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# The Captain's Choice

BY LIEUTENANT COLONEL MATTHEW E. DUNHAM

He decided his best choice was to go it alone... *\*spoiler alert\** not the best choice.

Captain Drake Williams flopped into his Ikea armchair after a particularly tough day and started feeling sorry for himself. He joined the JAG Corps one year, one month and six days ago, and as he sipped a craft beer, he indulged his negative emotions and began to second-guess that decision. Hadn't he asked for a location in the Northwest, close to family and his mountains? Instead, he got the Deep South. Flat, humid, hurricanes, pathetic coffee options—definitely not on his list. Hadn't he done well in officer training? Sure, there had been the feinted outrage over uniform “cables” and getting “341” demerits for whatever reason the Cadre invented, but that was part of the training, and he had been ready for it. Hadn't he excelled during the nine-week Judge Advocate Staff Officer Course, affectionately known as JASOC? He received good marks, made friends and was well liked by the instructors. The problem, he decided, was his office, and he began to stew.

## DAY ONE – THE NEW JAG

When he first reported to his base, a court-martial had the place buzzing. Another captain eventually realized he was there. “We thought you were one of the witnesses, sorry

about that,” she said in her defense, and then whisked him around the office. “This is our new JAG,” she had announced with minimal enthusiasm. Duty complete, she deposited him in his government-issued office. “This is you. I'll tell the SJA you're here.” Lieutenant Colonel Clive Jones, the Staff Judge Advocate, asked about his background and provided some basic expectations. He said he had an open door policy and to come to him with any issue. Then, just like the recruiter promised, immediate responsibility from day one.

No one really showed him what to do or how to do it, at least not to his satisfaction.

As Chief of General Law, he herded the legal “cats and dogs.” Only no one really showed him what to do or how to do it, at least not to his satisfaction. Major Eve Vonn, the Deputy SJA, was deployed, and though the other captains offered to assist, he did not want them to think he couldn't hack it. Plus, they had their own work to do. Lt Col Jones was

approachable, but going to his office with issues just invited questions. Usually, the result was Jones sending him to do more research. It was so frustrating because he knew the man had the answers. On top of weekly training sessions, a heavy workload, courts and legal assistance clients, didn't Jones realize he needed to resolve taskers faster? He just didn't have time to deal with such an old-school "teach a man to fish" philosophy.

### **GO IT ALONE AND HOPE FOR THE BEST**

He decided his best choice was to go it alone and hope for the best. He hid his insecurity by relying on past work product and templates. He also used his "officer" status to delegate projects to his paralegals. Of course, he made a concerted effort not to give off the "I'm above you" vibe. He thought it was going well, so he didn't see it coming.

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Being summoned to Lt Col Jones' office and reamed out for fifteen minutes had been humiliating. Jones had been livid after learning an important legal review went to the Wing Commander without his knowledge. Worse, the opinion cited the wrong law and the higher headquarters SJA caught it. When he offered to take care of matter with the paralegal who wrote the opinion, Jones just got more upset. Even now, he still didn't understand why Jones had been so unreasonable. Since then, he had to get the SJA to "concur" and co-sign everything he wrote, and Jones wielded a red pen like Inigo Montoya fighting the six-fingered man. It was insulting. Hadn't Jones read his bio? He had been on law review.

### **DOWNHILL FROM THERE**

It went downhill from there. Taskers came back for revision multiple times and took forever to close out. The paralegals resented him, and he was always being interrupted to do legal assistance for free-loader "clients" who just wasted his time. It seems they only wanted to talk about the Air Force

"back in the day," or set up a trust for a pet rat, or go on and on about how they were getting a raw deal in some Jerry Springer-type scenario. Even when he tried to block off time to work his courts, he'd have to stop for a meeting, to work some special tasker, or attend some mandatory fun event.

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**He was overwhelmed and frustrated.  
Why couldn't he catch a break?**

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More recently, there had been an uptick in courts, but he felt he had more than his fair share. Sure, he still wasn't certified but that was hardly his fault. He'd prepared the sentencing case for a drug court early on, but the Accused was acquitted. Weeks of prep just to read the script. He worked two other cases, but one didn't go to court when the victim elected not to participate two days before trial, and an eleventh-hour Chapter 4 discharge kept him out of the courtroom in his other case. Now, he had another drug case, a rape case, and a sexual assault case, all difficult and all supposedly going to trial in the next two months. Many of his JASOC friends were jealous of his caseload, but he was less than thrilled. He was overwhelmed and frustrated. Why couldn't he catch a break?

### **IN SEARCH OF AN ALLY**

Then yesterday, after several of his overdue taskers were highlighted in the weekly staff meeting, he went to Maj Vonn, finally back from deployment, in search of an ally. It went sideways.

"I don't know what more I can do; nothing I do seems to be good enough," he'd blurted after closing the door.

Vonn seemed like she had been waiting for this. "Capt Williams, I'm not going to commiserate with you. This is a challenging job, but unless you learn to organize and prioritize, you're going to continue falling behind. Also, you need to own your mistakes, learn from them, and kick it up a notch. You're one of our veteran captains, but you're not using your trial-prep time wisely, and we're still returning your work product for proofreading errors."

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**This is a challenging job, but unless you learn to organize and prioritize, you're going to continue falling behind. Also, you need to own your mistakes, learn from them, and kick it up a notch.**

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In retrospect, he wished he hadn't been defensive. He certainly wished he hadn't gone emotional, and the thought made him shift uncomfortably in his efficiently designed armchair.

"Kick it up a notch! Seriously? You haven't been here. Do you even know what's on my plate? I'm being pulled in a million directions, always putting out fires and nothing I do is ever good enough," he blubbered. "I'm organizing the deployment lines by myself, working three investigations, I have three courts with three different Senior Trial Counsel breathing down my neck, I do more legal assistance than anyone else, and I don't think the other Captains pull their weight..." He remembered his words trailing off, muffled by the clump of soggy tissues pressed into his face.

"Why don't you call it a day?" Vonn mercifully suggested. On his way home he realized he left his ID card in his computer. Just perfect.

As he nursed his craft beer, still cold in his stainless steel double-walled tumbler, he calculated his time in the Air Force—one year, one month and six days. He felt stuck, miserable, not in control of anything. He wished it was different, but he didn't know how it could be. He needed a sympathetic ear and advice.

### **A SYMPATHETIC EAR AND ADVICE**

Thumbing through phone contacts, he stopped at "Prof. Sofia Russell." Dr. Russell had been his mentor and favorite law school professor. She was a retired O-6 JAG and had written him an excellent reference letter. It was she who got him interested in the JAG Corps in the first place. His

thumb hovered over the "call" icon for a second. It was still early on the west coast, he thought, and tapped the screen.

Dr. Russell was glad to hear from him. She listened intently as he caught her up on his last year, offering an occasional "Mm-hmm." He lamented his busy caseload, not having someone to bring through him every aspect of his job, his boss' personality, etc. When he finished, he asked her what he could do. Her reply was unexpected.

"Drake, it sounds like you want your boss, colleagues and responsibilities to conform to your expectations and desires, and work at your pace. That's just not reasonable."

"Wait...what?" he said too quickly. "It's not reasonable for me to be satisfied at work?"

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**You can't always control what happens around you, or even to you, but in every situation you always have a choice to make.**

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"No, that's not what I said," Dr. Russell replied. "I'm saying you can't always control what happens around you, or even to you, but in every situation you always have a choice to make."

"It doesn't seem like I have choices," he reacted. "I'm stuck where I'm at. I didn't choose the Deep South. I didn't choose to have tons of difficult cases. I didn't choose to have a demanding boss. I mean...I signed on the dotted line, so I'll see it through, but it's not what I expected."

"You're right, you did not directly cause or choose those things," Dr. Russell conceded. He felt a slight vindication. Then she kept going.

"However, you have absolute freedom to choose how you will respond to those situations. You can choose to play the victim, wallowing in self-pity, excusing yourself and blaming others, or you can choose a different course...a more constructive reaction."

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## You can choose a different course... a more constructive reaction.

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That stung, and he felt a little chastised. “Like what,” he probed, more gently this time.

“Well, take that example of the legal review you didn’t coordinate through your SJA. Your first reaction was to blame your paralegals. No wonder they resent you; you threw them under the bus. Instead, you might have chosen to take responsibility. If you had, you would have shown them you have their back maybe earned their loyalty.”

“Hmm,” he grunted as he reflected back a little more honestly this time. He sat on the edge of his chair with his elbow on his knee, pinching his forehead with his free hand.

She continued, “You also could have chosen to give a *mea culpa* to your boss for not coordinating the legal review and then used the opportunity to ask him about the process. I bet a little humility on your part would have drastically changed how that situation played out.”

“Okay, I see what you’re saying about my paralegals,” he admitted. “You’re probably right, there. But my SJA is really difficult. He never really helps when I ask.”

“Hmmm,” she murmured with a touch of incredulity. “Whether he’s difficult or easy, whether you like him or not, your focus needs to be on what you can control—you. It’s your choice how you react to him,” she said.

He didn’t say anything so Dr. Russell asked, “have you thought about why you find him so difficult?”

“Not really. He just is. He’s too demanding and doesn’t seem to care about what I have to get done.”

## THE PROBLEM WITH MAKING ASSUMPTIONS

“But based on what you said, he told you he has an open door policy and to come to him with issues,” Dr. Russell noted. “It sounds to me like you resist him because what you really want are quick answers to your problems. But I’m guessing that’s not what he wants. Think about it, if he’s giving you the solution, he might as well be doing it himself, right? You’re looking at it wrong. I’d say he’s empowering you to come up with solutions, and if I remember right, immediate responsibility was one of those things that attracted you to the JAG Corps.”

“But I have so much work to do,” he said, attempting to justify himself. “I don’t have time to listen to his lectures and figure out what he already knows. It’s like he knows how to win, but refuses to let us in on it.”

Dr. Russell stopped him cold. “First of all, if he has the time, shouldn’t you find the time to listen to him? Second, why are you so confident he knows the exact answers to your questions? He’s just one person. Sure, he has more experience than you but he’s not all-knowing. He might not know. Did you ever think that he might be looking to you, a qualified attorney and member of his staff, to do the research and analysis and come up with options?”

His silence betrayed his thoughts. “You’ve made assumptions about his motivations and chosen your immediate problem and your convenience over his bigger picture. That’s lose-lose, Drake. You work for him; it’s not the other way around. I bet if you swallow your pride a little and commit yourself to learning from him, it will pay out double for you.”

“I haven’t looked at it like that before,” he said reflectively. “But practically, how can I do that when I’m drowning in legal assistance clients? What about my colleagues who don’t pull their weight? Those things bog me down.”

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**Bottom line, it's your choice how you react, and your choice has a massive impact on the outcome.**

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“Drake, it’s the same thing,” Dr. Russell reinforced. “Don’t concentrate on things outside your control. That only fuels your pride, and it invites self-pity and resentment when you fail. Again, focus on what you can control. Specifically, your reaction. When faced with a tough legal assistance client, you can choose to help, however simplistic the problem, or you can choose to be irritated about it and try to get them out of your office as fast as possible. If a colleague is the issue, you can choose to see them as a burden, or you can choose to invest in them so they become a valued member of a team. Bottom line, it’s your choice how you react, and your choice has a massive impact on the outcome.”

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He talked with Dr. Russell for about an hour. When he hung up the phone, he certainly didn’t have it all figured out, but he definitely felt like he had a new perspective. Dr. Russell was absolutely right. He needed to be done with the self-pity, and he resolved to make deliberate choices in response to difficult situations and events.

#### **NEW PERSPECTIVE**

Over the next weeks and months, he implemented his new outlook. He started by apologizing to his team, and he promised to have their backs from now on. Their immediate reaction was tepid, but when they realized he was sincere, morale soared. He also chose to approach challenging issues and problems as opportunities. Dr. Russell had advised him to stop focusing on avoiding mistakes and instead, focus on doing each task with excellence. She had correctly observed that when people focus on avoiding mistakes, they tend

to make even more mistakes, which ultimately leads to a lack of decision-making and task failure. All it took for him to implement this concept was diligence and a little courage. He dug into details and made deliberate decisions. Inevitably, by focusing on excellence, he uncovered nuances, became an expert in whatever problem he worked, and on a few occasions, he even found innovative solutions.

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He also decided to embrace Lt Col Jones’ philosophy. Instead of going in with questions about issues, he determined to back-brief Lt Col Jones on the issue, provide a summary and analysis of the relevant facts and law, and present options and his recommendation. At first, Lt Col Jones still asked a lot of questions. However, he chose not to view running down the answers as the incessant demands of a tyrannical boss. Rather, he viewed it as an opportunity to learn and improve his legal advice. It made him a better lawyer, and as he got better at briefing his boss, he sensed Lt Col Jones’ trust growing. It wasn’t too long before Lt Col Jones would approve his recommendations with a “sounds good, press,” or a simple thumbs-up.

#### **NEW ASSIGNMENT**

Ten months after his talk with Dr. Russell, it was time for him to go to a new assignment. Lt Col Jones called him up to the front of the courtroom for some remarks. “Drake, a year ago, you were a total wreck--no offense. We had two new Lieutenants in the office, and I needed a “go-to” JAG. It wasn’t you. You wasted so much time trying to figure out answers without doing the work; you were always on edge, always waiting to be told to what to do and how to do it. Then, one week last October, you underwent a metamorphosis. Virtually overnight, you became invaluable. You began organizing and prioritizing your days and weeks, and you took an active interest in other people. You were the first to say “I got that” when you saw something that needed to be done, and then you followed through with

results. Before October, you had an “Average” customer service rating. After, you sustained an “Outstanding” rating from 100% of your legal assistance clients. On issues and taskers, you invested effort, actively seeking to ensure our advice and counsel was on-time and on-target. With steady discipline, you successfully tackled several courts in quick succession and were easily certified. The hours you spent seeking evidence to put clothes on that naked urinalysis drug case was inspiring. It didn’t bring you any glory because it reduced a litigated court to a four-hour guilty plea, but it was a beautiful piece of lawyering. Most importantly, you invested in your peers, working their cases with them. Now, all of your teammates are either certified or nearly there... that’s in large part due to you. Drake, when ADC and SVC nominations were due last September, I didn’t nominate you. There was no way I was going to take that risk. But that was September. When this spot opened up, I didn’t hesitate. You’re absolutely ready, and you’re going to be great.”

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**Virtually overnight, you became invaluable. You began organizing and prioritizing your days and weeks, and you took an active interest in other people.**

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He couldn’t believe he was leaving. He was going to miss this team. And he had to admit, he was even going to miss the beaches, Bar-B-Que and charm of the Deep South.

## Thinking It Through:

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1. Have you ever felt like Capt Williams prior to his conversation with Dr. Russell? How did you handle it? If you currently identify with that version of Capt Williams, what can you do about it?
2. After implementing Dr. Russell’s advice, Capt Williams rapidly transforms his JAG Corps experience. (Author’s Note: Though this story is fictional, the rapidity of Capt Williams’ change and subsequent impact is based on a true story and not embellished). Part of his change was choosing to view challenging issues and problems as opportunities. How do you view issues/problems? When working a task, do you focus on doing it well or do you focus on not making a mistake? What’s the problem with mistake avoidance?
3. As every person views the world subjectively, so this story is exclusively Capt Williams’ perspective. The other characters are purposely generic and vague. The ability to empathize, however, is critical to leadership. Take a moment to imagine you are Capt Williams’ SJA, DSJA, LOS or fellow Captain. What could you do to ensure Capt Williams is and feels like a valued member of the team?
4. Dr. Russell provides Capt Williams with some hard-hitting feedback, helping him realize he always has a choice in response to a situation. Who is your mentor? Is your mentor willing to give you honest feedback, or do they simply validate your perspective? Are you properly mentoring someone? If not, why not?

## ABOUT THE AUTHOR



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Serves as the Staff Judge Advocate, 20th Fighter Wing, Shaw Air Force Base, South Carolina. He holds a Bachelors of Arts degree in Political Science from Messiah College; a Juris Doctor from The Pennsylvania State University, Dickinson School of Law; and an Masters of Law in International and Operational Law from The Army Judge Advocate General's Legal Center and School. He is a member of the Pennsylvania Bar. The author credits the several JAG Corps leaders and peers who have invested in him and mentored him through the years.

## EXPAND YOUR KNOWLEDGE:

### EXTERNAL LINKS TO ADDITIONAL RESOURCES

- **TEDGlobal 2013, Kelly McGonigal:** How to Make Stress Your Friend
- **TEDx 2011, Shawn Achor:** The Happy Secret to Better Work
- **YouTube Video: Simon Sinek –** Change Your Future

## RESOURCES:

### EXTERNAL LINKS TO ADDITIONAL RESOURCES

The concepts and leadership principles in this short story can be found in the following two resources, which the author highly recommends.

The first is ***The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change***, by Dr. Stephen R. Covey (Simon & Schuster, 1989). Admittedly, the author avoided this classic book for years, always weary of “self-help, do this and you’ll succeed” tips. He only read it after consuming his second recommendation below and was pleased to discover Dr. Covey’s seven habits are not clever, previously “unknown” secrets to success. Rather, the book synthesizes timeless values and principles in an easy to understand and apply format. It is great for discussions and valuable for any member of a legal office.

- **YouTube Video:** *The 7 Habits of Highly Effective People* by Stephen R. Covey; Animated Book Summary

The author’s second recommendation is ***Turn the Ship Around: A True Story of Turning Followers into Leaders***, by L. David Marquet (Penguin, 2013). This book is written by a former U.S. Navy submarine commander, who turned one of the worst crews in the Navy into one of the best in a short period of time. It presents a leadership philosophy highly adaptable to a JAG Corps legal office and offers “mechanisms” to implement it (simply substitute nautical terms with legalese). The author’s copy is highlighted and earmarked; he recommends it for all, but especially for SJAs.

- **Talks at Google:** L. David Marquet: “Turn the Ship Around”