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Fighter Feedback:

Utilizing F-15 Debrief Techniques to Improve Courtroom Performance

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The fighter flying community reinforces lessons learned in the air through an immediate, rigorous, peer-led tactical debriefing process.

While our perspectives differ, fighter pilots and prosecutors actually have quite a bit in common. Certainly, the view from the cockpit of an F-15C Eagle differs from the vantage offered by the first chair in a general court-martial, but each individual requires a high level of preparation to perform and benefits from a healthy dose of confidence. Each community grows these self-assured individuals through a mixture of schoolhouse education, focused training, and real-world experience. The fighter flying community, however, reinforces lessons learned in the air through an immediate, rigorous, peer-led tactical debriefing process. Fighter pilots understand that the post-sortie debrief is the greatest opportunity to draw out errors that occurred during the sortie, craft precise solutions to the errors, and internalize the lessons to prevent future reoccurrence. Conversely, following a Judge Advocate (JAG) courtroom engagement, tactical deep dives are secondary to a strategically-focused post-trial hot wash with JAG and investigative leadership. While a JAG strategic hot wash may have its place, the JAG Corps should learn from our fighter pilot brethren and adopt the post-sortie debrief methodology

following courts-martial to improve trial litigation skills. This article will explore the debrief process utilized by fighter pilots, compare the process to the JAG approach of “lessons learned” after courts-martial, and offer a path forward for the JAG Corps to adopt these debriefing techniques.

FIGHTER FEEDBACK

Lesser known among the celebrated aspects of the fighter culture is the art of the debrief. Aerial dogfighting is a dynamic, adrenaline-pumping affair, and young pilots often land without a clear understanding of what just happened to them in the air. This fog is familiar to young JAGs, as the dynamism of courts-martial offers its own opportunity for disorientation and confusion. In order to allow pilots to grow in their understanding of these chaotic events, junior personnel learn how to lead a post-sortie debrief. These skills are valuable throughout their career as flyers progress through the spectrum of engagement from one-on-one dogfighting, known as basic fighter maneuvers (BFM), to large force employments. Junior pilots learn to debrief approximately a year into their first assignment in an operational squadron,

usually during their two-ship flight lead upgrade. Initially, Airmen face tempered expectations, and are expected to identify a handful of valid errors, show the ability to hone in on the root cause of a particular error, and learn from the process. At the other end of the spectrum, experienced weapons officers conduct probing debriefs and are trained to identify the exact split-second decisions that represent the difference between victory and death. The fighter community knows that no pilot is ever “too good” to benefit from a thorough debrief.

The frequency of these reviews reinforces their important role in a pilot’s development. Debriefings occur after every sortie, with only limited exceptions. Notably, the length of the sortie bears no relation to the decision to debrief. In fact, shorter sorties often afford an opportunity for a more thorough debrief. For example, BFM might consist of a 50 minute sortie with about 6-10 minutes of actual fighting. These BFM sets move quickly and burn a lot of gas. However, a debrief of this quick sortie could take upwards of four hours, as each segment of the engagement receives 30 to 45 minutes of review and consideration. These briefings can make for an extremely long duty day. Nonetheless, debriefs are only pushed to the following day if a pilot has something extremely important he or she cannot miss. This exception typically only applies to commanders and more senior pilots, and only in rare circumstances. No post-sortie responsibility is more important to a junior pilot than the debriefing. The team reconvenes an hour after the sortie to allow the pilots to review their tapes and flight data in order to have the best understanding of what occurred during the sortie going into the debrief.

FIVE KEY RULES

When the participants enter the debrief room, they follow five key rules of engagement.

- **FIRST**, no one comes and goes once the doors close. The debriefing is sacred, and disruptions are highly frowned upon. Also, it’s just impolite. Breaks are allowed but everyone must return promptly to continue the debriefing.

- **SECOND**, rank doesn’t influence the debriefing. The flight lead might be a Lieutenant debriefing a Colonel. Everyone is learning, and lessons can come from anyone.
- **THIRD**, and in a similar vein, hurt feelings are not allowed. Direct criticism is not fun to receive, especially from more junior personnel. However, debriefing participants know that the purpose of the debriefing is to help keep each other alive on their wingman’s worst day in the air. Nothing in the debriefing is personal, and frankly, bruised egos are better than losing a wingman.
- **FOURTH**, superfluous attendees are discouraged. Many pilots simply do not learn well when they are surrounded by their buddies or know that their commander is watching the process. The debrief is a sacred time to learn and any impairment to an individual being receptive to instruction is avoided. Typically, attendees are limited to only those on the sortie. However, debriefings are almost always open to others and younger pilots are encouraged to sit in on debriefings as much as they can. Practically speaking, the room could have only four or five participants, or grow exponentially for multi-layered engagements.
- **FIFTH**, the debriefing is an opportunity to find and fix a problem and finish with the right solution. It’s not an opportunity to exchange pats on the back or administer ego boosts. Pat folks on the back at the base Club later.

The flight lead begins the debrief with a brief reconstruction of events, and then directs the team to an overarching objective.

With these rules in the back of their minds, the flight lead directs the debriefing by following a time-tested methodology. The flight lead begins the debrief with a brief reconstruction of events, and then directs the team to an overarching objective. The debrief objective varies by the type and size of the engagement, and could focus more narrowly on tactical

failure or take an expanded focus to review the strategy employed during the fight. The flight lead then proposes a series of debrief focal points (DFPs) for further review and consideration. It's unnecessary and overwhelming to debrief every error. A DFP represents a suspected error that either negatively impacted the result of the engagement, or could have negatively impacted the engagement if the opponent fully capitalized on the situation. Essentially, these focal points represent areas where the "train came off the tracks" and the fight never fully recovered. However, the process is meant to be flexible, and the flight lead can adjust their DFPs as information develops during the debriefing. For example, let's suppose that an objective during an engagement was for the offensive pilot to maintain a position of advantage during a dogfight. The flight lead proposes as a DFP for further review of the first "jink," the maneuver the defensive pilot executed to avoid being shot. In this scenario, the offensive pilot would need to respond in turn to maneuver his aircraft to retain a position of advantage. If that didn't happen, that's an error appropriate for continued analysis.

The flight lead utilizes a five-step process to review each suspected error in chronological order. When an error is discovered, the flight lead first "declares the error" to establish the suspected erroneous action or inaction. Second, the flight lead confirms that the wingman understands the error, and determines if the wingman concurs that the conduct was in error. Third, the flight lead probes their wingman to determine the root cause of the error by asking non-leading questions. The lead seeks to determine the wingman's perception of events as they unfolded. Fourth, armed with insight gathered from their wingman's perception of events, the flight lead "names" the suspected root cause of the error. Fifth, the team prepares an instructional fix that hits directly at the identified root cause of the error. After this process is complete, the lead then turns the spotlight on themselves and debriefs their own decision-making, albeit in a more expeditious fashion. The debriefing concludes with a summation of the objective, DFPs, and "lessons learned," and pilots leave the room with individualized items to work on for the next sortie.

REVIEW PROCESS



5-Step Review Process

One additional note is relevant here. Many engagements involve extensive coordination with mission partners such as planners, intelligence analysts, or other airframes serving in a support function or pursuing interrelated, but separate objectives. The flight lead must consider whether full participation in the debrief adds value to the mission partners, or if it's a better use of their time to allow them to conduct their own analysis after sitting through the overall reconstruction and establishment of DFPs. If, for example, an error was made before the sortie by an intelligence analyst, the flight lead names the error as a DFP, asks the partner to separately look into the matter, and offers the partner an opportunity to share any information that they believed would benefit the group at that juncture. Thereafter, the mission partner and team would then meet separately to

discuss the error and explore the root cause, but would be expected to provide the flight lead with a back brief on the result of the completed analysis.

THE JAG MODEL

Let's contrast the fighter pilot model above with the way the AFI requires JAGs to hot-wash a trial. The requirement to conduct "lessons learned" arises in AFI 51-201, paragraph 13.38:

"Within thirty calendar days of the conclusion of trial, the legal office trying the case and the [AFOSI] detachment responsible for the investigation of the case conduct a hot wash. The hot wash should include the Staff Judge Advocate or Deputy Staff Judge Advocate, Chief of Military Justice, and trial team from the legal office, as well as the detachment commander or lead criminal investigations agent, and the case agent(s) from the Air Force Office of Special Investigations detachment. Other legal office and Air Force Office of Special Investigations personnel may attend. Lessons learned may be captured in an after action report, but an after action report is not required.[1]

Three key differences appear the clearly demonstrate that the JAG hot wash is not intended to operate as a tactical debrief. The first difference arises in the opening stanza of the paragraph, with the acknowledgement that trial debriefs can occur up to a month after the conclusion of trial. Fighter pilots focus on immediate correction in a same-day debrief, and rely upon fresh memories to explore errors while they seek to understand their teammates' perception of events. Conversely, a trial counsel that walks into a trial hot-wash several weeks after the conclusion of trial operates from faded memories clouded by their current workload. Accurate reconstruction of trial events becomes impossible as memories from long days in the courtroom fuse, fragment, and fade. The hot wash runs the not-insignificant risk of marginally informing JAG and AFOSI leaders with the faded recollections of their subordinates. In the absence of an immediate, formal debrief, the hours and days following the completion of trial generally unfold in one of two ways. If

the prosecutor achieved a finding of guilt accompanied by a "good" sentence, trial counsel will receive hardy congratulations for their assuredly masterful litigation tactics. If the trial counsel lost, they are consoled by friends and counseled by office leadership that, "you never know what court members will do." In either scenario, focused analysis of the tactics employed during the engagement will not occur for several weeks, if at all.

The second key difference between the trial and post-sortie debriefs involves the participants. The previous rendition of AFI 51-201 mandated Staff Judge Advocate (SJA) attendance, and did not contemplate the Deputy SJA as a stand-in. The updated instruction offers a beneficial expansion of permissible leadership attendees, as task-saturated SJAs typically lack flexible schedules. Nonetheless, by mandating a JAG leadership attendee, the instruction still establishes the hot wash as a strategic leadership oversight mechanism to gain understanding of what happened in the courtroom in order to, perhaps, better explain poor metrics, a weak investigation, or unexpected results. In contrast, the fighter debrief requires no leadership representative, and the "value" created by the exercise exists for the actual participants on the sortie. As a practical matter, and at the risk of getting ahead of ourselves, it may be appropriate for a more senior JAG to sit in on a tactical trial debrief. As discussed above, however, timeliness is the prime consideration, and delays to accommodate the bustling schedules of JAG leadership should be avoided.

Finally, the third key difference is the frequency of the debrief. As discussed above, fighter pilots almost always debrief. It's not mandated in an instruction; it's just part of their culture. Conversely, JAG "lessons learned" are only required when AFOSI serves as the lead investigative agent, and are not required for a significant number of courts-martial that never reach AFOSI's limited investigative purview. The AFI requirement makes sense as a JAG strategic process to examine a wing's biggest cases. However, without a requirement to debrief smaller cases, many wings choose not to add additional burden to their workload, and these courts-martial are *never* formally mined for tactical lessons. In combination, these three differences result in

a hot-wash that is simply not structured as a tool to train tacticians; the debrief is not primarily intended to foster learning amongst trial participants, and does not foster a sense of interdependence between a counsel, paralegal, and investigator. At the end of the day, while both communities benefit from thorough debriefs, one community relies on an established culture to transmit lessons learned, while the other fails to fully capitalize on a prime opportunity to grow young litigators and paralegals.

Before going any further, it's important to note JAGs are doing a lot right, and that the Air Force JAG Corps spends considerable time and treasure to build world-class counsel. The Air Force Judge Advocate General's School offers an array of valuable litigation courses. Skilled reservists travel the country to provide in-house mock trial training. Senior Trial Counsel linger at bases after the conclusion of trial to offer litigation training. These offerings frequently focus on errors that arose during the trial or address common litigation mistakes. On top of all this, legal offices hold their own litigation training, and the background of the SJA or Deputy SJA can be mined to great effect. Most notably, pre-trial "murder boards" conjure up the inquisitive spirit of the fighter debrief, and legal offices sharply critique draft findings and sentencing arguments in the hope that their pre-trial understanding of facts mirrors the evidence that will be admitted at trial. Again, JAGs are doing a lot right. However, our robust education and training programs are not a substitute to the inherent value of a debrief after a hard-won, courtroom experience. Those lessons must occur at the wing, in real-time.

A FUTURE JAG DEBRIEF

A beneficial tactical post-trial debrief is easy to imagine using fighter pilot techniques as a guide. The duty day after a court-martial, in each and *every* court-martial, the trial team gathers to debrief. Likely, the SJA or Deputy SJA attends, but the SJAs' foremost concern is immediate review and correction in order to mine the most value for trial participants. The trial team can take a day of leave to recharge later on that week. The attendees consist of the case paralegal, trial counsel, and lead AFOSI or Security Forces investigator. The investigative agency plans to sit in on the

full debrief, but, as outlined above in the process for mission partners, breaks from the main group when discussions delve into trial tactics and litigation decisions. The Senior Trial Counsel (STC) remains in the local area, eschewing delivery of a broad-strokes training brief to instead lead the debrief. Other junior counsel and case paralegals quietly observe the process. The trial lead prepares for the debriefing by considering the overall objective for the trial and identifying DFPs for further review. Meanwhile, other members of the trial and investigative team review their own notes to fully contribute to the review process. Once in the room, the trial lead names the objective, establishes DFPs, and then directs the process utilizing the five steps outlined above.

As a hypothetical, let's suppose that the trial lead specifically wants to dissect the assistant trial counsel's cross-examination of a key defense witness. The witness effectively evaded the counsel's questions and, in the middle of the cross-examination, the defense counsel objected as the assistant trial counsel attempted to establish one of the cross-examination's major objectives. Instead of responding to the objection, the assistant trial counsel told the military judge that they would "move on" and conceded the defense counsel's objection without attempting to rebut the argument. This is a common courtroom occurrence for junior counsel that rely upon heavily scripted examinations. Objections, even facially specious ones, disrupt the junior counsel's rhythm and inject doubt into their carefully-honed plan.

In the briefing room, the trial lead establishes this cross-examination as a critical turning point in the trial, and proposes it as a DFP for further review. After chronologically considering earlier DFPs, trial lead approaches this cross-examination, and begins with the most essential step, "declare the error." In the debriefing, the senior counsel simply offers, "I think your cross-examination was going well, but you 'moved on' too quickly after the defense counsel objected to your questions." The error declaration is purposefully plain-spoken and understandable so that the trial lead and co-counsel begin the process on the same page. During this step, the "error" is the only thing that the trial lead should declare. Nothing is being fixed yet. The lead may already believe that they know what caused the error and

how to fix it, but the process must be followed so that the co-counsel will learn from the error and internalize the fix that is produced.

The next critical step requires trial lead to identify and declare the error and determine if their wingman agrees with the error. This too is straight-forward. For example, “did you think you ‘moved on’ prematurely?” Consensus is key. If consensus is reached and the co-counsel agrees that an error was made, the trial lead proceeds to the additional steps. If co-counsel disagrees that a mistake was made, the trial lead faces the prospect that their teammate rejects further participation in the process. Accordingly, the trial lead makes the error declaration fully prepared to explain their assertion with facts, case law, Military Rules of Evidence, or even with reference to the relevant portion of the transcript if the situation dictates.

The third step of the process requires the team to work together to determine the cause of the error. The trial lead places the team back in the moment, and works to get in his or her teammate’s head by asking open-ended questions to determine his or her perception of the circumstances under which the error was made. Trial lead should exercise a light hand when probing for understanding during this stage, as judgements in the heat of the moment may lack the benefit of clear right and wrong approaches, and individuals may remain defensive of the course of action they took. Typically, errors from the cockpit are either a result of faulty perceptions, bad decision-making, or poor execution. In our hypothetical, let’s suppose that the assistant trial counsel reveals that she or he perceived that the examination was going poorly and used the defense’s objection as a break to change tactics and move on to a potentially more successful line of attack. The counsel believed that the panel of members would look upon them more favorably for pulling off on an unsuccessful approach rather than being shot down. In this scenario, trial lead identifies the mistake as an error in perception. Conversely, the assistant trial counsel may admit that they neglected to sufficiently familiarize themselves with the potential defense objection, or were unable to decipher the defense counsel’s objection to manage a response. Execution is the culprit.

After the root cause of the error is established, the fourth step of the debrief process is to clearly name the error as a mistake of perception, decision, or execution. If the error remains ill-defined and formless, it will complicate the team’s attempt to craft a precise solution to the problem. This leaves open the possibility that trial lead develops a solution to the wrong problem.

Finally, the fifth step of the process requires the trial lead to provide an instructional fix for the specific root cause of the error. If the error arose from faulty perception, the trial lead may address the fix for the issue by working back through the direct examination, and working through the questions to determine how the assistant trial counsel developed the belief that that the examination was not going all that well. If poor execution led to the error, trial lead can instead dissect the legal argument posed by defense counsel, work to develop a specific response to employ if the same objection is presented in the future, and arm counsel with a generic set of tactics when faced with future objections that leave counsel unsure of their legal footing.

If an instructional fix is not identified, trial counsel will leave the brief supremely confident that they screwed-up, but without reassurance that they know how to handle the situation in the future.

Unfortunately, the tendency in the final step will be to regurgitate the previous steps of the brief, without identifying a focused fix for the specific error. If an instructional fix is not identified, trial counsel will leave the brief supremely confident that they screwed-up, but without reassurance that they know how to handle the situation in the future. Accordingly, trial lead must move deliberately through the process from error, to root cause, to solution. The trial lead then concludes the debriefing with a brief review of the DFPs and provides each counsel with individualized areas for further study and development. While this hypothetical scenario considered the

THE ART OF THE DEBRIEF

JAG MODEL	PROPOSED JAG MODEL	FIGHTER MODEL
←	TIMELINESS	→
Up to a month after trial	Next duty day	Same day
←	PARTICIPANTS	→
Mandated leadership representation	Mixed, but leadership rep. not mandated	Leadership representation not required
←	FREQUENCY	→
Seldom to never	Always	Often, almost always

Comparison of Debrief Models: JAG Court-Martial and Fighter Pilot Sortie

five steps for an in-trial error, the same steps can be used to review investigative errors, and address inadequacies during the investigation or during pretrial.

THE WAY FORWARD

The first steps to implement this debriefing process can begin immediately at the wing level. Wing legal offices should schedule debriefs for every court-martial and discharge board in accordance with the scheduling guidance offered above. If you're in a Fighter Wing, look to your operations group for up-and-coming fighter pilots familiar with the debriefing process, especially weapons officers that can advise legal and investigative personnel on an approach to debriefing.

These men and women are future commanders, and will themselves benefit from an introduction to the legal team and the Uniform Code of Military Justice. This skillset is also present in many Training Wings or on higher headquarters staff. The collaborative nature of this debrief can benefit both JAGs and pilots alike.

Additionally, the long-range target must involve implementation of this skillset into STC training. There is no better "lead" for a tactical trial debrief than a talented STC that battled alongside the assistant trial counsel. Their example will guide junior JAGs and paralegals to confidently embark on their own tactical debriefs in cases without an assigned

STC. Once the process is firmly established, the ability to lead a trial debrief, and in turn identify error, root cause, and fix, could then serve as the culminating competence in a trial counsel's pursuit of independent trial certification.

As a final note, and in recognition of the current service-wide publications reduction initiative, this revised tactical debrief procedure is not appropriate for inclusion in an expanded paragraph 13.38 of AFI 51-201. Inclusion of the practice in an Air Force instruction takes the debriefing from a culturally-driven opportunity to hone litigation skills and transforms it into a necessary evil required to demonstrate compliance and pass an inspection. Our JAG culture will shift to embrace this process when trial counsel begin to experience the benefits of a thorough debrief and experience an increased sense of confidence upon their next foray into the courtroom.

The Air Force JAG Corps spends considerable time, money, and effort to build the best litigators in the Department of Defense. However, the next step in our development as litigators points us towards the traditions and heritage of our service. The fighter pilot debrief offers JAGs a proven review process that will transform hard-won courtroom experience into future courtroom successes.

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EXPAND YOUR KNOWLEDGE:

EXTERNAL LINKS TO ADDITIONAL RESOURCES

- **Forbes:** 5 Ways to Turn Your Mistake Into a Valuable Life Lesson
<https://www.forbes.com/sites/amymorin/2017/07/17/5-ways-to-turn-your-mistake-into-a-valuable-life-lesson/#4442bc951c01>
- **TEDTalks:** Got a Wicked Problem? First, Tell Me How You Make Toast (7:59),
https://www.ted.com/talks/tom_wujec_got_a_wicked_problem_first_tell_me_how_you_make_toast
- **TEDxDayton:** The Culture of a Fighter Squadron (11:19),
<https://www.youtube.com/watch?v=YErkPyPP8M&feature=youtu.be>
- **YouTube Video:** Dogfight F-15 vs F-16 recorded by an IMAX High Def. camera during a Red Flag training exercise,
<https://youtu.be/INb-421E-mo>

ENDNOTE

- [1] U.S. DEPT OF THE AIR FORCE, AIR FORCE INSTR. 51-201, ADMINISTRATION OF MILITARY JUSTICE, para. 13.38 (8 December 2017).