The Navy Judge Advocate General's (JAG) community provides essential legal support to the warfighter, which enables Fleet operations, ensures readiness, and promotes good order and discipline. Our organization is both part of the profession of law and the profession of arms. By supplying legal expertise to commanders, Sailors, and families, the Navy JAG community plays a crucial role in the successful execution of the Navy's mission.

More than 2,400 legal professionals and support personnel are located around the globe, working on behalf of the Office of the JAG (OJAG); Naval Legal Service Command (NLSC); or other operational, administrative, and joint commands. We focus on three core practice areas: military justice; command advice and national security law; and legal assistance. In our daily work – across all rates, ranks, and duty stations – JAG community members strive to embody the Navy's core values of Honor, Courage, and Commitment.

ORGANIZATIONAL CHANGES

Vice Adm. John G. Hannink continues to serve as the Navy JAG, and Rear Adm. Darse E. “Del” Crandall continues to serve as the Deputy JAG and Commander, NLSC. The following organizational changes took place during the reporting period:

- Rear Adm. Les Reardanz assumed the duties and responsibilities of the Deputy JAG of the Navy for Reserve Affairs and Operations, and Deputy Commander, NLSC.
- Master Chief Legalman (SW/AW) Brook L. Larkins assumed the duties and responsibilities of the Senior Enlisted Advisor to the JAG and Senior Enlisted Leader, NLSC.
- The JAG community created a full-time Chief of Staff (COS) position in NLSC headquarters, which is responsible for overseeing all Region Legal Service Offices (RLSO). The move ended a long-standing dual-hat structure in which the Assistant Judge Advocate General for Operations and Management (AJAG 06) also served as COS-RLSO, thereby allowing the AJAG 06 and COS-RLSO to focus solely on their respective areas.

GOVERNING PRINCIPLES

In May 2020, the JAG published the organization’s new governing principles:

- Embody a Warfighting Spirit: We support the Fleet and enable the fight. We understand the Navy’s mission and our role in achieving its objectives in everything we do. We are proud to serve as Navy Sailors and legal professionals.
- Lead with Character and Integrity: We develop and empower leaders who demonstrate Navy Core Values. Our advice and advocacy emphasize fundamental fairness and respect for the rule of law.
- Embrace Accountability: We require critical and transparent self-assessment through introspection and analysis. Our actions are consistent with our fundamental values and foster trust in our community, across the Fleet, and with the American people.
- Promote a Culture of Learning: We continuously learn, assess, and share knowledge—to deepen our expertise and provide the highest quality legal services.
- Encourage Innovation: We are agile in today’s complex and dynamic operating environment—rapidly leveraging ideas that deliver sustainable improvements across the enterprise.

COMPREHENSIVE REVIEW OF THE NAVY AND MARINE CORPS UNIFORMED LEGAL COMMUNITIES

In August 2019, the former Secretary of the Navy, Richard V. Spencer, ordered a Comprehensive Review (CR) of the Navy and Marine Corps uniformed legal communities. The CR evaluated individual and unit-level training and professional development; organization and command relationships of OJAG and NLSC; the
EMBODY A WARFIGHTING SPIRIT – LEAD WITH CHARACTER AND INTEGRITY
EMBRACE ACCOUNTABILITY – PROMOTE A CULTURE OF LEARNING – ENCOURAGE INNOVATION

provision of legal advice to commanders; officer career progression; community values; and various other areas of interest.

In December 2019, the CR made 51 recommendations to improve the performance and increase the efficiency and effectiveness of the Navy JAG community. The Chief of Naval Operations (CNO) established a JAG Community Readiness Oversight Council in February 2020 to oversee and ensure implementation of the CR recommendations. All CR recommendations are following a CNO-approved Plan of Actions and Milestones and most CR recommendations are on track to be implemented or underway by the end of 2020.

NAVY JAG COMMUNITY COVID-19 RESPONSE

The COVID-19 outbreak has presented a significant challenge to force employment and our daily work. However, the Navy JAG community continues to deliver top-notch legal services, despite an unprecedented operating environment. Below are anecdotes that illustrate how the organization has adapted its procedures and continues to meet its mission during the pandemic.

- Since mid-March, Victims’ Legal Counsel (VLC) have managed more than 1,100 open cases across the enterprise. During this period of social isolation, they have leveraged technology to participate in more than 2,200 client meetings, 1,300 attorney meetings, and 500 law enforcement meetings.
- At RLSOs, command services personnel manned Emergency Operations Centers, helped commanders navigate the new and rapidly changing conditions related to COVID-19 and attendant legal issues, and worked with legal officers to ensure they had the guidance they needed to support their commands. Overseas command services personnel were instrumental in translating key documents and helping commanders adapt to host nation restrictions.
- COVID-19 created a surge in demand for Legal Assistance services. Although the impact of COVID-19 presented unique challenges, legal assistance attorneys and reservists supporting the pandemic utilized new technology to enable remote client services and explored initiatives to continue notary services.
- After initially delaying all courts-martial, the Navy and Marine Corps trial judiciary again began presiding over courts-martial with significant mitigation measures, including regular use of personal protective equipment, social distancing, and the adaption of mixed-use spaces as alternative courtrooms. Likewise, the Navy-Marine Corps Court of Criminal Appeals (NMCCA) heard its first-ever telephonic oral argument.
- With support from the Naval Justice School (NJS), 11 Legalman Paralegal Education Program students navigated an online semester with Roger Williams University. All 11 students completed five courses before returning to the Fleet. Additionally, NJS transitioned its staff judge advocate, trial advocacy, and ethics counselor courses to a virtual training environment.

NOTEWORTHY ACHIEVEMENTS: MILITARY LAW

- **Trial Counsel Assistance Program (TCAP):** In spring 2020, TCAP worked with NJS, the Marine Corps, and the Coast Guard to create a Military Justice Orientation Course (MJOC), which satisfies the Sexual Assault Accountability and Investigation Task Force (SAAITF) requirements for initial training and certification of trial counsel. The MJOC will be offered beginning in April 2021, and will meet the recommendations of the Sea Service Military Justice Senior Review Panel.
- **Defense Counsel Assistance Program (DCAP):** DCAP began publishing a monthly newsletter, *The Defender*, which discusses current topics of interest for defense counsel. Also, both the *Senior Officer Representation Desk Book* and the *Defense Counsel Desk Book* were updated and published, providing a comprehensive guide to the major areas of our practice.
- **VLC Program:** The annual VLC Program Training Symposium – which featured a robust agenda of learning and networking – took place in September 2019 in San Diego and included 29 VLC attorneys and nine Navy Yeomen.
NMCCA: The NMCCA decided 270 cases during the reporting period. Those decisions addressed a wide array of complex legal issues. Currently, 181 cases are pending action with the Court.

Navy-Marine Corps Trial Judiciary (NMCTJ): NMCTJ provided training on new pre-referral judicial practices – which were authorized by the Military Justice Act of 2016 – at the 2020 Joint Military Judges Annual Training and the Military Judges course.

Criminal Law Division: The division continued to lead data input and review for the Defense Sexual Assault Incident Database (DSAID), a comprehensive database launched in 2013 that tracks and reports sexual assault incidents for the Annual Report to Congress on Sexual Assault in the Military. In 2019, two fully qualified DSAID legal officers from the division personally reviewed and entered more than 900 Sexual Assault Disposition Reports into the database.

Appellate Government Division: The division represented the United States in 12 appellate oral arguments (eight at NMCCA and four at the Court of Appeals for the Armed Forces (CAAF)), 85 substantive pleadings filed at CAAF and NMCCA, and 488 total appellate pleadings filed.

Appellate Defense Division: The division filed more than 240 cases at the NMCCA and litigated five petitions for writs requesting extraordinary relief. It also petitioned CAAF for review of 40 cases. CAAF granted review of six cases, and the JAG certified three cases to CAAF.

NOTEWORTHY ACHIEVEMENTS: CIVIL LAW

National Security Law Division: The division conducted mandatory legal reviews of all weapons and weapon systems acquired by the Navy and Marine Corps for compliance with the law of armed conflict and domestic law. Notably, the division continued working with the Office of Naval Research and other Navy offices to field improved electronic warfare and directed energy devices in compliance with the Directed Energy Weapons Review and Approval Process.

Admiralty and Maritime Law Division: The division continued to support the National Transportation Safety Board (NTSB) on its investigations of the 2017 collisions of USS John S. McCain (DDG-56) and USS Fitzgerald (DDG-62). During the reporting period, the division coordinated the Navy’s review and comment on both NTSB reports on these collisions. The division also supported the Department of Justice in the substantial discovery demands in U.S. federal litigation arising out of the USS John S. McCain collision.

Environmental Law Division: The division sent a representative on behalf of the Navy to serve on the U.S. delegation to the Intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

Administrative Law Division: The division supported a Secretary of the Navy (SECNAV) initiative to review and revise all SECNAV instructions, including the legal review of more than 75 individual instructions. It also drafted detailed policy reviews on various high visibility issues, such as transgender service, religious accommodation, COVID-19, and political activities.

General Litigation Division: Division attorneys provided litigation support in excess of 100 lawsuits in federal district courts, courts of appeal, and the U.S. Court of Federal Claims. The division defended constitutional challenges to federal statutes; attempts to overturn Navy personnel and other policies and programs; attacks on the legality of Navy and Marine Corps personnel decisions; assorted personnel claims to correct records or obtain pay; and Freedom of Information Act/Privacy Act appeals.

Claims and Torts Litigation Division: During the reporting period, the division processed more than 4,100 claims against the United States and more than 14,000 affirmative claims against liable parties on behalf of the United States. Collections on affirmative claims for this period totaled more than $22.6 million. In addition, at any given time during the reporting period, the division managed approximately 70 tort cases in litigation.

Legal Assistance Division: The division successfully sought funding for and hired two exceptional family member (EFM) attorney positions, with one attorney located on each coast to provide specialized education and disability law legal assistance to EFM families across the Nation. It also ensured 27 Navy
legal assistance personnel attend a targeted special education law class hosted at William and Mary Law School.

OTHER NOTEWORTHY ACHIEVEMENTS

- **Legalmen**: In November 2019, the JAG approved the following changes to JAGINST 1440.1E, *Legalman (LN) Rating Conversion Procedures*: Decreased the minimum typing requirement from 40 words-per-minute to 35 words-per-minute; opened conversion opportunities to E-6 personnel on a case-by-case basis for applicants who do not exceed 10-years time-in-service; and removed the requirement for applicants to complete at least six English college-level credits. These changes significantly expanded career opportunities for Sailors interested in cross-rating to LN.

- **Navy Reserve Law Program (NRLP)**: The NRLP team, partnering with the active component, provided more than 350 briefings to demobilizing Navy Reserve personnel, focusing on Uniformed Services Employment and Reemployment Rights Act and Line of Duty briefings.

- **Training**: During the reporting period, NJS graduated three Basic Lawyer Course (BLC) classes with 153 new sea service attorneys. The 10-week BLC included training in legal assistance, administrative law, military justice, trial advocacy skills, and international and national security law.

- **Recruitment and Professional Development**: In August 2019, the first Rolling Selection Board professionally recommended two highly qualified students from the JAG community’s summer internship program for a commission.

- **Technology, Operations, and Plans Division**: The division resourced and implemented the first significant pieces of the Navy JAG Community Cloud Development and Digital Transformation plan, including a pilot project for Artificial Intelligence-enabled Speech-to-Text transcription.

- **Strategic Planning**: During the reporting period, the strategic planning team rolled out the IDDEA process – Identify, Develop, Decide, Execute, and Assess. The IDDEA process, derived in part from a study of the Marine Corps, will promote the incorporation of new ideas into our legal practice and give voice to innovation efforts, and our community’s strategic planning system.