INTRODUCTION

The Judge Advocate General’s Corps (JAGC) supports the Army mission by providing principled counsel and premier legal services in both the deployed and garrison environment to ensure a ready, globally responsive, and regionally engaged Army. The Army JAGC remains focused on core missions of fostering personal and organizational discipline; advising commanders and leaders; providing Soldier services in 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 of uniformed and civilian professionals—competent, confident, and courageous; grounded in values; committed to justice; and totally integrated into the Army. Lieutenant General Charles N. Pede is The Judge Advocate General (TJAG), and is the 40th officer to hold this position. Major General Stuart W. Risch is the Deputy Judge Advocate General (DJAG).

MANAGEMENT AND OPERATIONS

STRENGTH

A Judge Advocate (JA) is a commissioned officer certified by TJAG to practice law in the Army. There are approximately 1,850 JAs on active duty; 2,589 JAs in the Army Reserve (USAR) and Army National Guard (ARNG); and 710 civilian attorneys subject to TJAG’s qualifying authority. Currently, 158 JAs are deployed worldwide in over 20 countries and there are 437 Reserve Component JAGC Soldiers mobilized (non-deployed) on 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, Ukraine, Korea, Kosovo, Poland and a number of countries on the African continent. Diversity in the JAGC continues to increase, with women accounting for nearly 29% 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 Service (JALS) will continue to meet the needs of the expeditionary Army and the Joint Force. The Personnel, Plans, and Training Office (PPTO) ensures 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) 2020, the JAGC will access 165 direct commissionees and ROTC educational delay officers onto active duty, as well as 24 FLEP officers, for a total of 189 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.

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. Further, the JAGC seeks to ensure it retains experts across the full spectrum of legal practice by sending up to nine JAs to obtain advanced degrees in specialty practice areas of law every year. This year, JAs will receive LL.M.s in contract/procurement law, criminal law, intelligence law, cyber law, trial advocacy, labor and employment, international law, and national security law. Furthermore, broadening assignments are available to officers in the rank of major and above, including: serving in assignments at the Joint Staff or with combatant commands; assignment to an exchange program in the Operations and Policy Division of the British Armed Forces and schooling in Japan for their military graduate course; duty at the Congressional Liaison Office; serving as a professor of international law at
the U.S. Naval War College; and 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 100 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 effective on-campus recruiting program. The FSOs conducted interviews at all American Bar Association (ABA) accredited law schools resulting in 165 attorneys receiving a commission into the Regular Army, 60 attorneys into the USAR, and 60 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-rHex1W1P0.

SUMMER INTERNSHIP PROGRAM

The JAGC conducted its Summer Internship Program for the 49th year. This year, 65 law students participated in four to nine week paid internships at Army installations throughout the United States. These interns, as well as unpaid externs, assisted active duty JAs in providing legal services in all the JAGC legal disciplines. The interns are also an essential recruiting source as almost all summer interns apply to become JAs.

PLANS

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

While the Army continuously changes to address evolving external threats and challenges, the demand for the high quality legal services provided by JAs stationed and deployed around the world remains constant. Plans Branch has worked in the past year to ensure newly constituted units such as Multi-Domain Task Forces, elements of Futures Command, and new forward Corps-level headquarters are authorized legal assets appropriate for their missions.

In addition to the changing nature of external threats, the legal services provided to Soldiers and families also evolve. Plans worked closely with other elements within
OTJAG to obtain the personnel authorizations necessary to provide new services and improve existing ones. These efforts included authorizations for an additional 100 uniformed attorneys and paralegals to provide statutorily mandated support to domestic violence victims, an additional dozen Judge Advocates to increase Special Victims’ Counsel capacity, and the seeking of 28 authorizations for DA Civilian defense criminal investigators.

The Plans Branch vigilantly monitors and reviews proposed increases or reductions to the size of the JALS to ensure it remains able to provide principled counsel and premier legal services in support of a ready, globally responsive, and regionally engaged Army. The personnel growth of the previous year is a recognition of the important role Army legal professionals play in supporting the Army’s mission accomplishment. As the Army continues to focus on readiness, modernization, and lethality, PPTO Plans will continue to provide TJAG the flexibility and means to adapt force management policies to respond to changing demands.

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

The Judge Advocate General’s Legal Center serves as a strategic resource for TJAG and the almost 10,000 lawyers, legal administrators and paralegals who make up the active duty, USAR and ARNG membership of the Army JAGC. The Legal Center’s mission is to integrate legal lessons learned in force design, doctrine, future concepts, and legal training to optimize support for current and future operations. The Legal Center also serve as the “deep futures” component of JAGC strategic planning efforts, and provides subject matter expertise for educational technology and distributed learning across the Corps.

Established in July 2003, the Legal Center supports our Nation’s commitment to conforming military operations to the rule of law. Through its five sections — the Leadership Center, the Center for Law and Military Operations, and the Future Concepts, Training Developments, and Educational Technology and Distributed Learning Directorates — the Legal Center works with The Judge Advocate General's School to provide relevant and ready legal support to the JAGC, the Army and the Joint force.
The Legal Center, like the School and the Noncommissioned Officer Academy, supports TJAG’s goal of readiness — ensuring that now and in the future, the right number of doctrinally-based, superbly trained and equipped legal professionals will be present and ready to furnish expert and proactive legal support to commanders, staffs, and Soldiers at every echelon.

**LEADERSHIP CENTER**

Our doctrine calls leadership “the lifeblood of an Army” and The Judge Advocate General has taken steps to give leadership the strongest possible emphasis in our education and training. Established in 2019, the mission of the Leadership Center is to support Army and JAG Corps leadership education and training in order to develop JAG Corps Leaders and teams that will be adaptive to any environment. The Leadership Center also focuses on improving leadership capabilities to foster engagement within the force, increase the level of principled counsel and raise the already high level of morale throughout the Corps. In its first year, the Leadership Center assumed responsibility for managing all the institutional leadership education and training conducted at the LCS, beginning with the Graduate Course and the Officer Basic Course. As it advances to full operational capability, the Leadership Center will develop and distribute leadership products across the JAG Corps, and continue to expand liaison activities with other civilian, Army and Joint organizations.

**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. 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, CLAMO personnel included Army (Active, Reserve, and National Guard), Navy, Marine Corps, and Coast Guard officers as well as an attorney from the British Army.

This year, CLAMO has continued to collect lessons learned from all operations, including operations in Iraq and Afghanistan; active duty, Reserve and National Guard support to domestic operations following natural disasters and the COVID-19 pandemic; 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. CLAMO has captured lessons learned and developed resources to assist JAs supporting Regionally Aligned Force (RAF) exercises and missions around the world, and has supported both major multinational military exercises and real-world crisis management efforts. CLAMO entered the fourth year of publication of the *Operational Law Quarterly*, which contains practitioner-focused articles of immediate relevance. This newsletter already has distribution across the Department of Defense (DoD) and to personnel in more than twenty countries.

**FUTURE CONCEPTS DIRECTORATE**
The Future Concepts Directorate (FCD) serves as the JAG Corps’ subject-matter-expert concerning the application of the law to future conflict by assessing the legal requirements of the future operational environment. FCD is the JAG Corps’ bridge to concept, capabilities, and doctrine development and integration in the Army and Joint Force. Personnel serve as the lead for developing, drafting, staffing and publishing JAG Corps doctrine while also reviewing and providing recommendations for improving Army, Joint, and Allied doctrine. The Directorate participates in Chief of Staff of the Army warfighter exercises as well as Army Futures Command (AFC) and the Training and Doctrine Command (TRADOC) working groups focused on improving how the Army trains, leads, and fights today and in the future. As a "Think Tank" for the JAG Corps, officers in FCD propose, develop, plan, and implement TJAG strategic initiatives.

This year, FCD created the JAG Corps’ first podcast entitled “Battlefield Next,” which features content about the legal implications of technology, and insights from military and industry leaders. Battlefield Next is widely available on podcast platforms. FCD also manages and contributes content for the “Lifelong Learning” website that has become an important source of information across the Corps.

Over the past year, FCD fostered relationships with the National Security Innovation Network’s Hacking for Defense program, the University of Virginia, University of Pennsylvania School of Law and many other schools and organizations. These connections support the Army's development of capabilities and doctrine for a future battlefield that will include the dedicated use of autonomous weapon systems as well as Machine Learning and Artificial Intelligence technology. With updated doctrine essential to the future of the JAG Corps, FCD finalized the JAGC’s capstone legal publication, Field Manual 1-04, Legal Support to Operations.

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. These materials provide training resources for new, mid-level, and senior Army paralegals.

TDD provides technical assistance and standardized training products for legal training programs across the Army. In this regard, TDD and TJAGLCS faculty have developed lesson plans and training products for Army Schools and Centers of Excellence, Basic Combat Training, Initial Military Training, the Commanders’ and First Sergeants’ Course, and the Basic Officer Leaders’ Course. These products ensure that critical law-related courses taught throughout the Army are be current and correct.

TDD is also responsible for training JA personnel on Mission Command and Mission Command Information Systems (MCIS) used in the field, such as the Command Post of the Future and, soon, by the newest MCIS, the Command Post Computing Environment (CPCE). The training curriculum for these courses exposes JA personnel

EDUCATIONAL TECHNOLOGY AND DISTRIBUTED LEARNING DIRECTORATE

The Educational Technology and Distributed Learning Directorate (ETDL) integrates technology into resident, online, blended and hybrid instruction ensuring it is both engaging and effective. Valuing learner-centered instruction, ETDL manages both authenticated and public mobile-friendly platforms promoting the anytime, anywhere, any device access necessary to support a robust reach-back capability and a culture of lifelong learning. With a commitment to providing information in the least restrictive environment, ETDL enables meaningful collaboration across not only the DoD, but among all federal agencies and academic institutions. ETDL designs and delivers products via learning and content management web platforms to include the Judge Advocate General's University (JAGU), which reaches over 30,000 federal and non-government students annually, and the LCS’s publicly available website at tjaglcspublic.army.mil, accessible with no authentication. In 2020, these ETDL platforms, products and relationships enabled a rapid and seamless transition from resident courses to effective DL instruction within days after implementation of COVID-19 restrictions throughout DOD and the Commonwealth of Virginia.

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 initially opened in 1942 on the campus of the University of Michigan in Ann Arbor. Since 1951, however, the School has been located on the grounds of the University of Virginia (UVA) in Charlottesville, Virginia.

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, advocacy, trial practice, writing, and communication skills; to instill Army values; to teach leadership 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. The Senior Officer Legal Orientation and the General Officer Legal Orientation courses help current or future commanders with the legal responsibilities and issues commonly faced by court-martial convening authorities. There are six honorary academic chairs at the School, all named for distinguished members of the legal profession and former members of the Corps.

Each academic chair has an associated lecture which, along with other lecture series, bring distinguished speakers to our institution, sustaining a vibrant and rigorous intellectual discourse within the institution. For example, in November of 2019, the
Contract and Fiscal Law New Developments Course students enjoyed both the Creekmore lecture on government contracting, delivered by Darlene Costello, the Principal Deputy Assistant Secretary of Air Force Acquisition, Technology & Logistics, and the Cuneo Lecture focused on Procurement Integrity and the role of the Government Accountability Office delivered by Gene Dodaro, the eighth Comptroller General of the United States. The National Security Law Department hosted its annual Solf-Warren Lecture in March of 2020, delivered by Professor John Norton Moore, the Walter L. Brown Professor Emeritus of Law, UVA School of Law, and former six time presidential appointee. Several Lectures were postponed this Academic year due to the COVID19 pandemic, including the Prugh Lecture in Military Legal History, the Hodson Lecture in Criminal Law, and the Decker Lecture in Administrative and Civil Law. We expect these lectures to return during the 2020-2021 school year as the impacts of the pandemic recede. All of our Chair lectures are examples of the exceptional educational opportunities we provide to our students across a broad array of legal topics to develop themselves as both lawyers and leaders.

The relationship between the School and the ABA has existed since the late 1950s and continues to prosper. 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’s short courses, and participating fully as liaisons to committee meetings.

The School’s relationship with UVA and location next to its exceptional law school continues to present tremendous opportunities and benefits to us. Examples of collaboration include our National Security Law Department cohosting several events with the UVA School of Law including their students and visiting guests. The Criminal Law Department also capitalizes on this relationship by providing academic credit for graduate course students’ participation in the UVA Mock Trial and Moot Court coaching program. Additionally, UVA students have an opportunity to attend elective courses at the School, and vice versa. The School also participates in events with other ABA law schools around the country. For example, the National Security Law Department co-sponsored workshops at the School with the University of Pennsylvania in April 2019, Emory University in May 2019, and the University of Texas and South Texas School of Law in September 2019. In addition to law schools, the School engages with international partners from around the world on topics of mutual interest. For example, in January of 2020, the School co-hosted “Lawfare Workshops” with key international partners, including those from NATO and Israel. Several spring 2020 events with both law schools and international partners were cancelled due to the COVID19 restrictions.

The School’s resident program continues to educate nearly 5,500 students per year. The student body encompasses military, civilian, domestic and international practitioners. In addition, the School instructs military attorneys from all services with advance schooling required to qualify as full time military judges at courts-martial.
When combined with non-resident programs, including distributed learning and on-site training for USAR attorneys, the School educates a significant number of lawyers, paralegals, and other leaders throughout the federal government annually.

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 68th Graduate Course graduated on May 28, 2020, with a class of 119 students, consisting of 114 U.S. officers, one Department of the Army civilian attorney, and four international students. The U.S. officers represent every military service, including the Coast Guard, and include members of the active, USAR and National Guard components. The international students were uniformed lawyers from Egypt, Nigeria, The Philippines, and South Korea. The 68th Graduate Course was unique in that it completed the fourth quarter of the class in a Distributed Learning (DL) environment due to the COVID19 pandemic. The School and its faculty pivoted to online instruction literally over a weekend once restrictions went into place, enabling the 68th to continue their course of study with no interruption. The success of the course in this challenging environment is a testament not only to the faculty, but to the professionalism and dedication of the students of the 68th Graduate Course.

The School also conducted over 78 class iterations of 47 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 require mandatory CLE. Through these courses, the School constantly updates offerings to provide relevant and timely legal instruction meeting DoD’s current and emerging needs.

While continuing to maintain a strong belief in the benefits of resident instruction, the School faculty and staff have for nearly two decades been on the forefront of delivering quality instruction and educational products to JAs around the world through the use of 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. This early commitment to Distributed Learning formed the foundation for the School’s ability to quickly pivot to a full DL program in order to adapt to restrictions necessitated by the COVID19 pandemic. This demonstrated ability reflects the spirit of our institution, which prides itself on its ability, as a military organization, to deliver quality education in any environment and under any circumstances.

The School’s most important recurring DL effort is the Judge Advocate Officer Advanced Course – a required education course for USAR officers. Phase I of the course has been revised to 75 hours of online instruction and then fully integrated with the resident Phase II, enabling the phases to build upon and reinforce each other. Professors have worked meticulously to completely redesign the content using best practices from online education in higher education. This effort has resulted in more effective preparation for our reserve component JAs as they reach the rank of major.
The course is capped off by a two-week resident phase to solidify their education, enhance mentorship opportunities and colleague networking, and connect them to their Regimental Home at TJAGLCS.

TJAGLCS continues to publish two highly respected periodicals. The quarterly peer-edited academic journal the *Military Law Review* provides a forum for military law scholars to share the products of their experience, legal research, and legal thinking. The School also publishes a bi-monthly professional magazine 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. Over the past two years, the School has worked to revise the *Army Lawyer* to produce a full color, magazine-style publication. Current issues offer human interest stories, feature articles on recent developments, and expert scholarship. Within the magazine format, the quality of the scholarship in the *Army Lawyer* remains exceptional as evidenced by one article from Issue 3, 2019 entitled, “The Court-Martial of Jackie Robinson,” winning the ABA’s Standing Committee on Armed Forces Law (SCAFL) 2020 Keith E. Nelson Distinguished Service Award for Writing.

In conjunction with instruction for attorneys and legal professionals, the School 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 Army Senior Education Program, a required sequence of courses for General Officers at each level from Brigadier to General.

Finally, the School continues to capitalize on its revamped library space, sustaining its status as the premier military law library in the DoD. The library boasts an exceptional physical collection and a growing set of digital collections. The School has integrated its holdings into the UVA Library System and coordinated access for faculty and Graduate Course students to all that UVA’s library system have to offer, exponentially improving both the quantity and quality of materials to which our students have access, both in physical and digital formats. Our library's internal holdings, a specialized collection which includes many rare and one-of-a-kind books and documents, are particularly strong in the areas of the law of armed conflict, operational law, war crimes, primary source ICRC publications, and military justice – materials that UVA faculty and students can now access as well.
The Office of The Judge Advocate General (OTJAG) is committed to providing principled counsel and premier legal support across the full spectrum of legal issues faced by the Army and its leadership. It has multiple divisions that specialize in specific areas of the law.

**Administrative Law Division**

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, DA and to perform such other duties as may be prescribed by law.

The Administrative Law Division has an executive section, comprised of a Chief and a Deputy Chief, and three branches. The three branches and a brief description of their principal (but non-exclusive) functions are described below.

**General Law Branch**

The General Law Branch is typically comprised of a lieutenant colonel chief, six JA major action attorneys, one civilian action attorney, and a civilian paralegal. The Branch’s functions are to:

- Prepare legal opinions and furnish advice on general questions of law and policy pertaining to: the organization, powers, functions, and employment of the Army; the powers and duties of the Secretary of the Army and the delegation thereof; the interpretation and application of laws and regulations relating to the Army and its members generally; Army force structure issues and stationing actions; pay and allowances; transportation and travel; defense and disaster plans; military aid to civil authorities; religion in the Army; political activities; use of Government property; conference policy compliance; military installations and legal aspects of command; leaves and passes; coins, awards, and decorations; Base Closure and Realignment (BRAC); and various issues regarding the USAR, the National Guard and the National Guard of the United States as components of the Army (except personnel related actions);

- Act as a proponent of Army Regulation (AR) 15-6, *Procedure for Investigating Officers and Boards of Officers*, including drafting, revising, and updating it as necessary;

- Review for legal sufficiency drafts of proposed Army regulations and other proposed Army policy publications with legal issues relating to the foregoing matters;
Review and prepare comments on or concurrences with proposed regulations and directives of the other military departments and DoD pertaining to areas within the Branch’s responsibility; and

Review Article 138, UCMJ complaints and prepare memoranda of review and final action for action by the Assistant Judge Advocate General (Military Law and Operations) (AJAG (ML&O)) on behalf of the Secretary of the Army.

During the last year, the General Law Branch provided numerous significant legal opinions to the JAGC leadership, the Army Staff, and subordinate commands. Opinions spanned numerous topics, including reviews of sensitive investigations with significant congressional and media interest; the use of Army assets to support the travel and transportation of senior officials; the impact of Army policies regarding religious accommodation and the Religious Freedom Restoration Act; the impact of Army policies regarding equal opportunity and extremist organizations; and the operation and authorities of the Army’s Futures Command. In early 2020, the branch provided significant legal support to the Army Staff regarding myriad issues associated with the Army’s handling of the COVID-19 global pandemic. The branch’s involvement included provision of legal advice regarding such issues as assignment and personnel transportation issues, commanders’ authority over their installations as they addressed COVID-19 at the local level, and medical and research support. The General Law Branch also continued its significant support to the Army Publishing Program, as it legally reviewed numerous Army regulations and publications in support of the Army’s efforts to update publications, many of which had not been updated within the previous five years.

MILITARY PERSONNEL LAW BRANCH

The Military Personnel Law Branch is comprised of a lieutenant colonel chief, five active-duty JA majors, one Active Guard Reserve JA major, two civilian attorneys, and one civilian paralegal. The Branch’s functions are to:

Prepare legal opinions and furnish advice to the Army staff on all matters of military personnel law and policy, including but not limited to issues related to appointments, enlistments, reenlistments, promotions, administrative reductions, administrative separations, retirements and status (including federal recognition); force drawdown boards and policy; discipline and administration of military personnel in both the regular and reserve components; and U.S. Military Academy and Reserve Officers’ Training Corps personnel matters. Related policy areas include transgender service; senior leader accountability; women in combat; extension of benefits to same-sex domestic partners of military members; and credentialing of health care providers. The branch also assists TJAG in preparing recommendations on adverse administrative actions proposed to the Vice Chief of Staff resulting from DAIG investigations of senior Army officials under the provisions of AR 20-1.

During the last year, the Military Personnel Law Branch provided numerous legal opinions to the JAGC leadership, the Army Staff, and subordinate commands. The
breadth and complexity of the Personnel Law Branch’s opinions spanned diverse subjects, such as the personnel, promotion, and assignment implications of the Army’s planned transition to the Army Combat Fitness Test; personnel implications of the Army’s transition to the Battalion Commander Assessment Program (a program to assess and select battalion commanders); and the effects of new legislation requiring the review of adverse information affecting individual Soldiers prior to their nomination and selection for promotion. The branch also provided legal advice to Army Senior Leaders regarding the personnel implications of high-profile courts-martial of Soldiers, as they related to promotions, awards, and separation actions.

ETHICS, LEGISLATION, AND GOVERNMENT INFORMATION PRACTICES BRANCH

The Ethics, Legislation, and Government Information Practices (ELGIP) Branch is comprised of a civilian chief attorney, three civilian action attorneys, one military action attorney (a major), and one civilian paralegal. In general, the Branch’s functions are to:

Administer the ethics program of Headquarters, DA, which includes providing ethics advice to Army Staff officials; conducting ethics training; providing post-Government employment briefings and advice; and overseeing the filing and certification of public and confidential financial disclosure reports (OGE Forms 278e and 450).

Provide expert analysis, advice, and technical drafting in support of the Army’s legislative proposal process. Perform research and analysis on legislative issues and draft legislation prepared by congressional committees or individual offices. When requested, provide drafting and technical assistance for congressional committees;

Prepare legal opinions and furnish advice on questions of law and policy pertaining to the Freedom of Information Act, Privacy Act, Health Insurance Portability and Accountability Act, and information management; and

Prepare or examine for legal sufficiency drafts of proposed Army regulations and other proposed Army publications with legal issues relating to the foregoing matters, and review and prepare comments on or concurrences with proposed regulations and directives of the other military departments and DoD in these areas.

During the last year, the ELGIP Branch provided ethics legal opinions to Army senior officials in their individual capacities regarding such issues as speeches and publications, personal membership on boards, and acceptance of gifts. The ELGIP Branch also provided significant legal support in preparation for Army Senior Leaders’ congressional testimony on a wide range of topics of interest to Congress, and it provided testimony preparation assistance to individuals nominated for positions requiring congressional confirmation. In support of the Army legislative program, ELGIP provided research and drafting support for all of the Army’s legislative proposals. Finally, the branch ensured compliance throughout the Army of all mandatory financial
disclosure reporting by senior officials, and it ensured a smooth transition to Integrity, the on line system used for OGE 278e filing in DoD which began on 1 January 2020.

Criminal Law Division

The Criminal Law Division (CLD) has two primary missions. First, the CLD advises TJAG and the Army staff on military justice programs, policy, legislation, opinions, high profile criminal cases, and related criminal law actions. Specific responsibilities include: promulgating military justice policy and regulations; reviewing other Army Regulations impacting military justice for legal sufficiency; providing legal opinions to the Army staff related to military justice matters; producing and updating military justice publications; conducting statistical analysis and evaluation of trends that affect military justice within the Army; providing legal advice on military corrections issues, the Army drug testing program, sexual assault and victim assistance policies, and federal prosecutions; representing the Army on the Joint Service Committee on Military Justice (JSC); responding to congressional and public inquiries; responding to requests under the Freedom of Information Act; conducting reviews of court-martial cases under Article 69 of the UCMJ to ascertain legal sufficiency and sentence appropriateness and to identify issues that may require corrective action by TJAG; and implementation of Article 140a of the UCMJ to increase the transparency of the military justice system to the public.

Second, the CLD provides comprehensive policy guidance and resources to military justice practitioners in the field, which includes a special emphasis on training (including training related to sexual assault litigation) and programs designed to guarantee long term military justice proficiency across all levels of the Army. The CLD facilitates the active integration and synchronization of training by coordinating quarterly training and budget meetings with JAGC key training arms: Trial and Defense Counsel Assistance Programs (TCAP and DCAP) and TJAGLCS. The CLD manages software initiatives for JAGC-wide application and facilitates active information flow to and from the field using web-based media. The CLD oversees the Army’s court reporting enterprise, including researching and acquiring technologies to facilitate efficient case management, talent management, training, and allocating court reporting capacity to meet requirements.

Manual for Courts-Martial 2019

website at http://jsc.defense.gov. Because this manual includes numerous changes, practitioners should consider it completely revised.

**MILITARY JUSTICE REDESIGN**

In Fiscal Year 2019, after successfully executing a pilot program across several installations, the Army Judge Advocate General's Corps underwent a significant personnel reorganization to better reflect the evolution of military justice practice over the last two decades. The traditional functions of a trial counsel - military justice advisor and trial attorney - have been separated into two separate duty positions in order to develop expertise individually and institutionally in both command legal advice and trial practice. This will allow military justice advisors to be more responsive to the needs of a commander while trial attorneys are free to develop litigation expertise and focus on meeting the increasing demands of military justice prosecutions. Splitting these functions between two attorneys allows for greater proficiency over time, both in litigation and in command military justice advice.

**COURT-MARTIAL STATISTICS**

During FY19 (1 October 2018 through 30 September 2019), the Army arraigned 568 trials by general court-martial, 214 trials by special court-martial, and 134 trials by summary court-martial. The FY19 case load marks an increase over the past two FYs. The number of non-judicial punishments completed during FY19 was 24,852.

<table>
<thead>
<tr>
<th>General Court-Martial</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
<th>FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Court-Martial</td>
<td>665</td>
<td>636</td>
<td>558</td>
<td>498</td>
<td>479</td>
<td>568</td>
</tr>
<tr>
<td>Special CM</td>
<td>314</td>
<td>226</td>
<td>237</td>
<td>182</td>
<td>169</td>
<td>214</td>
</tr>
<tr>
<td>Summary CM</td>
<td>456</td>
<td>148</td>
<td>161</td>
<td>112</td>
<td>116</td>
<td>134</td>
</tr>
<tr>
<td>Total CMs</td>
<td>1,435</td>
<td>1,010</td>
<td>956</td>
<td>792</td>
<td>764</td>
<td>916</td>
</tr>
<tr>
<td>CM Rate Per 1000 Soldiers (Not SCM)</td>
<td>1.87</td>
<td>1.75</td>
<td>1.67</td>
<td>1.43</td>
<td>1.36</td>
<td>1.62</td>
</tr>
<tr>
<td>Nonjudicial Punishment (NJP)</td>
<td>31,689</td>
<td>33,708</td>
<td>29,707</td>
<td>26,638</td>
<td>23,806</td>
<td>24,852</td>
</tr>
<tr>
<td>NJP Rate Per 1000 Soldiers</td>
<td>62.14</td>
<td>68.40</td>
<td>62.14</td>
<td>55.93</td>
<td>49.99</td>
<td>51.35</td>
</tr>
<tr>
<td>Army Active Duty Strength</td>
<td>510,002</td>
<td>491,365</td>
<td>475,400</td>
<td>476,245</td>
<td>476,179</td>
<td>483,941</td>
</tr>
</tbody>
</table>
National Security Law Division

The National Security Law Division (NSLD) (formerly the International and Operational Law Division) 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 and cyber law, 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, NSLD 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.

In 2019, NSLD surged across three lines of effort: (1) Provide Legal Advice and Support to HQDA Clients and SJAs; (2) Build the NSLD Enterprise; and (3) Outreach—Flood the Zone—Preserve Legal Maneuver Space. In terms of building the enterprise, NSLD implemented the new Professional Development Proficiency Code (PDPC) for NSLD, with four levels ranging from basic national security law practitioner to master national security law practitioner. The program became very popular and quickly saw dozens of applications come in. The team “flooded the zone,” with engagements across the globe (San Remo, Latvia, Estonia, Spain, England, Israel, and Poland). Perhaps the most notable achievement was the August 2019 publication of Army Field Manual (FM) 6-27, The Commander’s Handbook on the Law of Land Warfare, an update decades in the making. On January 22, 2020, NSLD helped with the “Roll Out” of FM 6-27 at The Judge Advocate General’s Legal Center and School, Charlottesville, Virginia. During the event, Mr. Mike Meier and others discussed the history, process, substance, and future operational impact of FM 6-27.

Support to HQDA intensified in late January as Coronavirus-19 (COVID-19) became a global pandemic, and NSLD was designated as the lead for OTJAG’s support to HQDA. By mid-March, the NSLD-led team with members from ALD, CLD, and even PPTO, CLAMO and USALSA, worked long hours, seven days a week to provide support to Army Senior Leaders, the HQDA staff, and SJAs in the field. The COVID-19 team’s efforts collecting, organizing and distributing vast amounts of information up and out greatly assisted OSJAs in supporting their commands. Even when forced to disperse on a telework schedule, the team continued to perform at a high level—sustaining information flow internally, across the Army Staff, and to the field. Remarkably, just as the COVID-19 OPTEMPO began to ease, the NSLD team was forced to surge again to provide support during civil disturbance operations in Washington, DC. NSLD once again proved its ability to quickly become experts in a novel field and provide timely support to the Army Staff.
Client Services

The FY19 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>FY17</th>
<th>%</th>
<th>FY18</th>
<th>%</th>
<th>FY19</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enlisted</td>
<td>45,050</td>
<td>52%</td>
<td>37,845</td>
<td>48%</td>
<td>33,460</td>
<td>48%</td>
</tr>
<tr>
<td>Officer</td>
<td>13,660</td>
<td>16%</td>
<td>11,298</td>
<td>14%</td>
<td>10,013</td>
<td>14%</td>
</tr>
<tr>
<td>Retirees</td>
<td>16,878</td>
<td>19%</td>
<td>15,724</td>
<td>20%</td>
<td>14,305</td>
<td>20%</td>
</tr>
<tr>
<td>Other</td>
<td>11,719</td>
<td>13%</td>
<td>14,042</td>
<td>18%</td>
<td>12,624</td>
<td>18%</td>
</tr>
<tr>
<td>Total</td>
<td>87,307</td>
<td></td>
<td>78,909</td>
<td></td>
<td>70,402</td>
<td></td>
</tr>
</tbody>
</table>

In FY19, Army Legal Assistance personnel assisted over 121,000 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 55,687 Federal income tax returns during the FY19 tax filing season. The Soldiers, retirees, and Family members who visited our Tax Assistance Centers saved over $19,500,000.00 in tax preparation and filing fees last year with over $120,000,000.00 refunded to the clients.

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 $19,500,000.00 in legal fees in FY19.

Special Victims’ Counsel

There are currently 43 full-time and 20 part-time active component U.S. Army Special Victim’s Counsel (SVC) serving at installations throughout the world. In FY19, these Army SVCs represented 2,128 clients, including 86 child victims, and participated in 241 courts-martial. During that fiscal year, the Army trained and certified 89 new SVCs from the active component, U.S. Army Reserve, and the Army National Guard. Additionally, the active component regionalized its counsel into five geographic areas with a senior captain or major serving as the regional manager and providing counsel and supervision to the SVCs in each region.
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, with 500 assigned personnel, including active duty, mobilized reserve component, and civilian personnel.

Litigation Division

The U.S. Army Litigation Division represents the Army in four areas of civil litigation with branches dedicated to each: Military Personnel Litigation Branch, General Litigation Branch, Civilian Personnel Branch, and Tort Litigation Branch. Litigation Division is staffed by 36 personnel, consisting of 21 judge advocates, eight civilian attorneys, and seven civilian paraprofessionals. 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 cases; and rapid growth in requests for official information and government witnesses in third-party litigation (Touhy requests). In the past year, Litigation Division has litigated 670 cases in federal courts throughout the country.

The Military Personnel Litigation Branch defends the Army and its officials in federal and state courts against challenges to critical and complex military personnel policies and decisions. The branch also defends collateral attacks of courts-martial convictions in federal courts, as well as lawsuits challenging individual adverse personnel actions such as administrative separation, discharge upgrades, promotion, correction of military records), and military pay claims (physical disability rating, retirement benefits, survivor benefits).

The majority of the branch’s cases are in defense of decisions of administrative boards of the Army and Department of Defense, such as the Army Board for the Correction of Military Records and the Department of Defense Physical Disability Board of Review, against challenges under the Administrative Procedure Act (APA). While APA cases are typically decided based on an administrative record, increasingly these cases have resulted in branch personnel engaging in discovery and discovery-related disputes.

The General Litigation Branch is responsible for handling the Army's commercial litigation matters in federal court, to include contract disputes and bankruptcy claims. The branch is also responsible for Freedom of Information Act (FOIA) and Privacy Act
suits and varied cases involving constitutional and property matters. In addition, the branch coordinates third party requests for official Army information, known as *Touhy* requests, in the form of documents and witness testimony for use in private litigation not involving the United States. Of note, the General Litigation Branch is in receipt of several complex *Touhy* requests from counsel representing deceased Soldiers suing under the Foreign Sovereign Immunity Act. Plaintiffs in these cases have sued countries identified as state sponsors of terror for their alleged support of terrorist groups in Iraq who caused the deaths of U.S. Soldiers. The complex nature of these cases requires the General Litigation Branch to balance carefully its responsibility to defend zealously the Army’s interests and support the efforts of fallen Soldiers’ families, while ensuring minimal disruption to Army operations and training.

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. The Civilian Personnel Branch is responsible for representing the Army, its agencies, and officials in lawsuits brought by the Army’s civilian workforce in Federal courts throughout the country. These lawsuits generally target the actions of Army leaders, both military and civilian, who make employment-related decisions with respect to civilian employees.

The Tort Litigation Branch defends the Army in litigation under the Federal Tort Claims Act (FTCA) across the United States. The branch’s practice involves the full tort spectrum, including medical malpractice, personal injury, premises liability, constitutional torts, and cases in admiralty. Over the past year, the branch experienced an increase in appeals seeking to narrow the application of the statutory exception to civil liability under the FTCA for cases involving discretionary decisions and actions by Army personnel.

**Environmental Law Division**

The Environmental Law Division (ELD) defends the Army in environmental litigation, recovers restoration costs and natural resource damages, advises the Army on regulatory utility matters, represents the consumer interests of Army, DoD and Federal Executive Agencies (FEA) in utility matters before State and Federal regulatory bodies, and provides environmental legal support to enable Army readiness. ELD further serves as the Army’s Environmental Law Bar, training and guiding Army’s field of environmental law practitioners. ELD is staffed by 23 personnel, consisting of eight judge advocates, 12 civilian attorneys, two civilian paralegals and one accountant. In the past year, ELD represented the Army in over 80 cases in federal courts throughout the country.

ELD’s Litigation Branch defends the Army in environmental litigation with the potential to impact Army ranges and operations. Challenges based on environmental laws directly impact the Army’s ability to organize, train, equip, and deploy forces in support of combat operations. Many cases involve the remediation of contamination stemming from World War II and the Cold War. Cleanup of these sites is often very costly, spurring other parties responsible for the contamination to bring multi-million
dollar claims against the Army. ELD both defends against claims and seeks affirmative claims for contamination caused by private parties. ELD defends against growing challenges to water rights and resources at Army bases in the arid West. Access to water remains critical to ensuring that Army bases can sustain current and future operations.

ELD’s Resource Sustainment & Restoration (RSR) Branch advises the Army on environmental activities ensuring that military readiness and environmental stewardship are not just compatible, but mutually supporting. RSR assists both the Army Staff and Military bases to comply with often nuanced environmental laws and intervenes to negotiate with state and federal regulators to protect Army interests. In March 2020, ELD added a new mission to its portfolio: regulatory law. Following the inactivation of USALSA’s Regulatory Law and Intellectual Property Division, the division’s three regulatory attorneys, paralegal, and regulatory accountant joined the RSR branch. The Regulatory Law Team performs utility law work at the installation level, and there is considerable overlap in mission with the RSR Branch. RSR’s Regulatory Law Team advises the Army on interactions with regulated utilities and represents Army, DoD, and FEA in proceedings before state and federal public utility regulatory commissions.

Contract and Fiscal Law Division

The Contract and Fiscal Law Division (KFLD) is TJAG’s premier contract litigation center and is the largest division within USALSA. The KFLD is staffed by 40 personnel, consisting of 17 judge advocates, 12 civilian attorneys, a civilian administrative officer and 10 civilian paralegals.

Through its three Trial Teams, the KFLD represents the Army in first-chair litigation of contract appeals before the Armed Services Board of Contract Appeals (ASBCA) and bid protests before the Government Accountability Office (GAO). The KFLD also supports the Department of Justice (DOJ) in contract litigation before the U.S. Court of Federal Claims (COFC) and the U.S. Court of Appeals for the Federal Circuit (CAFC). In the past year, the KFLD litigated 206 contract appeals before the ASBCA representing approximately $500 million in potential liability; the KFLD also litigated 168 bid protests before the GAO involving procurements valued at approximately $23 billion. In addition, the KFLD assisted the DOJ in litigating 22 bid protests before the COFC and CAFC involving procurements worth approximately $260 billion.

In March 2020, KFLD added a new mission to its portfolio: intellectual property (IP). Following the inactivation of USALSA’s Regulatory Law and Intellectual Property Division, the division’s four IP civilian attorneys joined KFLD as the newly-established Intellectual Property Team. These subject matter experts support the Army with over 100 years of combined experience in patent, copyright, and trademark issues. The Intellectual Property Team’s covers a diverse spectrum of IP areas, including issues related to: fair use; the creation and protection of new logos, slogans, insignia, and other marks; the Army Trademark Licensing Program; and the enforcement of the Army’s trademark rights against unauthorized use. The Intellectual Property Team also
represents the Army at the U.S. Patent and Trademark Office, supports DOJ in IP-related litigation, processes all administrative claims of alleged IP infringement against the Army, issues Invention Rights Determinations to protect the Army’s interest in inventions made by Army employees, and provides IP legal advice to Army activities that do not have IP counsel.

**U.S. Army Advocacy Center**

In April 2019, TJAG approved the establishment of the U.S. Army Advocacy Center as a new directorate of USALSA. The Advocacy Center’s mission is to coordinate, synchronize, and conduct advocacy training programs to enhance expertise across the entire litigation spectrum in support of the Army’s military justice and civil litigation requirements. It is staffed by a civilian director, a judge advocate deputy director, and a civilian administrative officer. The Advocacy Center works closely with the JAG Corps’ institutional advocacy training providers to improve the professionalism and quality of training provided to judge advocates, civilian attorneys, and paraprofessionals.

The Advocacy Center is currently conducting a comprehensive evaluation of the JAG Corps’ military justice training programs as part of a Department of Defense initiative to standardize and institutionalize training requirements across the Services. Additionally, an Advocacy Center initiative to provide Army civil litigators, both uniformed and civilian, with advanced litigation training and to improve course development is underway.

Advocacy Center staff are also engaged in a project to establish an advocacy training facility on Fort Belvoir with mock courtrooms featuring state of the art trial presentation technology. The Advocacy Center’s training facility will be modeled on the Department of Justice’s National Advocacy Center in Columbia, South Carolina. With a target completion in FY21, the training facility will become the preferred venue to host the JAG Corps’ trial advocacy and litigation skills courses. It will provide to advocacy training providers, such as the Trial Counsel Assistance Program and the Defense Counsel Assistance Program, a dedicated and optimized training environment to host their advocacy courses. The project’s objective is to educate and train students in a facility that offers the types of information technology and trial presentation systems that counsel and paraprofessionals must master to be highly effective in court.

**Electronic Discovery Division**

The Army Electronic Discovery (eDiscovery) Program, housed within USALSA as the eDiscovery Division, was created in October 2018 by TJAG to respond to the growing need for military attorneys to develop competence in technology matters such as eDiscovery, as mandated in ABA Model Rule of Professional Responsibility 1.1, Comment 7. To date, the Program has largely concentrated its support to civil litigating divisions within USALSA that practice under the Federal Civil Rules of Civil Procedure, although it expects to expand to other areas of legal practice in the future.
During the past year, the eDiscovery team, consisting of two attorneys, a warrant officer, two military paralegals, and an IT specialist, oversaw multiple avenues of growth as the team began to develop an eDiscovery support capability. The program has strategically matured through the development of: an extensive manual complete with SOPs, forms and templates to assist attorneys; a website where all resources could be found; a robust, one-of-a-kind app that will track eDiscovery matters through the entire range of the eDiscovery Reference Model (EDRM); and a decryption process to access previously unusable emails. It instituted an Army sponsored Training with Industry (TWI) program, partnering with a local eDiscovery service provider to train a non-commissioned officer who will serve in USALSA at the end of the program. It also developed a comprehensive training program to arm practitioners with the expertise necessary to maintain competence in this difficult and ever expanding area of practice.

The Program has met the challenge of providing a full range of eDiscovery services to Army practitioners in only its first year, and has processed dozens of cases in support of that effort. As the Program continues to develop in the future, it is postured to fulfill its goal of becoming the premier legal support provider in the Federal Government.

United States Army Trial Defense Service (USATDS)

USATDS provides defense counsel services for Army personnel, whenever required by law or regulation and authorized by The Judge Advocate General (TJAG). These services are provided free of charge to Soldiers facing courts-martial, non-judicial punishment, and administrative separation from the service. During fiscal year 2019, approximately 139 active-duty military defense counsel, operating out of forty field offices, represented Soldiers at over 800 courts-martial, 1,100 administrative boards, and consulted on over 40,000 other military justice matters. Similarly, over 195 United States Army Reserve (USAR) and 140 Army National Guard (ARNG) defense counsel provided defense services at over one hundred locations worldwide. In addition, FY19 saw the authorization and beginning hires of 12 temporary Defense Investigators. These Defense Investigators are the first ever for the U.S. Army Trial Defense Service. The Defense Investigators are located at Regional Offices and assist the Defense Counsel by performing investigative duties that support accused clients.

USATDS is a unique organization within the Army, enabling its counsel to fully advocate for their clients’ best interests independent of local command influence. The Office of the Chief provides Army-level leadership and management. USATDS training is coordinated through the Defense Counsel Assistance Program, whose six military and civilian criminal defense experts ensure that all defense counsel and paralegals are highly trained, remain informed of new developments in the law, and receive expert assistance when requested.

Military defense counsel perform their daily duties at field offices, traveling when necessary for training or client representation. In order to avoid actual of apparent conflicts of interest, all military defense counsel independently perform defense duties and are supervised and evaluated by an experienced supervisory defense counsel at
the local and regional levels. The active-duty USATDS is organized into eight regions worldwide. Each region contains 5-8 field offices located at Army installations. USAR operations are divided into three Legal Operations Detachment commands, which in turn are subdivided into regions and local teams. ARNG operations are overseen by an ARNG TDS Chief and further organized on a state-by-state basis.

**Defense Appellate Division**

The Defense Appellate Division (DAD) provides appellate representation to eligible Soldiers and statutorily eligible individuals before ACCA, CAAF, and the Supreme Court of the United States. Soldiers eligible for appeal include those convicted at courts-martial where the approved sentence consists of a punitive discharge or confinement for two years or more. Soldiers who receive a sentence of more than six months confinement at courts-martial may also request to have their case reviewed by ACCA. DAD attorneys also assist military and civilian defense counsel in the preparation and filing of extraordinary writs before the aforementioned courts.

DAD currently represents Soldiers in approximately 788 cases. These cases are moving through the various stages of the appellate process, either recently received at DAD, pending action by ACCA or the CAAF, or awaiting final action and discharge from the Army. Approximately 169 cases are pending filing with ACCA.

Last year, DAD filed 432 briefs with ACCA. DAD also filed 270 briefs with the CAAF. Appellate defense counsel argued 21 cases (5 cases at ACCA and 16 at the CAAF).

**Government Appellate Division**

The Government Appellate Division (GAD) represents the U.S. Army in all appeals before the Army Court of Criminal Appeals (ACCA), the Court of Appeals for the Armed Forces (CAAF), and the Supreme Court of the United States. The GAD consists of 16 Active Duty and 9 Reserve Judge Advocate attorneys and two civilian paralegals. The GAD further provides support and oversight to the Trial Counsel Assistance Program, providing assistance, resources, and support for the prosecution function throughout the Army, including direct support to the Special Victim Prosecutors working at installations across the globe.

In the past year, the GAD represented the Government in approximately 600 cases. These cases are moving through the various stages of the appellate process either recently received at GAD, pending action by the ACCA or the CAAF, or awaiting final action and discharge from the Army.

Last year, the GAD filed 474 briefs and other pleadings with the ACCA and 280 briefs and pleadings with the CAAF. Approximately 33 cases are pending filing with the ACCA. Appellate Counsel also argued 21 cases; 5 at the ACCA and 16 at the CAAF.
Arm\textsuperscript{y} Reserve Headquarters-Fort Bragg

The Army Reserve Headquarters-Fort Bragg (ARHQ-Ft Bragg) formerly known as the United States Army Reserve Command (USARC), is a subordinate command to Forces Command, yet is also a Major Component Command. The ARHQ-Ft Bragg is a strategically diverse three-star command whose mission is to provide trained, equipped and ready Soldiers, or cohesive units, to meet the nation’s requirements, at home and abroad. United States Army Reserve (USAR) Soldiers integrate into the active Army as individual mobilization assets or as entire units worldwide. The ARHQ-Ft Bragg provides command and control of almost all CONUS-based USAR units with the number one priority being readiness. The USAR Major Subordinate Commands are comprised of Readiness Divisions, Training Commands, Theater Sustainment Commands, Support Commands, Military Police Commands, Medical Commands, Intelligence Commands, Response Commands, Engineer Commands, Civil Affairs Commands, Psychological Commands, an Innovation Command, and the Legal Command.

The ARHQ-Ft Bragg Office of the Staff Judge Advocate (OSJA) serves as the premier Center of Excellence for USAR legal services and counsel throughout the force, which enables the USAR to conduct full spectrum operations. The OSJA consists of Soldiers from the Regular Army, Active Guard Reserve (AGR), mobilized Troop Program Unit (TPU) members and civilians that handle the day-to-day actions. The ARHQ-Ft Bragg OSJA also delivers legal services and advice on matters involving military justice; administrative and civil law; national security law; contract and fiscal law; labor and employment law; ethics; and, legal personnel force management. The ARHQ-Ft Bragg OSJA maintains technical legal supervision, training and support to more than 3500 attorneys, legal administrators, paralegals and paraprofessionals within the USAR.

During the last year, the OSJA implemented a number of initiatives to improve the provision of services across the Army Reserve. Highlights include: Contract Administrative Support Office (CASO) teams, labor redesign, NSLD training forums, and SHARP legal training at various commands. Additionally, ARHQ-Ft Bragg implemented the Military Justice Regional Litigation Teams (MJR-Lit Teams) pilot program. The MJR-Lit Teams pilot program was established to provide commanders with timely and accurate court-martial and nonjudicial punishment support, and assist commanders’ efforts to maintain and enforce good order and discipline. The CASO teams provide acquisition expertise, advice, oversight, and guidance to all Army Reserve organizations. Finally, the labor redesign established a uniform framework for the roles and responsibilities of USARC attorneys practicing labor and employment law.
CONCLUSION

The state of the Army JAGC in FY19 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, paralegals, 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