A brief description of a few of the significant events on TRADOC installations during this reporting period follow.

In the fall of 2016, Fort Belvoir completed a significant renovation of the installation’s courtroom. The project updated the legal technology and improved the ability of counsel to display and manipulate exhibits and take remote testimony.

In July 2017 at Fort Knox, KY, the Army began processing all CONUS-based Soldier and civilian claims for personal property losses, incident to service, at the new Center for Personnel Claims Support (CPCS). Most "personnel claims" are for damage to a Soldier’s household goods during permanent change of station (PCS) moves. The CPCS features Army-developed software and call center technology that now enables Soldiers to file claims on-line and electronically submit required documents. Designed to accelerate claims processing and provide quicker payment to Soldiers, the Army JAGC expects the on-line filing system to create tremendous efficiencies for Soldiers who will now have the ability to close out their PCS household goods claims through their smart phones rather than finding time shortly after arriving at a new
installation to visit a claims office. Thanks to the extraordinary efforts of the personnel on the ground at Fort Knox, the CPCS opened its doors three months ahead of schedule, and in time to serve Soldiers during the summer 2017 PCS season.

*CPCS ribbon cutting ceremony, Fort Knox, KY, June 30, 2017*

The CAC and Fort Leavenworth OSJA assisted in the release of Private Chelsea Manning from the U.S. Disciplinary Barracks. In 2013 Private Manning was convicted of espionage and sentenced to 35 years confinement. On January 17, 2016, President Obama commuted Private Manning’s sentence to the extent that she was immediately eligible for release. The OSJA worked closely with the 15th Military Police Brigade, and Army Corrections Command so that Manning experienced a relatively private transition from military custody to civilian life.
ARMY SERVICE COMPONENT COMMANDS

United States Army Africa/Southern European Task Force

United States Army Africa (USARAF), the Army Service Component Command (ASCC) for U.S. Africa Command, enables full-spectrum operations while conducting sustained security engagement with African land forces to promote security, stability and peace. As directed, USARAF deploys a contingency headquarters in support of crisis response. Based in Vicenza, Italy, USARAF is located in a strategic, geographically superior jump-off point for any contingency operation arising in Europe or Africa. The command also serves as the Southern European Task Force (SETAF), giving the USARAF/SETAF Commander and the OSJA multiple oversight responsibilities for U.S. Army operations in Italy. This reporting period, USARAF attorneys traveled to Africa fifteen times to prove broad-spectrum legal support for a variety of missions. Judge Advocates served as integral planners and staff members for the four Accord Series exercises held in South Africa, Ethiopia, Cameroon, and Ghana. During these exercises, JAs drafted exercise support agreements, developed acquisition and cross-servicing agreement orders, and trained partner nation audiences on topics such as the LOAC and human rights law.

USARAF legal personnel at the Unified Focus Planning Conference, February 2017

A USARAF JA leads training during Unified Focus, Douala, Cameroon, April 2017
United States Army Central (USARCENT)

United States Army Central (USARCENT) is primarily responsible for the administration and support of Army Forces assigned or attached to U.S. Central Command (USCENTCOM). USARCENT’s area of responsibility is a large and complex region. It stretches from the Central Asian States to Sinai, Egypt, encompasses approximately 11.6 million square kilometers, and consists of 20 countries. USARCENT is currently providing support to operations in Afghanistan, Iraq, Syria, Jordan, and the Sinai Peninsula. The USARCENT OSJA is located at Shaw Air Force Base, South Carolina with a forward command post located at Camp Arifjan, Kuwait.

Members of ARCENT OSJA at their Low Day 5K, Camp Arifjan, Kuwait, May 2017

United States Army North (ARNORTH)

United States Army North is the assigned ASCC to the US Northern Command and provides continuous oversight and control of Army operations throughout the U.S. Northern Command area of responsibility. United States Army North, together with its partners, prepares for unified land operations, conducts security cooperation activities, and protects the force within the area of responsibility to contribute to the defense and security of the U.S. and its interests.
United States Army South

United States Army South is the assigned ASCC to the U.S. Southern Command and provides continuous oversight and control of Army operations throughout the U.S. Southern Command Area of Responsibility. United States Army South conducts security cooperation and responds to contingencies as part of a whole-of-government approach in conjunction with partner nation armies in the U.S. Southern Command Area of Responsibility as the Theater Army in order to strengthen regional security and counter transnational threats in defense of the homeland. The U.S. Southern Command area of responsibility encompasses 31 countries and 15 areas of special sovereignty in Central and South America, and the Caribbean.

United States Army Europe

United States Army Europe (USAREUR) is the ASCC assigned to U.S. European Command. USAREUR celebrated its 75th anniversary in 2017, marking a significant milestone for the U.S. Army and the DoD’s commitment to the security of the European alliance. USAREUR’s area of responsibility is vast, including 51 countries stretching from the Baltic States to Israel. The USAREUR Office of the Judge Advocate (OJA) provides a full range of legal support to the USAREUR 3-star headquarters and to the US Army Installation Management Command (IMCOM) Europe. The USAREUR OJA also provides technical oversight and support to the 21st Theater Sustainment Command in Kaiserslautern, Germany and the 7th Army Training Command in Grafenwoehr, Germany, and to USARAF/SETAF in Italy for USAREUR court-martial area jurisdiction and base operations, including training facilities in Poland and Bulgaria. Significant highlights include the 9-month deployment of regionally aligned forces, 3d Armored BCT, 4ID; the 10th Mountain Division Combat Aviation Brigade; and, the first enhanced forward presence battalion, led by the 2d Battalion, 2d Cavalry Regiment, to Poland; and over 100 bilateral and multilateral exercises.
United States Army Pacific

United States Army Pacific (USARPAC), is the assigned ASCC to U.S. Pacific Command (PACOM). As America’s Theater Army in the Indo-Asia Pacific region, a key USARPAC responsibility is to provide foundational capabilities to the joint force under PACOM to meet its vision of a stable Indo-Asia Pacific region characterized by a rules-based international order. These capabilities include building relationships with allies and partner nations founded on trust and military professionalism. The USARPAC OSJA developed and executed several key engagements over the past year, including a tri-lateral subject matter expert exchange (SMEE) with the Sri Lanka Army and Bangladesh Air Force legal officers and a SMEE, in conjunction with the Idaho National Guard, as part of the Cambodia Royal Armed Forces State Partnership Program. Judge Advocates also participated in MILOPS, an annual meeting of legal professionals from countries throughout the Asia-Pacific region.

Subject Matter Expert Exchange with Sri Lanka Army and Bangladesh Air Force

Subject Matter Expert Exchange with Idaho National Guard and Cambodia Royal Armed Forces

The Assistant Judge Advocate for Military Law and Operations with SJs from USARPAC, 25th ID, US Forces Japan, 8th TSC

2017 MILOPS Conference, Brisbane Australia
United States Army Special Operations Command

The United States Army Special Operations Command (USASOC) serves as the ASCC of the U.S. Special Operations Command (USSOCOM). United States Army Special Operations Command provides Army Special Forces, Rangers, and Special Operations Aviation forces to USSOCOM for deployment to Geographical Combatant Commands around the world. The USASOC JAs and paralegal specialists are assigned to Headquarters, USASOC, First Special Forces Command (Airborne), the United States Army Special Operations Aviation Command, the 75th Ranger Regiment, the 160th Special Operations Aviation Regiment (Airborne), and the US Army John F. Kennedy Special Warfare Center and School. Army SOF JAs and paralegals serve in direct support to the most sensitive and complex joint, combined, and interagency units, serving as command legal advisors to combined-joint special operations task forces worldwide.

CPT Margaret Maigret and CPT Brandon Mark, 5th Special Forces Group, deployed in support of Operation Inherent Resolve, June 2017

United States Army Cyber Command

United States Army Cyber Command directs and conducts integrated electronic warfare, information and cyberspace operations as authorized, or directed, to ensure freedom of action in and through cyberspace and the information environment, and to deny the same to our adversaries. Of particular importance for 2016-2017, was the achievement of unity of command and unity of effort for Army cyberspace operations. Under Army General Orders (GO) 2017-07, all Army Cyber forces are now part of U.S. Army Cyber Command. This GO placed U.S. Army Network Enterprise Technology Command under U.S. Army Cyber Command uniting Army cyberspace offensive, defensive, and DoD Information Network operations under one Army headquarters. Additionally, Army Cyber Command gained approval and began construction of its new headquarters at Fort Gordon, Georgia, with an estimated move-in date in FY 2021. The SJA’s office provided legal counsel for the ‘Road To Gordon’ working group responsible for planning the command’s physical move from Fort Meade/Fort Belvoir to Fort Gordon. The planning required significant support from the labor and employment law and the administrative law attorneys.
United States Forces Korea

8th US Army

The biggest event for 8th US Army OSJA was the move along with the 8th U.S. Army Headquarters from Yongsan Garrison in Seoul, Korea, to Camp Humphreys, in Pyeongtek. The move began in June 2017 and will extend through the year. This has several ramifications for the OSJA. First, for the first time in many decades, the 8th Army OSJA is separating from the U.S. Forces Korea (USFK) OJA. This impacts all areas of practice, and is particularly significant in Administrative Law, International Law, and Operational Law, where USFK has had the ability to rely on 8th Army attorneys for legal support. By the end of FY 2016, the USFK and 8th Army OSJAs will operate from different locations, and by the end of FY 2017 each OSJA will be led by a different SJA. Once settled at Camp Humphreys, the 8th Army OSJA will move into new facilities, including a state-of-the-art courtroom, which will be named the Brigadier General Bruce C. Babbitt Justice Center for the only JA to command an infantry battalion during wartime.

2d Infantry Division/Republic of Korea-U.S. Combined Division (2ID/RUCD)

2ID/RUCD completed its second year as the only combined division in the U.S. Army. Republic of Korea (ROK) and U.S. counterparts worked side-by-side on the staff in support of the 2ID/RUCD mission to defend and deter aggression on the Korean peninsula. Significantly, the OSJA added a full time ROK JA to its international and operational law team. Having both U.S. and ROK JAs on the 2ID/RUCD staff enabled the OSJA to readily respond to a wide range of issues, including combined operational mission and exercise planning and Status of Forces Agreement cases. In support of the 2ID/RUCD mission, the OSJA participated in the deployment and redeployment of rotational units from Fort Sill, Fort Riley, and Fort Hood to enhance deterrence during a time of increased North Korean provocation. The OSJA also participated in operational exercises, including Ulchi Freedom Guardian and Key Resolve.
DIRECT REPORTING UNITS

United States Army Reserve Command

United States Army Reserve Command (USARC) is designated as a subordinate command to Forces Command, yet is also a Component Command. The command provides trained and ready units and qualified Soldiers that are prepared to mobilize and support the armed services during time of war or national emergency, and at such other times as national security may require filling the needs of the armed forces. Significantly, in the fall of 2016, the USARC OSJA directly assisted subordinate legal offices regarding Defense Support to Civil Authority requests for assistance in the wake of Hurricane Matthew, allowing for immediate resources to assist local governments.

United States Army Reserve Legal Command

United States Army Reserve Legal Command (Legal Command) is a one-star command assigned to USARC, and responsible for the command and control of the majority of USAR Judge Advocates and paralegals. In addition to reporting to USARC, Legal Command also has a technical reporting chain to TJAG. The Legal Command mission is to provide a ready, professional, and highly trained legal force to conduct operational and legal missions, at home and abroad, while enhancing readiness in the USAR and the US Army.

In the last fiscal year, Legal Command provided 1789 separate clients service actions to the USAR. Legal Command units completed 157 legal support missions in which JAs and paralegals provided engaged operational and functional exercise support to the USAR and distinct legal operational support to Soldier-focused programs and various military justice and administrative actions. Legal Command also is home to a large number of military judges who, in FY 2016, presided over ten percent of the Army’s courts martial. Finally, Legal Command continued to provide support to its active duty partners inside and outside the continental U.S. In the last fiscal year, twenty-four of Legal Command’s units partnered with active duty installations for training and to provide operational support. This year, Legal Command Soldiers have deployed to Afghanistan, Iraq, Kuwait, and Djibouti.

Since 1998, the Army JAGC has awarded the Sergeant Eric L. Coggins Award for Excellence annually to the paralegal Soldier who best approaches the standards of legal and Soldier excellence for which Eric Coggins was known. The 2017 Coggins Award winner, SSG Sarah Hawley, serves at the Legal Command. SSG Hawley is the first USAR Soldier to receive the award.
CONCLUSION

The state of the Army JAGC in 2017 is unparalleled. Army legal personnel are combat-tested, committed, and grounded in the Army ethic. We continue to recruit and attract talented law students and attorneys through aggressive recruiting and outreach efforts. Diversity is expanding and morale is high. Although our Nation and Army face unprecedented challenges, both in the continental U.S. and across the world, commanders and leaders have great confidence in their legal personnel and value the contributions they make to mission accomplishment. The Army JAGC has never been more capable of providing solutions to meet the dynamic needs and requirements of our Army client.

On behalf of all Army legal personnel — Judge Advocates, paraiegals, warrant officers, and civilians — I thank the American Bar Association and its members for their enduring support to Soldiers and military Families. ARMY STRONG!

Charles N. Pede
Lieutenant General, U.S. Army
The Judge Advocate General