



LIEUTENANT GENERAL RICHARD C. HARDING  
*The Judge Advocate General of the Air Force*

MAJOR GENERAL STEVEN J. LEPPER  
*Deputy Judge Advocate General of the Air Force*

COLONEL HOLLY M. STONE  
*Commandant  
The Judge Advocate General's School*

LIEUTENANT COLONEL MARK B. MCKIERNAN  
MAJOR KENNETH A. ARTZ  
MAJOR LISA M. RICHARD  
MAJOR ANDREW R. BARKER  
CAPTAIN SIMONE V. DAVIS  
SENIOR MASTER SERGEANT DONNA M. BRIDGES  
*Editors*

THOMASA T. PAUL  
*Illustrator & Editor*

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# The State of the Corps

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**T**his is a wonderful opportunity for us to come to New Orleans and kick off our 7th Annual Leadership Conference and it is a great pleasure to do that as your first speaker today. I am going to talk about the state of our Judge Advocate's Corps. I am going to talk about our vision for the future, the one we laid out last year, that we continue to march down this year. I am going to talk about our accomplishments, our goals and our challenges for 2012.

I am pleased to give you the bottom line up front. The state of the Air Force Judge Advocate General's Corps is strong indeed. As I introduced last year, our vision is simply captured in the phrase "Foundational Leadership." Foundational Leadership starts and is rooted in our core values and our guiding principles. We all recognize that we cannot lead others until we lead ourselves. We made that commitment even stronger last year and we have seen evidence of it throughout the last 12 months.

We also recognized at last year's KEYSTONE four goals: Excellence in Military Justice; Excellence in Legal Assistance; Excellence in Teaming, and Excellence in Training. We are going to talk about what our progress has been but first, let me note what a privilege it is to be here in New Orleans. I cannot imagine a more appropriate setting than this great city to

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***At last year's Keystone, we set four goals: Excellence in Military Justice; Excellence in Legal Assistance; Excellence in Teaming, and Excellence in Training.***

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host a leadership conference. We are going to meet here to discuss our way ahead and as we do so, we draw inspiration and strength from the people of the City of New Orleans. Their resilience in the face of overwhelming challenge, their strength of leadership, their commitment to a cause greater than themselves inspire us to emulate their character.

## **Let Us Not Forget Those Who Are Deployed**

As we meet here in this wonderful city, let us take a moment to pause and reflect that in 12 hours from now, the sun will rise over Kanduhar, over Kabul, over Bahgram, over Parwan and we have 150 of our brothers and sisters in this JAG Corps who will wake up this morning to face their challenges in contingency contracting, detainee operations, and rule of law. They are making a difference.



**Lt Gen Richard C. Harding**  
The Judge Advocate General

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I would like to spend a moment and talk about the difference they make. I would also like to remind you about the commitment they have made to serve at all different grades, so let us review just briefly what their day is going to look like.

A couple of weeks ago, a number of our folks woke up in Kabul and faced a very challenging day. You will recall that is the day that insurgents coordinated a simultaneous attack on the Embassy and the International Security Assistance Force (ISAF) Headquarters. As you know, we have JAGs and paralegals on the front line 24-7 in Afghanistan. I am here to tell you that they had to put down their legal effort for the next 19 hours and defend both ISAF and the Embassy. They handled themselves magnificently. They are in fact combatants and they know that. The good news is that the training we gave them immediately before they went down range was perfect. They manned firing positions and the entire command and the Embassy was safe, in large part to the staffs that took a combat role that day.

Nineteen hours later, they put down their weapons and they picked up their challenges and continued contracting, detainee operations and the rule of law.

This year we are reminded that we have great leaders as junior NCOs. We also certainly have great leaders as junior officers and majors. But we also have many, many others, such as colonels, who have raised their hand and said, "Send me." I want to talk about two of them. They are not in the room today; they are forward deployed in Afghanistan, but I think what they have offered and what they have done in the last few months serves as a shining example for all of us.

Colonel Steven Shrewsbury about six weeks ago got a call from me and I said, "Steve, I need you in one week to be at ISAF, to be in Kabul; can you make it

in one week?" He said, "Yes, sir, I can." He packed his bags and went forward. A week thereafter he was involved in that attack leading a fire team outside of ISAF. Steve is doing remarkable work there.

I want to give you another example of somebody who was here at KEYSTONE last year and is not this year. Colonel Chris Dooley is on his last year as an active duty Judge Advocate. He called me and he said, "I am in my last year on active duty, I'd like to do something really special; I'd like to go forward. I'd like to be a mentor to the Afghan National Army. So I said, "All right, Chris, we have those opportunities." And today Chris is at FOB Thunder, about 30 miles north of the Pakistani border. He watches the Taliban routinely as they go by. He is in the heart of this, and Chris is excited about what he is doing. He is a mentor to the Afghan police force because he used to be a policeman in a prior career, as well as a judge. He has some amazing challenges that he faces every day of his life and he is making a difference.

Those are two super examples of O-6s who have volunteered. There are more O-6 challenges and opportunities in Afghanistan in the months to come.

We are also reminded that we are involved in operations other than OEF, in places other than Afghanistan. The 31st Fighter Wing at Aviano this year was going about their business of in garrison legal assistance and in garrison military justice. When operations ODYSSEY DAWN and UNIFIED PROTECTOR began in Libya, they became a base of operations. So instead of running the normal day-to-day legal office operations, they began operating a contingency contract and they expanded their legal assistance as they received 1,300 more members attached to that base to launch forward into Libya. They began 24-7 operations in Rules of Engagement and in Command and Control, all the

while they were doing their normal business. They had six courts-martial in seven weeks and they were wrapping up their tax assistance program in their case that produced about \$2 million in tax returns for Airmen at Aviano.

So let us not forget those who are deployed, let us not forget those who are involved in current operations as we spend our week to talk about our operations in garrison so we can build our own strengths and, more importantly, build the strengths of the leaders of tomorrow.

### Foundational Leadership

As I mentioned, last year at KEYSTONE we introduced foundational leadership. We said that foundational leadership was rooted in core values: integrity, service, and excellence as well as our JAG Corps guiding principles: wisdom, valor, and justice. We made note of the fact that we recruit the very best people, for example, in the area of judge advocates. We recruit the top five percent. Last year we had 1,777 applicants to come in the JAG Corps. For every one we accepted, there were 19 others that wished they could have worn the uniform but did not get that opportunity. So we are a special people.

We take those special people and we train them in legal skill sets. We train them in professional knowledge and universal skills, communication, planning, organizing. We train them in professional situational awareness which is knowledge about their client.

We identified columns in a Greek temple graphic to represent what is most basic and perhaps sacred to us. Our foundational leadership defines not only the kind of leadership we bring day-in and day-out, but also it defines our vision.

We say there are many columns in the temple—all of which represent individually our practice areas, but we were going to concentrate on four that needed our immediate attention—four on which we could improve. Our goals are excellence in teaming, military justice, legal assistance, and training.

But this year, in addition to emphasizing the need to build those strengths among ourselves, we are also going to emphasize the need to build those strengths among our subordinates. They need to be the leaders of tomorrow so we are going to spend a large amount of time this week talking about them appropriately.

### Teaming

As we build tomorrow's leaders today, let us take an overview of where we are in each of those four initiatives. Teaming is all about matching complimentary skill sets—paralegals working under the supervision of a judge advocate where we can combine the skill sets of two people towards a common goal. Teaming increases the bang for our personnel bucks, and if we are really lucky, we get the unique pleasure of seeing the math of one plus one equals three. We have to get this absolutely right.



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## *We need to look for emerging teaming opportunities.*

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We do teaming because it is a bigger bang for our buck, but there is another important reason. We often times tell ourselves that our core value, and it is true, is selfless service, but there are times when it is appropriate to be selfish. This is one of those times. If we are a JAG family, and we are, then we care about our brothers and sisters and at the end of the day. Paralegals that enter this JAG community after 20+ years of service ought to be able to leave with not only their heads held high, but a marketable skill that will put bread on that table for the rest of their work life. In other words, a marketable skill that is the envy of the commercial community. That is what we are building towards. If we do that, we take care of the Air Force, and if we do that, we take care of ourselves. All of that is very, very appropriate.

Teaming is enhanced by giving people training and the skills they need to expand their capabilities. We have had a lot of accomplishments this year in the area of teaming. We have a new Career Force Education and Training Plan that is validated and signed by me. It deals largely with “How do we get there when it comes to teaming?”

We put a marker down last year and we said we wanted to team with paralegals in producing wills. Sixty percent of our 7-level paralegals now have completed the will preparation course for paralegals. We validated our interview training at the JAG School through our apprentice course and our craftsman course. Now, we need to actually use that training which is the way ahead for next year.

Another one of our accomplishments was we added discovery management to that skill set. We are training in that area and we need to do more. We have changed all of our JAG Corps awards, both paralegal and attorneys, to emphasize grade accomplishments and teaming. Those have been great examples of teaming in the past and I want to highlight just a few more.

The 24th Air Force deals with cyber operations. It is an exciting place. They have a floor where we moni-

tor all the cyber activity throughout the Department of Defense and specifically inside the Air Force. We took Master Sergeant Brian Mayhew and we put him on the floor working with cyber operators. He is on the floor so he could recognize legal issues and advocate that they take those forward to the attorneys. We now have two attorneys at the 24th Air Force that found themselves a lot busier than they were in the past. Major Vickie Belleau and Major Mike Hopkins are now receiving those legal issues that Master Sergeant Mayhew pushes forward. That is a unique example of how to use teaming. There are more traditional examples as well.

At the Davis-Monthan Base Legal Office we had seven courts-martial within a month with several people deployed. To ensure success, the paralegals and the attorneys simply had to team better and they did. Paralegals drafted discovery notices, prepared exhibits, pre-screened 600 legal assistance clients, and researched and drafted legal reviews normally done exclusively by judge advocates. That is a super example of teaming.

What do you do when legal issues threaten to delay a space launch? Well, if you are in the environmental law division, and specifically in the environmental law field support center in San Antonio, you had better use your paralegal assistance and you had better team. What a great example of attorney-paralegal teaming we saw down there. Technical Sergeant Dan Vallarde, who is trained now in environmental law, produced a first draft of a legal review of an environmental baseline survey that dealt with the United Launch Alliance, Delta 4 Launch out of Cape Canaveral. That is what we can do when we team.

In the teaming realm, we need to continue to emphasize discovery management and we need to increase our use of the interviewing skills that we have trained so superbly on. As a matter of fact, the Federal Law Enforcement Training Center has come to the JAG School and they have validated that we are teaching interviewing skills absolutely the same



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## *Celerity is an important element to the excellence of military justice.*

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way they train investigators. We have a great skill set and we simply need to use it.

We need to look for emerging teaming opportunities. As a matter of fact, we found one last week at the physical evaluation board in San Antonio. The limiting factor of how quickly we can resolve those cases is the fact that our legal office is smaller than the number of cases that we have down there. They only have three attorneys. The personnel community looked at that and said, “We can help you do better; what do you need?” I answered, “Well, I’d like to put nine paralegal-attorney teams down there.” So they gave us 18 billets. We now have nine new billets for attorneys and nine new billets for paralegals, and those 2-person teams now take on those cases. What a great opportunity for teaming.

### **Military Justice**

Our second foundational leadership initiative is excellence in military justice. Last year we coined that desire as the Military Justice Revival. We just concluded the second revival meeting among your General Court-Martial SJAs during this conference. We are making great progress. We are doing this because we recognize that when it comes to combat capability, it is not enough to have great people, great training, and great equipment. Those are only three legs of a four-legged table. Without the fourth leg, the table wobbles and falls. All of it is bound together with military discipline.

Military discipline comes from commanders but they need administrators; they need stewards of a military justice system, a system that is responsive to disciplinary needs. That is where we come in. Perhaps this area of military justice is the best example of the Judge Advocate General’s Corps providing combat capability to warfighters.

We recognized last year that we had lost a little bit of our timeliness, a little bit of our responsiveness, our celerity if you will. We made a commitment to get it back, and I am here to tell you there are early signs we are getting it back. We know that last year,

and it is still true this year, that in the last 20 years, we had 50 percent fewer courts, but they take us 40 percent longer to resolve. So how do we fix that? Well, that was the path we set last year and we have made great strides.

Here is what we have accomplished. We set a new metric and we call it D2A, it stands for Discovery To Action by the Convening Authority. It puts our hands around the entire trial process from cradle to grave. We took a look at the process and we said, “By looking at the entire process, can we reduce it, can we shrink it, can we team with those commanders and make a difference?” In fact, we have.

Celerity is an important element to the excellence of military justice, but before we look at our progress please take note of this: processing times are simply a number and it is meaningless unless you use it as a bridge to determine whether or not there was quality in the processing of any particular military justice case. It is a pretty good indicator, but it is not a dispositive indicator. So do not use this as a substitute for further analysis. Use it rather as a bridge to determine whether or not a case was processed in a quality way.

Let us take a look at what happened last year. After making that commitment at last year’s KEYSTONE, our processing times in special and summary courts-martial have been reduced. Our processing time for a special court-martial between 1 January and 30 September of 2010 was 209 days on the average and that same time period for this year has been reduced to 191 days. That is a nine percent decrease and it is a terrific start. It is not the finish, but it is a great start. Also during the same time, the trial judiciary has shown me in great detail that they have tried ten percent more cases this year by this time of the calendar year than they did the previous year. We are peddling faster and that is good news.

For Article 15s, there is also improvement and the improvement is impressive. From 1 January through 30 September 2010, we processed Article 15s on the

average for about 57 days. That is a lot of time for an Article 15. But during the same time frame this year, we processed those Article 15s on an average of 45 days. That is a 21 percent decrease and that is terrific, but remember, our goal is 30 days. We need to bring it back down to where it used to be 20 years ago.

Now, this would not happen without wholehearted involvement by every individual in the process—by commanders, by first sergeants, by paralegals, and certainly by staff judge advocates. Our military justice revival is working and it is continuing.

I would like to highlight a great initiative in the field of military justice out at Altus Air Force Base. The problem at Altus was that oftentimes they would see a request for substitute court panel members. Either the accused requests one-third of the panel be enlisted as is his or her right, or an officer member is struck from the panel either peremptorily or for cause and they need a substitute. It takes time to get a substitute. They would then have to go back to their convening authority with a list of potential officers or perhaps a list of potential enlisted members that can serve. It takes time to build that list, it takes time for the convening authority to review the list, all during which of course the trial is postponed while this is resolved. It is a pretty simple solution in the eyes of Altus Air Force Base. They have pre-set those things. They have their substitute panels, their enlisted panels, their substitute officers having already been briefed to their convening authority and approved, just waiting for use in case they are needed. It speeds the trial process up.

Altus Air Force Base's solution is a terrific example of a military justice initiative, the benefits are time saving, the benefits are predictability. So what is the way forward in military justice? Last week I released to the Chief of Staff of the United States Air Force, to General Schwartz, what your Discovery to Action numbers have been for the third quarter. I did this because he is a commander; he is at the head of our military institution and he needs to know. He pushed those numbers down to the 4-star major commanders. They need to know as well. I am quite confident they are pushing it down to the NAF commanders and their wing commanders. They need to know. The numbers need to come up through you as well. It is all about teaming with commanders.

General Schwartz asked about three particular bases where the processing times were lengthy and he asked, "What happened there?" It is an appropriate question. We answered that question rather quickly because we have a great Automated Military Justice Management System. All of us need to realize that what we do in military justice enjoys great visibility. It is important that we do it in a responsive way, with as much celerity as possible without sacrificing fundamental fairness to the accused.

Next, we are going to continue to pick Staff Judge Advocates who have a demonstrated performance of excellence in military justice, provided they were given that opportunity to demonstrate what they could do in military justice. In other words, we pick our leaders based on the accomplishments they have achieved in the past and we give them bigger leadership opportunities. That is what the entire Air Force and the entire Department of Defense does. And we are going to continue to work down those processing times. I am very confident that from this stage next year, we are going to see additional progress in our celerity efforts.

### **Legal Assistance**

Just as military justice is key to discipline, legal assistance is essential to mission readiness. We care about legal assistance because we care about taking care of Airmen. We care about legal assistance because we are all Airmen. We subscribe to one very large theory and that is the "Wingman Theory"—a wingman never leaves his wingman behind. That is why we care about legal assistance and if we are going to do legal assistance, we are going to do it well and we all know that. We care about excellence and we care about service. That adds up to a desire and a plan to improve those legal assistance skills as much as we can. Make no mistake, we are very competent in legal assistance today, but also make no mistake, we can do better.

This past year we have made great strides in getting improvement in legal assistance. We stood up the community legal services division in Washington, AFLOA/JACA. Some of you will recognize that acronym; that used to be the acronym for the legal assistance division in Washington. In the recent past, it has been down at the JAG School, but it is time to bring it up closer to the flagpole back in Washington.

JACA is headed by a colonel now and that ought to be a reflection on the importance of legal assistance. Colonel Marlessa Scott has a lot of challenges. I have put it on her plate to improve our performance in our legal assistance initiative.

We stood up a course for paralegals, the Will Preparation Paralegal Course (WPPC), and it is doing great work. The feedback I get from the attorneys is, “How come we don’t have a course that is that good?” Surprisingly, we have some attorneys that told me, “The paralegals now know more about wills than I know.” What does that tell us? That tells us that maybe we have a training gap when it comes to some of our attorneys and we will take care of that.

Some of our training is provided through quality web-based training. It is not a mistake, but a substantial portion of what we do in web-based training is on legal assistance topics. We put our hands around the exceptional family member program (“EFMP”) this year and we trained school liaison officers, EFMP officers, and legal assistance officers as teams. We are going to continue to go down that path because EFMP parents, while they are a distinct minority

in the Air Force, have a huge legal assistance need as they PCS from state to state and have new state requirements for the care of their children.

We have embraced consumer protection and we are privileged today to have Mrs. Holly Petraeus tell us how we can help in consumer protection. It is all about taking care of Airmen.

I would like to take a moment to highlight some of the great work that is being done in the field. Unless you were asleep this year, you did not miss the fact that Minot had a huge flood. The Souris River that is a tributary of the Missouri River crested well above its banks—four feet above its previous flood stage and it stayed there for 58 days. Many homes in downtown Minot were flooded, and a lot of those homes belonged to Airmen. They are still working their way through this. The legal office stood up in a big way. This was a teaming effort, not just to the legal office, but to the ARC as we brought in reservists to help take care of that legal assistance workload. We had 600 DOD affiliated families that were affected by that flood. The 5th Bomb Wing, the host wing and their legal office saw



over 120 flood-related legal assistance clients that had issues with homeowner's insurance. Clients that have issues today such as "How do I get a plumber and an electrician and a carpenter," and we are still working through those issues even as we speak this week. So it was a true combined effort moving active duty attorneys forward to help with legal assistance, moving reserve attorneys forward to help with legal assistance. In addition to the fine work being done at Minot, other bases are doing great things as well.

Let us move to overseas, specifically RAF Croughton. Croughton had an issue that frankly some of us were not aware of. The value added tax, or the VAT, in the United Kingdom required that if the lessor, the lending agent, did not waive the VAT, the member had to pay that tax with regard to a new lease. The VAT was costing our Airmen a large amount of money. The Croughton Legal Office said, "Well, we can fix that," and they went out and they talked to the lessors and the lending agents and they got them to waive the VAT and now 100% across the board our Airmen are not having to pay that additional tax in addition to their other homeowner's expenses as they move into the Croughton area.

What is next for legal assistance? We need more in depth training. That is a must, an absolute must. We conducted an academic needs assessment this year. It started from KEYSTONE 6 and worked its way through the entire year. We had a focus group last year at this leadership seminar that talked about training needs. We then conducted a survey throughout the JAG Corps. We had focus groups and telephonic interviews that we also conducted throughout the year, and it told us some of the gaps in training that we are currently seeing. One of the biggest gaps hands-down, according to our entry level judge advocates and their supervisors, was legal assistance. So we are committed to providing that training again this year.

In the past we have used volunteerism, such as watching webcasts to accomplish that training. You need to attend those webcasts. I attend, General Lepper attends and Chief Vassallo attends whenever we can. We attend because we all are legal assistance professionals regardless of whether it is in your job description today or not. Is there any doubt in

anyone's mind who wears a JAG badge that they do not practice legal assistance?

I get drive-by legal assistance every week. The only thing that has changed from Captain Harding's legal assistance to General Harding's legal assistance is the problems have gotten a little more complicated. Some of the clients are a little higher in rank and it is not about kids, sometimes it is about grandkids, but I am still doing legal assistance. I am not going to tell them, "Hey, sir, you know, you can go to Andrews, that is where we do legal assistance. I do not do that any more." So I take that training. As a matter of fact, about one-seventh of the JAG Corps takes that kind of training through webcasts. My question is, where is the other six-sevenths? We need to worry about this. So what we have done is we are committed to a CLE-like requirement for legal assistance. If you wear a JAG badge or you are a civilian attorney that has legal assistance in your job description, you need to take care of this requirement every year. Part of that requirement will be an update course to tell you what changes in the law have occurred since last year.

We are not going to do this in this room, but picture what would happen if we all took a 10-question test on legal assistance skills today. What if I asked you, "What were the recent changes in the SCRA, the Servicemembers' Civil Relief Act." What if I asked you, "What's the status of the Federal Inheritance Tax in 2011," and we do a wills practice? The point is that we need to do better at legal assistance because it is a matter of professional pride, it is a matter of excellence, it is a matter of service, and it is a matter of foundational leadership.

We are going to release a state-by-state guide and start with our number one practice area: wills. Years ago we used to have an all-states guide and then it went out of print and we do not use it any longer. We are going to resurrect the guide and it will be a state-by-state guide and many of your bases will be asked to participate in that and write portions of it. It is a great start to doing legal assistance research.

Speaking of wills. Here is a scary fact and it frightened me when I heard about it. AMC did a terrific job at taking a look at teaming and will production. One of the conclusions they came to is that we have some

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***I am very proud to report this morning that ninety-five percent of the JAG Corps has individual training plans***

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judge advocates that felt very uncomfortable about using paralegals in will production but not because the paralegals did not have skills, in fact, they had terrific skills. They had better skills in some cases as I mentioned than the attorneys. The concern was the attorney only had confidence in his or her ability to load information into DL Wills, our software, and whatever came out on the other end must therefore be legally sufficient. My response to that is who do I put the JAG badge on, the attorney or the computer?

Years ago, before we got computers, we had books. We cracked those books and we talked about researching the law, but now we have become too dependent on the computer. There is great computer legal research opportunities and resources. We pushed out an incredible number of resources, and we need to use them. We are going to create the state-by-state guide as a first step towards that research, but it is only a first step. It is a great way to introduce yourself to another state's law that perhaps you are not licensed in. So let us take this very seriously.

### **Training**

Success in teaming and military justice and legal assistance depends on our fourth initiative for foundational leadership and that is all about training. In fact, everything we do is dependent on training. We worry about this because our core values are excellence and service. So it is important that we improve that skill set. We worry about this because professional pride means something to us and there are times when we do not have reach-back. There are times when you cannot call the field support center and get the answer from the specialist, from the expert, and we need to be prepared for those times. For all of the above reasons, training is awfully important to us. Training is a team effort and our progress in the past has been just that. It has been a team effort, and we are moving forward on a number of different fronts. Every major command now has a chief of training and that chief of training

is engaged in all of the training efforts within that major command.

I am very proud to report this morning that ninety-five percent of the JAG Corps has individual training plans. Ninety-five percent. From zero this time last year to ninety-five percent is a terrific way forward. We need to take care of the other five percent. Our commitment is that everybody, officer, enlisted, civilian, everybody has a training plan. Again, if you believe somebody does not need a training plan, then take out a piece of paper, write "Training Plan" at the top and put "No training." I will bet you we do not do that because all of us, myself included, regardless of how senior you are, can use a training plan.

This year we stood up field certification for our Trial Counsels. It was all about training. Last year I met a 2008 captain and I asked him how many trials he had under his belt. He has been a JAG for three years. He said, "Zero." That is not the first time I have heard that. I have asked staff judge advocates in all these cases, "Why doesn't this captain have trial experience?" One of the SJAs expressed to me that—and I understand his thinking—"It is tactical thinking; I only have six JAGs, one of them is really good in the courtroom and that is the one I send in the courtroom because he can get a lot done in the courtroom. The others are really good at other things and I have them over here." Captains are SJAs in training on a 12 to 15-year training plan. We have to start thinking strategically about training the captains and not tactically. Instead of "How do I get through this assignment, how do I get through this day and this week?" We have to think, "Where are they going to be 12 to 15 years from now?" Training is important for their professional development. We are going to talk this week about training tomorrow's leaders today, and it is all about that when it comes to officers. It is also about that when it comes to enlisted. But for officers, we are trying to train tomorrow's leading SJAs today. We have got some

expertise that we brought into KEYSTONE 7 to help us in that regard.

An important part of training is filling the gaps. One of the things that the academic needs assessment told us was that there is a gap in legal assistance training, but it also told us there is a huge gap when it comes to universal skills: Communications skills, organizing skills, planning skills. Some of our younger captains said they did not understand the chain of command. That is what they desire and we need to give it to them. So we are going to train on just more than black letter law, we are going to train on those kinds of skills that produce solid leaders in any part of the officer corps, not just JAG but in all functional areas.

In a parallel development this year and a preview of coming attractions, Major Dave Houghland at the JAG School has been working mightily in producing CAPSIL 3. CAPSIL 3 will be a remarkable advance forward. CAPSIL 3 will draw into Roster that database where we have knowledge of what courses an individual has taken at the JAG School. We will reach into the roster, we will reach into other databases that talk about Division Chief Training and webcast attendance, and we will produce a list on every individual of what training he or she has had. The individual can read it and see what they have done. More importantly, your supervisor can see what they have done, and the supervisor will have the capacity to enter the training plan in CAPSIL. It is important to have this electronically because JAG captains are in fact SJAs on a 12 to 15 year training plan. That training plan has to follow them and not just disappear when they PCS. So when they PCS, the gaining supervisor and the gaining SJA can access their information in CAPSIL, and they can continue down that path in leadership training at their second base and at their third base.

With regard to training, what is next is that first wave of field certification packages. They are on their way. It is an exercise of statutory obligation that the Judge Advocate General certify people as competent to go solo as a trial counsel or a defense counsel. We are also going to standardize all the different MAJCOM training plans and eventually locate them inside CAPSIL.

This next goal is incredibly difficult but it is important. We are going to define what every captain should know and this stems from our academic needs assessment. Again, we are trying to build tomorrow's leaders today. We are going to continue to produce webcast training on CAPSIL and again, it is largely voluntary outside the requirement to complete that CLE-like requirement, but I encourage you to encourage your people to have the desire to get as much of that training as possible.

## **Diversity**

Next I want to talk about something that is monumental for our JAG Corps. Foundational leadership talks about how we exercise our leadership and it is founded and rooted in the notion of core values. Diversity is a statutory imperative for the Air Force. It is a statutory imperative for a lot of different reasons, not the least of which we are going to be a smaller Air Force in the future. It is important that we tap the strengths, the leadership potential of each and every member of the United States Air Force and each and every member in the Air Force Judge Advocate General's Corps.

Foundational leadership needs to be viewed through the lens of diversity and inclusion and when you do that, it magnifies the impact of foundational leadership. Diversity simply recognizes that we are all different. We all come from different walks of life. Some of us grew up in poverty, others in opulence, some of us were raised by a single parent, others by two parents. Some of us worked our way through school, some of us had scholarships. Some of us were raised in rural communities, others in cities; but we are all different and we have a different lens or view on problem solving. The question, and more importantly the challenge here, is how do we tap the strength of all of that? The way we do it, ladies and gentlemen, is by viewing it through the lens of diversity. We start with the proposition that we have been talking about for the last several months and if you've been following on the JAG on-line news service, you know how I feel about this. We are in fact a meritocracy. We are a perfect example of meritocracy. The way forward and the way to advance in this meritocracy we call the Judge Advocate General's Corps is through accomplishments and character. Accomplishments and character!

Others may choose a different path but for us, integrity, service, and excellence gives meaning to our lives. That is why it is important to defend this notion of meritocracy. And in this meritocracy, it simply does not matter what your parents achieved or whether you were born into money or what school you went to or who you know. Accomplishments and character are the things that count. In our meritocracy, there is only one kind of opportunity and that is equal opportunity, but ladies and gentlemen, that is not enough. It is not enough simply to offer equal opportunity to those great graduating JASOC classes, the top five percent of our applicant pool, and tell them, "Welcome to equal opportunity and to meritocracy. Let us see how far you get, and you are on your own." It requires active supervisor involvement. I am not talking about an annual feedback form on an OPR. I am talking about active involvement. Pushing people that do not necessarily want to raise their hand and volunteer. Recognizing that they have skill sets, and they need an opportunity to develop that leadership even if they do not see that as an immediate priority in their lives. We sit down. We explain the road that we have been down because they have not been down it before.

We recognize against that backdrop that diversity can bring many, many strengths to our meritocracy. Our challenge is to mind those strengths, to pull those strengths together, particularly as we grow smaller. We need to tap into everyone's leadership potential. We realize that the strategy to do that is the strategy of inclusion. Do not let people opt out. If you wear this uniform, you need to develop those leadership skills.

If you view yourself only as one thing and that is all you want to do, and against a backdrop of a lot of counseling and mentorship you only want to do that one thing, then you will be very narrow in that regard. But perhaps the better location for you is what we call private practice because frankly, ladies and gentlemen, we need to grow leaders; so we need to let fewer people opt out of this process. In fact, we need to take everybody and raise up their abilities to exercise their leadership potential.

That in a nutshell is where we are driving, where we are headed as a JAG Corps. This week we have got

Mr. Joe West, President and CEO of the Minority Counsel to help us in that training effort. All too often we think that we are the smartest kids on the block and we can do anything, so we try to train within. This is a great opportunity to take some expertise from outside and bring it in. Mr. West will lead a number of others in that effort. The ABA is going to help us out this year. We have got some others from private practice. We have got another from a minority corporate counsel in California. We are going to pool all that expertise in a scenario based effort to try to train through scenarios.

Foundational leadership at the end of the day is about investing in people with varied background experiences and from different cultures. It is all about inclusion, it is all about building tomorrow's leaders today.

I am going to give you an example. Three weeks ago I looked at the results of our DE, our Developmental Education Board, and our LL.M. board. Something immediately struck me very odd and very peculiar. The number of males to females in the applicant pool were about thirty-five percent female. The numbers of female applicants were significantly under-represented compared to that thirty-five percentile. As a matter of fact, if you took a look at the other end of the equation, the males for senior service school had applied in fifty percent greater concentration than their representational portion of the applicant pool. Thirty-eight percent greater concentration for intermediate service school; forty-five percent greater concentration for an LL.M. There is a whole lot of leadership potential that can be mined in those educational programs. I think in part it happened because it is an application process. People decided on their own, "Is this something I want?" My question is, "What kind of leadership did they get before they made the decision? Did they have a dialogue, do they understand what the value of those programs are?"

We are going to change how we do this in the future. We need to make sure that people are encouraged not to opt out. As a matter of fact, we might have a system where we push people in directions that they do not want to go in.

## Stepping Out of Your Comfort Zone

I am going to give you an example that is personal. This is not about me; it is about other people that are in this room. It is about our subordinates, but I will use myself as an example. This is a true confession. Captain Harding was not very smart about how any of this works. Captain Harding, when he was right out of law school, was all about staying in the courtroom as long as he possibly could. That was where I had fun and that was where I wanted to be. There was a Combat Support Group Commander by the name of Glippis; I have not seen him in 25 years, but I owe him a great debt of thanks. Colonel Glippis called Captain Harding in and said, "Captain Harding, I want you to go to Squadron Officer's School. You have a couple of weeks to prepare, this is really good and you are going to like this." I said, "Oh, no, Colonel Glippis, here's the plan: In JAG you can do that by correspondence and I can try cases while I am doing that, and I give more back." He looked at me and he said, "All that is very interesting, not terribly helpful, report to Maxwell." And I did, and he was right, and I was wrong. What did I learn at Maxwell? I learned soft skills, I learned universal skills, I learned how to communicate in 30 seconds. I learned all kinds of things that I was not going to learn back at my base. Sometimes you need to push people. I was lucky. I had Colonel Glippis.

We are not going to rely on luck. We have all got to push our people in directions to make them stronger leaders. I do not know if I would be here today if it was not for Colonel Glippis and lot of others that made sure I got here. I am sure each of you in the positions that you occupy today can think back and point your finger to a number of different leaders that made sure that you got to that point today.

## Article 6 Initiative

I would like to switch gears and talk about an Article 6 initiative that we embraced this year. Article 6 of the UCMJ says "The Judge Advocate General shall make frequent inspections to the field." It says that senior members of his staff can do that. In practice it has been TJAG and DJAG, and General Lepper and I travel quite a bit. We try to do it once every three years and the inspection lasts about a day, and inside that day there is a four-and-a-half hour intensive PowerPoint briefing. We meet with senior

leaders on that base. We try to meet with JAG family members, but that is our inspection. This year, the Air Force Inspector General took on a project across the Air Force to try to increase the white space on all schedules for wings. The IG asked, "How do we maximize the amount of free time they have and stop inspecting them quite as much?" And they turned to JAG, and we realized that we provide two inspections. We provide a MAJCOM JA inspection as part of the IG process, and then we provide the Article 6 inspection and the inspections are looking at the same things.

We decided we can combine these inspections into one. We will call it an Article 6 inspection, expand the length of that inspection so it is more than just a day, and synchronize it with when the IG goes out so we do not bother the wing excessively. We will come up with one checklist instead of two, and everybody will be judged by the same checklist. In so doing, we can ensure that the initiatives we talked about in Foundational Leadership in fact are executed out in the field, and that is exactly what we had done. We stood up a new checklist. We stood up a new division, and we called it the Training and Readiness Division. The division only has three individuals in it right now, so it relies on the augmented strength from outside the Headquarters. So their training regiment is very simple. They augmented with experienced SJAs and experienced Law Office Superintendents.

One of the criticisms we have had in the past, of JA inspections under the IG, was that most of the inspectors had never served in those roles. They had never been an SJA so they had never walked down that path. But now they were judging an SJA's performance. They had never been a Law Office Superintendent but they were judging the LOS' performance. We can do better. The way we are going to do better is we are going to grab our great SJAs and our great LOSs and we are going to train them. We did that yesterday with the Inspector General and they are going to join that training and readiness division and they are going to go forward and conduct an Article 6 part 1 inspection that will last three to four days. That inspection will produce a report and that report might not have grades on it such as, "Outstanding, Excellent, or Satisfactory." In fact, what we are shooting for is a number, a scale



of zero to a hundred. It is just a number, and you can put any qualifier you want to it. But 61.5 is not quite as good as 71.5, and so on. We have beta tested this. We have gone to Nellis Air Force Base and Tinker Air Force Base and we have looked at how those checklists work and we are getting very, very comfortable with it. We have modified it and we vetted it with the major commands.

The next step is the Initial Operating Capability (IOC). The plan is roughly by 1 January to begin this process. We will not be up to full peddling speed until we get to full operating capacity. That might not be for a year or more, but we are going to start down this path. We have a part 1 and 6 to 8 months later we have a part 2 which looks like what TJAG and DJAG do today, but it is going to be a lot better than it is today. This is because they will have that part 1 report, and the number 1 question the inspectors are going to ask that Legal Wing Office is “What did you do with the report? What about those recommended improvement areas and show me all these great notable achievements that are indicated in the report?” So we are going to be essentially day 4 or 5 of an inspection process.

This is a wonderful opportunity for the JAG Corps. It is an opportunity to rise us all up to a common level and a common checklist. One inspection instead of two and inspectors that are incredibly credible with experience. We are going to take those experienced SJAs that have proven themselves in offices and we are going to have them inspect offices that are outside their major command. We are going to swap great ideas and those great SJAs are going to see other great ideas and they are going to be able to offer and teach great ideas during the course of the inspection.

Remember, the division is the training and readiness division, not just inspection, but also training. So while we are proud of all these accomplishments I have outlined today, we must be prepared to meet tomorrow’s challenges. You know the budget is going to be a lot smaller than it has been in years past. This is not the first time we have faced such challenges. We have an experienced Department of Defense that is preparing to do just that. This JAG Corps this

year has weathered some significant manpower and budget challenges and we are not done yet.

Our JAG Corps organizational changes that we made in 2006 through JAG Corps 21 and our foundational leadership has postured us in an excellent position to take on those budget constraints, to take on those manpower reduction efforts. I have no doubt that the Air Force will be smaller and in that sense the JAG Corps will be smaller as well. How much smaller, we do not know, but I am equally confident that at the end of the day we will have a very powerful and a very robust Judge Advocate General’s Corps. I am equally confident that at the end of the day we are not going to forget about our Airmen and taking care of their families. That certainly is one of the commitments we focused on as we have gone through this preparation for the next budget cycle.

We are not going to change our commitment to Airmen and our commitment to maintaining the best and most lethal Air Force on the planet. It is time for all of us to prepare for that change and prepare for that challenge. It is important that we remember that people are our most precious asset. We have got to take care of them and their families. How we as leaders respond to these challenges will set the tone for our subordinates. So let us devote this week to thinking about them. Let us devote this week to building our leadership skills that we need to serve them better so that they can take the place of our leadership tomorrow.

As we improve our leadership skills, remember who we are. We are a family. We are a special people. We all share one common trait: We raised our hand to move forward, we said, “Send me.” We are forged in the fires of integrity, we are dedicated to service and excellence. We walk where others dare not tread. We are strengthened by process improvements and we will tap the power of our diversity. We have all stood on the shoulders of giants; that has always been true. Today we stand on your shoulders; tomorrow we will stand on the shoulders of giants you build today. Our destiny is clear. A stronger JAG Corps with a very bright future. ✈️

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



# Paralegal Perspective

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**T**his is the state of our paralegal corps. Manning is currently at 97 percent. We have 865 of the 897 active duty paralegal slots filled. On the ARC side, we're at 90 percent. Category A has 100 percent manning, Category B has 73 percent manning, and the Guard has 92 percent manning. So what are we doing with these paralegals? We're building tomorrow's leaders today.

One of the most important accomplishments the paralegal career field has seen over the past year is the establishment of the will preparation for paralegals course (WPPC). Last year during the pilot program, we provided 5- and 7-level paralegals training on how to draft wills under the supervision of an attorney. Then we let them loose in the field. We monitored to see how well they teamed with attorneys and it was a huge success. It was such a great success that General Harding decided to institutionalize this training at the JAG School. Since will preparation requires advanced paralegal skills, we incorporated will instruction into the Paralegal Craftsman Course (PCC) instead of the Paralegal Apprentice Course (PAC). General Harding wanted to ensure that not only our future 7-levels were being trained, but our current ones as well. The goal is to train all current 7-level paralegals, including active duty, Guard and Reserve. As of today, 260 (60

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***One of the most important accomplishments the paralegal career field has seen over the past year is the establishment of the will preparation for paralegals course (WPPC).***

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percent) of our active duty 7-level paralegals have completed the training. We will continue this course until all paralegals are trained.

Why did we decide to move in this direction? It's all about efficiency. As a force, we are getting leaner and we have different tasks emerging. Services such as the Exceptional Family Member Program (EFMP) and expanded legal assistance require time to execute. But where do we get this time? We get time by utilizing our resources more efficiently.

There are bases that execute more than 1,000 wills a year. If 50 percent of those wills are "standard wills," that's nearly 500 wills a trained paralegal can accom-



**CMSgt John P. Vassallo**

Senior Paralegal Manager to The Judge Advocate General

plish. Let's assume it takes an attorney 30 minutes to draft a standard will. By having a paralegal take over this duty, we can save that attorney almost 250 hours he or she can spend doing what paralegals cannot—providing legal advice.



Another area where we're utilizing paralegals is legal research and writing. We reviewed the curriculum at PAC and PCC and looked at other ways to expand and increase the knowledge our paralegals get in research and writing. We instituted, with the help of AMC and TRANSCOM, the Hemmingway course. In collaboration with Southwestern Illinois College, we held a three-day course on legal research and writing for paralegals. In addition to advanced legal research and writing techniques, they learned e-discovery, litigation strategies, and processing. They also received college credit for this course.

The last thing we've done this year is to focus on interviewing. When claims were processed at the base legal office, paralegals did a lot of interviewing. Those skills easily transferred into the military justice arena. With the loss of the claims function at legal offices, we've lost some of the art of interviewing. We teamed up with OSI Federal Law Enforcement Training Center (FLETC) instructors to review our curriculum. It was determined that we have a very good program in need of a few minor improvements. OSI offered to send a FLETC instructor to all PCC courses to teach interviewing techniques. The idea behind this and all these other programs is to make sure we have the best training available for our paralegals.

While we have made great strides, we are not there yet. We need to make sure we maintain focus and continue with the sense of urgency to make sure we don't stabilize or plateau. We've come a long way but we have a long way to go and attorney-paralegal teaming will help us get there.

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### *Another area where we're utilizing paralegals is legal research and writing.*

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I'm a paralegal. I don't want to be an attorney, I'm not trained to be an attorney, my job is to assist attorneys do their jobs. The attorney needs to know how to use my skills. The easiest way to do that would be to learn what my skill set is, understand how I am trained and know what I give to the fight. We have a new vehicle to do that in the new career field, education, and training plan (CFE&TP) which was published on 1 October 2011.

A group of chiefs and subject matter experts (SME) from AETC got together and scrubbed the entire CFE&TP. We took the complicated 12 attachments to the CFE&TP and broke them down into four generalized sections: general skills, paralegal skills, areas of practice, and specialized areas of practice. The idea was to simplify the CFE&TP not only for the NCOs and Airmen who use it, but also for attorneys to use in training paralegals.

We now have 5-level standardization, and new 5 and 7-level core tasks. With this, you can look at a 5-level paralegal and know that he or she possesses technical skills. They are legal technicians but also paralegals. A 7-level now has the skills to assist an attorney with advanced and analytical tasks. The new CFE&TP can also be a great training tool for new JAGs. In addition, 7-level tasks are a great barometer for what every captain should know.

Another aspect of the CFE&TP is the role of attorneys in paralegal training. Historically, attorneys have not been very involved in paralegal training. But it's a very important part of their leadership development to get more involved. What is the benefit to them? The benefit is twofold: One, they'll know exactly how

their paralegal is trained and how to utilize them. Two, it builds their confidence in using paralegals. If you train a person you'll be more likely to give them tasks because you're confident in their ability to complete them.

We've looked at the resources we have and what we need to do, so now let's look at the way ahead. The way ahead is about expectations. When JAGs and paralegals deploy together or work in the ADC office, we do great teaming. We depend on each other, we do each other's jobs—attorneys are doing some administrative tasks and paralegals are taking on the four pillar skills. But it seems when we're at the base legal office, we fall back into the standard roles. Here's the attorney task, here's the paralegal task. We need to break that mentality and realize we're all in this together.

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### *So what do we expect from our paralegals?*

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So what do we expect from our paralegals? If we were to put their accomplishments down on a resume, it might look like this. For a 5-level paralegal, we would expect to see that they have administered over 45 court-martial cases, to include interviewing over 60 prosecution and defense witnesses. They created over 300 powers of attorney; provided over 350 notaries. They reviewed, investigated, and collected settlements on 75 pro-government claims worth over \$150,000. They provided case management on over 50 magistrate court cases including pretrial investigation, document review and production, court document filing, and in-court trial support.

Not only are these achievements important within our JAG Corps, but they are accomplishments that will be recognized and appreciated in the civilian sector. General Harding has talked about marketable skills. These are some of the marketable skills that we bring to our paralegals that they can use both today and tomorrow.

During the 7-level stage of a paralegal's career, their resume should look like this: Case management from inception to conclusion for over 60 court-martial cases, including pretrial investigation, document

review and production, discovery responses, and in-court trial support. Researched and authored over 100 legal reviews in different areas of practice, including environmental law, international law, contract law, tort law, and military administrative procedures. Researched applicable law and drafting 500+ wills and related documents in support of the legal assistance program. Also drafted judicial recommendations for the disposition of over 200 enemy combatant cases in a combat environment.



In comparing our paralegal skills to civilian paralegal skills we have one distinct advantage—the supervision and leadership of others. This includes being responsible for written performance reports and evaluations; counseling military and civilian personnel; creating and managing paralegal programs combining local and distance education sources; and managing budgets over \$100,000 by leveraging funds for witness travel, expert witness services, professional training, and office upgrades.

These are the skills we expect from our paralegals. These are the skills we should give the opportunity for paralegals to complete, not just for now but also for their futures. And how do they acquire these skills? They get them through our paralegal education programs such as PAC and PCC.

PAC takes a new paralegal, be it a non-prior service or a prior service paralegal, through a six-week course

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*As leaders today, we need to understand why we do training and why we need to provide training to our paralegals.*

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that provides them with basic knowledge. At the 5- to 7-level stage JAGs become very important because they should be using paralegals as apprentices perfecting their craft. At the 7-level stage, paralegals get advanced training that can culminate into a CCAF degree. The training regimen at the JAG School equals a two-year paralegal training and certification program.



And we are working to get more training formalized with Great Falls University. Great Falls University is working with the JAG School and the Associate Baccalaureate Cooperative program to have that four-year American Bar Association (ABA) approved degree on-line within the next few months.

In other certification news, the National Federation for Paralegal Associations has recognized that current paralegal certifications are all based on advanced paralegal degrees and advanced paralegal skills. They saw the gap in entry-level skills so they came up with a certification called the Paralegal CORE Competency Exam (PCCE). This test will be avail-

able next month and to qualify to sit for this test, all you need is an ABA-approved associate's degree as compared to advanced exams where you require years of on-the-job training and experience.

So right now, once a paralegal gets their 7-level qualification and CCAF degree, they're eligible to sit for the PCCE. I have taken the test and can tell you 60 percent of what's on the exam is covered in paralegal courses taught at the JAG School. The other 40 percent covered areas such as corporate law and business law—areas we don't teach. I challenge every paralegal who has a CCAF degree to sit for this exam and take it. It does take some self-study, it does take some work; however, we can do it and I expect us to do this.

Why is this important? Because one, it validates our training. It shows that our training is just as good if not better than that of our civilian counterparts. As leaders today, we need to understand why we do training and why we need to provide training to our paralegals. We do it because we're leaders in the profession and we need to set the example not just for our Army, Navy, and Marine counterparts, but for our civilian equivalents as well, on how to efficiently use our paralegal and attorney resources.

We have to do it for the Air Force. We are facing lean times and it's all about efficiently using the resources we have. We're going to get smaller, we're going to get leaner, but if we use our resources properly, we can get through this and actually get more bang for the buck.

Finally, we need to do it for our family. We need to make sure we prepare our incoming paralegals for the future. Prepare them both for a military future and give them marketable skills for after they leave the military. You are the leaders. You are the ones who can make the difference. ✈️

*These remarks were made during the 2011 Keystone Leadership Summit and have been edited for this publication.*



# Your Guard and Reserve

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**MAJ GEN TURLEY:** Brigadier General Kenny and I are pleased to address you and it's very important that we do this together because this is representative of how we work together. We have two messages we want to impart to you about your reserve components today.

First, Brig Gen Kenny and I had a chance to go to the World War II museum yesterday and witness a great presentation. We met several members of the Greatest Generation, and one thing really stuck with us. When it came to mobilizing forces for World War II, the attitude was, "You can't tell me what I can't do." This motto rings true for your reserve component as well. The other message we have for you is that when it comes to your reserve component, in General Harding's words, "We are all in."

We want to give you an overview of what the Judge Advocate General's Corps Reserve is all about and give you a snapshot of where we stand today. We want to tell you where we're located, what our missions are, and also about the nuts and bolts of our program because as you work with your Reserve and Guard members, the better you understand, the better we can work together to help you. We will talk about training, staffing, and also a number of our integration initiatives.

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***We want to give you an overview of what the Judge Advocate General's Corps Reserve is all about and give you a snapshot of where we stand today.***

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**BRIG GEN KENNY:** Last year, it was hard to capture a snapshot of our ARC JAG Corps because of the MPA cuts and problems we were having with recruiting. Today we have 939 judge advocates and 409 paralegals. The 939 judge advocates are only two short of what we are authorized. That's an addition of 55 judge advocates that have come into the Corps in the past year including those who have assessed and are in the pipeline. That's a tremendous effort. The ARC JAGs we are missing are duty days we can't give you. But now we have members in the pipeline and pretty soon they'll be serving in your office and performing legal duties for our Air Force and for our country.

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*Sixty percent of your ARC Reserve JAG Corps have active-duty JAG experience, either in the Air Force or other services. Thirty-four percent of the JAGs have prior military experience, just not in the JAG Corps.*

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*Brig Gen Robert G. Kenny  
Mobilization Assistant to the  
Deputy Judge Advocate General*

Now for some bad news: 409 paralegals. With the accessions coming in, we are actually down six paralegals from where we were last year. With our unit programs, you get two JAGs and sometimes if you're lucky, two paralegals. If we are down a paralegal, we may be zero percent manned in paralegals in those units. If we're down one and we have two slots authorized, we are 50 percent manned. That's where we need help.

Most of you are familiar with IMAs. Those are your JAGs and your paralegals that come in and effectively provide part-time services in your office. The idea and the goal is to make certain they are trained to do

everything a JAG or paralegal on active duty does. The responsibility for making sure that happens is your responsibility. So if they are not performing the way you want them to, we need to know about it and we'll help you get them up to speed.

**MAJ GEN TURLEY:** Now, that's our IMA program. With regard to our unit program, which is both our Air National Guard and Category A Air Force Reserve programs, we have 90 wing legal offices scattered throughout the country, as well as 33 AFRC units. In addition, our structure includes 54 state headquarters. In addition, we have three Numbered Air Force's under Air Force Reserve Command.

**BRIG GEN KENNY:** Sixty percent of your ARC Reserve JAG Corps have active-duty JAG experience, either in the Air Force or other services. Thirty-four percent of the JAGs have prior military experience, just not in the JAG Corps. Our enlisted force is just like your enlisted force—most of them cross-trained from another career field. We are generally older and what we bring to the table is civilian employment and experience.

**MAJ GEN TURLEY:** The ARC is almost manned to capacity. The IMA program is slightly more than 50 percent of our ARC force. One-third is in the Air National Guard and the remaining 13 percent is in the Air Force Reserve Command in the Category A program.

**BRIG GEN KENNY:** We grew the force through recruiting. In fiscal year 2011, we accepted 139 new JAGs. In 2009 that number was only 84 and in 2010 it was 109. Along with these good numbers is some bad and it has to do with the 139 who are new to the military. A few years ago, we saw low numbers because people were not leaving active-duty service and that was our main source for recruiting. So we started looking to other places for talent. We are very



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***Deployments and home station support is a tremendous part of what we do. Your Guardsmen, your Category A members, and your IMAs all serve in deployments and in home station support.***

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attractive to those in the Army, and the Guard. They want to leave the Army and Navy Reserve and join the Air Force because our program is a much better program than theirs. We also started taking direct appointees. These attorneys are different from the direct appointees on active duty because they are generally experienced lawyers but have never been in the military before. We make sure you're not getting both a new officer and a new lawyer. It was this "targeted" recruiting that got our numbers to where we could provide the services you desperately need.

**MAJ GEN TURLEY:** Active-duty staff judge advocates play a vital role in our recruiting efforts. Under the very deft leadership of Colonel Mitch Neurock, we have charged forward to where we are today.

Twenty-four of our Air National Guard units are located on active-duty bases, and another 45 are within an hour's drive. Now, what does this mean to you if you are the SJA at Wright Patterson Air Force Base or Travis Air Force Base? It means that you have an Air National Guard asset within reach. And remember, we are a community and we are a Corps. We are not separate components. So I encourage you to reach out. Reach out to your Air National Guard offices, reach out to those 28 Air Force Reserve Command offices that are also sitting on active-duty Air Force bases. What I like to say is take a guardsman or reservist to lunch, or better yet, let them take you to lunch. Our IMAs are assigned to legal offices all over the world. They live in 49 states, Puerto Rico, and nine foreign countries.

Our mission priorities are exactly the same as yours, except we have one addition: We fully integrate with the rest of our Corps. Our goal is seamless service in terms of standards, in terms of training, and in terms of performance.

**BRIG GEN KENNY:** The IMA mission is the same as your mission. We are the same force. We are what you do. We help train you and you help to train us. We provide the backfill support. And we deploy. Fifteen percent of those who deployed were members of your ARC JAG Corps.

**MAJ GEN TURLEY:** The Air National Guard mission is to take care of our units and take care of our people. We are responsible for helping our units perform their federal mission. And that's the mission of the reserve of the Air Force to activate, deploy, and fight the wars.

In addition, the Guard has a unique mission when it addresses domestic missions. A few years ago, our National Guard Bureau Chief was elevated to a four-star general. He reports directly to the Secretary of Defense because, since 9/11, the domestic mission for the Department of Defense has assumed increasing prominence. They turn to the Guard because of our unique legal structure.

**BRIG GEN KENNY:** The Air Force Reserve Command unit missions, the Category A reservists, they're much like the Guard and they're exactly like you. They're taking care of wing commanders. They're taking care of squadron commanders, and group commanders to make sure military justice is accomplished.

**MAJ GEN TURLEY:** Let me give you a snapshot of what some of our current initiatives are in support of your Judge Advocate General's Corps. First and foremost, when Guardsmen served in a state-duty status—they train in a state-duty status and sometimes perform missions in that status—they are controlled by state law. What we have found is that, consistent with our focus on military justice, state military justice laws are very antiquated. One of my colleagues from the Massachusetts Guard noted

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*We have recently mandated that at least once every six years, Guardsmen and Reservists must take a course at the JAG school.*

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that in Massachusetts our law went all the way back to colonial times. What we wanted to do was to modernize the standards to make sure there was one standard for good order and discipline not just across the Guard, but across the Air Force. To do that, we developed a Model Uniform Code of Military Justice that has to be passed as a matter of state law. It has now been passed by seven states and is pending in 12 others. In February, we won ABA endorsement of the model code, which will help us immensely as we work with our Adjutants General across the nation.

Deployments and home station support is a tremendous part of what we do. Your Guardsmen, your Category A members, and your IMAs all serve in deployments and in home station support. Right now, Brigadier General-select Pete Masciola is leading the Legal Operations Division at Task Force 435. We also have three paralegals that just deployed. And this is just from the Guard. Two in Iraq, one in Afghanistan, and tomorrow afternoon Senior Master Sergeant Kristin LaFrance will get on a plane and head to Afghanistan for a 179-day tour. We are all in and we are supporting your efforts.

The State Partnership Program is something unique to the Guard where states get countries as partners. Two weeks ago, we had the opportunity to have our first State Partnership Program legal engagement with Poland. We spent a week talking about the structure of our respective JAG Corps. We exchanged ideas about training and ROE. The significance is that we support the combatant commander's efforts for strategic outreach within their commands.

These are some of our current challenges, operations tempo and preparing for new missions, trying to define the legal parameters for how we can do what we do better and legally.

**BRIG GEN KENNY:** In the Air Force Reserve Command, the three NAF commanders are going to start implementing and using their general court-martial authority to conduct courts-martial at their bases.

The Air Force Reserve Command also realigned its NAFs to provide more efficient and effective oversight and readiness. In the last 10 years the Air Force Reserve Command has more than doubled our mission requirements.

Our Training and Readiness Directorate stood up this year. We have a training committee that reviewed what every reserve JAG should know and what each should be accomplishing at various parts in their career. We have made it a priority to ensure that reservists are better trained by implementing new initiatives such as "readiness training" as opposed to traditional JAG legal training.

I also want to talk a little bit about diversity. The population of African-American lawyers in the JAG Corps is slightly higher than the percentage of African-American lawyers in the nation. In terms of gender, our population of female lawyers is slightly lower than the population of female attorneys in the United States. There are three general officers in the Air Force Reserve Command, two of them are women. There are three general officers in the Air National Guard JAG Corps, one of them is a woman, and one of them is an African-American male. There are three mobilization assistants who are colonels in general officer billets in the Air Force Reserve JAG Corps, and one of them is a woman. And there are three staff judge advocates at Numbered Air Forces in the Air Force Reserve Command and two of them are women. These men and women succeeded because of who they are and because of what they have accomplished.

**MAJ GEN TURLEY:** We have recently mandated that at least once every six years, Guardsmen and Reservists must take a course at the JAG school. In addition, every four years, they must serve two weeks at an active-duty base legal office. This will allow them to better understand the workflow and the issues that are out in the field.



*Maj Gen F. Andrew Turley  
ANG Assistant to The Judge Advocate General*

We've also restructured our orientation courses. What used to be known as the Air National Guard Law Office Course (ANGLOC) and the Reserve Orientation Course (ROC), we've changed to the Air Reserve Officer Course (AROC) and the Individual Reserve Orientation Course (IROC). AROC is the Air Guard and Category A Orientation Course. IROC teaches our IMAs how to be reservists in addition to being JAGs.

**BRIG GEN KENNY:** The Air Force Reserve Command recognized what we did for new reservists and is now using our model for all reservists.

In terms of Military Personnel Appropriation (MPA) funds, last year we had a tough year. Fortunately by mid-year, we recovered a lot of the MPA days and were able to provide all of the support requested. This year, we did not get all of the MPA days we requested, however, even with what we had to go through last year, we provided 111 percent of the requests that you made for home station support. We accomplished this with all of the restrictions the Air Force put on us and we did it because people stood up and volunteered.

**MAJ GEN TURLEY:** And through the home station support, which involves not only IMAs but also the unit programs, we were able to address those needs. We were able to back fill personnel lost to deployments, in addition to picking up some of the deployment responsibilities as well. It's a centrally managed program. As it evolves, it is more and more successful and we're targeting the needs of the Corps to make sure that we are all in.

**Engagement:** One Corps, one mission.

**Professionalism:** We want our folks to be the best they can be to be able to serve.

**Balance:** Our personnel have to not only take care of their reserve and military responsibilities, but they also have jobs at home. I like to think that if you have each element—your family, your job, and your Reserve or Guard duties—you've probably achieved that balance.

**BRIG GEN KENNY:** On behalf of General Turley and myself, I want to say how proud we are to work for you. How proud we are to work in the best law firm in the world. There's an expression that states the best must get better. I believe the best will get better. 🦋

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



# TJAG

## AWARD WINNERS



## STUART R. REICHART AWARD

### THE OUTSTANDING SENIOR ATTORNEY OF THE YEAR



**Mr. David E. Sprowls** distinguished himself through outstanding service in a succession of key positions in The Judge Advocate General's Corps. Mr. Sprowls has consistently demonstrated excellence, initiative, leadership, and professionalism over a 28-year career of service in the Air Force. In his current position as Director of Civilian Career Development, Plans, and Programs for over 1,000 civilian legal professionals, he manages a fifty-million-dollar portfolio for the Office of The Judge Advocate General and the Air Force Legal Operations Agency. Through his remarkable efforts, the Corps has been able to maintain full legal support to commanders and Airmen across the Air Force, despite an increasingly resource-constrained fiscal environment. During his 21 years as a judge advocate, he served with lasting acclaim as Staff Judge Advocate at three installations, Executive Officer to the Commander of the Air Force Legal Services Agency, and Chief of International Affairs for United States Forces Korea. The distinctive accomplishments of Mr. Sprowls reflect great credit upon himself, The Judge Advocate General's Corps and the United States Air Force.



## ALBERT M. KUHFELD AWARD

### THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR



**Major Seth R. Deam** distinguished himself as Deputy Staff Judge Advocate, Office of the Staff Judge Advocate, 48th Fighter Wing, Royal Air Force Lakenheath, England, from 1 January 2010 to 31 December 2010. Major Deam's legal advice, resourcefulness, and unmatched work ethic helped maintain the discipline and legal readiness of over 4,500 regularly deployed Airmen alongside 28 impressive legal professionals. Major Deam set the standard as the Deputy Staff Judge Advocate and in a deployment to the Combined Air and Space Operations Center, Al Udeid Air Base, Qatar. As Deputy Staff Judge Advocate, he energized a military justice section to significantly improve in every category, including the completion of 12 of 13 courts-martial on time and administering and processing the most Article 15s and administrative discharges in five years at Royal Air Force Lakenheath, all while meeting or exceeding Air Force time standards. He also mentored junior counsel as trial counsel in a general, special and summary courts-martial. Epitomizing judge advocate-paralegal teaming, he partnered with the Law Office Superintendent to provide tailored office training and prepare the office and base for the United States Air Forces in Europe Operational Readiness Inspection as part of the exercise evaluation team, resulting in the first Outstanding grade in the command in 24 years. At the Combined Air and Space Operations Center, Major Deam ensured the operational legality of 250 kinetic strikes during the prosecution of over 40 dynamic and time-sensitive targets. He ensured law of armed conflict and rules of engagement compliance for more than 1,300 missions providing close air support for urgent ground combat situations involving troops-in-contact with enemy forces. He identified critical gaps and gained Combined Forces Air Component Commander's approval to make several Special Instruction changes that clarified the engagement rules for United States and Coalition strike aircraft. He also played a key role in drafting and resolving significant disputes related to the rules of engagement section in the first-ever Arabian Gulf Special Instructions. Finally, Major Deam was recognized by the Combined Forces Air Component Commander as an Outstanding Performer for Air Expeditionary Force 7/8, and his legal contributions helped secure the Team Performer of the Month award for all of Al Udeid Air Base in September 2010. The distinctive accomplishments of Major Deam reflect great credit upon himself, The Judge Advocate General's Corps and the United States Air Force.



## KAREN E. YATES-POPWELL AWARD

### THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER OF THE YEAR



**Senior Master Sergeant Kimberlee L. Bauer** distinguished herself in the performance of outstanding achievement as the Law Office Superintendent, 375th Air Mobility Wing, Scott Air Force Base, Illinois and 81st Training Wing, Keesler Air Force Base, Mississippi, from 1 January 2010 to 31 December 2010. Sergeant Bauer oversaw the provision of legal assistance at Scott Air Force Base for over 4,900 clients: 8,500 documents drafted, 618 wills completed and 9,600 notaries, resulting in over 788,000 dollars in legal fees saved. She also led the 81st Training Wing to garner an Excellent rating during a Unit Compliance Inspection. Sergeant Bauer was recognized for her exceptional service by being selected as the Wing Staff Agencies Senior Noncommissioned Officer of the Year. An outstanding leader and manager during her contingency deployment. She was instrumental in compiling an accurate and timely report on a two-million dollar Class A mishap for an aborted F-15 takeoff. Sergeant Bauer also managed the military justice program for 38 commanders and 5,000 deployed Airmen across 20 Afghanistan locations, innovatively building a courtroom and processing two special courts-martial. She was instrumental in expanding Bagram's Legal Assistance program, serving 150 clients and saving \$45,000 in legal fees. Her initiative as the Top 3 President at Bagram Air Field directly resulted in rallying the 115th Veterans of Foreign Wars Chapter to provide requested hygiene and morale items for over 22,000 troops deployed to Afghanistan. The distinctive accomplishments of Sergeant Bauer reflect great credit upon herself, The Judge Advocate General's Corps and the United States Air Force.



## STEVE SWIGONSKI AWARD

### THE OUTSTANDING YOUNG PARALEGAL OF THE YEAR



**Technical Sergeant Tanya M. Lopez** distinguished herself as Noncommissioned Officer in Charge, Court Reporter Administration, United States Air Force Judiciary, Air Force Legal Operations Agency, Bolling Air Force Base, Washington, District of Columbia from 1 January 2010 to 31 December 2010. Sergeant Lopez's phenomenal performance in a high operations tempo directorate demonstrated her unrivaled ability to excel in diverse challenges. An outstanding Noncommissioned Officer, Sergeant Lopez filled a nine-month vacancy of the United States Air Force Judiciary Superintendent, a Senior Noncommissioned Officer position, while simultaneously completing her own duties, providing leadership support to five divisions comprised of personnel around the globe with zero mission degradation. She single-handedly managed a massive 53 percent increase in court reporter support requests and coordinated the successful execution of 260 temporary duty details and the transcription of 1,142 hours of audio files in support of courts-martial and administrative hearings across the globe. An innovative airman, Sergeant Lopez authored an in-house court reporter training course to manage an influx of new enlisted court reporters, overcoming a major training deficit and saving the Air Force 16,000 dollars and 8 weeks of man-hours, and enabling these members to work in the field 7 weeks sooner. An astute problem solver, Sergeant Lopez resolved a serious software compatibility issue by researching and implementing a technical solution that resolved the problem Air Force-wide and prevented a potentially catastrophic interruption to court reporting operations. Finally, Sergeant Lopez was lauded by the Air Force Legal Operations Agency Commander for leading a judge advocate-paralegal-civilian team in fixing a failing Communications Security Program, despite being the junior-ranking member, efforts which resulted in zero errors on the subsequent Staff Assistance Visit. The distinctive accomplishments of Sergeant Lopez reflect great credit upon herself, The Judge Advocate General's Corps and the United States Air Force.



## REGINALD C. HARMON AWARD

### THE OUTSTANDING AIR RESERVE COMPONENT JUDGE ADVOCATE OF THE YEAR



**Lieutenant Colonel Grady O. Morton Jr.** distinguished himself in the performance of outstanding service to the United States Air Force from 1 January 2010 to 31 December 2010 as an Assistant Staff Judge Advocate, 42d Air Base Wing, Maxwell Air Force Base, Alabama and National Security Prosecutor Liaison/Mentor, Rule of Law Field Attorney, Kandahar City, Afghanistan. Colonel Morton engaged an enemy sniper during an intense six-hour gun battle in northern Helmand Province, Afghanistan; for his courage under fire he was awarded the Army Combat Action Badge, a first ever for an Air Force Judge Advocate, and earned a Bronze Star. He engaged with coalition and Afghan partners to select Afghan prosecutors and then embedded them with a special operations task force, which resulted in the prosecution of 18 detainees in Afghan courts. Repeatedly risking his own safety by volunteering to accompany assault personnel on dangerous combat missions outside the wire,

he assisted in evidence collection, sensitive site evaluation, and tactical questioning of insurgents. Colonel Morton ensured there was constant interaction and seamless coordination between Army and Marine personnel, federal special agents, British military officials and Afghan officials, to coordinate case building and detainee transfers, which resulted in over 300 successful detainee transfers for drug prosecutions. Using contacts established with the Drug Enforcement Agency, Federal Bureau of Investigations and Combined Explosive Exploitation Cell, he obtained conclusive forensic evidence showing a detainee had been involved in the construction of an improvised explosive device. As a direct result, the insurgent was held rather than released. The distinctive accomplishments of Colonel Morton reflect great credit upon himself, The Judge Advocate General's Corps and the United States Air Force.



## DAVID WESTBROOK AWARD

### THE OUTSTANDING AIR RESERVE COMPONENT PARALEGAL OF THE YEAR



**Technical Sergeant Tracy A. Doherty** distinguished herself by performing exceptionally meritorious service as a paralegal at Westover Air Reserve Base, Chicopee, Massachusetts, from 1 January 2010 to 31 December 2010. Sergeant Doherty graduated from the seven-level Paralegal Craftsman Course as a Distinguished Graduate for her superb academic performance. She then performed a two-month tour with the Secretary of the Air Force General Counsel's office, where she received high praise for significant work on two high-visibility cases, including a highly publicized Air National Guard case. Sergeant Doherty's outstanding legal research and writing skills led the General Counsel to describe her "enthusiasm and innovative approach to complicated tasks" as being "invaluable to each and every division." In the legal office at Westover Air Reserve Base, she flawlessly drafted numerous wills, powers of attorney, and legal reviews for administrative discharges, reassignments,

and Article 15s. Following the promotion to her current grade and based on her outstanding leadership skills, Sergeant Doherty was selected as the Law Office Superintendent. During Unit Training Assemblies, Sergeant Doherty managed the workflow of a very busy legal office and was the Staff Judge Advocate's first choice to brief personnel on the functions of the legal office at Newcomers' Orientation. She worked closely with the Staff Judge Advocate, diligently preparing for the Wing's upcoming Operational Readiness Inspection. Sergeant Doherty, an active member of the paralegal section of the Central Connecticut Paralegal Association, volunteered many hours at the University of Hartford's School of Engineering assisting in implementing a two-week summer school program for female high school students to explore career opportunities in engineering, math and science. The distinctive accomplishments of Sergeant Doherty reflect great credit upon herself, The Judge Advocate General's Corps and the United States Air Force.



## JAMES O. WRIGHTSON JR. AWARD

### THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR



**Ms. Diana Berg** distinguished herself as Chief of Information Law, Office of the Staff Judge Advocate, Headquarters Air Force Office of Special Investigations, Andrews Air Force Base, Maryland, from 1 January 2010 to 31 December 2010. During this time, Ms. Berg was half of a benchmark-setting attorney and paralegal information law team that completely eliminated the Air Force's largest judge advocate Freedom of Information Law backlog, reducing a five-month turnaround time for legal reviews into an astonishing average of less than one duty day per review. All told, the team provided swift and comprehensive reviews of 34,132 pages of information releases, and played a tremendous part in cutting the command's overall backlog by 64 percent. Ms. Berg also provided exemplary advice when the Office of Special Investigations stood up its new mission of providing law enforcement and counter-intelligence support for nuclear convoys. In addition, Ms. Berg created a comprehensive briefing on discovery and provided on-demand training to 33 investigative and 26 law offices. Ms. Berg was the trusted advisor on 10 counter-intelligence operations and 11 law enforcement technical surveillance requests, and ensured special agents had the legal tools necessary to take appropriate action in combating terrorists and criminals alike. The distinctive accomplishments of Ms. Berg reflect great credit upon herself, The Judge Advocate General's Corps and the United States Air Force.



## HAROLD R. VAGUE AWARD

### THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR



**Mrs. Bonnie J. Scotto** distinguished herself as the Victim and Witness Assistance Program Coordinator, Office of the Staff Judge Advocate, 90th Missile Wing, Francis E. Warren Air Force Base, Wyoming, from 1 January 2010 to 31 December 2010. The epitome of excellence, Mrs. Scotto created the first-ever Crime Victims' Rights Workshop with five daily classes focused on crime prevention. Displaying great initiative and innovation, she organized the base's first annual Domestic Violence Awareness Month Program, consisting of newspaper articles, information booths, silent witness silhouettes of domestic homicide victims, and self defense classes. She also expertly planned the first-ever Walk the Path of a Victim March with over 200 participants. Inventively fostering teamwork, Mrs. Scotto organized joint training on child forensic interviews. She also served as a member of the planning committee for the Wyoming Crimes Against Children Conference, personally facilitating 2 training sessions for 300 attendees. Devoted to duty, she sacrificed her off-duty time when a military family member was abandoned in the local area, ensuring the young mother and her two-year-old child received emergency shelter and food. Finally, Mrs. Scotto designed and taught a Financial Empowerment Course for the local abuse shelter, providing 17 domestic violence victims the vital tools to gain independence. All the while, she assisted more than 90 victims and witnesses in support of the Francis E. Warren Air Force Base military justice program. The distinctive accomplishments of Mrs. Scotto reflect great credit upon herself, The Judge Advocate General's Corps, and the United States Air Force.





## THE JOY DUNLAP FAMILY SERVICE AWARD

The Joy Dunlap Family Service Award is given to the JAG Corps family member who, through contributions of his or her time and talents, has made a significant contribution to the strength, health and welfare of the JAG Corps family. The award, first established in 2009, is named in honor of Ms. Joy Dunlap, the founder of the JA Spouse Connection, who dedicated herself over the last thirty years to helping military families across the world.

At the 2011 KEYSTONE Leadership Summit, Lieutenant General Harding and Mrs. Joy Dunlap took the stage to present the Joy Dunlap Family Service Award to **Mrs. Heather Weber**, the wife of Lieutenant Colonel Jeremy S. Weber, the Staff Judge Advocate at Vandenberg Air Force Base, California.

Upon arrival at their current assignment in July 2010, Mrs. Weber instantly made an impact on the JAG Corps community and in the base community as a member of the Key Spouse program. Before her feet hit the ground, she took off running to organize and oversee events for JAG Corps families. She contributed in many ways, including organizing a birthday party for the twin sons of the Deputy SJA during her deployment. She provided child care for two families from the office. She personally sent numerous care packages and letters to the deployed members. She regularly called to check up on the families of deployed members. She organized a ceremony to recognize the mother of a deployed Airman who herself “deployed” to the base to help take care of the Airman’s children. She hosted the office’s holiday party and personally bought gifts for all of the children in attendance. She played a critical role in supporting the office, as three of the office’s most experienced airmen deployed within three weeks of each other. Throughout her 12 years as a spouse in the JAG Corps family, Mrs. Weber has demonstrated a tireless and selfless concern for the well-being of Airmen and their families, particularly JAG Corps families. She did it all with joy and energy and she made a difference.

Heather Weber is the epitome of what the Joy Dunlap Family Service Award stands and the JAG Corps is grateful for her dedication and outstanding contributions.





## THE OLAN G. WALDROP JR. UNsung HERO AWARD

The Olan G. Waldrop Jr., Unsung Hero Award is an award presented by The Judge Advocate General based on the recommendations of JAG Corps personnel. It is open to all judge advocates, paralegals, and civilian employees who demonstrate, with no regard for recognition, devotion to duty, support to others, and dedication to the JAG Corps.

This award is named in honor of Brigadier General (Ret.) Olan G. Waldrop Jr. who served with distinction for over thirty years as an Air Force judge advocate. He served as Commander, Air Force Legal Services Agency and as a staff judge advocate four times. He retired as the Staff Judge Advocate, Headquarters Air Force Materiel Command, on 1 February 1999. His career is highlighted by his legal prowess, significant support to others, and dedicated leadership.

At the 2011 KEYSTONE Leadership Summit, Lieutenant General Harding presented the award to **Frau Ingrid Legrand**, assigned as the German Paralegal Specialist, 52d Fighter Wing, Spangdahlem Air Base, Germany. For the past 40 years she has been much more than that...continuously going beyond the call of duty.

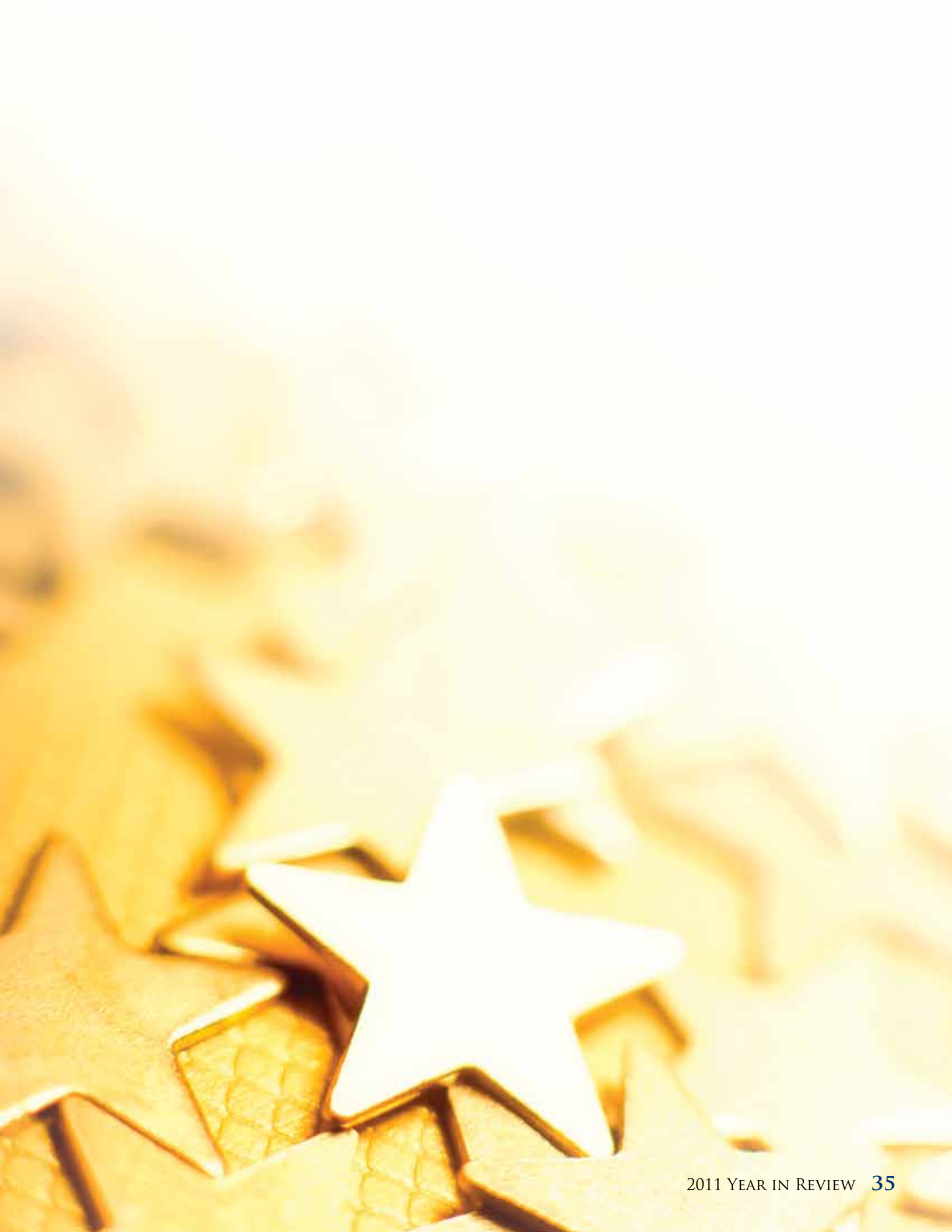
Over the course of her 40-year career, Frau Ingrid Legrand has served 28 wing commanders, 17 staff judge advocates, 15 law office superintendents, hundreds of JAGs and paralegals, and more than 27,850 clients. In one year alone, she assists more than 500 customers, processes some 1500 German traffic tickets, serves 200 German court documents, and completes 400 claims transactions. She does this all while overseeing front office personnel and providing outstanding customer service. She has served as a peace negotiator, a travel agent, a problem solver, a translator, and a social director. On her own time and without being asked, she methodically arranges all of the details of off-base functions and DV support for TJAG/DJAG Article 6 inspections. She always arranges the perfect place and menu with stellar results.

She selflessly devotes time to assisting office members and DOD employees with fuel oil deliveries for their homes, handling disputes with phone companies, translating correspondence written in German, correcting banking issues with automatic bill pay processes, and handling disputes with merchants. This is not part of her job and she could easily turn people away.

At the end of a tough week in the legal office, she gathers the office together to ring the office bell, a tradition she established and continues to this day—a tradition for the office to rejoice in and celebrate a hard week's work

As Lieutenant General Harding said in his remarks at the TJAG Annual Awards Banquet, “she is much more than a government employee” and for years, without reward, Frau Ingrid Legrand has gone above and beyond the call to duty. She is an Unsung Hero, and this year's Olan G. Waldrop Award winner.







# JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

*Members of the JAG Corps continue to make significant contributions to academic discourse and dialogue, a sample of which is listed below:*

Col (Ret.) Thomas G. Becker, *How to Try a Murder Case: Pretrial and Trial Guidelines for Prosecution and Defense*, THE REPORTER, Vol. 38, No. 1, at 61 (2011) (book review).

COL William S. Fuller (USA), Lt Col Thomas D. Ficklin and Capt Christopher T. Stein, *Contracting as Counterinsurgency: The Economic Path to Victory in Afghanistan*, Defense Acquisition, Technology & Logistics Magazine, May-June 2011, at 9.

Col J. Wesley Moore, *The Corroboration Quandary: A Historical Overview of the Interpretation of MRE 304(g)*, 67 A.F. L. REV. 89 (2011).

Col Sharon A. Shaffer, *Developing Leaders: A Tapestry for Success*, THE REPORTER, Vol. 38, No. 2, at 40 (2011).

Col Kenneth M. Theurer and Mr. James W. Russell, III, *Pretrial Agreements: The Hidden Cost*, THE REPORTER, Vol. 38, No. 2, at 2 (2011).

Lt Col David J.R. Frakt (USAFR), *The Practice of Criminal Law in the Guantánamo Military Commissions*, 67 A.F. L. REV. 35 (2011).

Lt Col David J.R. Frakt (USAFR), *Mohammed Jawad and the Military Commissions of Guantanamo*, 60 DUKE L.J. 1367 (2011).

Lt Col David J.R. Frakt (USAFR), *The Myth of Divided Loyalties: Defending Detainees and the Constitution in the Guantánamo Military Commissions*, 43 CASE W. RES. J. INT'L L. 545 (2011).

Lt Col David J.R. Frakt (USAFR), *Military Accountability (Or The Lack Thereof) For Detainee Abuse: The Instructive Case of Mohammed Jawad*, 45 U.S.F. L. REV. 873 (2011).

Lt Col David J.R. Frakt (USAFR), *Lawfare and Counter-lawfare: The Demonization of the Gitmo Bar and Other Legal Strategies in the War on Terror*, 43 CASE W. RES. J. INT'L L. 335 (2010).

Lt Col Joseph S. Imburgia, *Space Debris and Its Threat to National Security: A Proposal for a Binding International Agreement to Clean up the Junk*, 44 VAND. J. TRANSNAT'L L. 589 (2011).

Lt Col Joshua E. Kastenber, *Law in War, War as Law: Brigadier General Joseph Holt & the Judge Advocate General's Department in the Civil War and Early Reconstruction, 1861-1865* (Carolina Academic Press, 2011).

Lt Col J. Jeremy Marsh & LTJG Scott L. Glabe (USNR), *Time for the United States to Directly Participate*, 1 VA. J. OF INT'L L. ONLINE 13 (2011).

Lt Col J. Jeremy Marsh & Maj Shane Reeves (USA), *Bin Laden and Awlaki: Lawful Targets*, HARVARD INT'L REV. (Oct. 26, 2011), <http://hir.harvard.edu/bin-laden-and-awlaki-lawful-targets>

Lt Col Steven J. McManus (USAFR), *Form IMA to Cat A: A Whole New World*, THE REPORTER, Vol. 38, No. 1, at 28 (2011).

Lt Col Thomas W. Murrey Jr., *Let's Make A Deal: How to Use Acquisition and Cross-Servicing Agreements*, THE REPORTER, Vol. 38, No. 1, at 46 (2011).

Lt Col Thomas W. Murrey Jr., *Disastrous Alliance*, WORLD WAR II HISTORY MAGAZINE, Vol. 19, No. 2, Jan. 2011.

Lt Col Thomas W. Murrey Jr., *The Simple Soldier: Huffmaster's Homage to Horseshoe Bend*, JOURNAL OF THE WAR OF 1812, Vol. XIII, No. 4, 2010-2011.

Lt Col Mark H. Patterson & Maj Christopher M. Schumann, *The Japan Earthquake: A Legal Team Rises to the Challenges*, THE REPORTER, Vol. 38, No. 1, at 3 (2011).

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Mr. Jeffrey A. Middleton, *Community Legal Services: A New Era in Legal Assistance and Preventive Law*, THE REPORTER, Vol. 38, No. 2, at 46 (2011).

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Maj Erik C. Coyne, *Influence with Confidence: Enabling Lawful Command Influence by Understanding Unlawful Command Influence* (Air Command and Staff College).

Maj Sean M. Elameto, *Guarding the Guardians: Enhancing the Accountability of Qui Tam Relators' Counsel and Government Attorneys in Non-Intervened Cases Under the False Claims Act* (LL.M., Government Contracts and Procurement Law).

Maj Charles J. Gartland, *At War and Peace with the National Environmental Policy Act: When National Defense, Political Questions, and the Environment Collide* (LL.M., Environmental Law).

Maj John C. Harwood, *Knock, Knock; Who's There?: Announcing Targeted Killing Procedures and the Law of Armed Conflict* (LL.M., International Law).

Maj Michael T. Hopkins, *The Exceptionalist's Approach to Private Sector Cybersecurity: A Marque and Reprisal Model* (LL.M., National Security and U.S. Foreign Relations).

Maj Hugh B. McClean, *Defense Base Act Insurance: Allocating Wartime Contracting Risks Between Government and Private Industry*, (LL.M., Government Contracts and Procurement Law).

Maj Heather L. Scherba, *Contractors' Duty to Warn on the Battlefield: Limiting Derivative Sovereign Immunity and Contract Indemnification* (LL.M., Environmental Law).

Maj Daniel E. Schoni, *On the Ethics of Debarring the Individual for Corporate Misconduct in Public Procurement* (LL.M., Public Procurement Law and Policy).

Maj Patrick M. Schwomeyer, *The U.S. Outer Space Situational Awareness Sharing Law: Sharing Information about SSA and the need for Global Cooperation*, (LL.M., Air and Space Law).

Maj J. Bryan Warnock, *Principled or Practical Responsibility* (LL.M., Government Contracts and Procurement Law).

Maj Aaron E. Woodward, *The Perverse Effect of the Multiple Award Schedules' Price Reductions Clause* (LL.M., Government Contracts and Procurement Law).

Capt Larissa N. Laniger, *Redefining the Air Force's Interactive Process and Duty to Accommodate in Commuting Cases Under the Rehabilitation Act After the Americans with Disabilities Act Amendments Act* (LL.M., Labor and Employment Law).



# SecAF Perspective

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

It is great to be with you here in New Orleans. I want to thank General Harding for inviting me to be with you again this year. I want to recognize General Counsel Chuck Blanchard and General Harding both for their leadership of our legal community. We have a great military and civilian legal team thanks to the leadership of General Harding and our General Counsel Chuck Blanchard. My personal view is that it's the best legal team in the Department of Defense.

I also want to acknowledge our international partners who are here with us joining your conference this week. Thank you for your partnership and the coalition work that we do together around the world. It is very important to the United States and to our Air Force to maintain and foster the relationships that are represented by your presence here today. So, please know that we appreciate your taking the time to be with us here this week.

As usual when I look at the KEYSTONE Agenda for this week I wish I could stay longer. You have a great series of seminars, break out sessions, continuing education with many exciting topics that are very relevant to today's Air Force and the challenges that we all face.

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***I will try to share a couple of thoughts about where our Air Force is at today and also what's in store for the future.***

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Today, I will try to share a couple of thoughts about where our Air Force is at today and also what's in store for the future. I also want to talk a little bit about our ongoing efforts to promote diversity, which is an important goal not only in the Air Force, but throughout the Federal Government and for our Nation, and for our national security. It's a good subject for your training, some of your training seminars, and breakout sessions this week. Finally, and most importantly, I'd like to hear about what's on your minds, when we get to questions in a few minutes.

First, let me start by expressing my appreciation and thanks for your service, to our Air Force and to our Nation. As a member of the total force, whether you are active duty, a member of the national guard, Air Force Reserve, or a DOD civilian, you and your





**Michael B. Donley**  
Secretary of the U.S. Air Force

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*It is rather amazing when you consider the number and variety of assignments that the Air Force JAG Corps completes in the course of their routine business.*

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families are making important and countless sacrifices to make your service possible. Your dedication and commitment to our Air Force and to the United States can never be taken for granted. As a member of the JAG Corps and Air Force legal team you know how much our Airman and our Air Force depend on what you do. Airman at all levels serving all over the world rely on your specialized expertise, your professional advice. It's no exaggeration to say that your contributions are mission essential to helping our Airmen protect America. In fact, it is rather amazing when you consider the number and variety of assignments that the Air Force JAG Corps completes in the course of just your routine business. You advise commanders and leaders and help them to comply with the law, you help them establish and implement fair, just and consistent policies across our Air Force. You interpret and advise on the rules of engagement, the Law of Armed Conflict, and the employment of Air Power. You ensure that detainee operations reflect core American values about human dignity and due process. You promote the fair execution of military justice, as well as support the development of the countries' military justice programs. You provide legal assistance to Airman and their families, preparing wills and Powers of Attorney and providing advice on avoiding foreclosure, a hot topic in the last several years. You offer critical support to participants in the Exceptional Family Member Program, providing resources to help navigate the intricacies of various state laws, and assisting with individual education plans in local school districts.

Along, with other Airmen and service members, you immediately reacted to deliver humanitarian relief and help families with emergency passports and other legal assistance, following the earthquake and tsunami in Japan, earlier this year. And that's not to mention your essential work everyday in support of Air Force acquisition and contracting.

On a daily basis the Air Force looks to you for solid legal guidance on a vast array of complex and difficult issues. Professional ethics demand that you give the best legal advice, not simply what you think the client, or the commanding general, or even the Secretary of the Air Force may want to hear. While speaking the truth to power may not always be the easiest path, you have consistently met your duties and obligations in this regard. The leadership of the Air Force greatly appreciates you for it.

Though it is impossible to single out all of the good work you have done recently, I want to particularly commend the Air Force legal community for its professionalism in managing the issues leading up to the repeal of 10 U.S.C. 654. About this time last year the JAG Corps and our civilian lawyers were busy helping the Department of Defense prepare its report to Congress on the comprehensive review of issues associated with the repeal of Don't Ask, Don't Tell. Throughout the years of national debate and political wrangling on this policy, our legal community has been in the forefront, providing advice and guidance to the Air Force and to our Airmen. Air Force JAGS handled the related legal cases with remarkable skill and sensitivity, protecting Air Force interests without prejudicing future cases. While our JAGs sought to enforce Don't Ask, Don't Tell, when the law was on the books, you've also been instrumental in providing training to all of our Airmen in preparation for the law's repeal. Getting this training out to the field was a monumental task, and we simply couldn't have done it without an outstanding legal team.

The path to repeal of Don't Ask, Don't Tell, has not been easy, but you've done a tremendous job every step of the way. In the days ahead we can expect legal questions and challenges as the new policy is put into practice through the U.S. military and we continue to count on you. I am confident that you

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***We are depending on Airmen in every command and activity, and on every contractor with whom we work to help us reduce our cost of operation and make us more efficient, in what we do.***

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will establish fair processes to help us adjudicate complaints and work through this transition period in full compliance with the law.

Now, I would like to share some thoughts with you about the state of our Air Force, today. The challenges we face as a service and as a nation and the path we plan to follow to fulfill vital Air Force missions, today and in the future, while keeping faith with Airmen and their families. Although America's military has been stretched by two decades of combat, humanitarian, and stability operations, the men and women of the United States Air Force have never faltered and continue to answer the nation's call by providing unmatched global vigilance, reach and power across the full-spectrum of operations.

While we remain a nation at war, engaging in operations in Afghanistan, in Iraq, Libya, and in operations against Al Qaeda and its global affiliates, there is also a war on debt and deficits underway. Nearly everyone in and around Washington agrees that deficits cannot be allowed to remain high indefinitely. Congress and the administration are trying to find common ground on deficit reduction, and defense spending will continue to be part of that discussion.

Our Nation spends about 4.7 percent of our gross domestic product on defense, which works out to about 19 percent of federal spending overall. So while defense expenditures may not be the primary cause of the deficit, the defense cannot be exempted from efforts to get our fiscal house in order.

Knowing that defense spending levels of the post-9/11 era could not continue indefinitely, planning for a more constrained defense budget has been going on for sometime. In 2010, Secretary Gates launched his efficiencies initiatives to root out waste and improve efficiency and effectiveness across the



Armed Forces. As part of that process the Air Force identified 33 billion dollars in efficiencies which we were allowed to reinvest across the Future Years Defense Plan.

The planning work behind these efficiencies is coming to fruition with the start of Fiscal Year 12. We are depending on Airmen in every command and activity, and on every contractor with whom we work to help us reduce our cost of operation and make us more efficient, in what we do. But in this budget environment we know that efficiencies alone will not be enough.

The latest development in the budget process occurred in early August when Congress approved, and the President signed into law, a bipartisan debt deal. The reductions in defense spending required by the first part of the debt-ceiling agreement, known as the Budget Control Act, are roughly in line with what DOD civilian and military leaders were anticipating.

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***Any potential changes to our military retirement system must be carefully considered to make sure that we retain the highly motivated and experienced workforce necessary to execute the Air Force mission.***

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Though very tough, these reductions are considered achievable, as DOD reviews its rules and missions, and examines all areas of the budget for savings. To get these savings we will need to accept greater risk in some areas, terminate lower priority programs, streamline others, continue driving efficiency in our operations, and make some tough choices, about the core tenets our national security strategy.

Secretary of Defense Panetta has expressed confidence that we can implement these initial debt-ceiling agreement reductions, while maintaining the excellence of our military. At the same time he is working with the President and congressional leaders to keep them informed of the challenges and risks we face, and the potential consequences of even deeper reductions. Both Secretary Panetta and our new Chairman of the Joint Chiefs of Staff, General Dempsey, have made a commitment to ensure that our military has everything it needs to protect our national security at a time of considerable fiscal challenge. They have promised to fight for service members and their families as we face those budget challenges. They both understand the importance of keeping faith and being fair with military members and their families.

We are in a season of important national debate, and there will likely be more budget churn ahead. But we have to move forward in a way that protects our national security, and will provide our leadership with the tools necessary to defend America's interest in the complex security environment, in which we live. And that includes ensuring the United States continues to have the world's finest Air Force for generations to come.

While there are many unanswered questions right now and no final decisions have been made, a number of alternative plans and options are being considered. It is safe to say that every single line of the budget is under scrutiny. Although it would benefit no one to play down the hard choices that

confront us, neither should we paint a picture that is so bleak that our service members fear that the nation is turning its back on those who have served, with such devotion, or on the institutions that have kept our Nation secure for generations.

I want to make clear that as the Department of Defense adapts to the evolving budget environment your Air Force is committed to being fair with our Airmen and our families, and to sustaining core Air Force missions. There are certain capabilities we will protect, and we will apply best military judgment to oppose those reductions that would cause irreparable harm. General Schwartz and I are determined to set the right course, to make the right investments so that the Air Force evolves in positive directions, even with limited resources.

First and foremost, we must continue to support our military personnel and families who serve this nation. With about 35 to 40 percent of our Air Force budget committed to personnel costs of all kinds, and with areas like the cost of medical care, of growing concern, everything needs to be on the table for consideration. Our obligation to those who serve is to ensure that the compensation and benefits that you earn are sustainable for the Air Force over the long haul. Any potential changes to our military retirement system must be carefully considered to make sure that we retain the highly motivated and experienced workforce necessary to execute the Air Force mission.

As Secretary Panetta has indicated this would include grandfathering the current force, where appropriate. In addition to taking care of our people we are motivated to preserve Air Force core missions and capabilities. As we look at the Air Force budget, balance has been our guiding principle and a key feature of our resourcing strategy. Air Force leaders are discussing how best to achieve balance among our core functions, balance among our force structure,

readiness and modernization, and balance among our active duty, reserve and Air National Guard components, at whatever level of resources we are provided. A lot of work lies before us before we can expect any more strategic clarity than we already have. But as a general matter we are looking 10 years out to ensure that in the midst of significant budget reductions we stay focused on strategic priorities, and continue to improve key capabilities.

There is no question we face difficult choices, but we are confident we can still advance Air Force capabilities in important areas, such as fielding the F-35, the KC-46 new long-range strike family of systems, including the bomber, key satellites, and other systems.

Looking ahead 10 years, the joint and coalition team will continue to rely on the United States Air Force to provide unique capabilities whose tailored, timely, and precise effects span the spectrum of operations, from humanitarian assistance to nuclear deterrence. Potentially smaller than in previous decades, the Air Force of 2020 nonetheless can and must remain ready. We will continue to play a vital role in national security, because of our global and cross-domain orientation, our reach, our vigilant situational awareness, our power, and the proven of capacity of Airmen to adapt and shape the evolving security environment.

While I know there are many items on your busy schedule this week, I do want to take this opportunity to applaud General Harding and the planners of this conference for incorporating the theme of diversity into this year's agenda. This is just one part, but an undeniably important part of the diversity initiatives that the Judge Advocate General is implementing to develop the leadership skills that we need within our ranks to recruit and retain Airmen with diverse skills, talents and backgrounds. And this is part of a broader Air Force wide effort to ensure that as we shape our service for the future, our Air Force looks more like the Nation we serve.

Because all of society has a stake in the outcome of decisions on when and how our military is used, it is therefore a military necessity that all segments of society be invested in America's defense. Fostering diversity in the Air Force is also a military necessity

because we stand to gain enhanced military effectiveness from the diversity of thought and capabilities that Airmen from wide ranging backgrounds brings to the Air Force. When we fail to welcome people of all segments of our society, we are simply denying ourselves access to the broadest pool of qualified people. Although welcoming diversity is certainly not a new object for the Air Force, it is an objective that is both the right thing and the smart thing to do for our Air Force.

For reference in relation to the rest of the joint force, our Air Force is more educated, more female, more married, including more married to other service members, but the least diverse, in race and ethnicity.

Last year we held our first Air Force diversity summit, where we began deliberations about how we can more intentionally and effectively interest all America in Air Force service. How we can remove barriers to individual advancement, and how we can ensure that all Airmen are provided the mentoring and opportunities they deserve to succeed. We've established an Air Force diversity committee and the Chief of Staff, General Schwartz, and I plan to dedicate time to do a deep dive on diversity early next year.

As we've begun to think more about diversity and develop a better understanding of the issues, it has raised some interesting questions. For example, why are some Air Force career fields less diverse than others? Why do some racial and ethnic minorities fall below board averages for promotion? And, what ethnic and cultural backgrounds will be most in demand in the future national security environment? We need to review all the data and analysis to determine what conclusions we can draw, and what can and should be done to improve our efforts to recruit and retain a diverse force with the skills and talents our Nation and our Air Force need.

The bottom line is that promoting diversity advances our near-term and long-term national interests. We have an incredibly diverse citizenry in the United States. We have long been, and remain, the world's melting pot. This is in fact a national strength, and we cannot afford to ignore the benefit this diversity offers in support of our national security. Our military, our Air Force has a global presence, and inter-

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national partnerships and coalitions are the norm. We live in an increasingly globalized world. As the United States engages economically, diplomatically, militarily around the world, we need to encourage the talent and potential of people with language skills and those who understand other cultures. As leaders and role models each of you is in a position to help us to be more inclusive, and as a result to help us build a stronger Air Force.

I want to close this morning by again thanking you for all you do for our Air Force, and all you do to advance our missions, and to take care of our Airmen and their families. We are living in a time of great strategic and certainly budgetary uncertainty. But throughout our history, the Air Force has demonstrated the flexibility to evolve according to changing needs and requirements. The Air Force must be prepared to keep evolving as we finish today's fight and continue our mission to protect America today, and in the future. Despite the era of constrained resources ahead, your Air Force will continue to be a force to be reckoned with; a force that harnesses the talents of our incredible Airmen and the capabilities of advanced technology to fulfill our core missions, across the full spectrum of operations. No matter what lies ahead, you can rest assured that our Air Force needs and values members of our outstanding legal team. Many of whom are in this room today.

There will always be legal issues and challenges that must be addressed, and we will continue to rely on your expertise to enable our Air Force to fly, fight, and win, in airspace and cyberspace.

**QUESTION:** Because of the budget reductions there has been a lot of discussion about changing retirement benefits for military members. Can you tell us a little bit more about where you think those initiatives are headed?

**ANSWER:** We have a number of compensation issues on our plates. As you've already figured out from the discussions over the last year, we've focused on trying to get health care cost under control, and how to incentivise the existing health care system to favor areas where we can reduce costs, like incentivising the use of mail order pharmacy where that is feasible, for example.

We also face the usual issues of what kind of pay raises and allowances we will have over the next few years, whether there will be pay raises, if so, how large they will be. So, we are working through those issues. We are also interested in having a deeper discussion about the retirement system and what that should look like for the future.

The President has proposed a retirement commission that would take some additional time to look at this. The Department of Defense would be proposing, in the future, or recommending to the commission some ideas for their consideration.

**QUESTION:** Is a discussion going on in the Pentagon about roles and missions parceled out and divided to the various services. In other words, why are there are so many Air Forces in the DOD, and why we can't have all Airmen in one place?

**ANSWER:** Well a couple of points. First of all, you know there had been talk about doing a deeper roles and missions review. I think where the current discussion is focused is more on the scope and objectives of our current strategy and the extent that it can be supported with the resources that we are looking at, in the next decade. So, potential adjustments to strategy are really where the focus of discussion is at this point.

In discussing roles and missions, and in particular airpower, I also try to remind folks that the rise of aerospace technology in the Twentieth Century was pretty ubiquitous. Every military in the world needs airpower in its many, many dimensions to keep up with the demands and the requirements of modern warfare.

I don't expect all of those capabilities for the United States to be resident just simply in the United States Air Force. It is a great thing that our Nation has a Navy with the kind of airpower that it has, so that we have both the best and the second best Air Forces in the world.



The Army and the Marines also requires aviation assets. We are having a rich discussion on that in the context of the F-35 program; joint strike fighter, the biggest and most complex program the department has ever put together, which provides aircraft for the Air Force, Navy, and Marine Corps, and international partners.

**QUESTION:** A few months back the Air Force lost three of our Brigadier General spots in the JAG Corps. We have heard that they have been taking a look and asking DOD to reconsider. And I was wondering if you would be able to update us on where that is at?

**ANSWER:** I don't really have any current news for you on that front. It is the true that General Schwartz and I recommended against those changes, the Secretary of Defense made those calls. That's what Secretaries of Defense get paid to do. There has been some discussion about whether some of those issues, not just for the JAG Corps, but other parts of the general officer force and the command structure need to be revisited, in particular areas. I won't go into that today. But we do need to be very careful about how and where we do revisits to add back capabilities whether it's in flag officers or programs because this is going to be a time of austerity, so figuring out exactly where we want to buy back is going to be a big challenge for us.

**QUESTION:** In the National Defense Authorization Act of 2010, there was a statement in there that suggested the DOD ought to be looking at four year controlled tours for EFMP families. I wondered if the Air Force was considering something like that.

**ANSWER:** Well this an area that is getting increased focus. The Chief and I haven't had this discussion. I'm not sure where that discussion stands in our personnel community. But we have put additional emphasis and attention on the needs of families with exceptional family members and we recognize the need to accommodate certainly medical and educational opportunities as they move from location to location. That is an important initiative that came out of the Year of the Air Force Family, that we are still focused on.

**QUESTION:** Where do you see the future of joint basing?

**ANSWER:** The department had made a decision to go down this road for a select number of bases in two separate trenches. I think it covered about 14 bases if I remember correctly. We are still in the process of implementing those. I really don't see today any initiatives to go further. What we really want to understand is to let this play out a couple of years, and we will be able to track the cost from the way it used to be to the current structure for joint bases and understand whether it is working or not working, and sort of take corrective action from there. ✈️

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



# HAP and SCRA Updates

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**Y**ou have heard some absolutely outstanding presentations today on leadership and leadership styles. That's just wonderful. Now I will share my leadership style.

I had a phone call from the Air Reserve Personnel Center (ARPC) the other day. Some of you may know I got recalled from retirement to active duty for a six-month period of time last year in 2010 and then I re-retired and Mitch Nuerock and I went through the motions of "How do you get another retirement order and what is the effective date and so forth and so on." And I get a phone call from some confused guy at ARPC the other day and he said, "Sir, do you mind if I ask you a question?" I said, "No, go ahead." He said, "Well, what is your status; what are you?" I said, "About 6 feet, about 210 now, why?" He said, "No, no, I mean, are you on active duty, are you off active duty, what?" And I said, "Well, I think I am re-retired again; why?" He said, "Well, we were going over a fairly short list the other day of commissioned officers who had 40 years or more of commissioned service time and your name's on that list." And I said, "Well, isn't that just special?"

Okay, so you want some leadership tips? Here they are: I made a 40-year career out of leadership based on the system of threats and intimidation coupled with a killer gumbo recipe. You get a good gumbo recipe and you can go far in any organization.

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***I made a 40-year career out of leadership based on the system of threats and intimidation coupled with a killer gumbo recipe. You get a good gumbo recipe and you can go far in any organization.***

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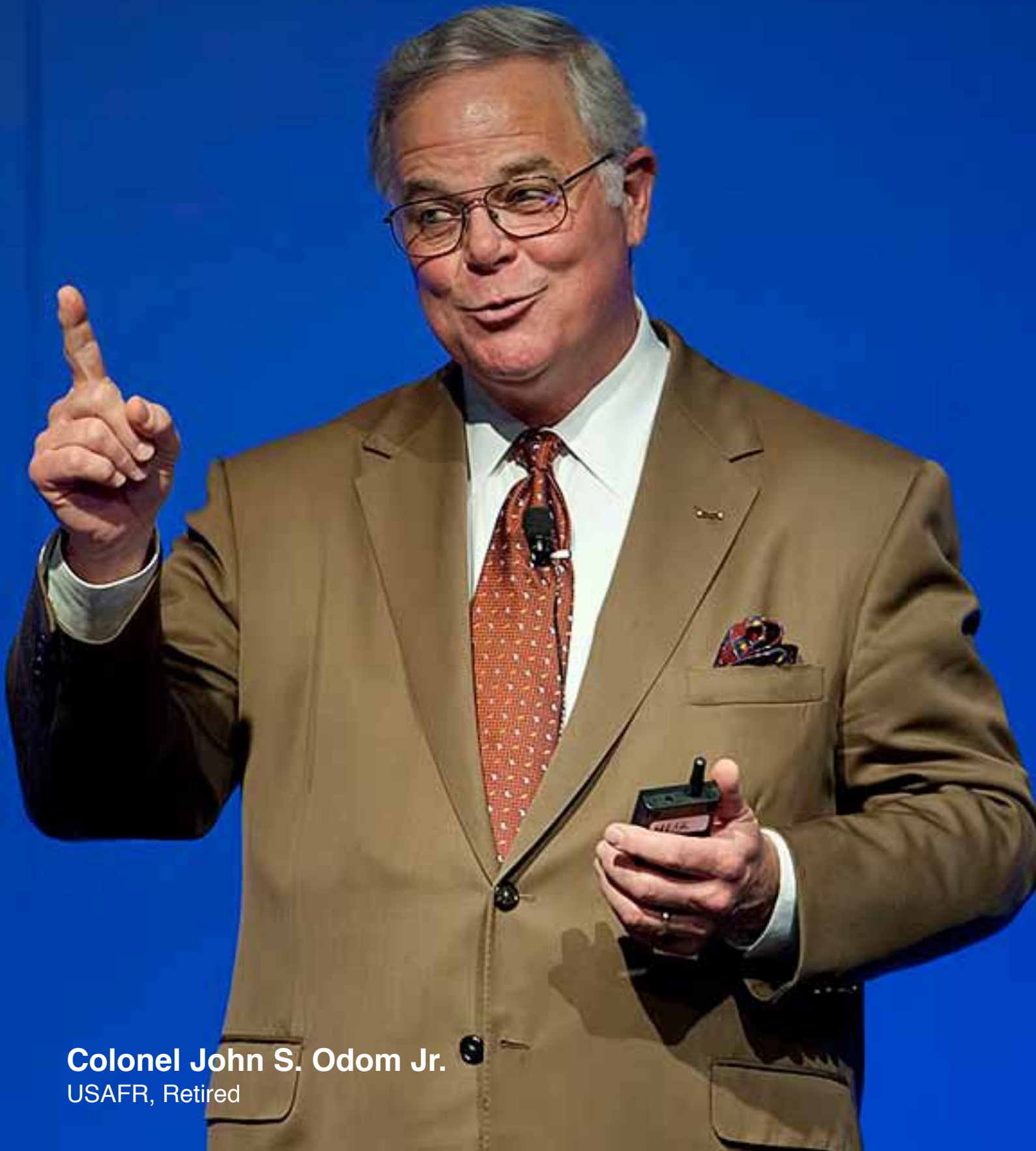
Now, there are some people in this room who are going to be really disappointed if you don't hear at least one Boudreaux joke, then I'll get into what the General asked me to come here and talk about.

The circus was in Ville Platte and moved out early one morning. They were going from Ville Platte to Carencro. The juggler in the circus overslept, and when he woke up he realized he could never catch them unless he drove 100 miles an hour down Highway 190. So he gets on 190 and he's driving 100 miles an hour and the Louisiana State Police pulled him over.

**Police:** "Step out, come to the back of the car."

**Juggler:** "Hey, man, look. I was late, I was trying to catch up with the circus."





**Colonel John S. Odom Jr.**  
USAFR, Retired

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## *But for all intents and purposes, the HAP program is pretty much over.*

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**Police:** “I’ve heard them all. What do you do with the circus?”

**Juggler:** “Well, I’m a juggler.”

**Police:** “What do you juggle?”

**Juggler:** “I can juggle anything.”

**Police:** “Really?”

**Juggler:** “I can juggle bowling balls, I can juggle bowling pins, I can juggle knives.”

**Police:** “Well, let me tell you something, pal. If you can step over here on the side of the road and juggle knives, I’ll let you off with a warning.”

So the juggler goes to the truck, opens it up, and takes out 4 knives and he’s standing on the side of the road juggling razor-sharp knives, as Boudreaux and Thibodeaux come along in a pickup truck.

**Boudreaux:** “Thib, we’re going to have to stop that drunk driving.”

**Thibodeaux:** “What you talking about, man?”

**Boudreaux:** “Man, look at that new field sobriety test the state police got. I can’t do that.”

### **Housing Assistance Program (HAP)**

General Harding had somebody call me and say, “The General would like for you to come to KEYSTONE and make a presentation on the Housing Assistance Program.” So I’m going to give you an update on the Housing Assistance Program and then we’re going to talk about Servicemembers Civil Relief Act (SCRA) updates.

The Housing Assistance Program (HAP) has been around much longer than you might otherwise have thought. It dates back to the early or the mid-60’s. It

was originally designed to protect service members and DOD civilian employees who owned real estate in communities that were adversely impacted by base realignment and closure, which we have been going through in one form or another for a number of years.

When one could prove that the real estate values in their community fell by a certain percentage, then the housing assistance program would come in and help buy the house or pay off the difference between what they could sell the house for in a short sale and what the mortgage company would accept. This was a much used program under different program names in the 80’s and 90’s. But in 2009, Congress made a decision under the ARRA, which was the stimulus package, the American Recovery and Restoration Act. They made a policy decision that they were going to help service members and DOD civilians who were impacted adversely by the general mortgage meltdown in the entire United States. It really didn’t have that much to do with BRAC because the impact of BRAC had more or less been equalized over a lengthy period of time.

So in 2009, Congress expanded the HAP program to include wounded, ill, and injured soldiers, sailors, Airmen, marines, and coast guard, and their surviving spouses who had to move somewhere for PCS to receive treatment. But if the wounded soldier or Airman had to be moved to another location to receive long-term care, they were added into that group of eligible people. Then they also expanded the program to include PCSing service members who simply couldn’t sell their homes. This was especially important for our people that were stationed at Nellis Air Force Base in Las Vegas, which was one of the four central meltdown hubs of the entire mortgage mess. Also terribly impacted were people in Florida.

The executive agent that administers the HAP program is the Army Corps of Engineers (ACE). So Congress said, “How much do you need to implement this program?” They analyzed the number

## *Mortgage foreclosures, as they adversely impact service members, is a hugely hot topic.*

of service members that had homes, that were in affected areas, and they said, “Well, we need \$900 million to make this program work successfully,” whereupon Congress allocated \$550 million. Does anyone see that there’s a shortfall coming? It was underfunded from the very beginning.

In FY10, Congress appropriated another \$310 million but they also expanded the eligibility for the program again. So it’s a law of diminishing returns at that point. Congress asked the question,

“What would happen if we extended the PCS order date from 30 September 2010 for one more year or moved the purchase-not-later-than-date for the house, which is now 1 July 2006? What would happen if we moved both of those dates one year?”

In other words, if you purchased your house in ‘05 or earlier instead of ‘06 or earlier or if you got your orders later, how much would that impact the program? Congress was told by ACE that they would need another \$500 to \$800 million to fund those date changes.

The program has 4,076 application packages in-hand who will likely not get paid anything. They need \$240 million to fund the 4,076 applications they currently have and there are other people who are still eligible but have not yet submitted packages. The program has approximately \$77 million left in its account.

I was talking to some folks from the Contracting Division of the Air Force General Counsel’s office last night and I said, “This is an incredible deal. They’ve got \$77 million and the program is out of funds practically, and I was told by Washington terms, it is out of money.” The program has assisted nearly 7,000 families. But they have to keep a remnant of the funds on hand because they have prioritized the wounded, injured, ill and the surviving spouses as first place priority. This is an interesting program

though because under some aspects of the HAP program, ACE actually went in and bought the house so that the government owned the house. Well, they sell those houses and funds come in from the sale of those houses. So there will be some additional funds coming in but some additional funds will go out. But for all intents and purposes, the HAP program is pretty much over.

### **Servicemember’s Civil Relief Act (SCRA) and the Rowles Case**

Moving onto SCRA trends and triumphs. Anybody who has read a newspaper or watched a television news broadcast since the beginning of this year knows that mortgage foreclosures, as they adversely impact service members, is a hugely hot topic.

The Rowles case in South Carolina was against J.P. Morgan Chase. Jonathan Rowles is a captain on active duty in the Marine Corps. Rowles owned a home in Colorado Springs, Colorado before he went on active duty in the Marine Corps. He then enters the Marine Corps. This guy’s not a reservist, he’s an active duty full-timer, but he enters the Marine Corps owning a home in Colorado Springs that had a mortgage with J.P. Morgan Chase that was above 6 percent interest. He sent them copies of his orders. He demanded a reduction to 6 percent and he then goes on to pilot training. They are stationed I think at Beaufort, South Carolina and he then gets deployed overseas to Okinawa. While he is deployed, about every three months or so for some unknown reasons, the Chase computer hiccupped and when Rowles’ wife would send in the check at the proper amount, which was \$2000 a month at 6 percent interest, but the hiccup caused the bank to expect \$2400 a month at the higher than 6 percent interest rate. Mrs. Rowles would send in the \$2000 month check for months on end, three or four months in a row, and then all of a sudden she’d send in a \$2000 check and the bank would send it back. Does anybody wonder why banks are in bad shape? They send money back when debtors try to pay their debts.

The bank would say, “This is a partial payment, we don’t accept partial payments.” This went on for two or three months in a row, then their mortgage was in default and now the bank is threatening foreclosure. Captain Rowles had a major weapon on his side, she was Mrs. Rowles. Boy, you talk about a tiger and how smart was this lady. She documented everything, she had everything in a 4-inch ring binder, inside acetate sleeves, she didn’t throw a single scrap of paper away. And she would call these people on the phone and she’d say, “You’re making a mistake, you have to lower the interest rate on this, why are you doing this?” And they would say, “Well, you’ve got to send us additional copies of his orders.” No, you don’t, but she did. She complied with everything they asked her to do.



Chase never did actually foreclose on the Rowles’ property. They came close, they sent threatening letters, it was an unpleasant deal but really and truly, Rowles never lost his house, but his wife was greatly inconvenienced while he was overseas, which caused a lot of upset. He came back to CONUS and they actually went to Colorado Springs and talked to the loan origination officer and he said, “I don’t understand why this is happening, we’ll get this straightened out,” and it didn’t. It went on, and on, and on.

Captain Rowles found a lawyer in South Carolina named Dick, this is a great name, Harpootlian, who is by some stroke of the imagination the Chairman of the South Carolina Democratic Party and a big class action guy. Dick filed a lawsuit on behalf of Johnathan and Mrs. Rowles and all others similarly situated. All of a sudden, it got some serious traction because almost accidentally through discovery, they asked, “Has this happened to anyone else?” Uh-oh.

Chase started looking and at first they said there were 2,000 military families who had been overcharged interest rates, then they looked again and it was up to 4,000, and by the time the entire House Veterans Affairs Committee held a full committee hearing on the Rowles case (in the second week of February of 2011). At the hearing, Mrs. Petraeus testified, and I offered written testimony. J.P. Morgan Chase sent a sacrificial executive vice president named Mary Muddick, who withstood the most horrifying questioning any of you hotshot trial lawyers have ever dished out, and the best thing that can be said for Mrs. Muddick is that she never ran screaming from the room.

The testimony went on and on. Then Congressman Jeff Miller, a tremendous gentleman, who is the Chairman of the House Veterans Affairs’ Committee, asked, “Now, Mrs. Muddick, I have just a few questions,” and he went through a few questions and he was so gentlemanly to her. He was peeling the hide off a skeleton and she didn’t really realize it. He was ever so polite about what he did.

Then as is a custom in these hearings, he turned it over to the ranking member, Mr. Bob Filner, a Congressman, a former city councilman from San Diego, former history professor at San Diego State University, and most importantly, former Chair of the Veteran’s Affairs Committee of the House of Representatives and really unhappy about the fact that he isn’t the chair any more. So Mr. Filner starts questioning this lady.

Now I’ve tried lawsuits for nearly 40 years now and I pride myself on being able to ask some tough, piercing questions. But about the fifth question that Congressman Filner asked of Mary Muddick was,

“Well, Ma’am, how many J.P. Morgan Chase executives do you think ought to go to prison over this?”

But the best thing that happened in the hearing was when it came time for Congressman Tim Walz to ask Mrs. Muddick questions. Congressman Walz is from the southwestern area of Minnesota and is the highest ranking former enlisted man to ever serve in the Congress of the United States. He is a retired E-9 from the Minnesota National Guard and was the Command Sergeant Major from the Minnesota Guard, he’s deployed before, he’s a former high school history teacher, he’s a little bit disheveled looking and he’s still got that high and tight crewcut.

Congressman Walz said, “Now, Mrs. Muddick, why did y’all change the interest rate on these things?” And she hems and haws around and finally said, “Well, one of the reasons was we couldn’t understand the military orders.” He said, “Well, I can understand that. Let me see, I’ve got one right here, it’s one page long, and it says you, Private So-and-so, are ordered to report to Camp Da-da-da on or about such-and-such a date for not less than 540 days of duty. Oh, gee, I can hardly understand that. Well, that’s the deployment order you said you can’t interpret.” And then Congressman Walz picked up his iPad and starts flipping pages on his iPad and he says, “Now, Mrs. Muddick, do you know why I’m scrolling through here?” And she said, “No, sir.” And he said, “Well, this is the credit card agreement that J.P. Morgan Chase made me sign before they’d give me a credit card and it’s 64 pages long; and you’re telling me that you’ve got lawyers that can understand this thing,” and he puts it down, “and you can’t understand this one page order? That’s incredible. Mr. Chairman, I yield back the remainder of my time.” Of course they never let you answer that question you understand, that’s the Congressional way.

Well, the Rowles case was a debacle for J. P. Morgan Chase because they ultimately discovered that there were nearly 7,000 families that they had goofed around on the interest rate for and they owed a lot of money back for, but more importantly, they discovered that there were 13 or 14 families that they had wrongfully foreclosed on in violation of the nonjudicial foreclosure prohibition. And so the week after the hearing, J.P. Morgan Chase had its

annual shareholder’s meeting and Jamie Dimon, the Chairman of the Board of J.P. Morgan Chase, spent 40 minutes briefing the Rowles case and what they were going to do to make up for it. So they finally settled the class action suit for \$20 or so million dollars and then announced that they were going to lower the interest rate on all military mortgages to no more than 4 percent. They’re not required to do that, but they’re looking for a little good PR at that point, and they’re working through the claim management process of that.

Okay, so that got everybody in Congress looking at military mortgages and how our people are being adversely affected not only by PCS moves, but by inability to sell the house for anything.

### ***Hurley v. Deutsche Bank Trust Company Americas***

So shortly after the hearing on the Rowles case, we started a trial in Grand Rapids, Michigan titled *Hurley v. Deutsche Bank Trust Company Americas*. I represented, along with some other attorneys, a Michigan National Guardsman named James Hurley. Sergeant Hurley had gone on active duty, his unit got mobilized, he sent copies of his orders to Saxon Mortgage, who was the mortgage servicer. Deutsche Bank was actually the trustee but they had to be the nominal defendant. Saxon Mortgage Services knew so little about the SCRA. What you’re going to find is these banks know a lot about Section 527, the interest rate section. That is the section whereby if you have a preservice obligation that bears interest in excess of 6 percent, if you notify the bank or you can send the bank a copy of your orders and you demand your rights, they have to lower the interest rate to no more than 6 percent during the entire period of your active duty and if it’s a mortgage debt, for a year after your active duty ends. They understand that. They hate it, but they understand it.

Where the disconnect for the lending institutions is, with respect to being protected from nonjudicial mortgage foreclosures, the service member is not obliged to do anything in the way of notification to the bank. The shoe is on the other foot. The burden is on the lending institution to ascertain whether or not the debtor is or is not protected by the Act before they commence nonjudicial foreclosure. It doesn’t say

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***No seizure, foreclosure, or sale of property subject to the protection of this act is valid except by valid order entered after a return of service satisfactory to the court and a hearing.***

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it that way in the statute, the statute is brilliant in its breadth. It says, “No seizure, foreclosure, or sale of property subject to the protection of this act is valid except by valid order entered after a return of service satisfactory to the court and a hearing.” The reason for that of course is we’ve got people deployed all over the world. They may not even know that a mortgage foreclosure is taking place if you do it nonjudicially because those are generally advertised or a notice is posted on the steps of the courthouse, which is pretty far from Kandahar. It’s pretty far away and these people don’t get the Arizona Daily Paper.

So even if they knew about it under Section 533, the service member is entitled to come into court and ask a judge to stay the proceedings or ask the judge to lower the mortgage payment to an amount he or she could afford during the period they’re on active duty. But if you don’t do the court order process, the GI never knows about what happened and they come home as Hurley did and find that their home is gone. Not only was their home gone, but in Michigan, there is a post-foreclosure redemption period of 180 days whereby even if they foreclosed, if the debtor knows and can find alternate financing, a rich aunt dies or whatever, the debtor can come by and buy the property back from the bank. The problem is, there’s another section of the SCRA, Section 526 that says, “No period of active duty service can be included in the computation of any statute of limitations or redemption period for the redemption of real estate.”

So they screwed the deal up on two completely separate bases. First of all they did an unauthorized nonjudicial foreclosure, then they said the redemption period had run, and they sold the guy’s property. So he comes back from Iraq, his family has been put out on the street in a most unfortunate manner. Well, they wouldn’t settle, and they wouldn’t settle, and they wouldn’t settle. We had over 400 pleadings filed of record in the Hurley case. The banks could have settled the case for about half of what they paid in attorney’s fees. But we had to fight the

battle about whether or not the SCRA included a private cause of action. Subsequently right after the Hurley case settled, we got Congress to act and there is now a new Title 8 to the SCRA that specifically provides that the Attorney General can sue violators and private causes of action can sue for violations to include damages, injunctive relief, and the John Odom clause, reasonable attorney’s fees. Hey, I can’t keep coming to these conferences if I’m not making money somewhere.

We went through oceans of motions practice, but we finally got into court and the judge just didn’t understand the case. He was a senior U.S. District Judge named Gordon Quist, who has been on the bench 25 years. We’re at the pretrial conference a week before the trial is supposed to begin and he said, “Why haven’t y’all settled this case?” All the bank’s lawyers are lined up over there and all of us are lined up over here and I said, “Well, Your Honor, you know, settling the case has to start with somebody making an offer. They haven’t offered a penny.” He said, “You’re kidding.” He said, “Well, John, what do you want to settle?” I said, “Wait a minute. You’re the trial judge. Are you trying to be the mediator all of a sudden? I’m not going to tell you what we’re going to settle for. If they want to get a mediator, we’ll do that —” He says, “no, no, no, tell me, what do you think the case is worth?” I said, “Okay, fine. It’s worth \$8 million,” and he recoiled in horror and he said, “Oh, John, John, John, John. You don’t understand. Your jury pool up here is going to be largely Lutherans and Christian Reform church members and they believe that God sends suffering to people as a badge of honor to be worn proudly in this world.” And I looked at him and I said, “Well, I’m a Southern Baptist deacon from Louisiana. If you’ll give me a few of your registered voters, we’re going to have a Come-to-Jesus-Meeting on the road to Damascus and the blinding light will come down and they will be saved.” And he looked at me and he said, “You’re a little different, aren’t you?”

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***Nobody for some reason thinks to look in the global or go to the A-1 and say, “Are these people still deployed?”***

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My abiding hope before that case was over was that I would be allowed to leave the courtroom every day not in handcuffs. So on day five of the jury trial, they finally caved and we finally settled it on day six. The New York Times picked the case up and since that happened in March, I haven't done much but SCRA stuff non-stop.

In May of 2011, the Department of Justice, which had been running a parallel investigation of Saxon Mortgage while we were doing the Hurley case, announced a settlement of \$2.35 million with Saxon Mortgage because they discovered that Saxon Mortgage had illegally foreclosed between 2006 and 2009 on 19 more service members' homes and so they set up a fund of \$2.35 million to pay those folks off. Now, the amount that we settled for is confidential but I can tell you this. I claim that we got the world's record high price for a 10-year old used double wide mobile home and two acres of scrub timber in Van Buren County, Michigan. We took them for a lot.

After the Saxon Mortgage settlement was announced, the big one came through. Many of you doing legal assistance have had trouble with Bank of America and Countrywide Home Loans. They settled for \$20 million and set up a claims fund and so they will be working through all of those.

### **Long-Term Storage**

Now, here is something I would like to make sure you take back to your bases with you. This is a growing problem that I'm seeing over, and over, and over again. A member is given orders to deploy overseas, whether it's in the AOR or otherwise. They take their household goods and they go into long-term storage at government expense. The warehouse holding those goods knows that it's at government expense because they're getting a funds transfer each and every month from the government. The housing storage warehouse knows the Social Security number of the member because they have orders with that member's Social Security number on it, so this is

not hiding anything. Then something happens and the overseas tour gets extended for whatever reason and somehow those extension orders don't get back to TMO or as the Navy calls it, PPO, the Personal Property Office. And at the DEROS date when the TMO folks assume that the overseas deployed member is supposed to be home, they stop paying the storage charges on the goods and then the warehouse starts saying, “Well, who's supposed to pay this?” “Well, it's now the member's responsibility, they're supposed to be home, we don't know why they haven't come.” Nobody for some reason thinks to look in the global or go to the A-1 and say, “Are these people still deployed?” And after a few months of no storage fees being paid, the storage warehouses are selling the household goods out from under our people.

I have a case that I'm about to file in South Bend, Wisconsin. Well, my lady comes home from Okinawa. Her tour on Okinawa got extended because they deployed her to Kuwait in the middle of her tour. And so she stayed on Okinawa a little while longer. The Personal Property Office at Great Lakes Naval Training Center said, “Well, she's supposed to be home, we're not paying any more on the \$152 a month for her storage charges. Everything this woman owned was in storage. And the storage warehouse people can't find her and they write back to the PPO at Great Lakes and say, “We can't find her; what do you think we should do?” And the Personal Property Office said, “Well, you can sell the goods.”

I found the guy who bought her goods. He's a legitimate guy and he goes to these auctions. He paid \$2,101 for Commander Roberts' entire household goods—everything she owned. She found who had bought the stuff and she went to see the guy to see if there was any way that she could reclaim any of it. When she walked up, the guy turned white as a sheet and said, “We thought you were dead.” She said, “Well, no, I'm pretty much alive, why did you think I was dead?” He said, “Ma'am, we opened up your shipment and knew that somebody made a real

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***There is proposed legislation to amend the SCRA by essentially establishing federal child custody guidelines. This is a bad idea.***

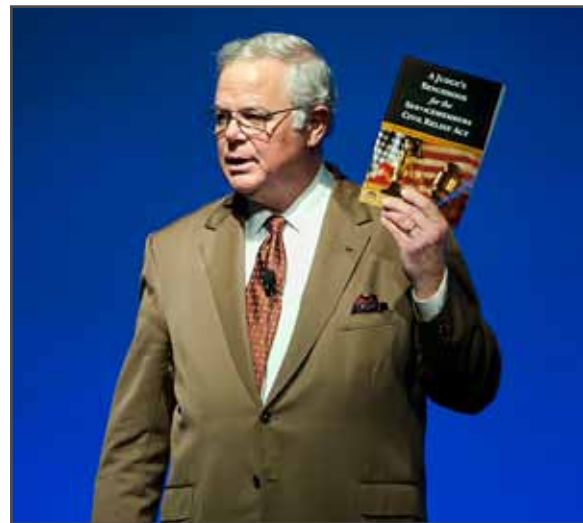
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mistake here because nobody abandons goods like this.” So the buyer went back to the management of the storage warehouse and said, “You made a mistake somewhere.” The storage warehouse said, “Oh, no, you have no fear. No one will come to reclaim those.” The buyer took it to mean the military member was dead and the buyer’s wife was a very religious person and when they had the big yard sale to sell all her goods, they found a photograph of her in there, that’s how they knew who the military member was when she showed up inquiring about her goods. They had a little shrine set up with little candles and a photograph of her. How creepy is that?

Two quick things as a legislative update. Congressman Mike Turner, from Akron, Ohio, continues to introduce legislation that most of the family law experts in the world think is a tremendously bad idea. The proposed legislation is an amendment to the SCRA seeking to essentially establish federal child custody guidelines. This is a bad idea. It is opposed by the American Bar Association (ABA), it is opposed by the family law section of the ABA, it’s opposed by the Adjutant General’s Association and the National Guard Association of the U.S. I could go on and on.

And he continues to introduce it. This year he made a tactical error because he did not introduce it as a stand alone bill. He got it inserted into the NDAA because he’s on the House Armed Services Committee. It’s in the House version of the NDAA but it is probably not going to be in the Senate version of the NDAA and we expect it to fail once again. On the 12th of October a bill passed the House and we expect passage in the Senate which is going to extend the protection against non-judicial mortgage foreclosures extends for 12 months after release from active duty. The interest rate protection on mortgaged debt extends for 12 months after

release from active duty. It never did make any sense why it wasn’t 12 months for both of them. The new law will extend to 12 months the period of time that they will be protected after active duty against nonjudicial mortgage foreclosure and it also adds a requirement that any lending institution subject to the act must have a full-time compliance officer on SCRA. Finally, if the bank has \$10 billion in assets or more, they have to have an 800 number dedicated for SCRA resolution.



I wrote a Judge’s Benchbook for the Servicemember’s Civil Relief Act and it’s selling like hotcakes. I don’t make a penny off of it. So if you want some forms and some good explanation, go to the ABA website and the book is available. General Rives made sure I receive no royalties as the author. Imagine that.

Thank you very much for your time. I enjoyed being with you. ✈

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*




 Spotlight on

## Attorney-Paralegal Teaming

**W**hy not Minot? Although probably not at the top of your vacation list, just 13 miles north of this town of 40,000 in north-central North Dakota lies one of the Air Force's most important installations. Minot Air Force Base has two major wings, both of which fall under Air Force Global Strike Command. The 5th Bomb Wing maintains and operates B-52H Stratofortress bombers capable of both nuclear and conventional missions in support of national objectives. The 91st Missile Wing is one of the Air Force's three operational intercontinental ballistic missile units, responsible for maintaining 150 Minuteman III nuclear missiles located in three main fields across the state of North Dakota.

The base is also home to one of the Air Force's busiest ADC offices. The two-person defense team that represents over 5,400 military members assigned to both wings on this installation on the northern plains can always count on two things: frigid winters and a steady flow of Article 15 clients.

Minot led the Air Force with an astounding 146 offers of nonjudicial punishment during the first nine

months of 2011—on pace to meet or exceed 200 for the year. Despite these high numbers, the defense team posted over a 95 percent attorney consult rate. But it's not just Article 15s that keep the Minot defenders busy; during the same time period, Minot had 11 courts-martial, ranking 16th among installations worldwide. Included in this number was an Air Force-leading six courts-martial during the month of August alone. The Minot team also represented 57 clients in discharge actions and another 18 clients in administrative demotions through September 2011.

Despite a workload that rivals ADC offices with multiple attorneys and/or multiple paralegals, the Minot office accomplishes the mission with just one of each. They make that happen by being both efficient and effective with their time—as well as effectively tapping into the resources of the worldwide cadre of defense professionals for backup support—to ensure each client who walks through the door is provided zealous representation to achieve the best possible outcome for his or her particular situation. There's no question—Minot's defenders are at the leading edge of attorney-paralegal teaming.



*Capt Telford and TSgt Miller*



**Attorney-Paralegal Teaming**



# THE OFFICE OF THE JUDGE ADVOCATE GENERAL



*Lt Gen Richard C. Harding  
The Judge Advocate General*



*Maj Gen Steven J. Lepper  
Deputy Judge Advocate General*

The Judge Advocate General (TJAG) serves as the legal adviser to the Secretary of the Air Force and all officers and agencies of the Department of the Air Force. He directs all judge advocates in the performance of their duties and is responsible for the professional oversight of more than 4,400 members of the Total Force Judge Advocate General's Corps worldwide. TJAG oversees military justice, operational and international law, and civil law functions at every level of command.

The Office of The Judge Advocate General supports TJAG in fulfilling these responsibilities and consists of nine divisions. They are: the Administrative Law Directorate (JAA), the TJAG Action Group (JAG), the International and Operations Law

Directorate (JAO), Acquisitions Law and Litigation Directorate (JAQ), the Air Reserve Component Advisor to TJAG (JAR), the Air Force Trial Judiciary (JAT), the Professional Development Directorate (JAX), the Senior Paralegal Manager to TJAG (JAY), and the Civilian Professional Development, Plans and Programs Directorate (JAZ). TJAG also exercises supervisory authority over the Air Force Court of Criminal Appeals (JAH).

The Office of The Judge Advocate General oversees implementation of JAG Corps 21—an enterprise-level efficiency program. Through this program, the Corps reorganized and became more efficient by standing up 11 field support centers. In 2010, TJAG re-dedicated the Corps to

additional self-improvement within this new structure by introducing the principles of Foundational Leadership, which is leadership rooted in our core values...integrity, excellence and service...and in our guiding principles... wisdom, valor and justice.

In 2011, TJAG continued to highlight the first four initiatives of our Foundational Leadership vision—attorney/paralegal teaming, military justice, legal assistance, and training—while emphasizing the next phase of Foundational Leadership: “Building Tomorrow’s Leaders.” Throughout 2011, TJAG stressed that the JAG Corps is structured as a meritocracy and challenged the Corps to view Foundational Leadership through the lens of diversity and inclusion. TJAG emphasized that diversity is a strategic

imperative for the Air Force; that it is a source of strength for the Corps and, in order to harness the power of diversity, the Corps must tap into everyone's leadership potential. To do that, the Corps will pursue a strategy of inclusion in which all members will be trained in universal skills and mentored to be tomorrow's leaders. Everyone's leadership potential must be realized.

In 2011, AF/JA implemented several TJAG directed organizational changes designed to advance these Foundational Leadership initiatives and to build stronger judge advocates. First, TJAG directed a field certification process to encourage the development of trial skills of young judge advocates. Second, to improve legal assistance practice Corps-wide, TJAG encouraged participation in web-based training, authorized stand up of a legal assistance division in the NCR, and employed a CLE requirement to ensure all practitioners continue to improve in legal assistance. Likewise, to build stronger paralegals, TJAG approved the training of 7-level paralegals in will drafting and teamed them with attorneys to improve how JAG Corps' members generate these important legal instruments. In addition, AF/JA coordinated

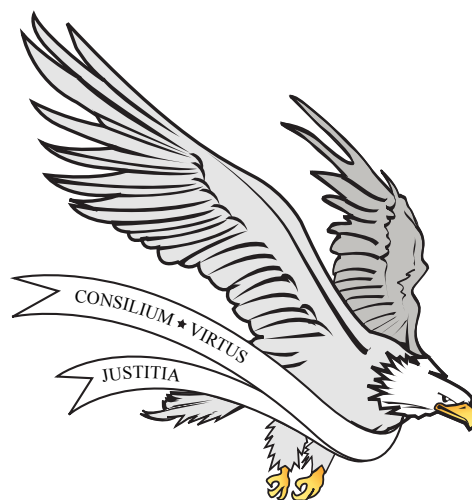
major changes in the CFE&TP and distributed a model resume identifying and highlighting the professional knowledge, skills, and leadership abilities of Corps paralegals. Finally, AF/JA and AF/JAG put into practice TJAG's vision for more focused JAG Corps training. By the end of 2011, nearly 100% of JAG Corps' members had individual training plans to chart a better course for each member's professional development.

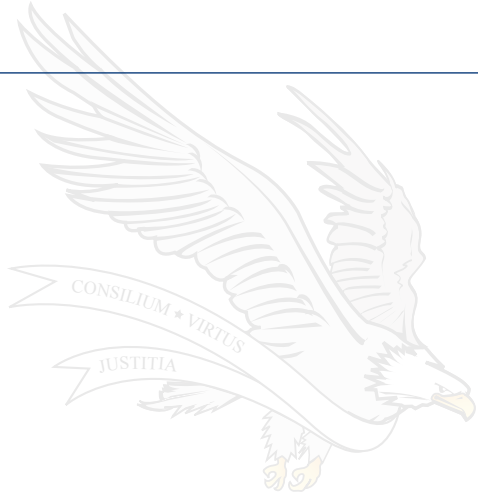
In 2011, DJAG represented the Air Force as a leader in the DOD Comprehensive Review Working Group's study of the repeal of "Don't Ask, Don't Tell." In May, DJAG spoke to over 500 majors, including representatives from over 60 allied countries, at Air Command and Staff College at Maxwell AFB. In July, DJAG gave a presentation at the United Nations Peace Operations and the Law Symposium in Chicago. He also spoke throughout the year to new wing and group commanders during their orientation course at Maxwell Air Force Base.

In 2011, AF/JA guided the Corps through significant fiscal and manpower challenges. From force shaping and decreases in conference travel, to directed cuts in general officer billets,

AF/JA worked to ensure the Corps can continue to provide first-class legal services to the Air Force in a timely and efficient manner in a fiscally constrained environment. In July, TJAG testified before the Senate Armed Services Committee, Personnel Subcommittee, regarding several issues facing the Corps including the impact of the elimination of three AF JAG brigadier general billets. In August, TJAG presented a State of the Corps address to the American Bar Association's annual convention, highlighting the importance of the Corps and ABA partnership in the Legal Assistance for Military Personnel (LAMP) program.

Finally, both TJAG and DJAG made frequent inspections in the field exercising TJAG's statutory authority under Article 6, UCMJ. In 2011, AF/JA steered the Corps through significant changes to the Article 6 inspection process. AF/JA improved this process by synchronizing inspections with the IG, modeling Article 6 inspections into 2 distinct elements, and developing a single checklist for all to follow. To carry the new process forward, AF/JA stood up a new Article 6 inspection team, which conducted the first two part Article 6 inspections.





# JAA



*Mr. Conrad M. Von Wald  
Director*

**T**he Administrative Law Directorate (HQ AF/JAA or JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; The Inspector General; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. In 2011, JAA has 26 active duty and civilian attorneys, three civilian paralegals, a military administrator, and three civilian administrators. The directorate is also supported by seven reserve attorneys.

The directorate oversees the review of adverse personnel actions on officer personnel, including officer administrative discharges, promotion propriety actions, and senior officer unfavorable information files. Three JAA judge advocates provide direct

legal and investigative support to the Air Force Inspector General (IG) and his staff on every IG investigation involving a subject in the grade of colonel-select and above, as well as civilian employee equivalents. One JAA judge advocate provides legal advice to the IG Complaints Resolution Division on all investigations of reprisal, restriction, and improper mental health referrals, as well as requests for IG records. One civilian attorney serves as legal advisor to the Air Force Surgeon General. Other divisions handle Information and Privacy, Communication/Computer, Services, and professional responsibility issues. JAA further provides direct support to AF/SG through a legal advisor position. Finally, the directorate reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice, and provides legal reviews for actions pending before the Board for Correction of Military Records.

During 2011, JAA was involved in a number of significant efforts, including:

### **Repeal of 10 U.S.C. 654, “Policy Concerning Homosexuality in the Armed Forces”**

JAA provided legal and policy development support to the Air Force to ensure proper implementation of the repeal of 10 U.S.C. 654, commonly referred to as “Don’t Ask, Don’t Tell.” JAA led the effort to develop training materials for the DOD mandated three-tiered training program (Tier I/attorneys, Tier II/commanders and senior leadership and Tier III/general military population). Attorneys in JAA provided Tier I training to all JAG Corps personnel and also provided Tier II training to all Air Force senior leaders assigned to Headquarters Air Force. JAA personnel assisted in the development of Air Force policy and the re-writing of 22 Air Force instructions to comply with repeal

implementation. JAA continues to provide legal support to the Air Force and DOD working group reviewing benefits policy issues.

### **Constitutional and Personnel Issues**

JAA reviewed a variety of constitutional and personnel matters to ensure compliance with legal and policy requirements. The Directorate provided advice and assistance in revising Air Force policy regarding religious accommodation and the wear of the uniform and also drafted new guidance addressing “public display of affection” while in uniform. JAA was instrumental in developing force management policy to implement necessary Air Force-wide personnel reductions including selective continuation boards, reductions in force boards, and selective early retirement boards.

### **Total Force Integration**

JAA’s work this year in the Total Force Integration arena included working with NGB/JA and SAF/GC to merge regular Air Force and Air National Guard officer training at the Air Force Officer Training School (OTS) at Maxwell AFB, AL. The ANG’s officer training program is the Academy of Military Science (AMS). In 2009, it moved from McGhee Tyson ANG Base, TN, to Maxwell AFB, where it became ANG Det 12 and co-located with OTS at the Jeanne M. Holm Center for Officer Accessions and Citizen Development. A SecAF Order (SAFO) was drafted which, when signed, will attach ANG Det 12 to OTS and the Holm Center, allowing the OTS commander, regardless of component (RegAF or ANG), to exercise concurrent command over all assigned and attached personnel, both

Det 12 ANG and RegAF. Once this occurs, and through the use of MOAs, command of OTS will alternate between RegAF and ANG officers.

JAA also issued an OPJAG (2011/3) addressing “Reserve Sanctuary,” the statutory rule (10 U.S.C. 12686) that prohibits involuntary release of Air Force reserve components from active duty if the member reaches 18 total years of service while on active duty orders. The OPJAG addresses a number of issues surrounding sanctuary, including mandatory waivers before a member (about to reach sanctuary) can deploy, sanctuary for members on involuntary mobilizations, time limits for claiming sanctuary, and members who change their minds about wanting to claim sanctuary.

### **Department of Defense/Air Force Publications**

JAA’s legal reviews of publications covered the gamut of subjects and functional areas. One surprisingly common misperception which had to be addressed was that guidance and policy can be disseminated other than by means of official Air Force publications and that individuals other than SecAF can determine and approve Air Force policy.

### **Air Force Civil Liberties Program**

In accordance with a federal law passed in 2008, JAA teamed with SAF/A6 CIO to create the Air Force Civil Liberties Program, establishing guidelines and products for training personnel on civil liberties issues; investigating and then reporting Air Force civil liberty complaints to the Department of Defense Privacy and Civil Liberties Office and Congress;

revising AFI 33-332 to incorporate the Air Force’s civil liberties program; and establishing civil liberties guidance on the Air Force Privacy Officer and JAA websites.

### **Legislation**

JAA reviewed hundred of legislative proposals to identify potential adverse impacts and to improve the benefit to the Air Force and DOD. One of the most significant inputs we had with respect to legislation proposed in 2011 concerns the processing of sexual assault cases in the military. The legislation sought to greatly restrict commander discretion, and in some instances, remove sexual assault cases from the chain of command. This, as well as some other legal problems with the legislation, raised significant concerns with JAA and JAJM. While the final outcome of this legislation is still pending, our input provided a compelling and articulate defense of the military justice system.

### **Ethics and Travel Issues**

The Directorate hired a full-time Ethics and Fiscal Law Attorney to respond to Air Staff Ethics issues. The past year saw new Secretarial guidance on fiscal austerity and participation in conferences as well as new Under Secretary of Defense restrictions on senior officer and enlisted leaders sitting on the boards of directors of outside organizations and proposed Office of Government Ethics rules on limiting the use of gift exceptions when dealing with lobbyist organizations. Notable issues in the past year included gifts to the Air Force and individuals, including gifts from foreign governments, spouse travel on military aircraft, fundraising in the workplace, permissible political activities associated with the ongo-

ing Presidential election campaign, and acceptable levels of logistical support for non-federal entities. The Directorate assisted Global Strike Command with several fiscal law initiatives to bring relief to Airmen and their families impacted by major flooding in Minot, North Dakota.

### U.S. Air Force Academy

Congress recently passed 10 U.S.C. 9362 authorizing the Secretary to establish a non-profit corporation, under Colorado law, to manage the Air Force Academy's athletic programs. The corporation's board of directors has met and selected an interim Chief Executive Officer. The Directorate produced ethics and conflict of interest guidance for the board of directors and participated in a working group that has helped the Academy navigate the myriad of fiscal law, corporation law and ethics issues associated with the stand-up of the athletic corporation. Other notable issues during the past year included fiscal law issues surrounding the construction of a solar array energy network, diversity among the academic and coaching staff, the Academy's participation in BCS athletic conferences, and the selection of the Academy as the venue for an upcoming inter-service operational research symposium.

### Services Law

JAA-S continued to serve as the Services Law reach back resource (FSC) for all Air Force legal offices world-wide regarding MWR, NAF, child development center, and the use of APFs and NAFs to support various category MWR programs, events and activities and to provide legal support for the Air Force Food Transformation Initiative (Food T) that will modernize food delivery services to airmen

who receive subsistence in kind. Six Air Force installations are in the "test" mode. If successful, Food T operations may be expanded to other Air Force installations.

JAA-S continued its cradle-to-grave administration of NAF workers' compensation claims, making the Air Force the only service to administer NAF workers' compensation claims in house. In 2011, sixteen formal workers' compensation cases were resolved saving the Air Force over \$5 million in potential payments.

JAA-S spearheaded effort to revise AFI 34-204 (now AFI 34-108), *Air Force Commercial Sponsorship Program*. For the first time this AFI now contains offer and acceptance templates that can be used by Air Force legal offices world-wide in processing donations/gifts to installation morale, welfare and recreation fund (MWR) Non-appropriated fund instrumentalities (NAFIs). Additionally, we helped draft a sample Open House Hospitality Tent rental agreement that can be used by commercial sponsors and others at Air Force installations world-wide during open house and related events.

JAA-S provided the primary legal advice to AFSVA and AF/AIS on a noteworthy proposed change to the Financial Management Regulations (FMRs). The change required Nonappropriated Fund Instrumentalities operating on DOD installations to pay for services, such as utilities, and other expenses in advance. The Air Force FM directorate proposed collecting 12 months advance payments from each NAFI. Such an advance would have severely impacted the cash flow of most, if not all, NAFIs operating throughout the

Air Force. We provided advice and proposed a "way ahead" to ensure the changes to the FMRs requiring advance payments minimally impacted the cash flow and operations of NAFIs.

JAA-S coordinated and advised the AFSVA on 18 new Memoranda of Agreement (MOAs) and 49 amendments to previously signed MOAs. MOAs provide a significant amount of funds the AFSVA uses to construct and make improvements to Air Force Category A, B and C MWR activities worldwide. For calendar year 2011, JAA-S advised the AFSVA/CC on \$98 million in funds received for programs such as the Exceptional Family Member Program, Child Development Centers, fitness centers, programs designed to assist wounded warriors and Food Transformation. A large majority of the funding was provided directly to the AFSVA by OSD.



# JAG



*Col Sharon A. Shaffer  
Director of Staff/Chief, TJAG  
Action Group*

**T**he TJAG Action Group (HQ AF/JAG or TAG) is responsible for policy, special projects, strategic communication, executive services, and the administration of Office of The Judge Advocate General (OTJAG) taskings. It includes five active duty judge advocates, two reserve judge advocates, two civilian attorneys, one paralegal, and one civilian administrator.

## **Director**

In addition to providing professional supervision over the TAG branches, the Director serves as the Director of Staff, OTJAG. As such, the Director is responsible for major OTJAG projects and the orderly processing of more than 700 internal and external taskings. Additionally, the Director serves as the KEYSTONE Working Group Lead and is responsible for all aspects of the leadership summit. This year, the Director served as the lead for the planning and execution of a new “Developing Leaders” program at KEYSTONE, designed to focus on the

use of interpersonal and communication skills in fostering an environment of inclusion.

## **Policy and Special Projects**

Branch personnel serve as the principal policy advisors to The Judge Advocate General (TJAG). They are responsible for myriad policy documents, including policy memoranda, mission directives, and TJAG Intent Papers. The Branch examines and makes recommendations concerning a variety of JAG Corps issues and initiatives, and leads, facilitates, and serves on special project teams.

This year’s projects included a focus on key TJAG initiatives, particularly training. The Branch conducted a “Heritage to Horizons” event in August, bringing senior JAG Corps alumni to Washington D.C. to discuss current issues affecting the Air Force and the JAG Corps. The Branch also developed the location, logistics, and agenda for large JAG Corps events such as the Board of Directors Meeting and the TJAGC Executive Conference.

The training initiative involved working with MAJCOM Chiefs of Training to establish the fundamental components of a Corps-wide training portfolio and teaming with The Judge Advocate General’s School to convert those components into a CAPSIL IT system that maximizes the use of data which already exists elsewhere (such as within Roster). The portfolio will consist of a tailored individual training plan for every JAG Corps member, an SJA dashboard that will aid in assigning and monitoring office-wide training, and career learning roadmaps that will serve as a guide to long-term development. The end result will be a comprehensive requirements-based training system.

The Branch served as the Team Lead for the KEYSTONE 2011 Strategic Planning Team. As such, they were responsible for the plenary sessions, tracks, electives, New Colonels’ Orientation, Military Justice Revival, Article 6 Inspector Training, and myriad other education and training events during the leadership summit. They developed and provided oversight to over 100 hours of instruction and training.

## **Strategic Communications**

The Strategic Communications Branch identifies, develops, and implements communication strategies, policies, plans, standards, and procedures for TJAG. It is the liaison to Air Force public affairs offices and facilitates JAG Corps involvement with media outlets and the general public. The Strategic Communications Branch also collects, consolidates, drafts, and transmits information, briefings, and speeches for internal and external audiences. The Branch is responsible for the JAG Corps weekly Online News Service, the JAG Corps Family News, and Senior Leader Talking Points—all of which provide direct communication between senior JAG leaders and other members of our Corps.

During 2011, the Strategic Communications Branch provided guidance to various agencies in several high-profile, high-media interest cases. In addition the Strategic Communications Branch led the Strategic Communications Team for the 2011 KEYSTONE Leadership Summit. As team lead, it prepared several presentations for senior JAG Corps leaders, facilitated external speaker presentations, and launched a series of new initiatives (including KEYNOTES and the 2011 KEYSTONE Blog).



## Executive Services

The Executive Services Branch serves as the focal point for the planning and execution of JAG Corps events and ceremonies hosted by TJAG or the Deputy Judge Advocate General, including KEYSTONE Leadership Summits and Executive Conferences. It also provides administrative and logistical support to the OTJAG.

During 2011, the Executive Services Branch managed numerous promotion, retirement, change of command, investiture, and award presentation ceremonies. It also coordinated a swearing-in ceremony at the Supreme Court of the United States for NCR judge advocates and visits to the Pentagon by three Judge Advocate Staff Officer Course classes from The Judge Advocate General's School. This year also included the second "Heritage to Horizons" event, bringing together over twenty retired TJAGs, DJAGs, senior civilian leaders, and Senior Paralegal Managers, for a one-day conference to discuss current and future JAG Corps initiatives. During the 2011 KEYSTONE Leadership Summit, the Executive Services Branch managed all social events, including the TJAG Annual Awards Banquet and coordinated all requirements for distinguished visitors, including the Secretary of the Air Force and the Chief Master Sergeant of the Air Force.

## Special Counsel to The Judge Advocate General

Attorneys designated as special counsel to TJAG act as key advisors to TJAG and DJAG and serve as action officers for high-profile legal projects. Assigned projects are often for Air Force senior leadership and are generally sensitive in nature. The special counsel also act as liaisons to other HAF agencies, AFLOA, major command legal offices

and outside agencies to gather data and provide actionable legal recommendations to TJAG.

During 2011, the Special Counsel Branch worked on a variety of special projects for senior JAG Corps leadership to include, development of the trial counsel certification program, leading an Air Force focus on the Exceptional Family Member Program (EFMP) which included an interactive webcast introduced by the Chief of Staff of the Air Force, coordinating a definition for date of discovery for tracking a new administrative separation metric, preparing TJAG and senior AF leaders for congressional testimony, orchestrating JAG Corps efforts to secure manpower and resources to provide expanded legal support to the Disability Evaluation System, supporting key initiatives such as the Paralegal Training for Wills program, assisting with disciplinary issues involving high-level Corps personnel, and developing solutions to deter synthetic cannabinoid (aka "Spice") use through the development of a robust urinalysis testing program.

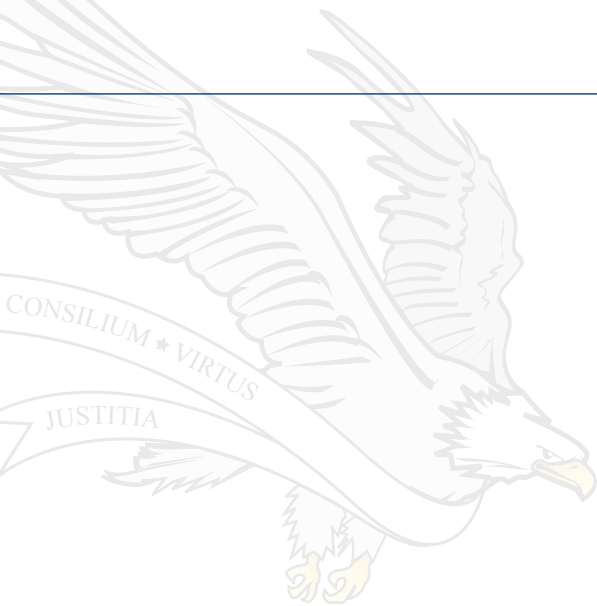
In addition, the Special Counsel Branch played a key role in KEYSTONE 2011 planning and execution. One special counsel served as the Working Group Assistant Chief/Operations Team Lead and the other as the lead for MAJCOM Breakouts.

## 2011 KEYSTONE Leadership Summit

The TAG is the lead office for the planning and execution of the annual JAG Corps KEYSTONE Leadership Summit. This year, KEYSTONE was held at the Hilton New Orleans Riverside in New Orleans, Louisiana from 17-21 October.

KEYSTONE was an unqualified success, with more than 700 judge advocates, civilian attorneys, paralegals, and distinguished guests participating. This year, featured speakers included William "Bill" Robinson, the President of the American Bar Association (ABA); The Honorable Michael B. Donley, Secretary of the Air Force; The Honorable Charles A. Blanchard, General Counsel of the Department of the Air Force; Lieutenant General Russell L. Honore, USA, Ret.; Major General Alfred J. Stewart, Commander of the Air Force Personnel Center; Colonel John Odom, USAFR, Ret.; Mrs. Hollister K. Petraeus, Director of the Office of Servicemember Affairs, Consumer Financial Protection Bureau; The Honorable Jim Letten, United States Attorney for the Eastern District of Louisiana; and Chief Master Sergeant James A. Roy, the Chief Master Sergeant of the Air Force.

Critical to this year's KEYSTONE success was our partnership with key members of the ABA to focus our diversity efforts on developing leaders training for our JAG Corps' senior and mid-level leaders. Several interactive sessions were offered to improve members' self-awareness, self-management, interaction, and communication skills. The concept of diversity leadership through fostering an environment of inclusiveness was introduced and explored. Mr. Joe West, President and CEO of the Minority Corporate Counsel Association and former Associate General Counsel of Wal-Mart, led the training. He, along with Ms. Aracely Munoz-Petrich, Staff Director for the ABA's Commission on Racial and Ethnic Diversity in the Profession, presented the three essential "Is" of weaving a diverse force through inclusion, investment, and interceding.



# JAH



*Col William E. Orr Jr.  
Director*

**T**he Air Force Court of Criminal Appeals has jurisdiction over: (a) all trials by court-martial where the sentence includes confinement for 12 months or longer, a punitive discharge, dismissal of a commissioned officer or cadet, or death; (b) all cases forwarded to the Court for review by The Judge Advocate General of the Air Force under Article 69(d), UCMJ; (c) certain Government appeals of orders or rulings of military trial judges that terminate proceedings, exclude evidence, or concerning the disclosure of classified information, pursuant to Article 62(a), UCMJ; (d) petitions for new trial referred to the Court by The Judge Advocate General, pursuant to Article 73, UCMJ; and (e) petitions for extraordinary relief under the All Writs Act, 28 U.S.C. § 1651.

Oral argument may be heard in a case when either the appellant or appellee requests it or when the Court orders it sua sponte. Arguments typically take place in the appellate courtroom; however, the Court periodically moves

the location of an argument to law schools and military installations across the country in furtherance of “Project Outreach”—a program designed to educate civilian and military audiences about the military justice system. In 2011, the Court heard arguments before law school audiences at Seattle University School of Law, University of California at Los Angeles School of Law, and Duke University School of Law. The Court also held an outreach oral argument at the continental United States Trial Advocacy Course at Nellis Air Force Base, Nevada. The arguments were very well received at all locations, sparking questions and conversation with the various students, faculty, and judge advocates.

In the spring of 2011, the Court moved from Bolling Air Force Base, Washington, District of Columbia, to Joint Base Andrews Naval Air Facility Washington, Maryland. In June, the Court hosted an open house to introduce the judges of the United States Court of Appeals for the Armed

Forces, the Air Force General Counsel, sister service courts, and appellate counsel to the new facility and showcase its enhanced technology. As the first of its kind in the military, the new system enables counsel to project images from electronic or hardcopy media onto a multipart screen that can broadcast such demonstrative aids to the entire audience. Additionally, the new courtroom is equipped with interactive media that enables appellate counsel to demonstrate a point by electronically drawing upon a projected diagram or image while it is posted on the screen. Moreover, the new courtroom enables others to observe oral arguments when travel to the Court is impractical. The Court has seen a significant increase in the frequency of oral arguments since the move to the new courtroom.

Additionally, three of the appellate judges served on the United States Court of Military Commission Review (USCMCR). The USCMCR hears appeals of cases convened under the Military Commissions Act of

2009. The USCMCR not only hears cases with a finding of guilty from tribunals at Guantanamo, but also hears appeals on issues taken prior to and during trial. Although operations were temporarily suspended in 2010, the USCMCR heard oral arguments again in 2011. Two judges from the Air Force Court sat on the panels that heard oral arguments and participated in rendering the historic opinions of *United States v. Hamdan*, CMCR 09-002, 2011 WL

2923945 (U.S.C.M.C.R. 24 June 2011), and *United States v. Al Bahlul*, CMCR 09-001, 2011 WL 4916373 (U.S.C.M.C.R. 9 September 2011).

Finally, while the size of the Court remained at five active duty judges, the Court saw significant changes in its composition. Chief Judge Barbara Brand retired after serving on the Court for six years, and the Chief Commissioner departed for a permanent change of station, along

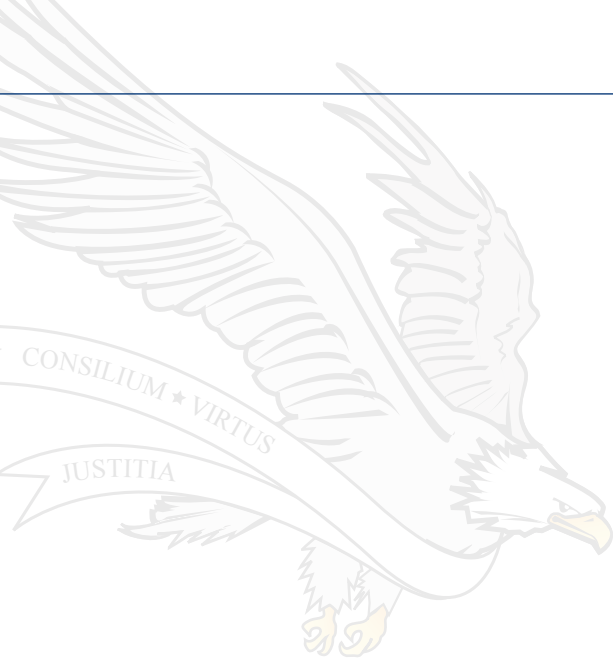
with the Court's Reservist Honors Law Clerk. The new Chief Judge and Chief Commissioner were appointed from among active duty personnel who were already members of the Court, and all three vacated positions were filled with new personnel. In addition, the Court welcomed two new Associate Judges from the Air Force Reserve.



June 2011 – The judges and staff of the Air Force Court of Criminal Appeals. **Bottom Row:** Col Brad Roan; Col William Orr Jr.; Col Barbara Brand; Col Ron Gregory; Col Eric Weiss. **Top Row:** TSgt Angela Dixon; Mr. Steven Lucas; Maj Lindsay Contoveros; Lt Col Melissa Saragosa; Col Mary Harney; Lt Col Karen Hecker; Capt Laela Sharrieff; Mr. Benjamin Curtis

October 2011 – Lt Gen Richard C. Harding, The Judge Advocate General of the USAF, administers the oath of office to newly appointed Chief Judge William E. Orr Jr





# JAO



Col Craig M. Miller  
Director

During 2011, the Air Force Operations and International Law Directorate (HQ AF/JAO or JAO) provided advice to The Judge Advocate General (TJAG), the Air Force Chief of Staff (CSAF) and senior leaders on operations, international, air, and space law issues across the full spectrum of Air Force operations. In addition, JAO reviews multiple joint actions from across DOD departments and commands as well as from the interagency process and continues to serve as TJAG's designated joint reader with the responsibility of drafting comments, positions and memoranda for senior leaders responding to taskings from the Joint Staff. A few highlights from 2011 include:

## Law of Armed Conflict (LOAC) and Weapons Reviews

JAO served as TJAG's office of primary responsibility for all areas related to LOAC. JAO provided advice and support to the field on the roles of civilian security employees, the legal-

ity of deploying Airmen overseas who are younger than 18 years old, the proposed construction of an Air Force communication tower on top of a civilian resort hotel and on other LOAC topics. JAO also provided advice on a draft DOD policy on autonomous weapons systems and a proposed DOD policy concerning directed energy weapons. Within the area of LOAC, JAO is responsible for preparing an assessment of the legality of weapons and cyber capabilities before they are fielded in order to determine whether their employment would, in some or all circumstances, be prohibited. During the year, JAO revised AFI 51-401, *Training and Reporting to Ensure Compliance with the Law of Armed Conflict*, and substantially revamped the computer based LOAC training available on the Air Force advanced distributed learning service (ADLS) tier 2 training website. JAO participated in the Joint Non-Lethal Weapons Integrated Concept Team (ICT) meeting and gave a briefing on legal issues concerning non-lethal

weapons and the review process for these weapons. During the year, JAO reviewed numerous lethal and non-lethal weapons systems, as well as cyber capabilities to ensure compliance with U.S. treaty obligations, domestic law, and customary international law. Such reviews included the Dragon Spear gun system for the MC-130, and a family of munitions used in the 30mm cannon. JAO revised AFI 51-402, *Legal Reviews of Weapons and Cyber Capabilities*: This revision established the first weapon review authority within DOD to address cyber capabilities; and enabled TJAG to delegate the authority to review cyber capabilities to major command staff judge advocates.

## Air and Space Law

JAO continued to advise and review agreements proposed by USSTRATCOM for sharing space situational awareness (SSA) data with commercial and foreign entities. JAO partnered with SAF/GCI to review and advise on legal considerations

relating to the USG decision to formally work with the European Union and spacefaring nations to develop and advance an International Code of Conduct for Outer Space. JAO worked with SAF/GCI to advise the DOD Policy Board on Federal Aviation on a range of issues relating to the FAA's long-term transition to Global Positioning Based (GPS)-based air traffic management in the National Airspace. JAO reviewed and revised the Air and Sea Law for Airmen chapter in the *Air Force Operations & the Law* guide. JAO also attended the Marshall Institute Forum on Codes of Conduct in Space and participated in the Sixth Annual Eilene M. Galloway Symposium on Critical Issues in Space Law.

### **DOD Law of War Working Group (LOWWG)**

JAO represented the Air Force on the DOD Law of War Working Group. JAO regularly participated in meetings regarding the long term development of the DOD Law of War Manual.

### **Exchange Officer Program**

JAO was fortunate to continue to have two exchange officers, one from the United Kingdom and one from Australia, as part of its legal staff. These officers provide in depth expertise and perspective from their respective services on critical international law issues. Some of their other activities included serving as a JA representative to the DOD Law of War Working Group, providing substantial support on the impending draft of the Law of War Manual, and managing the Air Force Foreign Criminal Jurisdiction program as well as JAO's reviews of all Air Force and joint publications. JAO's exchange officers served as TJAG's representatives at the UN Peace Operations and Law Symposium in Chicago, Illinois.

### **Foreign Civil Litigation and Foreign Criminal Jurisdiction**

JAO provided legal advice on several foreign civil and criminal jurisdiction matters that involved many different countries. As part of its world-wide responsibilities, JAO advised and coordinated on 210 foreign criminal jurisdiction cases while monitoring 35 foreign civil actions. JAO continued to serve as the JA lead for discussions related to the on-going appeal of a criminal conviction of an Air Force colonel in Italy.

### **International Agreements**

JAO provided support on a number of complex international agreement issues including review of critical Air Force issues related to the implementation of new Strategic Arms Reduction Treaty (START). JAO reviewed a Department of State request for Circular 175 authority to negotiate a cost sharing agreement with the Government of Japan. JAO advised on the appropriate AF executive authority for an international agreement that included cost sharing. JAO continues to maintain the Air Force database for all international agreements and provides the AF's annual report to DOD/GC. JAO revised, coordinated and published AFI 51-701, *Negotiating, Concluding, Reporting, and Maintaining International Agreements*.

### **Cyberspace Operations**

JAO experienced a significant increase in cyber related issues. JAO drafted an extensive legal objection to the proposed enclosure on cyber in the U.S. Standing Rules of Engagement. In addition, JAO reviewed the National Strategy-Cyber Operations Implementation Guide, the AFDD on Cyberspace Operations, a joint test publication on Cyberspace Operations, the DOD's Counterintelligence in

Cyberspace Implementation Plan, and the National Defense Cyber Policy. JAO participated in a cyber legal workshop hosted by the USCYBERCOM legal office.

### **International Operations Issues and Joint Actions**

JAO provided legal support to a wide range of joint actions for 2011 that covered a broad spectrum of international operational issues including review of PLANORDs for AFRICOM, USNORTHCOM, SOMALIA; CONOPS for employment of a dual status commander, CONPLANS for AFRICOM, PACOM, USNORTHCOM; and EXORDs for the Nuclear Security Summit, ANG activities to support DHS on southwest boarder, and Pakistan Humanitarian Assistance/ Disaster Relief Operation. JAO reviewed the AF report to the Intelligence Oversight Board and participated in the AF Intelligence Oversight Panel. JAO coordinated on over 70 mobility packages and a wide variety of intra and interagency matters. JAO captured and published the 2011 Top Lessons Learned for JAG and paralegal deployments to Iraq and Afghanistan. JAO worked with AFLOA/JAS to make improvements to the JAG Corps' online database for submission of After Action Reports.

### **Working Groups**

This year JAO represented TJAG in several Air Staff level working groups that include interagency participants. Such forums included the DOD Law of War Working Group (LOWWG), Air Force Operations Group, Air Force Doctrine Working Group, Arms Control Attorneys Working Group, Aviation Fees Interagency Working Group, Continuity of Operations (COOP) Working Group, Force Protection Committee Steering Group,

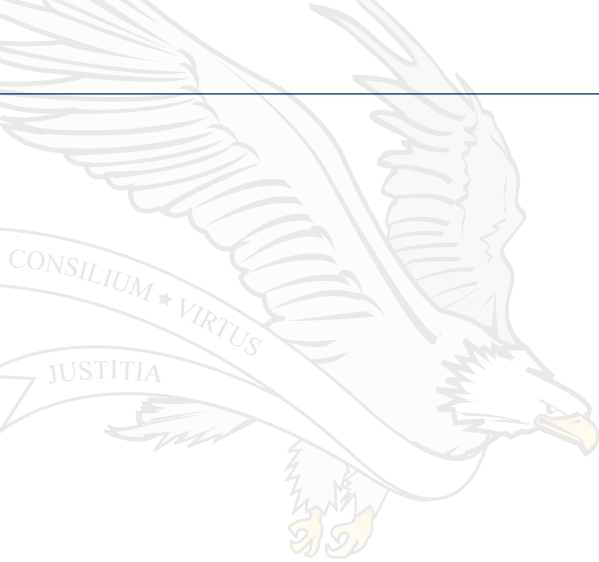
the Air Force Pakistan-Afghanistan Coordination Cell, Women, Peace and Security, and the Proliferation Security Initiative (PSI). As part of the COOP Working Group, JAO reviewed the EXORD on Emergency Preparedness for the National Capital Region and participated in a National Level Exercise. JAO also participated in the Air Force CAT activities following the earthquake and tsunami in Japan and Operation ODESSEY DAWN as well as a joint working group with the HQ National Nuclear Security Administration. JAO assisted JAZ develop proposed judge advocate manpower standards for wing-level international and operations law attorneys.

### **Training, Conferences, and Outreach**

JAO served as the Air Force lead for inquiries related to LOAC training under the expeditionary training program, ensuring that bases understood the new requirements. JAO representatives frequently participated in conferences regarding international and operations law. Among these were the American Society of International Law (ASIL)/American Red Cross (ARC), Intelligence Community Legal Conference, Air Force Doctrine Working Group, HQ USEUCOM International Legal Conference in the Czech Republic, the PACOM MILOPS conference in Australia, USSOCOM Special Operations Forces Legal Conference, 24 AF Cyber Workshop, International Law Department Conference at the

U.S. Naval War College, National Security Law Conference at Duke University, Counter Weapons of Mass Destruction Conference, and provided presentations on cyber law to audiences throughout the Air Force. JAO provided substantial support to improving the content of the Judge Advocate's Advanced Contingency Skills Training Course (ACST) for JA personnel deploying to Iraq and Afghanistan. JAO instructed deploying JAGs and paralegals at the ACST course (Fort Dix, NJ) on lessons learned from OIF/OEF ground ROE. JAO led a seminar at AF JAG School's GATEWAY course on a variety of international issues. Lastly, JAO spearheaded the joint operations track at KEYSTONE 2011 and hosted general officer legal representatives from Australia, France, Israel, Spain and the United Kingdom.





# JAQ



*Col Mark S. Teskey  
Director*

**T**he Headquarters Air Force Acquisition Law and Litigation Directorate (HQ AF/JAQ or AF/JAQ) stood up one year ago. It is The Judge Advocate General's Air Staff lead in supporting the Air Force's Acquisition Improvement Plan (AIP) and the SECAF/CSAF's acquisition goals. The AIP's purpose is to ensure the Air Force acquisition system delivers weapons systems, commodities, and services that perform as promised on time, within budget, and in compliance with all laws, policies and regulations. To complete this undertaking, AF/JAQ assists TJAG in managing JA's acquisition law resources, training, and readiness to ensure mission success.

AF/JAQ provides counsel to The Judge Advocate General (TJAG) on acquisition law and assists TJAG in providing acquisition advice at the headquarters level. It assists the Secretariat (SAF/AQ and SAF/GC) in the review and evaluation of Air Force acquisitions and oversees and

directs the representation of the Air Force in legal challenges to acquisition decisions and contract claims made against the Air Force. Furthermore, AF/JAQ formulates and issues policy pertaining to litigation and the resolution of claims and serves as functional manager for more than 250 JAG Corps personnel worldwide who advise on major systems and other types of acquisition. Finally, AF/JAQ interfaces directly with the Air Staff, sister Service counterparts, Department of Defense agencies, the United States Department of Justice, legislative and executive agencies of the United States, and representatives of foreign governments.

To carry out these responsibilities, AF/JAQ is organized into two divisions: the Plans and Programs Division; and the Litigation, Lessons Learned, Alternate Dispute Resolution (ADR), Fraud Remedies, and Multi-functional Independent Review Team (MIRT) Division.

In just one year, this new directorate made significant strides in improving acquisition law operations Air Force wide. AF/JAQ takes every opportunity to educate leadership and other personnel on its roles and responsibilities, ensuring it is integrated effectively and efficiently, fulfilling TJAG's, CSAF's and the SECAF's vision. Two notable visits included meeting with the Enterprise Sourcing Group (ESG) Director (responsible for the Installation Acquisition Transformation effort) and senior staff to ensure the ESG's legal needs are addressed, and meeting with the Air Force Center for Engineering and the Environment (AFCEE) Director and senior staff discussing JAQ's support to AFCEE.

In regard to litigation, AF/JAQ's quarterly report for TJAG, SAF/AQ, and SAF/GCQ informs AF senior leadership regarding ongoing litigation efforts affecting the Air Force and the broader range of important acquisition issues facing the Air Force. The

directorates also supports SAF/FMP with legal advice on Antideficiency Act (ADA) investigations in support of SAF/GCA and the MAJCOMs. AF/JAQ teamed with AFMCLO/JAN, SAF/GCQ, DOD GC, and AFLOA's Commercial Litigation FSC to defend a protest of the KC-X Tanker from a late offeror, paving the way for the eventual contract award to Boeing.

In support of the JAG Corps' renewed emphasis on training, AF/JAQ coordinated and provided contracts law training at various venues. The directorate-supported training sessions included presentations at GAO bid protest meetings, Brigade Judge Advocate conferences for deploying Army JAGs, HQ ACC/JA staff and base JAs via VTC, GATEWAY, the Services Procurement conference, and the Year in Review presentation at the Army JAG School. The directorate also delivered a featured presentation at the meeting of the American Bar Association Contract Law Section covering the top ten significant decisions of the year.

AF/JAQ's training mission begins with these presentations. The directorate will continue to develop acquisition law competencies through education, training, and experience opportunities to meet current and future Air Force requirements. AF/JAQ is collaborating with JAX, JAZ and other JA stakeholders to connect training and expertise to assignment and deployment decisions to grow our acquisition law professionals and serve the force and the warfighter. In addition, AF/JAQ is developing a broad, deep pool of recognized subject matter experts within specific areas of acquisition law. These subject

matter experts will be available to consult with field activities, other SAF/HAF offices, and other DOD agencies for questions or issues within their particular areas of expertise.

In an effort to leverage technology to achieve synergistic results in information sharing and training, the directorate is developing an AF/JAQ website for Air Force acquisition law professionals. This website is also intended as a career management tool that will track individual training, certification levels, and career development. The website will be accessible to the contracting community at large and will feature training for both attorneys and paralegals. The website will provide a voice for the acquisition law professional in the allocation of opportunities and resources.

Consistent with AF/JAQ's career management function, the directorate identified a need to have a cadre of HQ and AFLOA personnel with TS/SCI clearances to better support the mission, and obtained high-level clearance requirements for both military and civilian acquisition law attorneys. The directorate also acted quickly and decisively to hire a dozen new employees before the HQ and AF-wide hiring freeze went into effect. As a first step in overseeing the acquisition law workforce, AF/JAQ worked closely with JAX on this year's assignment and deployment requirements, gathering information on JA's personnel resources and projecting its needs for the long term.

Acquisition fraud is a new emphasis area in which TJAG directed AF/JAQ's involvement. In a very short time, the directorate contributed significantly to fighting Air Force fraud

by assisting in defending SAF/GCR against a lawsuit filed by a debarred contractor. Further, the directorate reinvigorated efforts to suspend several contractors with proactive and timely advice to OSI in a major procurement fraud investigation on a high visibility BRAC construction project.

The new directorate also made huge contributions with respect to the Air Force's insourcing efforts. AF/JAQ worked with AFLOA/JAQ CLFSC and coordinated with DOJ, AUSAs, MAJCOMs (HQ AETC, HQ AFMC, HQ ACC, and SMC) and DOD to determine and formulate strategies for defending an onslaught of insourcing challenges in each of the 94 federal judicial districts. Through jurisdictional challenges, the Air Force and DOJ moved to have these matters heard in only one forum, the Court of Federal Claims. Twelve applications for injunctive relief were filed by the contractors and all were denied. This is a prime example of an Air Force-wide acquisition perspective generating huge wins for the Air Force and DOD.

Finally, in an effort to share timely contract law developments with the acquisition community, in October 2011 AF/JAQ published the first in a series of monthly newsletters that will be sent out to the JA and contracting communities. AF/JAQ and the authors look to collaborate with all acquisition and fiscal law stakeholders to develop a rich resource benefitting the acquisition law enterprise.

These efforts represent the beginning of TJAG's response and support to the Chief of Staff's call for "Recapturing Acquisition Excellence." Look for much more this next year!





# JAR



*Col Mitch Neurock  
Air Reserve Component Advisor to  
The Judge Advocate General*

**T**he Air Reserve Component (ARC) Advisor to The Judge Advocate General is responsible for providing counsel to TJAG on all matters pertaining to the ARC's 873 judge advocates and 409 paralegals. The ARC Advisor develops policy and training requirements, oversees the Corps' Air Force Reserve and Air National Guard judge advocate recruiting program, handles judge advocate assignments and attachments, oversees the allocation of Military Personnel Appropriation man-days among ARC judge advocates and paralegals in support of active duty missions, and serves as the JAG Corps' liaison to the Chief of the Air Force Reserve and his staff.

## Recruiting

Our office continues to devote considerable attention to boosting the Corps' manning by judge advocates and paralegals. Our office continued its aggressive recruiting campaign, seeking accession of as many qualified

active duty judge advocates and paralegals as possible into the ARC while also mining previously-untapped sources of talent—finding, attracting, and retaining the most highly qualified and diverse force possible is a top priority for our office. 2011 saw a complete rebuilding of the ARC's public recruiting website (<http://jag-recruiting.law.af.mil>), which focuses on individuals who have little or no familiarity with our Corps or its ARC mission. Additionally, we launched a Facebook page ([www.facebook.com/AirForceJAG](http://www.facebook.com/AirForceJAG)), to increase our visibility among our target demographic and to enhance our ability to provide real-time responsiveness to common questions from the public concerning the ARC judge advocate program. Within the Corps, our office maintains a site in CAPSIL, tailored for Air Force judge advocates and paralegals who are considering separation from active duty. Our efforts were very successful: three out of every four separating active duty judge advocates applied for continued service in the Guard or Reserve, and The Judge Advocate General accepted 22 percent more attorneys in 2011 than in 2010.

Ongoing projects include the design and fielding of an automated applications process, being produced by the Legal Information Services Directorate. This program will be used jointly by AF/JAX, the office responsible for the Corps' active duty judge advocate recruiting.

## Diversity

Recognizing the value of diversity among its members, our office has moved aggressively to become, and remain, visible among minority and specialty bar leadership. Air Reserve Component judge advocate recruit-

ing efforts included appearances at gatherings held by the National Black Prosecutors Association, the Hispanic National Bar Association, the National Asian Pacific American Bar Association, and more. The ARC is committed to continuing its improvement in identifying and recruiting the most highly qualified applicants.

## Education and Training

The ARC's emphasis on recruiting has brought challenges in education and training. Attorneys who are new to our Corps must attend the Judge Advocate Staff Officer Course (JASOC) and those new to the Air Force officers must also attend Commissioned Officer Training (COT). ARC judge advocates attending these courses have excelled, netting awards in both trial advocacy and officership.

Consistent with The Judge Advocate General's emphasis on career-long training, the Corps launched a "seasoning training" program for new Air Force Reserve judge advocates. This program, funded and overseen by the Air Force Reserve Command, permits these new judge advocates to put their JASOC training into practice by serving for up to 90 days in an active duty legal office. Following a checklist, new judge advocates receive training in legal skills, as well as become acclimated to the daily life of Air Force active duty legal practice.

The ARC has also tasked its Training Committee with implementation of a training program for Guard and Reserve judge advocates. The committee is currently reviewing those tasks which are common to all ARC judge advocates, and is revising training forms and checklists to ensure all attorneys receive appropriate training.



# JAT



Col Mark L. Allred  
Chief Trial Judge of the Air Force

The Air Force Trial Judiciary has 19 active duty trial judges, four reserve trial judges, one noncommissioned officer, and one civilian employee assigned worldwide. The Trial Judiciary is divided into five geographic regions: Atlantic, Central, Western, European and Pacific. An O-6 Chief Regional Military Judge oversees operations in each region. 13 different installations host military judges worldwide.

In February 2011, the Air Force hosted more than 100 judges from all its sister services during the 36th Annual Interservice Military Judges' Seminar (IMJS). The seminar was held at The Judge Advocate General's School in Montgomery, Alabama. The week long program consisted of continuing legal education lectures, discussions on emerging issues, a variety of collegium opportunities, a presentation from a member of the National Judicial College's faculty, and a presentation on evidence by Professor David Schlueter from St. Mary's University School of Law in San Antonio, Texas.

In April 2011, the Chief Trial Judge, the Deputy Chief Trial Judge, the Central Docketing Office, the Office Manager, and two military judges from the Atlantic Region relocated from Joint Base Bolling Anacostia, District of Columbia to Joint Base Andrews Naval Air Facility, Maryland. JAT personnel were the first to officially occupy the brand new William A. Jones III building on Andrews AFB. The Jones building houses much of the Air Force Legal Operations Agency staff, Headquarters Air Force legal staff, as well as other Air Force functional areas.

In early May 2011, three active duty Judges and one reserve Judge completed the joint 54th Annual Military Judges Course at the United States Army Judge Advocate General Legal Center and School in Charlottesville, Virginia.

In July 2011, Lieutenant Colonel Kate Oler, the outgoing Deputy Chief Trial Judge, testified before the House

Armed Services Committee to provide a judicial perspective on the current Article 120 of the Uniform Code of Military Justice. Lt Col Oler provided an invaluable judicial perspective and helped members of Congress understand why the joint military justice community is requesting changes to Article 120.

In October 2011, Lieutenant Colonel W. Shane Cohen published the first in a series of quarterly "View From the Bench" articles. His article titled *Voir Dire: What Do You Really Want and Need to Know?* highlighted litigation techniques and facilitated the discussion among trial practitioners. Simultaneous with the release of this article, JAT created its first social cohort on CAPSIL. This forum allows JAT to share historical articles, webcasts, and training materials that military judges have completed over the years. The forum provides a single location for any JAG Corps member looking for insight into the perspective of the trial judiciary.



54th Military Judge Course, 18 April - 6 May 2011  
The Judge Advocate General's Legal Center and School  
United States Air Force

# JAX



Col Peter R. Marksteiner  
Director

Chances are high that if you ask a TJAGC member what JAX does, you'll hear, "JAX works assignments." And while JAX managed over 400 JAG assignments in 2011, we also did much more. Day-to-day, the team at the Professional Development Directorate (HQ AF/JAX or JAX) manages all phases of more than 1,200 judge advocates' professional development, including recruiting, accessions, professional education, personnel manpower, deployments, and assignments, managing the Corps for the present and the future. JAX also establishes policy, standards, procedures, and guidelines related to the professional development of TJAGC civilian attorneys, paralegals, and civilian administrators.

JAX truly is a cradle-to-grave resource for judge advocates. Through its management of base legal offices' recruiting efforts, JAX has a positive influence on young men and women even before they become judge advocates. In 2011, judge advocate recruiters visited more than 197 American

Bar Association-approved law schools and interviewed more than 2,300 prospective applicants, yielding over 834 applications for approximately 95 available positions. We garnered over 830 applications in spite of a publicized reduction in force. We also reduced our DAP boards from six to three boards in an effort to streamline our application process. JAX conducted selection boards and then worked with selectees to ensure a smooth transition from lawyer or law student to Air Force officer and judge advocate.

JAX takes an active role in the continued professional development of judge advocates by overseeing all phases of education and training, including continuing legal education (CLE) at the service judge advocate schools and the competitively selected Master of Laws (LL.M.) and developmental education programs. In 2011, over 1,700 selections were made for judge advocates to attend CLE courses. Forty percent of those selections were centrally funded. Additionally, 53 applications were submitted for 16 LL.M. position. The LL.M. positions include four environmental law, two international law, two labor law, two cyber law, and one air and space law positions, as well as five government procurement positions, which were funded by the Air Force acquisition community to satisfy the increased need for experienced contract lawyers. JAX supports the continued professional military education of judge advocates by administering a board of JAG general officers who recommend IDE and SDE candidates to TJAG. We received 57 applications for the 8 intermediate developmental education and 4 senior developmental education vacancies.

JAX also manages all TJAGC deployment requirements and develops total force sourcing solutions within the AEF construct. In 2011, we deployed over 250 total force judge advocates and paralegals to 15 countries and every Area of Responsibility (AOR) in support of contingency and humanitarian operations. The majority of our personnel deployed to Afghanistan to further the nation-building effort there, but we also continued support of operations in Iraq and elsewhere in the Middle East. New challenges, such as Operations ODYSSEY DAWN and UNIFIED PROTECTOR over Libya, and new missions in Africa, provided opportunities for our judge advocates to serve with our allies in diverse roles aboard ships, with special operations forces, and in a maritime control center. The unique skills found within TJAGC will remain in demand for the foreseeable future even as significant troop withdrawals occur in Iraq and Afghanistan.

Finally, recognizing that the future of TJAGC hinges on its ability to attract and retain high-quality attorneys, JAX created the Financial Incentives Branch in 2011 and continued the Student Loan Repayment Program, the Judge Advocate Continuation Pay Program and the Attorney Bar Licensing Reimbursement Program with great success. In addition to overseeing the programs, JAX also promoted and defended these incentive programs throughout the Air Force and Department of Defense.

# JAY



*CMSgt John P. Vassallo  
Senior Paralegal Manager*

**P**aralegals drafting wills is nothing new. About a year ago we decided to see how to take full advantage of this capability. We started with a pilot course that trained both 5- and 7-level paralegals. We let them loose out in the field and reviewed the results. I have to say they were very successful. TJAG wanted to make this training available to all 7-level paralegals. It was a two-pronged approach; first, training current paralegals and second, training future ones. It was determined that a stand-alone class for current 7-levels in addition to additional PCC training was the best approach. To date we have 230 7-levels trained, which equates to 60 percent of the paralegal field. That's quite an accomplishment in one year. We also have training fully incorporated into PCC. We still have a way to go, especially with our 7-level ARC paralegals, but I'm confident that we'll get there.

Many offices have taken full advantage of this resource. I'm not going to go into the mechanics of their processes but will talk a bit about the efficiencies

it has created, attorney time being the most important. Increased time is being used to the benefit of our clients. One attorney put it best in saying:

"Paralegals drafting wills helps tremendously in us being able to actually talk through potential issues with clients rather than just trying to rush through it because we have another client in 30 minutes...I was able to utilize the extra time by taking care of other legal matters."

That's the point. Using our resources to their fullest potential. Paralegals doing paralegal work and freeing up attorneys to do attorney work; the practice of law and giving legal advice to commanders and Airmen.

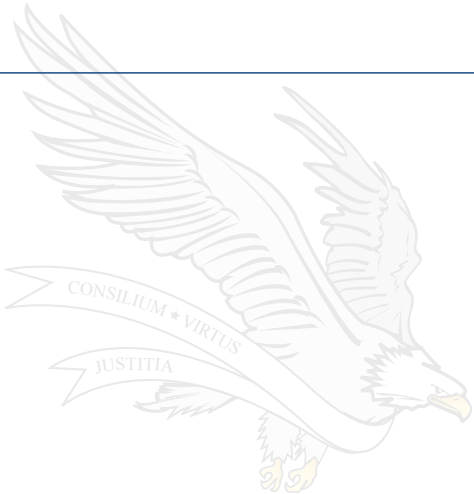
Interviewing is another area of our paralegal training focus. The loss of a large portion of the claims function has deteriorated paralegals' ability to gain experience in this foundational skill. A majority of our paralegals aren't

getting that face-to-face interaction with clients that we old-timers had.

So again, we turned to the JAG School, but not them alone. There are other experts in the AF that provide this training. An OSI instructor from the Federal Law Enforcement Training Center (FLETC) came to PCC in August to review and observe what we currently teach in the witness interview curricula at PCC. He did a presentation on the role of OSI and then took part in a joint panel discussion.

We're now working with FLETC to have one of its instructors teach mechanics, non-verbal interpretation, and rapport building portions of the PCC curricula. In addition, we're going to include practical exercises that will give our paralegals with opportunities to practice the techniques they've learned.

This is just another example of the strides we're taking to ensure we have the best training available for our paralegals.



# JAZ



*Mr. David E. Sprowls  
Director*

**A**n expanded role and increasingly restrictive fiscal and budgetary constraints made 2011 a particularly challenging year for AF/JAZ. In July 2010, AF/JAZ was re-named the Civilian Professional Development, Plans and Programs Directorate and the director was designated the career field manager (CFM) for all JA civilian employees. As CFM, the director is responsible for the professional development of JAG Corps civilian employees worldwide. JAZ retained its responsibilities for planning, programming, and budgeting activities for the Office of The Judge Advocate General (AF/JA) and the Air Force Legal Operations Agency (AFLOA). JAZ also serves as The Judge Advocate General's representative to the Air Force Group, Air Force Board, and Headquarters Air Force Program Budget Review Group and Board. Additionally, JAZ analyzes programming decisions and develops AF/JA and AFLOA requirements for inclusion in the Air Force submission to the Department of Defense Program Objective Memorandum (POM) that supports

the President's annual budget submission to Congress. Furthermore, JAZ constructs the annual financial plan, administers a budget of more than \$50 million for AF/JA and AFLOA, and manages more than 3,000 JAG Corps manpower positions.

## **During 2011, significant JAZ projects included:**

### **JAG Corps Resources**

In a year marked by budgetary uncertainty, JAZ successfully advocated for additional funds to obtain contractor support for the defense of labor cases arising across the Air Force. These cases allege improper denial of overtime to civilian employees. The law firm pursuing these cases has been successful against other agencies in generating multi-million dollar settlements. The labor law attorneys of AFLOA/JACL believed that an aggressive defense was necessary, but would require a significant investment of time and manpower to gather and organize records in order to be able to answer discovery requests. This was beyond the resources available to

individual installations and JACL was convinced that a centralized approach would yield a better result. SAF/AA allocated \$5 million, with \$3.97 million available in fiscal year 2011 to contract for these services.

JAZ also resourced \$1.5 million to renovate a facility at Wright-Patterson AFB to assist in the relocation of the AF Claims Service Center from Kettering, Ohio. This will yield an annual savings of \$500 thousand.

In response to feedback from the field, JAZ partnered with JAS to modify the Financial Information Network System (FINS), improving the training budget module and adding other major budgetary categories to capture base legal office operating expenses. FINS data is now included in the Article 6 notebook whenever TJAG or DJAG inspect a base legal office.

In a year of unparalleled turmoil in Air Force manpower, JAZ took the lead in defending the Corps' allocation of authorizations. In March, JAZ conducted a study of base-level

JA manpower tying resources to Common Output Level Standards and successfully reducing, by almost 90 percent, an initial bogey levied against base legal offices under Global Base Support. From February through November, JAZ battled through the Management Structure Review (MSR) to defend each individual position in the AF/JA and AFLOA portfolio, preparing myriad products for submission to the MSR, writing position papers for senior official discussions, and drafting appeals. As of the writing of this report, we await final decisions on these efforts.

This year, JAZ also navigated the DOD-level approval process to finalize the relocation of 25 AFLOA authorizations into the Nation Capital Region. Additionally, JAZ completed the UMD realignment of over 300 AFLOA positions that moved to the new headquarters at JB Andrews-NAF Washington, obtained a position to open a medical law consultant office at JB Elmendorf-Richardson, successfully advocated for 18 authorizations to man an expanded Disability Evaluation System (DES) function at Randolph AFB, migrated the DES function from AFPC to AFLOA, and transferred an attorney at Offutt AFB to AFLOA providing contract law support to the Defense Technical Information Center. Furthermore, JAZ represented JA for Agile Combat Support (ACS), participated in rewriting ACS doctrine and in drafting the ACS Core Function Master Plan, and served on the Global Combat Support team, charting future Air Force transformation.

### Personnel Initiatives

As the CFM for JAG Corps civilians, JAZ took on the daunting task of rewriting AFI 51-107, *Employment of Civilian Attorneys*. This publication,

dated 1 April 1996, had become obsolete and required substantial revision and extensive coordination prior to TJAG approval. Key revisions included updates to personnel processes and procedures, changes in standing delegations by the Air Force Civilian Attorney Qualifying Committee, additions to ensure consistency with DOD 1442.02, and inclusion of an active (or equivalent) bar membership requirement as a condition of employment for civilian attorneys. On 24 October 2011, after months of work, the new AFI 51-107 was published.

With civilian manpower cuts looming and an imminent hiring freeze, JAZ coordinated the effort to fill as many vacant positions as possible in a very short timeframe. Over a period of several days, offers were made to 13 new civilian employees and positions were filled that may have otherwise remained vacant indefinitely.

JAZ continued its efforts to develop a current, relevant curriculum for the recently added Civilian Orientation Course, designed to familiarize JAGC civilian employees with the Air Force and the practice of law therein.

In 2011, JAZ took the lead in administering the attorney bar dues reimbursement program, working with JAX to compile a comprehensive database of state bar dues and licensing fee schedules. Through this effort, the payment approving officials were better equipped to identify errors in reimbursement requests in the Attorney Bar License Reimbursement System (ABLRS), dramatically increasing consistency and accuracy of reimbursements.

In support of JAG recruiting and retention, JAZ worked closely with

JAX to preserve funding for the Student Loan Repayment Program (JA-SLRP) and Judge Advocate Continuation Pay (JACP). JAZ developed statistical data and analyzed future requirements, documenting the need for continued funding of JAG Corps financial incentive programs.

Together with JACL, JAZ also developed policy for implementing a telework program in AF/JA and AFLOA. This program will preserve constrained resources and enhance quality of life for JAG personnel.

### Joint Basing

With the joint bases now in place, JAZ continued as the JA lead for all joint basing issues, advising A7C and joint base SJAs, overseeing the implementation of legal support, reviewing hundreds of proposed MOA changes, and drafting an AF/A1 guidance memo to remedy lingering AFI issues impacting certain joint bases. JAZ also serves on OSD's Legal Support Sub-Working Group and as lead for the Command Authorities Sub-Working Group. In the latter role, JAZ resolved command succession issues for OSD-AT&L, drafted a DOD instruction on command authorities at joint bases, and briefed at OSD's Joint Base Commanders' Conference.



Mr. David E. Sprowls, Director, receiving the 2011 Stuart R. Reichart Award

## Managing the JAG Corps IT Systems



Mr. Craig T. Carter

If there is one constant in the Air Force IT world, it is that requirements are continuously becoming more complex and regulated. At one time, FLITE, AFCIMS and AMJAMS applications used to require a one-time single document filing to be certified for operation online. It now takes continuous filings in

several certification systems with hundreds of questions and supplementary documents. In addition, JAG Corps systems were once hosted by a single computer server; they now necessitate multiple public, private and developmental servers each with virtual containers that amount to approximately 40+ different server environments. Thankfully, Mr. Craig Carter has been the cornerstone of the Legal Information Services Directorate (JAS) Systems Operations and Development Division (JASD) for the last nine years. After leaving active duty from the Air Force in 1988, Mr. Carter worked as a Systems Operator of the Civil Engineer Squadron at Maxwell AFB. In 1995 he joined JAS as a system administrator and was later promoted Chief of Systems Development and Operations Division.

After seeing how important JAS applications were to the JAG Corps, Mr. Carter led JAS in the creation of an innovative plan to provide consistent, reliable and redundant application hosting which would keep the JAG Corps' IT productive and protect its critical data. To ensure the JAG Corps applications were always available, he planned and managed the installation of an industrial back-up generator capable of running all JAS servers and the robust air conditioning units necessary to keep the servers at the appropriate temperatures.

Once there was redundancy in power supply and cooling, Mr. Carter led a complete redesign and virtualization of the JAS servers. Virtualization is the process of creating multiple "virtual" server environments within a single server machine. This significantly increases server stability by allowing individual setups

for different applications. Additionally, this protects applications from each other by preventing a single application crash from crashing the whole server and all other applications. In the past, if a large application such as AMJAMS or AFCIMS crashed, they would often bring down FLITE and all other applications resulting in downtime for all programs. Now, if one program crashes, it is isolated and merely needs to be restarted on its own without effecting any other applications. This is a key protection for the JAG Corps' 60+ applications and websites.

It was Mr. Carter's insight into system weaknesses and great technical knowledge that prompted him to take redundancy one step further by leading the creation of mirrored fail-over systems at JAS. This was done by creating duplicate server systems at Maxwell AFB and Andrews AFB which are identical copies of JAS' live server system. Whenever there are any issues or failures with the live system, users are switched over to the duplicate server system and they never realize that the original system went offline. Although the existence of redundant servers may seem basic, there is incredible complexity in handling the constant syncing of data and failing over between systems. All of this redundancy further protects the JAG Corps' critical legal data that is resident on JAS' 15 terabytes of server storage space. Mr. Carter was quick to point out that 15 terabytes is actually 7,500 of those 2 gigabyte thumb drives given away for free at tech conferences.

To accomplish all of the above tasks, Mr. Carter was constantly planning around technical obstacles, managing his teams, reviewing the ever growing amount of AF and DOD IT regulations and negotiating with the controlling A6 communities. In fact, many of his days are spent on the phone and in meetings far away from his valued server systems. Although Mr. Carter has always been able to work with complex computer systems, those that work with him now say that one of his greatest attributes is his ability to explain very complex ideas in understandable language, which is a key skill when you are constantly working with non-technical partners.

# FIELD OPERATING AGENCIES



## AFLOA AIR FORCE LEGAL OPERATIONS AGENCY



*Brig Gen Daniel A. Fincher  
Commander 16 Nov - 31 Dec*



*Brig Gen Dixie A. Morrow  
Commander 1 Jan - 15 Nov*



*CMSgt Beverly A. Miller  
Command Paralegal Manager*

**T**he Air Force Legal Operations Agency (AFLOA) is a field operating agency under the command of Brigadier General Daniel B. Fincher and Brigadier General Dixie A. Morrow during Brigadier General Fincher's deployment. The AFLOA commander is the only command billet in the JAG Corps and exercises command authority over 900 military and civilian attorneys, paralegals, and support personnel stationed in 76+ locations throughout the world.

AFLOA consists of five directorates, including the Judiciary (JAJ), Civil Law and Litigation (JAC); and Commercial Law and Litigation (JAQ) Directorates including 10 FSCs providing legal expertise to installation; numbered air force (NAF); and major command (MAJCOM) legal offices. These three directorates have the critical responsibility of assisting The Judge Advocate General in the administration of military justice throughout the Air Force and is responsible for defending the Air

Force in civil litigation before federal and state courts and administrative boards. The other directorates are The Judge Advocate General's School (AFJAGS), which is the preeminent source of legal education and training for Air Force legal professionals, and the Legal Information Services (JAS) Directorate, which is charged with keeping the Corps at the cutting edge of legal information technology in support of full-spectrum legal services throughout the Air Force.



2010-2011 has been an extremely eventful year for AFLOA. In October 2010, Brigadier General Fincher embarked on an historic 365-day deployment to Kabul, Afghanistan, as Deputy, Rule of Law, to Ambassador Hans Klemm. Reserve Brigadier General Morrow was activated and seamlessly assumed command during Brigadier General Fincher's year-long deployment.

In April, they bid farewell to "The Castle" in Rosslyn, Virginia, the long term home to civil litigation and acquisition functions. At the same time, they turned off the light at Joint

Base Bolling-Anacostia. The AFLOA "firm" now has 300+ members under one roof in the Jones Building, Joint Base Andrews Naval Air Facility Washington, Maryland.

In August, AFLOA hosted 20 current and past JAG Corps general officers, chief master sergeants, and senior executive service civilians at the Jones Building for a day during Lieutenant General Harding's Heritage to Horizons event. Heritage to Horizons provided a great opportunity to reconnect with past JAG Corps leaders and show off AFLOA's new headquarters.

Finally, the year was capped off by Brigadier General Morrow and Brigadier General Fincher swapping positions. Brigadier General Fincher has returned as AFLOA's commander, and Brigadier General Morrow is now on a 365-day deployment to Afghanistan as the Deputy, Rule of Law.

With JAG Corps 21 and Foundational Leadership as our guide, AFLOA is poised to make even more exciting advancements reaching across the United States Air Force and to Airmen everywhere!

## Spotlight on

### *A Deployed Judge Advocate*



*Maj Charles G. Warren,  
AFLOA/JAIG*

**H**ere's the scene: The Detention Facility at Parwan, Afghanistan, 2,500 detainees suspected of ties to or membership in Taliban or al-Qaeda versus 19 judge advocates: You do the math—the insurgents didn't stand a chance!

Life as a deployed judge advocate at Combined Joint Interagency Task Force (CJIATF) 435—conducting the most ambitious program of detention review board hearings in United States military history—is a frenetic ball of activity. Young judge advocates across all of the services, most of them in their first or second assignment, are called upon to review dozens of classified intelligence reports for each case; confer with intelligence analysts to dissect the most up-to-date SIGINT; coordinate with field units and elite special forces teams to secure witness testimony; assemble complex forensic evidence in a combat environment; and of course, the "fun part", of actually conducting examinations of the suspected insurgent detainees. By the way, did I mention that you get to do this seven days a week?

For me, life as the Officer in Charge of the Recorder Cell for the Detention Review Boards at CJIATF 435 was an incredibly eye-opening and professionally rewarding experience. It provided me with opportunities I would have never had at this stage in my career back in CONUS: To supervise 18 judge advocates conducting on average, 120 detention review board hearings a week, totaling more than 2,300 during my six month April-September 2011 deployment—more than the total amount of detention review boards conducted in all of 2010. More importantly, I was honored to work with some of the most outstanding young judge advocates in our Air Force. I saw firsthand what can be accomplished when a group of highly motivated individuals pull together to achieve a common purpose: To provide the most comprehensive and fair law of armed conflict detention review process anywhere in the world. For any judge advocate looking to have an impact beyond his or her office; wing; and base, this is a wonderful opportunity to strive and excel in an environment where the rule of law is THE MISSION, and our nation's success in helping the people of Afghanistan to transition to stable and sustainable self-government depends directly upon our efforts.

# AFJAGS



*Col Holly M. Stone  
Commandant*



*CMSgt Mary E. Gowin  
Manager, Academics &  
Paralegal Development*

**T**he Judge Advocate General's School (JAG School), located at Maxwell Air Force Base, Alabama, is the educational hub of the JAG Corps (TJAGC). In addition to directing and teaching 49 JAG School courses and conferences over the last year, the faculty instructed at numerous Air University schools and colleges, and other schools and courses throughout the Department of Defense. The JAG School's outside teaching activities involve in excess of 1,300 faculty hours and reach nearly 20,000 students each year. The JAG School has been at the forefront of developing and updating curriculum for JASOC, Gateway and other JAG School resident courses. The Academic Development Director, in collaboration with the TJAG Action Group, conducted a formal academic needs assessment for the JAG Corps, which identified and recommended training solutions and development of the JAG Corps' new Requirements-Based Training System.

## **Civil Law**

The Civil Law Division has taken the lead on key JAG Corps teaming efforts. The Civil Law attorneys and paralegals integrated seven Will Preparation for Paralegals Courses and directed this year's Paralegal Contracts Law Course. The Civil Law Division also presented the second annual Environmental Law Update Course entirely via webcast. This was the Civil Law Division's most highly attended course, with a total of 165 students from all branches of the DOD. Moreover, the Civil Law Division offered 20 webinars covering general civil law topics (including legal assistance topics) to well over 2000 students from 478 legal offices worldwide. Finally, the Civil Law Division continues to team with the JAG School's Operational and International Law Division to provide "in-person" contract and fiscal law training to financial management professionals at various Air Force bases and Army posts in the continental United States.

## **Military Justice**

The Military Justice Division organized and executed three Trial Advocacy Conferences in the United States, one in the Pacific, and one in Europe. These conferences updated approximately 300 practicing trial counsel, defense counsel, justice paralegals and defense paralegals on evolving aspects of military justice trial practice. The conferences focused on the Military Rules of Evidence and working with experts in courts-martial. Students completed practical exercises with expert forensic psychologists on the issues of alcohol induced black-outs and pass-outs as well as dealing with child victims. Subject matter experts updated the students on a variety of issues including: Article 120, Uniform Code of Military Justice; designer drugs such as spice and salvia; and important appellate cases. Additionally, the Military Justice Division participated in the Training by Reservists in Advocacy and Litigation Skills (TRIALS) pro-

gram. The TRIALS program provided advocacy training to more than 140 JAGs at 13 different locations both stateside and overseas.

### Operations and International Law (OIL)

The OIL Division published *Air Force Operations and the Law: A Guide for Air, Space & Cyber Forces* on CAPSIL in a Wiki format. This comprehensive deskbook is a valuable resource to judge advocates and paralegals supporting Air Force and joint military operations worldwide. The division is in the midst of preparing release of the 2012 update. Also, this year regrettably saw the momentous retirement with accolades of Mr. Darrell Phillips, a JAG Corps legend and instructor here since the 1980s. The electronic After Action Reporting (AAR) system enabled collection of more than a

hundred AAR's from redeploying JAG Corps members, over half of which were gathered using the new database. The new system simplifies the process of getting standardized information while increasing the ways the data can be arranged and searched. In the teaching arena, in addition to executing eight field training exercises and teaching JASOC, PAC, PCC, and other AFJAGS local courses, OIL conducted training at more than 50 courses outside of AFJAGS to various audiences in the USAF and DOD to include SES and senior flag officers.

### Professional Outreach

CAPSIL continues to improve its capabilities with the release of CAPSIL 3. The new version revolutionizes the ability to track individual JAG Corps member training. It also anchors the Corps' learning manage-

ment and social networking system, and provides attorneys and paralegals state-of-the-art training 24/7/365. CAPSIL also provides the ability to access and share information and eLearning resources across TJAGC. Using Defense Connect Online, the school hosted more than 40 webcasts that were attended by more than 13,000 participants. Links to 95 recorded webcasts, on a wide variety of legal and leadership topics are posted on CAPSIL for training use by offices worldwide. The JAG School distributed more than 30,000 copies of its publications this year. To include the *Air Force Law Review*, *The Reporter*, the *AFJAGS Bulletin* and *The Afghanistan Rule of Law*. Furthermore, at this year's KEYSTONE Leadership Summit, the Professional Outreach Division designed and created graphics displayed at the conference.



PCC Field Exercise Scenario



JASOC Field Exercise Scenario

# JAC



*Col Thomas F. Zimmerman  
Director*

## **The Civil Law and Litigation Directorate (JAC)**

JAC represents Air Force interests in all civil litigation, with the exception of contracts, including defending over 1,000 lawsuits and claims with over \$13 billion at risk. In 2011, the Directorate experienced two significant changes. First, in April 2011, after spending 20 years in the heart of Arlington, the Civil Law and Litigation Directorate said farewell to Rosslyn, Virginia and moved to the William A. Jones III Building on Joint Base Andrews Naval Air Facility Washington in Maryland. For the first time in history, the senior leaders of JAC and all of its divisions are collocated and under the same roof. The move to JB Andrews was seamless allowing JAC's mission and readiness to continue uninterrupted.

In addition, in July 2011, JAC welcomed a fourth division, the Community Legal Services Division (JACA) further emphasizing JAC's role in AFLOA.

## **Community Legal Services Division (JACA)**

The Judge Advocate General (TJAG) stood up JACA in July of 2011 to provide a heightened focus on the legal assistance issues impacting Airmen, retirees, their families, and other individuals eligible for legal assistance. The division administers the Air Force Legal Assistance, Preventive Law and Tax Programs, and manages JAG Corps capabilities to effectively provide Airmen, NCOs, officers, commanders and their families with information on common Air Force community matters. Although it is the newest division in the Air Force Legal Operations Agency (AFLOA), JACA does have a history. As part of JAG Corps 21, the legal assistance mission moved from the Pentagon—where it was responsible for policy matters but also provided legal assistance to Pentagon personnel—to The Judge Advocate General's School. For the past five years, members of the School's faculty took advantage of the direct access to new judge advocates, paralegal apprentices, and paralegal craftsman to dispense current and superior legal assistance training directly to need. The School also took advantage of its collocation with the information services directorate (AFLOA/JAS) at Maxwell AFB, in maintaining systems such as WebLIONS, and also introducing a new system that has revolutionized the provision of legal assistance in the Air Force: The Air Force Legal Assistance Website (LAWS). Having achieved great improvements, legal assistance has now returned to the National Capital Region (NCR), elevated from a subordinate office within the JAG School to an independent civil law division within AFLOA. It will continue to work closely with the School

and JAS to promote legal assistance resources and training for the field as well as help foster the professional development of our Corps in this area.

The new location in the NCR reaffirms that the JAG Corps' legal assistance practice is equally important with other practice areas, which are represented by an NCR division under the direction of a colonel. Just as military justice is key to good order and discipline, legal assistance is essential to mission readiness. These programs provide peace of mind to fellow Airmen and their families; serve as a key morale and retention tool; help contribute to the overall sense of community at the installation level; and, most importantly, help people resolve legal matters. As part of a new and robust Preventive Law Program, JACA will assist with and provide information on matters that materially affect the military community as a whole. Its goal will be to ensure that attorneys and paralegals at each base office are aware of, and can provide detailed information to commanders and their base population for matters outside of traditional legal assistance. JACA will help to establish links between legal offices and key personnel on their installation—such as school liaison officers. Since standing up this summer, the division has capitalized on its location in the NCR by meeting with TJAG and other JA directorates, as well as the other service's chiefs of legal assistance, the Office of the Secretary of Defense, and the Government Accountability Office. JACA also has taken advantage of its increased visibility to more aggressively distribute resources to the field through ONS, CAPSIL, and by tripling the number of legal assistance webcasts in this calendar year. By fos-

tering the old relationships with the School and JAS, and capitalizing on the synergies available in the NCR, JACA is looking forward to enabling a significant improvement in the Air Force's capability to provide legal assistance and meaningful community support.

### Claims and Tort Litigation Division (JACC)

The mission of JACC spans the globe geographically, and covers nearly as much legal turf. The division provides administrative processing of personnel, carrier recovery, and tort claims. It operates the Medical Cost Reimbursement Program (MCRP) to recover money owed to TRICARE for medical care provided to Air Force personnel and their families. The division also advises Air Force attorneys, commanders, and other officials at every organizational level on issues related to medical and aviation law, and it provides legal support to accident investigations. In addition, JACC represents the Air Force in litigation in a variety of fora. The division is divided into four branches and five field support centers (FSCs).

A big change in JACC was the move to Joint Base Andrews, Maryland, after many years in Rosslyn, Virginia, though the switch was virtually seamless from a mission perspective. Another major development this year was the final transition of the workforce at the Claims Service Center (CSC) in Kettering, Ohio. The CSC was initially to be staffed by nearly 100 enlisted paralegals working in shifts around the clock. However, with the implementation of the Defense Personal Property Program (DPS), which requires Airmen to



*Mr. Timothy Cothrel (right) and Mr. Paul Clements (left) present Mr. Tom Jones, Manager, Region 3 (Eglin) with the MCRP Region of the Year award*

file their claims online and negotiate directly with their carriers for any damages to their property, the CSC was dramatically reconfigured so that it now consists of fewer than 30 personnel, all of whom are civilians. As a result of this change, a new JACC Field Augmentation and Support Team (FAST) was created to replace the Fly-Away Claims Team (FACT). Though CSC personnel will serve as part of the FAST, the new team will be headquartered at Andrews rather than in Kettering. Also, in addition to the claims assistance provided by the FACT in response to natural disasters, the FAST will also support local legal offices after major accidents. Furthermore, to bolster the capacity of local legal offices to serve as effective first responders in dealing with claims, JACC will increase its focus more on providing training and guidance on emergency advance payments, inspections, and other areas to TJAGC personnel worldwide.

### The Medical Cost Reimbursement Program (MCRP)

MCRP is the largest FSC in JACC with more than 60 employees in eight regional offices. MCRP paralegals and attorneys pursue collection actions against third party tortfeasors, insurance companies, or other financially responsible parties to recoup the costs of medical care supplied by the Air Force, whether directly (via treatment at a military facility), or indirectly (via TRICARE payments to a civilian facility).

A unique aspect of MCRP is that it is self-funded—the program's operating budget is funded by a small portion of the money it recovers. In 2010, MCRP recovered \$18 million. In 2011, recoveries increased more than 20 percent, topping \$22 million.

### Aviation and Admiralty Law Branch (AALB)

AALB attorneys and paralegals adjudicate tort claims and defend

the United States in litigation arising from Air Force aviation and admiralty activities, including aircraft crashes, sonic booms, low overflights, and any event occurring on or over a navigable waterway. Branch members also protect Air Force interests, such as maintaining its policy of strict neutrality and preserving the military safety privilege, when responding to discovery requests in private litigation involving Air Force aviation and admiralty activities. One of the branch's principal duties is to advise the Air Staff on all issues within the purview of aviation and admiralty law and provide Air Force-wide policy and guidance on the accident investigation board (AIB) and ground accident investigation board (GAIB) processes.

Because of their particular specialty, AALB attorneys are often called upon to brief members of Congress and make presentations before bar associations regarding military claims and accident investigations. The branch also prepares and presents training for AIB and GAIB board presidents, legal advisors, and paralegal recorders at the Air Force Safety Center, Air University, the Air Force Judge Advocate General's School, and Air Force bases throughout the world. In order to better meet the demands of its escalating teaching responsibilities, in 2011 a military attorney from the AALB was moved to the General Torts Branch, which allowed the AALB to add a civilian attorney position to its roster. This change will provide continuity and specialization, ensuring the branch can continue to offer academic instruction based on practical experience and technical knowledge as well as legal expertise.

### **Accident Investigation Board Field Support Center (AIBFSC)**

Working closely with the Aviation and Admiralty Law Branch, the AIBFSC provides JAG legal advisors and paralegal recorders for AIBs and GAIBs around the world. Primarily, it assists with MAJCOM-convened Class A mishap investigations, prepares publicly releasable reports, and secures evidence for potential claims litigation and other actions. It also provides critical reach-back expertise for other judge advocates and paralegals in the field. In the four years since its inception in September 2007, the AIBFSC supported 77 mishap investigations. By year end, the AIBFSC will add five paralegals to serve as recorders.

### **Foreign Claims Branch (FCB)**

The FCB guides Air Force offices worldwide on proper settlement of tort claims, adjudicates Foreign Claims Act claims (the Air Force's highest value tort claims arising abroad), and coordinates with overseas commands responsible for satisfying third party claims falling under international cost-sharing agreements. The branch also assists in resolving tort claims arising in the United States in connection with foreign military sales agreements having an Air Force focus. Throughout the year, the branch provided effective reachback to Air Force and sister-service legal offices inquiring about tort claims policies and procedures, and advanced Air Force training objectives through repeated instructional visits to the Air Force JAG School. In 2011, the branch also aggressively pursued favorable dispositions of pending cases, including the settlement of a longstanding wrongful death claim from Ecuador, and amassed increased understanding of Egyptian tort law.

### **Medical Law Branch (MLB)**

The MLB adjudicates all claims alleging medical malpractice by Air Force health care providers worldwide and provides litigation support to all assistant U.S. attorneys and Department of Justice attorneys defending these lawsuits. MLB attorneys are subject matter experts in medical law, providing guidance on all medical-legal issues arising in Air Force military treatment facilities worldwide. MLB attorneys have been recognized for their subject matter expertise both within and outside the Air Force, serving as invited lecturers at the DOJ's National Advocacy Center, the Society of Federal Health Agencies, and the Army Legal Services Agency. The MLB's *Air Force Medical Law Quarterly* has become a respected source of medical-legal guidance, with distribution not only throughout the Air Force medical and legal communities but to professionals in the Army, Navy and Department of Veterans' Affairs. Beginning in 2011, the MLB has transitioned to all electronic files and has utilized the LexisNexis CaseMap product, a case analysis tool that allows us to connect documents to facts, as well as legal issues and key players in an integrated platform. MLB attorneys and paralegals are kept abreast on all the developments of any given case, allowing for seamless reassignments of cases in the event of deployments, extended TDYs or military tours.

### **Medical Law Field Support Center (MLFSC)**

In conjunction with the MLB, the MLFSC provides specialized advice and worldwide reachback support to base legal offices and medical treatment facilities (MTFs) on medical-legal issues. The MLFSC is comprised of the MLFSC Chief,



*Medical Law Field Support Center (MLFSC) Team*

located at Andrews, and 13 Medical Law Consultants (MLCs), two military paralegals, and six civilian support personnel assigned to nine regional MLC offices around the world, as well as one MLC assigned to the tri-service Medical Education and Training Campus (METC) at Fort Sam Houston, Texas.

The Regional MLCs provide timely advice on a host of issues that arise in healthcare operations, including issues involving the Health Insurance Portability and Accountability Act (HIPAA), adverse privilege actions, informed consent, and training affiliation agreements. The METC MLC, a position filled for the first time in July 2011, advises the commandant, staff, and students on a host of medical-legal issues, such as training agreements integral to operations at this new, state-of-the-art DOD healthcare education campus. METC is responsible for training enlisted medical personnel in over 30 programs, graduating 24,000 students per year. In addition, another Regional MLC position was

approved in 2011. The new MLC, scheduled to arrive in 2012, will be assigned to the MTF at Joint Base Elmendorf-Richardson, AK. This will bring the total contingent of MLCs to 15.

### **Air Force Claims Service Center (CSC)**

The CSC is JACC's FSC for the adjudication of all Air Force personnel (P) claims. As noted above, the implementation of DPS drastically reduced the number of P-claims adjudicated there, but the CSC still adjudicated over 2,000 claims, with an average processing time of only five days per claim. Thanks to the CSC, Airmen pocketed over \$2 million in 2011 for damages to their household goods, and the Air Force collected over \$1 million in carrier recovery claims, due to the CSC's impressive 97 percent collected-to-asserted ratio.

Though the number of P-claims adjudicated by the CSC has waned, the need for their expert guidance remains as strong as ever. As a result, the CSC

continues to field dozens of telephone calls on a daily basis, receiving over 17,000 calls this year, an average of more than 70 calls per working day. Also, while the sheer volume of claims being handled by the CSC has decreased, the complexity of each claim has increased. The latter change, like the former, can be traced directly to the implementation of DPS: Now, because every claim must initially be filed with the carrier, all household goods claims being adjudicated by CSC are by definition transferred to them after the claimant and the carrier failed to reach a settlement. Thus, the more difficult a claim is to adjudicate, the more likely it is to end up in the hands of the CSC. Fortunately, the shift to an all-civilian workforce enables the Air Force to build and retain invaluable personnel claims experience and expertise.

### **General Torts Branch (GTB) and Tort Claims Field Support Center (TCFSC)**

The GTB provides litigation support for tort claims that are not within the scope of one of the other branches. The branch also has policy oversight for pro-government tort claims (i.e., "G-claims") to recoup payment for damage to Air Force property. The types of litigation supported by the GTB are as varied as the number of installations we support. GTB attorneys traveled around the country to assist the Department of Justice in defending some highly-contentious cases. GTB paralegals have become increasingly proficient in investigating and adjudicating complex tort claims.

In addition, the branch functions as the TCFSC. In their TCFSC role, GTB personnel apply specialized knowledge and legal services to

installation claims offices with regard to the investigation, settlement, and litigation of general tort claims (e.g., motor vehicle accidents, slip-and-fall claims) against the Air Force and to provide reachback expertise to base legal offices to assist them in resolving tort claims within their settlement authority. GTB paralegals provide immediate reachback assistance to installation offices, by sharing their knowledge with installation-level paralegals to assist them in fulfilling their tort claim responsibilities. Also, when traveling to defend cases, GTB attorneys routinely go to nearby installations to provide in-person training.

One member of the GTB, Major Christy J.K. Barry, traveled all the way to Afghanistan, but her journey was unrelated to litigation. Rather, she completed a 12-month deployment at Camp Eggers as one of only 33 officers from throughout the armed services selected to serve in the initial cadre for the “AfPak Hands” program, General David H. Petraeus’s nation-building initiative aimed at establishing and nurturing positive, enduring relationships with the peoples and government of Afghanistan. To participate, Major Barry first had to successfully complete several months of immersion training in the language and culture of Afghanistan, as well as learning counterinsurgency and combat skills.

The only Air Force JAG in the group, Major Barry was exposed to a broad range of unique experiences, including serving as a project coordinator for an Afghan women’s bazaar. Women participating in the bazaar sold hand-made wood carvings, kites, scarves, clothes, embroidered crafts,

jewelry, and other items. The purpose of the bazaar was to help Afghan women become economically more stable, secure, and independent.

### **Environmental Law and Litigation Division (JACE)**

JACE works to preserve and protect air, land, and other precious resources central to the successful performance of the USAF mission. JACE helps USAF clients comply with environmental laws and seeks legislative and regulatory resolutions to environmental issues impacting the mission. JACE also defends the USAF against legal challenges that threaten mission accomplishment.

### **Environmental Litigation Center**

The Environmental Law FSC manages approximately 60 active matters at any given time, including injunctions and encroachment issues with the potential to directly impact USAF missions, as well as potential liability of roughly \$596 million. The FSC also pursues affirmative cost recovery (ACR) cases to return scarce remediation funds to USAF coffers. Center attorneys, in cooperation with attorneys in the regional offices, seek to reduce alleged USAF liability estimated at \$376 million for contamination at more than 100 sites located outside installation boundaries. The Center also adjudicates environmental tort claims currently worth \$200 million.

The Center had many successes, including winning three Court of Federal Claims cases involving easement disputes at Dobbins ARB in Georgia and recovering \$1.6 million from third-parties for the Air Force Environmental Remediation Account.

### **Environmental Law Field Support Center (ELFSC)**

The ELFSC provides full spectrum reach-back for USAF environmental law practitioners at all levels. Staffed with 38 environmental law experts, paralegals, reservists and environmental liaison officers (ELOs) embedded at six MAJCOMs, and a satellite office in Alaska, the Center consolidates Air Staff and MAJCOM environmental law support into a single center in San Antonio, TX. Six distinct branches handle environmental law responsibilities for USAF.

### **Air & Water Branch**

The Air & Water Branch provides guidance to meet the complex requirements of the Clean Air Act (CAA), the Clean Water Act (CWA), and the Safe Drinking Water Act. In 2011, the branch provided a CAA conformity analysis review for the Air Force-wide Joint Strike Fighter (F-35A) beddown. It also provided legal counsel to USAF and DOD officials on a commitment to implement storm water management initiatives in conjunction with the issuance of a CWA permit for Washington, D.C., ensuring the Environmental Protection Agency (EPA) treated federal facilities similarly to non-federal facilities.

### **Cultural & Natural Resources Branch**

The AF is steward to hundreds of historic buildings, archeological sites and Native American sacred sites, as well as scores of federally-protected threatened and endangered species. The branch helps the USAF comply with laws protecting these valuable resources while preserving flying and training flexibility. Of note, the branch helped bases in Arizona



avoid administrative and financial burdens of monitoring the American Peregrine Falcon at off-base locations under Military Training Routes. After delisting of the falcon, the requirement for consultation and associated monitoring was eliminated, thus severing the direct connection to our mission that would have allowed us to fund protective measures.

### **Hazardous Materials Management Branch**

The Hazardous Materials Management Branch provides legal advice related to compliance with laws, regulations, and policies for solid and hazardous waste, hazardous and toxic materials, radiation, environmental management system (EMS) issues, and environmental, safety, and occupational health (ESOH). In 2011, the branch advised engineering clients on the use of recycling program proceeds to fund recycling center construction and worked with engineers and attorneys at all levels to protect the USAF's authority to investigate and respond to perchlorate contamination in groundwater. The branch also worked with Air Staff to develop a uniform technical guide explaining how hydrazine from Aerospace Ground Equipment generators should be handled to stay in compliance with federal water and hazardous waste laws.

### **Planning & Sustainment Branch**

The Planning & Sustainment Branch provides proactive guidance to meet all USAF environmental planning requirements. Branch members advise on the legal aspects of new energy programs intended to support the USAF's current and future energy requirements. Branch

personnel have continued in the National Environmental Policy Act analysis and documentation for the beddown and operations of the Joint Strike Fighter, which involves three separate environmental impact statements (EIS). The branch provided support for the beddown of F-22 and T-38 operations at Langley AFB and helped in the development of an essential Low Altitude Training Area for special operations aircraft in New Mexico. The branch also played a role in the expansion of Air National Guard training at Davis-Monthan AFB and in the increased training airspace for fighter aircraft at Shaw AFB.

### **Restoration Branch**

Played a key role in reaching agreement with the EPA on interagency agreements for Andrews AFB and AF Plant 44. Tyndall AFB is the sole USAF facility on the National Priorities List without an interagency agreement. The branch continued its heavy involvement in the high-visibility dispute with EPA over the Resource Conservation and Recovery Act (RCRA) order issued against that installation and the negotiation of the terms of the interagency agreement. In addition, the branch is representing the AF in an informal state-wide dispute with EPA Region 9 and California regulators over the appropriate selection of toxicity values and cancer risk levels to apply throughout the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remediation process. The USAF is coordinating the matter with the DOD and the other services prior to its referral to HQs EPA for further dispute resolution.

### **International Environmental Law and Training Branch**

The newest branch works environmental issues for overseas contingency operations and installations in foreign countries and implements TJAG's training initiative. Major accomplishments of the branch included providing advice on environmental planning requirements for emergency relief activities and on disposal of low-level radioactive waste from decontamination of aircraft used in Operation TOMODACHI, the earthquake and relief effort for Japan.

### **Environmental Liaison Officers**

Embedded at six MAJCOMs, Environmental Liaison Officers (ELOs) coordinate and provide legal advice to base and MAJCOM SJAs as well as MAJCOM-level clients on environmental issues affecting command interests. Examples of the active involvement of our ELOs include: Providing continued direct support of the Joint Strike Fighter beddown in three different MAJCOMs; advising and providing guidance on the discovery of 5,000 year-old cultural artifacts at a proposed solar array project and the consultations with multiple federally recognized tribes; advising an installation's senior leadership on the environmental aspects of Occupational Safety and Health Administration (OSHA) violations; reviewing documents enabling robust spacelift capabilities; training base environmental attorneys; and providing consistency in the Environmental, Safety, and Occupational Health Compliance Assessment and Management Program (ESOH CAMP) legal support across commands.

## **Regional Counsel Offices (RCOs)**

The RCOs work with state and federal regulators, state legislators, and the EPA in their geographic regions. Located in Atlanta, Dallas, and San Francisco, the RCOs support the Environmental Litigation Center's affirmative cost recovery program and administer a third party site program that seeks to limit USAF liability for potential contamination at sites not owned or operated by the United States Air Force.

The RCO in San Francisco engaged with the California Governor's Military Advisor and saved DOD tens of thousands of dollars and protected operations by obtaining a two-year regulatory exemption for military participation in California's Greenhouse Gas Cap-and-Trade Program. The office also testified before the Alaska state legislature to ensure requirements on military ranges are consistent with the federal Clean Water Act. As the lead service in the Pacific Northwest, the RCO successfully teamed with other military branches to analyze and track an Oregon oil transfer fee statute, saving DOD \$75,000 per year.

The RCO in Dallas advocated for critical state legislation to prevent encroachment at DOD installations in 21 states, to include coordinating written submissions and testimony on three different bills before two Texas House committees. The office convinced New Mexico to amend its new tank delivery prohibition rules by including a national security deferral so that DOD installation's petroleum storage tanks would not be red-tagged and automatically shut

down. In the past year, the RCO monitored 24 separate enforcement actions and assisted in expeditiously closing seven of those actions.

The RCO in Atlanta continued to lead a DOD/Department of Energy team in discussions with New York to resolve an impasse involving annual surcharge fees on hazardous waste generated in the state. The RCO provided state legislative expertise to a Florida installation responding to a request for information from the Florida governor on the recently-passed Florida Growth Management Act. Finally, JACE-ER continues to advise a North Carolina installation in its dispute with the state agency responsible for ensuring safe drinking water to NC residents. Acceptance of the state's expansive definition of "seller" could have significant and costly impacts to all military installations in North Carolina.

## **General Litigation Division (JACL)**

JACL is composed of hard working, skilled litigators, paralegals, and administrative personnel whose victories protect important Air Force policies, practices, and interests. The division handles a broad range of cases in federal courts, state courts, and various administrative forums. JACL's litigation mission is to defend the Air Force and its personnel in federal litigation and administrative proceedings worldwide in actions involving civilian and military personnel, constitutional torts, information law, and utility/energy law. In addition, the division reviews all Freedom of Information Act (FOIA) appeals, accepts civil service of process on behalf of the Secretary of the Air Force (SecAF), manages the Air Force civil witness

program, and advises field and higher headquarters staffs on civilian labor law issues. JACL performs its mission through two branches and two field support centers.

## **Information Litigation Branch (IL)**

The IL Branch represents Air Force interests in federal court cases involving information litigation, the improper assessment of taxes against the United States, and constitutional torts alleged against Air Force officials. Importantly, its attorneys and paralegals review and process all Air Force FOIA administrative appeals and advise the SecAF designee regarding final action on those appeals. IL Branch attorneys also provide service-wide advice on requests for Air Force personnel to appear as witnesses in litigation and for release of official Air Force information outside the scope of FOIA.

During fiscal year 2011, the branch reviewed and advised on 65 FOIA appeals. Working with the Department of Justice, the branch had a docket of 46 cases in litigation. A case that illustrates the nature and scope of issues managed is *ACLU v. Dep't of Defense, et al.*, In 2004, the ACLU submitted a FOIA request seeking detainee records. Under FOIA Exemption 7(f), DOD withheld photographs, which protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." After an in camera review, the court ordered release of the photographs and DOD appealed. While the case was pending before the Supreme Court, Congress enacted legislation prohibiting the release of certain photographs when

the Secretary of Defense (SECDEF) certified so doing would endanger the lives or safety of individuals. In November 2009, SECDEF issued such certification in this case and the Supreme Court remanded the case to the Court of Appeals. In May 2010, the case was remanded to the District Court for proceedings consistent with the newly enacted legislation and SECDEF's certification. After oral argument, DOD prevailed. With regard to other agencies, the court has not entered judgment; consequently, the matter is not yet ripe for appeal.

### **Labor Law Field Support Center (LLFSC)**

The LLFSC is comprised of a leadership section with four subordinate branches, plus four regional offices (Eglin, Scott, Randolph and Los Angeles AFBs). The LLFSC handles Air Force labor and employment law matters around the world in federal court and before the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Federal Services Impasse Panel, the Federal Labor Relations Authority (FLRA) and labor arbitrators. The LLFSC routinely advises policy makers at the Headquarters Air Force level and at other DOD agencies. The center is the source of most of the labor law training in the Air Force.

The LLFSC Labor Law Branch defends the Air Force against hundreds of unfair labor practice charges filed annually by unions representing approximately 120,000 of the Air Force's 165,000 full-time civilian employees. This requires daily analysis of labor management relations, rights, obligations and evidence. Charges not

dismissed or withdrawn by the FLRA must either be settled or litigated at hearings. Attorneys regularly provide advice to agency labor counsel and civilian personnel officers worldwide. On request, the branch defends the Air Force in complex labor arbitrations or those having potential service-wide impact.

The two LLFSC Administrative Litigation Branches defend the Air Force in discrimination cases before the EEOC and in disciplinary cases before the MSPB. They also advise Air Force installations on serious disciplinary actions.

The LLFSC Federal Litigation Branch assists DOJ in defending the Air Force in U.S. District Courts, Claims Court and Courts of Appeal. In addition, the branch reviews formal complaints of discrimination and advises on their acceptance and dismissal.

LLFSC attorneys and paralegals assigned to the regional offices defend against the entire spectrum of administrative and judicial challenges in labor and employment law in their geographical area.

This year, the LLFSC defended Air Force interests in a number of cases, including alleged failure to bargain changes in conditions of employment; reprisal for protected activity; and a wide variety of disciplinary and performance actions alleged to have been based on age, sex, and race discrimination. The LLFSC also advised headquarters-level policymakers and field labor and employment attorneys and labor specialists on every aspect of labor and employment law, including labor management relations,

collective bargaining, and adverse personnel actions.

The Administrative Litigation Branches defended over 500 administrative EEOC and MSPB cases this year. The Federal Litigation Branch handled over 40 District Court cases and the Labor Relations Branch handled over 300 FLRA cases. The LLFSC continues to actively defend class grievances about claims for unpaid overtime under the Fair Labor Standards Act which spans four Air Force installations and three major commands, and has the potential to spread Air Force-wide. In addition, through negotiation and litigation before the FLRA, labor attorneys are nearly complete in working to consolidate bargaining units at bases affected by the 2005 Defense Base Closure and Realignment.

### **Military Personnel Litigation Branch**

The Military Personnel Litigation Branch defends the Air Force against all federal civil court challenges to Air Force personnel practices and programs, averaging 45 to 55 active cases at any one time. The branch defends claims for military pay and benefits in the United States Court of Federal Claims, including many claims for disability benefits. *Habeas* petitions filed by former and current Air Force members serving court-martial sentences are also part of the branch's workload. Additionally, the branch defends Air Force personnel decisions challenged in United States District Courts under the Constitution, the Administrative Procedures Act, and other statutes. The branch routinely handles "front-page headlines," monitored by Air Force and DOD

senior leadership and the American public, the results of which have broad application.

As in past years, many military personnel claims arose from denial of applications for relief to individual airmen-petitioners by the Air Force Board for Correction of Military Records. Military Personnel litigators also defended a number of significant cases with program-wide impact. The branch partnered with DOJ to defend *Witt v. Dept' of Air Force* in U.S. District Court, a case remanded by the Ninth Circuit to apply heightened “as applied” scrutiny to the discharge of a homosexual Reservist pursuant to the then Congressionally-mandated homosexual policy. Although that case is now settled, another similar case, *Almy v. United States*, is still ongoing in the Ninth Circuit.

Military Personnel Litigation Branch personnel continued to defend the Department of Defense’s “Mandatory Supervised Release” parole program, which has been under attack in *habeas corpus* proceedings at the Tenth Circuit in *Banks v. United States*. Additionally, branch attorneys have worked closely with Army and Navy counterparts in *Sabo et al. v. U.S.*, a class action lawsuit asserted on behalf of 4,200 Iraq and Afghanistan veterans (including

270 airmen) diagnosed with Post-Traumatic Stress Disorder, assigned less than 50 percent disability rating on discharge. That case is now in the final stages of settlement.

### Utility Law Field Support Center (ULFSC)

The ULFSC at Tyndall AFB provides expert legal advice to DOD, Air Staff, Air Force functional communities, and Headquarters Air Force Civil Engineer Support Agency (AFCESA) on highly specialized issues dealing with energy acquisition and management in an effort to achieve the most cost-effective solutions to meet Air Force energy needs and energy goals. The ULFSC provides installations advice and contract negotiation support for matters involving electric, gas, water and sewage rates and service. The ULFSC’s attorneys also appear before state and local regulatory bodies in matters involving these commodities. In regions where the General Services Administration has delegated responsibility to the Air Force to represent all federal utility customers in rate-making cases, the ULFSC acts as executive lead agent in those states. Finally, ULFSC attorneys make up the “legal half” of AFCESA’s joint attorney/civil engineer Utility Rates Management Team (URMT), providing advice and negotiation

skills for the acquisition of utilities services across the Air Force.

Additionally, during the first half of the year, the ULFSC continued a nearly three year effort to support the imbedded contracting flight at AFCESA. ULFSC attorneys provided contract law advice to the Sustainment, Restoration, & Modernization and Air Force Contract Augmentation Program efforts which amount to \$800 million of activity per year. This workload was transferred to its permanent home at AFLOA/JAQ in June.

In 2011, ULFSC attorneys advised commanders on legal issues related to purchase of renewable energy and development of renewable power projects on 15 Air Force installations, including: solar, wind, urban waste, biomass, algae fuel, landfill gas, photovoltaic, and geo-thermal energy. ULFSC lawyers expertly represented the Federal Government in rate cases and negotiated for services with local utility providers coast-to-coast. In total, the ULFSC handled 21 cases before state public utility commissions and handled 22 negotiations involving non-regulated utilities. The ongoing impact to the Air Force for all URMT efforts is nearly \$60 million per year in cost avoidance.



# JAJ



Col Gordon R. Hammock  
Director

The Judiciary Directorate (AFLOA/JAJ) is responsible for the administration and improvement of military justice across the Air Force. Colonel Gordon R. Hammock is the Director, USAF Judiciary and Senior Master Sergeant Rebecca S. Simmons is the Superintendent; together they manage 290 Total Force personnel assigned to locations around the world.

JAJ largely performs its mission through supporting the work of its five divisions: Military Justice, Government Trial and Appellate Counsel, Trial Defense, Appellate Defense and Clemency, Corrections and Officer Review. The work of these divisions covers a comprehensive gamut that includes advising The Judge Advocate General, Chief of Staff and Secretary of the Air Force on a full range of military justice matters, working with the other uniformed services to propose legislation and modifications to executive orders, assisting convening authorities and staff judge advocates in the field,

providing defense services to Airmen worldwide, ensuring the sure-handed litigation of complex cases through the detailing of senior trial and defense counsel and overseeing the practice of government and defense appellate lawyers before the Air Force Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces and the United States Supreme Court.

In addition, through the Court Reporter Administrator, Technical Sergeant Tanya M. Lopez, JAJ supervises the duties of seven enlisted court reporters and oversees the distribution and execution of workload among 80 civilian court reporters assigned worldwide.

In line with The Judge Advocate General's vision, JAJ's continuing mission focus in 2011 centered on revitalizing military justice across the JAG Corps and the larger Air Force. With celerity—combining deliberate speed with quality processes—as the guidepost, JAJ worked with its five divisions to revamp operations within JAJ and throughout the field in numerous ways.

JAJM led the revival effort through numerous across-the-board initiatives to include its complete overhaul of our major military justice publications to align JAG Corps objectives, metrics and processes with the D2A “discovery of offense to action” sight picture of our commanders.

A laser-like focus on post-trial processing and the three *Moreno* standards produced a combined and sustained effort amongst the JAJA and JAJG appellate shops—and the AFCCA—to slash appellate timelines.

A JAJ-led rewrite of the AF Rules of Court gave military judges the tools and formalized processes to proactively own and direct the movement of cases, leading to a marked reduction in “busted” trial dates.

A JAJR-led focus on revitalizing military confinement options to eliminate the civilian incarceration of our Airmen led to a VCSAF-approved “hub” plan to rebuild AF confinement infrastructure for pre-trial and short post-trial confinement; a corollary and smart effort by JAJR to join forces with the Navy to utilize their underused confinement capacity is also bearing fruit.

Recognizing that Airmen facing legal troubles are at heightened risk of self-harm, JAJD secured CSAF approval to field a template memo along with an associated personal brief from the ADC which advised all clients of locally available resources, reassured the client that the ADC was there to help in any and all ways, and which foot-stomped the total confidentiality inherent in ADC-client communications.

Closer to home, and as noted in the companion spotlight article, JAJ launched its own in-house Enlisted Court Reporter (ECR) training program to train up five new ECRs in an abbreviated timeframe—and in the process, produced better trained ECRs at greatly reduced cost.

These are just a few of the many major initiatives launched by JAJ and its divisions in the past year. Because discipline is **essential** to successful operations both in garrison and when deployed, it is true that “Military Justice is Job #1.” Read on to learn more.

## Appellate Defense Division (JAJA)

JAJA advances the Air Force mission by promoting justice and strengthening confidence in discipline by vigorously providing the best possible defense services for military personnel. This includes assistance to appellants at all stages of the appellate process, which includes submission of written briefs and conducting oral arguments before the Air Force Court of Criminal Appeals (AFCCA), the Court of Appeals for the Armed Forces (CAAF), and the United States Supreme Court. In addition, appellate counsel work closely with trial defense counsel and clients in the preparation of strategy and the development of tactics in cases tried throughout the Air Force.

The division is composed of eleven active duty judge advocates, nine Reserve judge advocates, one civilian attorney, and three paralegals. JAJA is led by Mr. Dwight Sullivan, Major Michael Kerr, and Master Sergeant Gena DiProfrio.

Appellate defense counsel contribute to Project Outreach, sponsored by USCAAF and AFCCA, by conducting oral arguments before various external audiences. In the past year, Outreach arguments were presented at Duke School of Law, Hofstra University School of Law, Loyola University Law School, Seattle Law School and Stanford University School of Law. The Project Outreach program highlights the fairness and professionalism of the military justice system to the public and service members alike.

Training remains a top priority for JAJA. This training includes military law courses at the Army's Judge Advocate General's Legal Center and School and appellate advocacy seminars sponsored by the Judge

Advocate's Association and CAAF. In addition, JAJA conducts a robust in-house training program. Attorneys also attend appellate advocacy seminars sponsored by the National Legal Aid and Defender Association, the NAACP Legal Defense and Education Fund; the Defense Research Institute; Law Rose, Inc.; as well as seminars sponsored by state bars.

This year, several notable rulings from the appellate courts clarified the rights of the accused and affected the practice of military justice at the trial level.

In *United States v. Beaty*, 69 M.J. 218 (C.A.A.F. 2011), CAAF ruled that the maximum punishment for possessing images that appeared to be child pornography equates to the four-month limitation on disorderly conduct. Previously, some military judges ruled that the maximum punishment in such cases was analogous to the 10-year sentence cap in 18 U.S.C. § 2252 (2006). However, the court found that 18 U.S.C. § 2252 (2006) was not analogous—as the government must prove under that statute that the images were of actual children in accordance with *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002). In light of this case, JAJA undertook a quick effort to locate appellants in confinement affected by this ruling and obtained speedy relief in three cases.

CAAF also rendered significant rulings in Confrontation Clause issues arising from urinalysis cases. In *Blazier II*, 68 M.J. 439 (C.A.A.F. 2010), the court found that the drug testing report's cover memoranda was "testimonial" in nature; accordingly, M.R.E. 703 does not permit expert witnesses to repeat such hearsay evidence during trial absent an independently established basis for the opinion. In *United*

*States v. Sweeney*, 70 M.J. 296 (2011), the court held that even though the Confrontation Clause issue had been forfeited at trial, the error in admission of such testimonial hearsay was plain and obvious.

Finally, on August 8, CAAF released its long-awaited decision in *United States v. Fosler*, 70 M.J. 225 (2011), finding that an adultery charge failed to state an offense where the defense objected to the specification as the specification did not identify one of the three required terminal elements. CAAF subsequently granted more than 50 Fosler trailer cases, which were remanded for evaluation to the respective service courts of criminal appeal.

## Trial Defense Division (JAJD)

JAJD is responsible for the provision of comprehensive defense services to Air Force members worldwide. The Division Chief is Colonel Donna Marie Verchio and the Superintendent is Senior Master Sergeant Jodi Hayes.

Area Defense Counsel (ADCs) represent military members globally in criminal investigations and proceedings under the UCMJ, such as nonjudicial punishment proceedings under Article 15; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; and all post-trial and clemency matters. ADCs also serve as counsel in a variety of adverse personnel actions, such as involuntary separations, demotion actions, and administrative boards (e.g., flying evaluation, physical evaluation, and medical credentials boards). In overseas locations, ADCs may serve as military legal advisors in foreign jurisdiction cases. No matter the duty, the enduring mission of JAJD remains steadfast—to provide

zealous, comprehensive, and world-class defense services to our clients.

In addition to the division chief and paralegal superintendent, JAJD is comprised of three chief senior defense counsel (CSDCs), a Deputy Chief for Policy and Training, three defense paralegal managers (DPMs), 19 Senior Defense Counsel (SDCs), 83 ADCs, and 73 Defense Paralegals (DPs) stationed at 68 installations worldwide. This year JAJD saw the addition of the Air Force Physical Evaluation Board Defense Counsel Office, comprised of four disability counsel and one disability paralegal, which brings the division total to 189 personnel.

At the strategic level, defense services are managed by the division chief and the three CSDCs, each of whom is a lieutenant colonel responsible for the defense mission within a geographic area of responsibility (AOR)—Eastern US/Europe, Central U.S., and Western U.S./Pacific. Within each AOR, there are 6-7 geographically aligned regions led by an SDC. The SDC billets are selectively filled by majors or senior captains with prior defense counsel experience. Each SDC oversees the defense services provided by 3-5 ADC offices within his/her region and they are responsible for litigating complex cases, mentoring attorneys and paralegals, and providing professional responsibility oversight.

Professional development of defense personnel continues to be a top priority for JAJD. Each newly assigned ADC and DP attends one of two Defense Orientation Courses held annually at AFJAGS. A separate SDC Leadership Conference was held in May 2011 at Joint Base Andrews, MD—this focused on the leadership

and management skills required of these defense positions. JAJD also participated in five Trial Advocacy Conferences sponsored by AFJAGS in Germany, Japan, and three CONUS locations.

Along with the ADC professional development curriculum, JAJD nominates defense counsel to attend the Trial and Defense Advocacy Course and the Advanced Trial Advocacy Course taught at AFJAGS. Numerous SDCs participated in these courses as adjunct faculty. JAJD also sponsored a select cadre of experienced defense counsel to attend specialized training conducted by sister services and other institutions and associations.

### **Government Trial and Appellate Counsel Division (JAJG)**

JAJG provides trial and appellate services to promote and preserve good order and discipline within the Air Force. The division is led by Colonel Don Christensen and Master Sergeant Jerrod Rynders. The judge advocates assigned to JAJG serve as either senior trial counsel or as appellate government counsel; these two groups work in concert to enhance and promote the fair administration of our military justice system. This division is comprised of 24 active duty judge advocates, 1 civilian attorney, 11 reserve judge advocates, two enlisted paralegals, and one civilian paralegal.

Senior trial counsel (STCs) are strategically stationed at various locations throughout the Air Force to maximize efficiency. As of October, the STCs prosecuted 194 general courts-martial, a full 78 percent of all general courts-martial tried within the Air Force. In addition, STCs supported 50 special courts-martial, 76 Article 32 hearings, two officer discharge

boards, and 16 other judicial and quasi-judicial proceedings.

STCs are responsible for trying courts and training base-level trial counsel. They are an integral part of the system, often serving as the formative mentor to many young judge advocates in the military justice arena. As such, their leadership is critical to developing a strong justice base for future prosecutors, defenders, and base-level leadership. Aside from functioning as a force multiplier, STCs also provide a critical military justice reach-back consultation capability to base legal offices on all military justice and trial advocacy issues, regardless of whether an STC is detailed to the particular case at issue.

This year the STC program underwent minor structural changes to increase efficiencies. Most single STC sites were realigned to bases where existing STCs are currently assigned. Three STC positions were designated to be filled by O-4s with significant litigation experience—vice O-3s—to provide enhanced litigation capabilities and to serve as mentors for STCs in those areas.

In August, JAJG started the first-ever JAG Corps partnership with the Defense Computer Forensics Laboratory (DCFL). This JAGC Liaison position was created to address misunderstandings regarding the process at DCFL and to implement initiatives to improve base JAG—computer analyst communications about what technical steps should be taken in a case. The liaison has conducted training within the JAG Corps to bridge that communication gap and improve understanding between DCFL and the JAG Corps. The liaison initiated a streamlined process, improved

examiner testimony procedures, and improved communication between AFOSI, DCFL, and the JAG Corps—all of which steps improved case processing and resultant timelines.

The primary role of appellate government counsel is to zealously represent the United States in appeals of the Air Force's most serious court-martial convictions. They defend the military justice system and the actions of those involved in properly administering it at the trial court level. In this capacity, appellate government counsel function as the ultimate defenders of the military justice process, seeking to uphold actions by investigators, trial counsel, trial defense counsel, military judges, staff judge advocates, convening authorities, appellate courts, and virtually every other party involved in the military justice process. Appellate counsel also provide expertise to our STCs and to the field concerning military justice, trial practice, and common pitfalls at every stage of the court-martial process.

Appellate government counsel research and write persuasive and thorough legal briefs and present oral arguments at Air Force Court of Criminal Appeals (AFCCA) and Court of Appeals for the Armed Forces (CAAF), and, in conjunction with the Solicitor General, before the United States Supreme Court.

In 2011, Appellate Government Counsel presented 25 oral arguments—11 before CAAF and 15 before AFCCA. Government counsel participated in Project Outreach at CAAF and AFCCA by conducting oral arguments at various locations including the University of California, Los Angeles, Stanford University, the Nevada Supreme Court, and Seattle University. Counsel defended the

United States on the full range of issues, including the constitutionality of the military's drug testing program, the constitutionality of the new Article 120 of the UCMJ enacted by Congress to address sexual misconduct in the military, the evolving doctrine of lesser included offenses, ineffective assistance of counsel, speedy trial issues, due process concerns in military charging, and many other matters. In addition, appellate counsel continued to defend the government against claims of post-trial processing errors and untimely post-trial processing.

Appellate government counsel also serve a *de facto* role as the "solicitor general" of the Air Force, taking interlocutory appeals from the rulings of military judges in courts-martial to AFCCA, and then to USCAAF, as may be necessary. In 2011, the government took six interlocutory appeals of military judges' rulings, and successfully requested that The Judge Advocate General certify two AFCCA decisions for review by CAAF.

The Division continued to fulfill its obligation to support war-fighting commanders by deploying its personnel. Major Charles Warren, an appellate counsel, deployed to Afghanistan for six months as the Officer in Charge of the Recorder Cell, Detention Review Boards. Appellate government counsel also built active relationships with sister service counterparts through participation in quarterly meetings and regular consultation on matters of common interest.

Trial and Appellate Government Counsel continue to seek out opportunities to provide guidance and leadership in military justice. Division Counsel provided training at the Trial Advocacy Conferences, the Military Justice Administration Course, the

Trial and Defense Advocacy Course, the KEYSTONE leadership conference, during world-wide webcasts, and at several Numbered Air Force Conferences. STCs also provided training at the base level in conjunction with trying courts-martial. Further, Appellate Counsel update and distribute the Trial Counsel Deskbook, as well as an electronic newsletter containing appellate updates and relevant articles for military justice practitioners. Finally, JAJG continues to provide updates on the Government Trial and Appellate Learning Center on CAPSIL—which provides the field with the latest developments and resources concerning case law, trial advocacy, and military justice.

### **Military Justice Division (JAJM)**

JAJM supports the field in military justice matters and drafts and implements Air Force military justice policy. JAJM is led by Colonel John E. Hartsell with Master Sergeant Karen K. Phillips serving as the Law Office Manager. Mr. Jim Russell serves as the Associate Division Chief.

JAJM is responsible for ensuring that military justice practice complies with continually evolving legislation, court decisions, and policy—and informing the field of these changes. JAJM represents the Air Force on the Joint Service Committee (JSC) on military justice and its working groups, which draft proposed legislation and executive orders for the Manual for Courts-Martial (MCM). The division promulgates and updates regulations establishing Air Force policies and procedures for the conduct of courts-martial and other proceedings. JAJM facilitates designation for the exercise of military justice, preparing Secretary of the Air Force (SecAF) documents and Department of the Air Force



special orders designating convening authorities. The division makes recommendations to the Judiciary and The Judge Advocate General for changes in military justice policy and completes various other taskings.

In its role as a JSC voting member, JAJM contributed to developing and implementing modifications to the Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial, and Military Rules of Evidence. JSC proposals to revise Article 120 to fix constitutional inadequacies, as well as to expand subpoena power in Article 47 are currently pending in Congress. Furthermore, three JSC-sponsored Executive Orders—including one that adds a privilege for victim advocates—are pending signature by the President. The JSC also proposed major revisions to the Military Rules of Evidence that parallel the “restyled” Federal Rules of Evidence, and substantially restructure evidentiary rules related to searches, seizures, and inspections, as well as classified and government-privileged materials. The JSC is proposing changes to the MCM based on the C.A.A.F. cases of *United States v. Fosler* (requiring the “terminal element” for an Article 134 specification) and *United States v. Jones* (limiting lesser-included offenses).

In 2011, the division’s Policy and Precedent Branch implemented major revisions to AFI 51-202, adopting the TJAG-directed timeline of completing Article 15s within 30 days from discovery to SJA review, clarifying that the offer portion of an Article 15 can be public, and reorganizing other aspects of the regulation. Furthermore, JAJM is comprehensively revising AFI 51-201 to clarify guidance on wide-ranging issues, incorporate TJAG policy memorandums, apply MRE 412 procedures to Article 32 hearings,

update Central Witness Funding and RILO procedures, and adopt a new Report of Result of Trial format. JAJM also developed a “Military Justice Suggestion Form” to solicit ideas and encourage improvement of our ever-evolving military justice system and will soon launch a website in CAPSIL aimed at delivering practical tools and information to practitioners to reduce base-level inefficiencies and inaccuracies.

JAJM continued its active involvement in establishing policies on sexual assault and domestic violence. JAJM provided training on military justice and policy issues to the Air Force’s new sexual assault response coordinators and participated in DOD and Air Force working groups advising the Secretary of Defense and SecAF on the issue. In February, the division arranged for 30 trial counsel to attend the week-long Military Institute on the Prosecution of Sexual Violence. In May, the Division sent 30 individuals—consisting of active duty attorneys, civilian VWAP representatives, and paralegals—to the Sexual Assault Response Team Conference. At the conference, attendees joined with medical personnel, victim advocates, law enforcement personnel, prosecutors, and crime lab personnel as they sought to build their community response capabilities to promote the health and healing of victims, hold offenders accountable and deter further acts of sexual violence. In June, the division sent 30 Victim-Witness Assistance Program (VWAP) representatives to the National Center for the Victims of Crimes’ National Conference. At the conference, VWAP representatives interacted with federal, state and community-based victims’ rights advocates; received Air Force-specific VWAP training and learned techniques to better assist crime vic-

tims. Throughout 2011, JAJM served as the executive agency on a \$1.2 million joint-service interactive trial advocacy software program focused on providing trial counsel with practical training on the prosecution of sexual assault. Division personnel drafted scripts for interactive direct and cross-examinations, and developed training modules on voir dire, closing argument and sentencing. JAJM continues to prepare the data portion of the Air Force annual report to Congress and support JACL in litigation affecting the SAPR program.

The division monitors officer and other special interest cases, preparing a monthly consolidated report for TJAG and the Chief of Staff. To provide rapid response, the division prepares Senior Leaders’ Notifications to TJAG, the Chief of Staff, and the Secretary of the Air Force on high interest cases. JAJM reviews officer resignations in lieu of court-martial (RILO) and prepares advisory opinions for the Secretary of the Air Force. To date, the Division reviewed 13 RILOs this calendar year. Action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process requests for inter-major command (MAJCOM) permanent change of station or temporary duty of accused members for courts-martial, review and process Article 15 appeals from MAJCOMs, act on special requests for Air Force counsel, participate in the Drug Abuse Screening Coordinating Committee, assist with requests for immunity to the Department of Justice, and handle requests to recall reservists and guardsman to active duty for courts-martial so that confinement can be adjudged. The division has reviewed 11 recall of reservist requests to date this calendar year.

In support of the Military Justice revival, the Justice and Court Activities Branch analyzed historical data to streamline the military justice process. RILo processing now takes an average of 65 days—a dramatic improvement on the average 110-day processing time from 2004 to 2009. Similarly, new Article 15 processing metrics dramatically reduced the time between the date of discovery of the offense and the offer of nonjudicial punishment. These processing improvements ensure that justice is not only fair but timely and efficient. JAJM also created a Military Justice reference tool within the new JAJM social cohort on CAPSIL. The MJ reference tool on CAPSIL provides access to talking papers on military justice policies and procedures, current DOD and AF Instructions and training modules. JAJM is also revising military justice checklists and the Guide for Article 32, UCMJ investigations.

In 2011, JAJM's Relief and Inquires Branch answered more than 50 high-level inquires from the White House, members of Congress, and SecAF. JAJM action officers reviewed 103 applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After reviewing applicable records and researching the issues, the division provided the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The division performed more than 40 post-trial reviews for TJAG under Article 69(a), UCMJ, and reviewed 8 applications for relief under Article 69(b).

JAJM maintains the file repository for all courts-martial records of trial.

The Appellate Records Branch processes all records of trial undergoing appellate review, distributes necessary copies and prepares correspondence directing actions taken by appellate courts. The Branch processed over 578 records of trial into JAJM during the year, closed nearly 245 cases, transferred over 348 cases to the Air Force Court of Criminal Appeals and the Court of Appeals for the Armed Forces, processed over 196 decisions of the AFCCA, CAAF, and the Supreme Court and staged over 1000 records of trial to permanent storage. The division annually handles over 355 requests for court records under the Freedom of Information and Privacy Acts.

JAJM's AMJAMS Branch is responsible for the conversion of statistical data into PowerPoint slides for The Judge Advocate General's Article 6 Inspections and quarterly review of military justice trends and statistics. This data covers military justice metrics/measurements outlined in AFI 51-201 and AFI 51-202. A critical measure of the court-martial process is Discovery to Action (D2A)—which is 265 days for general courts-martial, 135 days for special courts-martial, and 60 for summary courts-martial, respectively. The nonjudicial punishment measure is 30 days from Discovery to SJA review. JAJM developed quick reference slides—"Metrics in a Flash"—showing all metrics and measurements critical to the processing of courts-martial and NJP. With this tool, any military justice practitioner can know at a glance what the metric or measurements are for a particular forum. JAJM, working with JAS, developed and presented a way ahead for the next generation of AMJAMS. In addition, JAJM analyzed and pre-

sented data on Air Force compliance with *United States v. Moreno* (post-trial processing timeliness) and the on-time record for court-martial trial dates.

Division personnel manage the \$420 thousand web-based Air Force Centralized Witness Funding program and furnish fund citations and procedural instructions. Due to the updated financial requirements, all witnesses must now travel via DTS, regardless if they are military or civilian. Because of this, the traveler must have their resource advisor release them from that unit so that we can gain them into the CWF DTS account. A new CWF guide was sent to the field on 1 Oct 11 that covers these changes and explains in detail all matters pertaining to the CWF program.

JAJM also hosted the KEYSTONE 2011 Military Justice Revival for MAJCOM and GCMCA legal personnel. The day-long event provided an in-depth examination of military justice issues. The topics included a review of improvements in military justice processing, updates on changes (and proposed changes) to military justice law, and pretrial agreement trends. JAJM also presented a half day session on the "Evaluation of Sexual Assault Cases" to train sitting SJAs and LOSs on how to examine, prepare, and present sexual assault cases. Later in the week, JAJM presented an abridged version of the Military Justice revival to all SJAs and LOSs. In addition, Ms. Hattie Simmons offered an elective to all KEYSTONE participants on Post-Trial Processing. In all, JAJM presented over 20 hours of military justice training during KEYSTONE and also taped presentations for subsequent training purposes.

## Clemency, Corrections, and Officer Review Division (AJJR)

AJJR is responsible for reviewing court-martial cases to make independent recommendations to TJAG and SECAF on potential clemency for convicted members. AJJR is composed of two civilian employees and is led by Ms. Paula McCarron, with her paralegal, Ms. Paula Edmiston-Linneman. AJJR has one Reservist assigned, Major Elaine Ho.

In accordance with Article 71, UCMJ, upon completion of appellate review AJJR examines all officer and Air Force Academy cadet cases with an approved sentence to a dismissal, and prepares a recommendation to SECAF on whether the dismissal should be approved and ordered executed or if clemency should be extended. As can be expected, SECAF approves most dismissals, but clemency is granted in meritorious circumstances. Of the cases reviewed this year, however, all culminated in approved and executed dismissal actions.

Under Article 74, UCMJ, SECAF has the power to substitute an administrative discharge for a punitive discharge when “good cause” is determined. AJJR reviews enlisted cases at the completion of appellate review when requested either by the Airman, appellate defense counsel or appellate court judges. It is uncommon for SECAF to grant this type of clemency, but as with relief under Article 71, clemency is granted in meritorious circumstances. However, no enlisted members received Secretarial clemency this year.

The President of the United States is given the authority by the U.S. Constitution to grant pardons to federal offenders, including those convicted by court-martial. In the past year, AJJR provided advice and information to several former members on the Presidential pardon application process. Additionally, AJJR prepared 10 case analyses for the United States Justice Department’s pardon attorney, at his request, on former Air Force offenders.

AJJR serves as TJAG’s representative on the Air Force Clemency and Parole Board. The board considers cases of long-term prisoners, i.e., those with approved sentences of a year or more, for clemency, parole, and mandatory supervised release. The board also considers whether to revoke parole when conditions of parole are violated, reviews applications for entry into the Return to Duty Program, and approves those who have completed the program for actual return to duty. The board has acted in hundreds of cases this year, including approximately 100 parole decisions. The Air Force has the highest parole rate of the services, hovering around 31 percent, and at around 10 percent, its parole revocation rate is extremely low.

AJJR provides counsel to Air Force Security Forces (AFSFC) regarding corrections matters, and gives legal advice on issues related to the confinement of Air Force members. In this regard, AJJR assisted its client in the preparation of a report to the Vice Chief of Staff regarding future management of Air Force corrections—specifically regarding the use of AF or other service facilities vice

the use of local civilian jails—to address current pretrial and short-term confinement concerns. AJJR also assisted the AFSFC in negotiating a revised Memorandum of Understanding with the United States Navy for Level II confinement—when consummated, it is expected the AF will address a good portion of its needs through the mutually beneficial use of existing Navy confinement facilities.

The Return to Duty Program has been operating at Lackland Air Force Base, Texas, since 2007. To date, 38 individuals have entered the program at Lackland—12 successfully graduated and returned to duty; Three are currently active in the program. AJJR advocates the program within the JAG Corps and to external audiences and provides valuable education regarding its benefits. Ultimately this has led to an increase in awareness and corresponding support from convening authorities. Over the past few years, the program has seen a ten-fold increase in participants and graduates. Statistically, 90 percent of Return to Duty graduates continue on in their careers and eventually either separate honorably from the Air Force after their commitment, or go on to retirement.

AJJR educates counsel and the field through a variety of resources, including TJAG Online News Service pieces and briefings at AFJAGS, trial advocacy conferences, and Defense Orientation Courses. In addition, Ms. McCarron has hosted webcast training sessions to educate legal offices and defense counsel about its role in the post trial process.

# JAQ



Col Mark S. Teskey  
Director

## COMMERCIAL LAW AND LITIGATION DIRECTORATE

Working from its commercial litigation vantage point, the Commercial Litigation Field Support Center (CLFSC) continues to frequently advise senior leaders on issues including strategic communications, media releases, testimony to Congress, and possible corrective actions regarding high visibility Air Force procurements. Along with colleagues elsewhere in AF/JAQ and AFLOA/JAQ (such as the KLFSC), the CLFSC is dedicated to supporting the push for acquisition excellence in Air Force procurements advocated by the Secretary of the Air Force and the Chief of Staff of the Air Force.

In 2011 the CLFSC vigorously represented the Air Force in a variety of venues. It also represents U.S. Transportation Command and the Special Operations Command. The CLFSC defended contract protests and contractor claims against the Air

Force before the Armed Services Board of Contract Appeals (ASBCA), at the Government Accountability Office (GAO), and in Federal Court. The CLFSC's litigation activity in these areas is summarized below.

### Federal Courts

The CLFSC defends Air Force interests in commercial disputes before the U.S. Court of Federal Claims (COFC), Federal District Courts, as well as appeals to the U.S. Court of Appeals for the Federal Circuit (CAFC), and the United States Supreme Court. Among its FY11 successes was a series of favorable results staving off about a dozen applications for injunctive and declaratory relief in the U.S. District Courts. These were challenges to in-sourcing of performance previously provided by contractors, potentially disrupting service continuation in a variety of areas including such things as pilot training, photography services, vehicle operations and maintenance services, information technology services, vehicle operations management services, transportation support services, audiovisual information services, weather forecasting, maintenance and support services at meteorological stations. One goal has been not only to defeat the injunctive relief actions but also to seek to have these matters confined to the U.S. Court of Federal Claims, one forum rather than potentially 94 Federal Judicial Districts. The CLFSC was involved at the very early stages of all such cases, including significant involvement in formulation of litigation positions and briefing of those positions.

Most decisions have been at the U.S. District Court level but two have been appealed from there. The CLFSC obtained a Florida District Court dismissal on jurisdiction and

standing grounds of one such in-sourcing challenge in *Vero Technical Support, Inc. v. U.S. Department of Defense* and late in the fiscal year that decision was upheld upon appeal to the 11th Circuit. Another example now pending at the 5th Circuit – to be argued 7 November 2011 – was an FY11 dismissal, *Rothe Development, Inc. v. U.S. Department of Defense*; this one had been before the U.S. District Court in the Western District of Texas. Despite this year-long onslaught, coupled with political complaining, no plaintiff has been granted injunctive or declaratory relief against any Air Force in-sourcing. Damages have not been awarded either.

Although in-sourcing dominated our federal court scene, many other noteworthy matters also occupied the federal court stage. For example, one significant currently-pending COFC case flowed from ASBCA sustainment of a contracting officer's revocation of acceptance and default termination, both for gross mistakes amounting to fraud (a very rare decisional basis). This involved a contract for 122 duplex and single family housing units on Malmstrom AFB, Montana. The briefing in this case exceeded, close to 1,000 pages and the evidentiary record exceeded 90,000 pages, plus an array of CDs and DVDs. The ASBCA decision directly benefits a \$20 million Air Force claim for damages docketed at COFC.

Many CLFSC federal court matters involve intellectual property issues, discussed below.

### Intellectual Property

The CLFSC provides intellectual property advice to field offices, other Air Force members, and organizations around the world in subject areas including patents, trademarks,

copyrights, technology transfers, trade secrets, data rights, and software rights. The CLFSC also defends the Air Force against administrative claims alleging patent and copyright infringements, and defends the Air Force in litigation involving all aspects of intellectual property law.

Twelve of the currently pending COFC matters allege patent infringement, one alleges copyright infringement, and one alleges data rights infringement. Also, there are two District Court matters alleging patent infringement and a District Court matter brought by the United States alleging trademark infringement.

In one novel, but interesting, case the CLFSC supported a DOJ request for identification of experts who could testify in a criminal case brought for alleged sales of fraudulent military discharge documents and the like bearing the seal of the Department of the Air Force.

The two most significant Air Force patent infringement cases currently pending at COFC are *Zoltek v. United States* and *Honeywell Int'l v. United States*. The Air Force potential liability if Zoltek were to prevail could be in the mid eight-figure range and in the mid nine-figure range if Honeywell were to prevail in its suit. Zoltek has asserted its patented technology was used in both the B-2 and the F-22, among others. The United States asserts that the carbon fibers used in these programs do not infringe Zoltek's patents. That case has been mired in discovery issues, including U.S. invocation of the state secrets privilege (properly invoked, according to COFC) and now COFC's permission for resumption of limited discovery as to the B-2 aircraft issues. The Honeywell patents concern aircraft cockpit

displays that are compatible with night vision goggles worn by aviators. Here, too, the litigation issues have been complex. COFC judgment in 2008 favor of the Government was in 2010 reversed by the Federal Circuit, followed by defendant/intervenor L-3 Communications' petition for a writ of certiorari, denied by the U.S. Supreme Court in 2011. In September 2011 COFC ordered the resumption of discovery as to some issues.

Other matters that reflect the broad spectrum of intellectual property issues include the following: Patent infringements involving an airborne electro-optical surveillance system, a logistics inventory management system, an environmental bioremediation method, copyright infringements involving a for-fee Internet newsletter service and software for a weather detection system, technical data and software issues concerning a physical entry control system and an aerial training simulation system, and a breach of contract suit concerning the misappropriation of trade secrets obtained during the performance of a contract.

### GAO Bid Protests

Bid protests continued to draw significant attention in 2011 with 202 protests closed in FY11, a 9.8 percent decline from FY10 and perhaps a plateau from what had been happening. FY10 had been a 17 percent increase from FY09, with FY09 having been an 11 percent increase from FY08.

Similarly, the number of affected procurements showed an 11.6 percent decrease from FY10—which had shown a phenomenal growth in excess of 33 percent over FY09. The number of affected procurements had been 155 in FY10 and 116 in FY09.

The first GAO bid protest decision of the fiscal year involved allegations of defective and restrictive solicitation specifications. That decision sustained the protest. Fortunately, that did not again happen during FY11 (compared to FY10 when there were two sustained protests). Further categorization is very slightly less than precise because a single protest can yield more than one result, such as a couple that were partially dismissed and partly denied. However—also counting supplemental bid protests—during the fiscal year there were 78 dismissed with corrective action, 76 dismissed without corrective action, 36 denied outright, 46 withdrawn (some with corrective action).

Sometimes the fault is with the solicitation itself, such as an RFQ that included a restriction ostensibly based on a British regulation, when the regulation did not actually exist. By far the most common theme from protests resulting in a need for corrective action are improper evaluations, such as failure to follow the solicitation's evaluation criteria, and failure to document the evaluation process, such as the absence of a decision document.

When the Air Force improperly establishes a contract and discovers the impropriety, it takes corrective action. The key advantage in that approach is to have the procurement move forward without needing to wait the statutory maximum 100 days for a GAO decision. Moving for summary dismissal, when appropriate, is even better, clearing performance obstacles within days. Employing the available tools, such as summary dismissal requests and GAO's outcome prediction (mentioned below) and corrective action when warranted has enabled the Air Force to limit bid protest-related delays to only 39.8 days on average.

A typical approach when a potential weakness appear in the Air Force's position regarding a contract is to take advantage of the GAO's outcome prediction capabilities, a form of Alternative Dispute Resolution (ADR) affording the parties GAO's view of likely outcome without extending the bid protest decision time. Our attorneys are trained to make effective use of ADR as a protest or dispute resolution technique; in the bid protest arena GAO's outcome predictions are thoroughly vetted within GAO, providing reliable and expeditious resumption of the acquisition.

### **Armed Services Board of Contract Appeals (ASBCA)**

The CLFSC also had a banner year at the ASBCA, successfully resolving 64 appeals with no losses.

The CLFSC continues to defend 51 open appeals at the ASBCA, with close to \$800 million in total claims, including cases with potentially significant impact on DOD as well as Air Force operations. One such case is "Redlands," the Air Force's largest procurement-related litigation with \$228 million claimed for anticipated clean-up and tort defense costs for groundwater contamination at a rocket motor production site from 1966 to 1973. This Boeing/Lockheed case may set a precedent and create an incentive for other contractors with similarly high valued indemnification claims—claims relating to contracts issued since 1958 containing indemnification provisions (there are potentially 2,500 such DOD contracts). Currently pending before the ASBCA in the Redlands case are motions, cross-motions, replies, etc., with filings totaling over 2,000 pages, not counting exhibits. Another set of significant cases arise from the

weight growth of GPS satellites and consequent disagreements with the Boeing/Lockheed-formed United Launch Services company over the costs attendant to use of more capable launch vehicles—confronting the Air Force with monetary claims close to the half billion dollar range.

### **Special Litigation**

The CLFSC represents Air Force interests when an entity (whether a contractor or an individual) files for protection under federal bankruptcy laws by asserting government claims against debtors, recovering government property, protecting and asserting government contract rights, and defending adverse actions brought by debtors or creditors. The CLFSC also protects Air Force interests in federal litigation arising from performance and payment bonds. Such litigation most often arises when a contractor defaults on an Air Force contract. Furthermore, the CLFSC handles litigation that is difficult to otherwise characterize, such as Touhy cases (third party litigation where we hold the records or AF employees are subpoenaed) and state court receiverships.

### **Housing Privatization**

The bulk of new housing for Airmen and their families has proceeded from a housing privatization process, whereby housing is provided through private construction with the developer collecting BAH and the Air Force forgoing the need to construct these units. This CLFSC responsibility involves providing pre-solicitation advice to SAF/IEI, AFCEE, and SAF/GCN concerning major procurements where sole source procurements are contemplated. The CLFSC also is involved, through an Executive Steering Group, in moving housing privatization projects through to the

solicitation phase. Another aspect upon which the CLFSC repeatedly is consulted is the scope and application of Commander's authorities in privatized housing projects.

### **CONTRACT LAW FIELD SUPPORT CENTER (KLFSC)**

The KLFSC has been working hard throughout the year to visit MAJCOMs and bases, while providing an array of support to the field. The KLFSC has also started assisting USSOCOM with field support.

### **The Enterprise Sourcing Branch**

The KLFSC's Enterprise Sourcing Branch (ESB) provides legal support to the Enterprise Sourcing Group (ESG), headquartered at Wright Patterson Air Force Base. The ESG was stood up in response to the Installation Acquisition Transformation initiative to streamline installation-level purchasing across the United States. The initiative creates efficiencies in the purchasing of a variety of goods and services, including medical services, environmental services, assistance and advisory services, base maintenance services and supplies, information technology, force protection equipment, and office supplies and furnishings. The ESB provides legal support to the ESG by embedding attorneys with those organizations directly supported by the ESG, including the Air Force Center for Engineering and Environment at Lackland Air Force Base in San Antonio and the Air Force Civil Engineering Support Agency at Tyndall Air Force Base, Florida. A growing component of ESB's focus is on providing legal support to the acquisition of medical-related goods and services. As such, the ESB will work with the Air Force Medical Operations Agency, the Air Force

Medical Support Agency and the Air Force Surgeon General in the year ahead to ensure it can provide timely, knowledgeable legal support to the medical community.

### **The Source Selection and Acquisition Branch**

The KLFSC's Source Selection and Acquisition Branch provides source selection assistance to any base requiring it. This ranges from answering questions on a single issue to acting as program counsel for major acquisitions. In 2011, the branch stepped in as program counsel at AFCEE for eight months until the organization was able to hire a government contracts attorney to deal with medical law issues. At AETC's request, the branch also acted as program counsel on all AETC acquisitions over \$100 million. The branch is currently monitoring five major acquisitions for AETC worth well over \$2 billion. Two of these were active procurements and the branch provided legal support at every step. The branch also teamed with SAF/AQCP to learn more about how they are training source selection trainers and provide SAF/AQCP a liaison for real-time source selection problems, litigation results, and resources. Finally, the team acts as a direct liaison with SAF/GCQ on major acquisitions, answering all questions and concerns.

### **The Field Support Branch (FSB)**

The FSB fields questions from base level contracting attorneys on a daily basis, providing direct, on the spot, contract and fiscal law support, including reach back to forward deployed locations. This quarter, the FSB fielded over 25 separate questions involving formation, administration and termination of contracts col-

lectively valued at over \$200 million. The FSB provided direct support to Shindand RAF Base, Afghanistan; Balad, Iraq; Manas Transfer Center, Kyrgyzstan; Thumrait RAF Base, Oman, Jordan; Camp Lemonier, Djibouti; and Kadena AFB, Okinawa, Japan. The FSB addressed numerous complex fiscal law issues, including the following: Advising AFLOA/CC regarding use of operations & maintenance funds to finance an AFLOA breakout event during the KEYSTONE Leadership Conference; advising AFCEE counsel on a complex issue of incremental funding of severable services contracts, funding of a Sikes Act cooperative agreement, and delivering timely fiscal law advice and analysis of high visibility funding for relocatable buildings for AFRC.

### **The Acquisition Fraud Branch**

Fraud Branch attorneys continued their efforts to fully "stand up" the branch, which largely involved reaching out to MAJCOM and installation SJAs to explain the support, assistance, and training the Fraud Branch can/will provide their contracts attorneys and designated fraud counsel. Attorneys of the Fraud Branch traveled to HQ AFSPC (and surrounding bases), HQ AMC, HQ AFGSC, HQ ACC and the Space and Missile Center (SMC) during the fourth quarter of FY11. Trips to various individual installations, particularly installations with significant pending procurement fraud cases, will follow in the coming months.

In addition to meeting with SJAs and contracts attorneys in the field (and ironing out the nature of the support the Fraud Branch will provide), Fraud Branch attorneys have continued to meet with AFOSI fraud

investigators and contracting personnel, to build "working group" type arrangements (involving JA, AFOSI, and contracting) which will address procurement fraud and related issues at the installation level. Fraud Branch attorneys have also been providing "fraud indicators" and coordination of remedies training to contracting personnel. Finally, Fraud Branch attorneys have been individually contacting installation-level contracts attorneys/fraud counsel to discuss the acquisition fraud mission and mutual expectations regarding how JAG Corps attorneys (locally and at MAJCOMs and AFLOA/JAQ) will assist their AFOSI and contracting clients when it comes to addressing and resolving cases involving acquisition fraud, corruption, and non-responsible contractors.

The Fraud Branch portfolio currently consists of approximately 40 fraud cases (spread across all of the non-AFMC MAJCOMs and the AOR) at various stages of investigation or remedial action. For the first time since standing up in the spring, the branch prepared and forwarded a proposed contractor debarment package to SAF/GCR for action by the Air Force Suspension & Debarment Official (SDO).



# AREA DEFENSE COUNSEL PROGRAM

The Air Force JAG Corps has 83 area defense counsel (ADCs) and 73 defense paralegals (DPs) serving at 68 bases worldwide. Typically second or third assignment captains, ADCs are primarily responsible for managing legal defense services at a single installation. In this role, ADCs are responsible for representing military members in interrogations; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; all post-trial and clemency matters; involuntary discharge, demotion, and nonjudicial punishment proceedings; flying evaluation and medical credentials boards; and various other adverse personnel actions. Since the ADC program started in 1974, each TJAG has made clear that ADC vacancies are to be filled from the ranks of the most highly qualified judge advocates available.

The placement process for DPs is similarly selective. Typically chosen from noncommissioned officers with significant base legal office experience, DPs are responsible for all paralegal and management functions for the ADC office. DP duties include interviewing clients, screening for attorney conflicts, managing case files, maintaining ADC trial dockets and schedules, investigating facts of alleged offenses, interviewing witnesses, performing legal research, drafting documents, and obtaining investigation reports. DPs are normally selected from the best available candidates at the local base legal office. In addition to possessing military and paralegal knowledge, a DP candidate

must be mature, professional, and enthusiastic. A DP's organizational skills make certain the office functions as a team.

In 2011, ADC-DP teams ensured Air Force personnel around the globe received zealous representation in a wide variety of forums encompassing a broad array of issues. They participated in a total of 382 courts-martial, including 122 general courts-martial, 201 special courts-martial, and 59 summary courts. Air Force defenders also represented Airmen in nearly 3379 Article 15 proceedings.

Every case presents unique challenges and opportunities for defense teams in the field. Major J. Michael Jones, Captain Mark O'Neill, and Master Sergeant Bobbi Gilbert from Hurlburt Field, Florida, teamed to defend a young Airman accused of raping and assaulting his wife, and of sexually assaulting one of her friends. In response to questioning during the Article 32 investigation about her lack of injuries from the alleged assaults, the wife responded under oath that she had been treated for a traumatic brain injury. The defense team diligently tracked down this assertion and determined it was false. Through aggressive motion practice, the defense was able to secure access to the wife's mental health records, which contained a series of contradictory statements regarding the nature of the rapes and assaults. When presented with this evidence, a panel of officers and enlisted members acquitted the young Airman of all charges and specifications.

In an incredibly difficult and emotional case at Joint Base Elmendorf-Richardson, Alaska, Major Michelle Quitugua, Captain Brent Jones, Master Sergeant Stephanie Bailey, Technical Sergeant Paige Frye, and Staff Sergeant Heather Kunsman teamed to defend an NCO accused of physically abusing his two-month-old infant son. The NCO's son presented to the hospital blue, cold, and limp. After numerous medical examinations, the baby was found to have retinal hemorrhages, multiple fractured ribs, and subdural hematomas. Although close to death, the baby recovered and by the time of trial he was meeting all of his developmental markers and was on par with his twin brother. Through thorough cross-examination of the Government's three expert witnesses, the defense proved there was no nexus between the injuries and the NCO. The client was found not guilty of the charges except for the lesser included offense of assault consummated by a battery, for which he received two months confinement.

A case out of Dover AFB, Delaware, exemplifies how defenders represent their clients despite daunting odds. A 19 year-old A1C patrolman was found with a 15 year-old female living in his dorm room. He was charged with aggravated sexual assault of a child, failure to obey orders, and wrongful appropriation of a vehicle. Captain Nate Himert and Captain Kenitra Fewell filed several motions to suppress the client's illegally obtained statements. The military judge excluded these admissions and also limited the use of other statements made by the client. During a smart



cross-examination, the 15 year-old female candidly admitted she had lied about her age to the A1C as well as to other men, and that she received gifts from them. The client was only found guilty of one act of disobeying a lawful order; he served five days in jail with a one-stripe reduction in grade.

At Kadena Air Base, Japan, the defense team of Captain Kevin Reinholz and Technical Sergeant Heather McKee represented an NCO accused of wrongful appropriation and aggravated assault with a deadly weapon. The client was accused of gaining entry to his ex-wife's apartment and taking her driver's license and credit card, and then confronting two males with a pocketknife. At trial, the defense demonstrated that the client's ex-wife routinely left her apartment door unlocked for him to visit when she wasn't home and that there were numerous inconsistencies in the testimony of the alleged victims—all of whom were highly intoxicated at the time. The defense also won a motion in limine to keep out uncharged misconduct and to limit the prosecution's argument, and then put on strong evidence that the client had a character for peacefulness. The client was acquitted of all charges by a panel of officers.

At Ramstein Air Base, Germany, Major Charlton Meginley, Captain Todd Swensen, and Master Sergeant Amanda Lopez teamed to defend an NCO charged with uttering 48 bad checks. At trial, the defense presented evidence that the client wrote the checks in reliance upon \$50,000 she mistakenly received due to a bank error. When the bank realized the error and withdrew the money, the client no longer had funds for furniture she purchased from Turkey.

In the end, she was acquitted of 45 of the 48 bad checks and sentenced to 12 days of jail. In clemency, the defense team persuaded the convening authority to disapprove the conviction and to replace it with Article 15 action. A few months later, this same client was involved in a vehicle accident and charged with DUI and making false official statements. The charges were referred to a special court-martial. Approximately two weeks before trial, Captain Swensen, Captain John Montgomery, and Staff Sergeant Nikkia Mobley remarkably persuaded the convening authority to drop the court-martial charges in exchange for a second Article 15 and a general discharge.

At Davis-Monthan AFB, Arizona, Captain Travis Ausland defended an Airman facing charges of forcible sodomy and rape of his wife in addition to allegations of aggravated assault against her. Capt Ausland called the alleged victim's own grandmother to testify as to her poor character for truthfulness, which resulted in an acquittal to the serious rape, sodomy and aggravated assault charges. (The Airman pled guilty to assault consummated by a battery and was found guilty of several other specifications of assault consummated by a battery). Furthermore, Capt Ausland and the defense paralegal, Technical Sergeant Marc Ciardiello, were able to find a sentencing witness, a former South African police officer and the Airman's pastor, who testified that in his 25 years of ministry, he had never seen anyone make such a significant life change from the time of the alleged incident to the date of trial over a year later. This evidence was instrumental in sparing the Airman from the stigma of a punitive discharge.

In a case at Pope Field, North Carolina, Captain Jay Jackson worked with a civilian defense counsel to effectively defend a highly decorated Special Forces master sergeant against charges of use and possession of steroids, wrongful possession of a firearm, and wrongful storage of a firearm. The defense team secured the dismissal of one charge as the master sergeant was issued the firearm; they then successfully attacked the drug specifications by showing the steroids were prescribed for a legitimate therapeutic purpose. The court members acquitted the master sergeant of the remaining charges.

At Shaw Air Force Base, South Carolina, the defense team of Major Matt McCall and Captain Sabrina Jensen defended a staff sergeant accused of raping his former wife multiple times. The staff sergeant made written and videotaped statements allegedly admitting to taking advantage of his wife and apologizing to her for raping her. The defense attacked the "admissions" as being coerced—and thorough cross-examination revealed numerous inconsistencies in the complainant's testimony. Thanks to a sound, comprehensive and well executed strategy, the client was acquitted of all three rape charges.

In a case at Tyndall AFB, Florida, Captain Andrew Norton represented a client accused of aggravated assault. The client was arrested outside a nightclub for threatening club patrons with an AK-47 assault rifle. Investigation into this incident revealed he allegedly threatened a fellow Airman at a Fourth of July party earlier that same month. The client pled guilty to the civilian charge and then confessed on videotape to pointing the AK-47 at a fellow Airman. At trial, Capt Norton

won a motion to suppress the civilian conviction, which the government intended to offer to show intent. He then skillfully cross-examined the OSI agent and discredited the validity of the alleged confession. Finally, the defense team's investigation uncovered witnesses who testified that the complainant may have been the aggressor, which raised the issue of self-defense. The combination of winning a motion to exclude key evidence, conducting a thorough investigation, and exceptional trial advocacy led to a full acquittal.

Defense counsel also played a significant role in the Air Force's flying mission. In a case originating out of Sheppard AFB, Texas, Captain J. Robert Black represented a pilot brought before a Flying Evaluation Board for lack of judgment. The client, an O-4, instructor pilot, flew a T-38 over a house at an altitude below 500' and below minimum airspeed restrictions. The Government portrayed this incident as a "fly-by" without any legitimate training purpose for the client or the back seat pilot, a young international pilot. Capt Black argued to the board that the client's extensive background as an A-10 pilot acclimated him to low altitude flying and visual target identification. This background corroborated the client's stated perception of the flight as a legitimate opportunity to broaden the younger pilot's experience. When combined with extensive evidence about the client's history as a standout pilot and officer, the board members voted unanimously to allow the client to retain his wings and continue flying.

Defense teams routinely take attorney-paralegal teaming to new heights. At Robins AFB, Georgia, Captain Isaac Kennen and Staff Sergeant Daniel R.

Reschke epitomized the concept. In an administrative discharge board, SSgt Reschke was appointed by the separation authority to assist Capt Kennen at counsel's table during the hearing. SSgt Reschke greatly assisted Capt Kennen in numerous ways and his engagement in and outside the courtroom drew praise from a seasoned chief master sergeant on the panel. SSgt Reschke also assisted Capt Kennen during multiple Article 15 oral presentations—and commanders and first sergeants alike roundly praise his performance.

Sometimes the best victories occur when a case never goes to court. Air Force defenders are renowned for uncovering evidence to counter and defeat uncorroborated accusations. At Spangdahlem AB, Germany, Capt John Montgomery and Staff Sergeant Krystal Lanham teamed to defend an NCO suspected of child molestation. By conducting a painstaking pretrial investigation and actively engaging with their client, the duo successfully challenged the credibility of the allegations brought by the client's estranged wife. They then persuaded the commander not to prefer any charges and the client was allowed to progress in his Air Force career.

Similarly, at Joint Base Langley-Eustis, Virginia, Major Gwendolyn Beitz, Captain Matthew Andrade, and Technical Sergeant Jobette Rosati teamed to defend a highly decorated Major against allegations of possession of child pornography. By pointing out significant issues with the search and seizure of the computer by law enforcement agents, and then presenting an overwhelming good military character defense (including testimony from a Brigadier General) at the Article 32 hearing, the defense

convinced the convening authority to drop all charges. The client was allowed to continue on in his distinguished Air Force career.

Like all Airmen, Air Force defenders are deeply involved with neighboring communities in times of need. After a series of deadly tornados hit Tuscaloosa, Alabama, Staff Sergeant Thornton from the Keesler ADC office sprung into action. He began collecting household goods for victims and organized a consolidated effort on base that grew to 18 different drop-off locations. He stored everything in his garage until volunteers were able to load a trailer with the goods. All told, the base collected over four tons of relief supplies with an estimated value of over \$20,000. Airmen collected so many donations they were able to give extra items to flood victims in Tennessee as well as the tornado victims in Joplin, Missouri.

Every new case presents ADCs and DPs with an opportunity to grow both professionally and personally. Their jobs are daunting at times, and they are often challenged in ways they may have never imagined. However, the men and women who become ADCs and DPs step up to these challenges and embrace them. Defending those who defend America is more than just a catchy phrase; it is the day-to-day obligation of the defense community. Every member of the defense team is honored and privileged to provide world-class representation to each and every client who seek assistance. Defenders have the best jobs in the Air Force!



# JAS



*Col Melinda L. Davis-Perritano  
Director*

## JAS CELEBRATES 50<sup>TH</sup> ANNIVERSARY

In 2011, JAS proudly celebrated its 50th anniversary. Colonel Calvin Vos, hailed as the founding father of Air Force computerized data retrieval, ignited the JAG Corps' information age revolution in 1961 after witnessing an American Bar Association demonstration team retrieve legal information from a computer. Recognizing the efficiencies and advantages of an electronic retrieval system, Colonel Vos gained approval of and stood up "Legal Information Through Electronics (LITE)," AFLOA/JAS' organizational precursor.

Under the initial authority of the Air Force Accounting and Finance Center (AFAFC), LITE continued to mature, and in 1965, the Secretary of Defense appointed the Air Force as the Executive Agent for the management and operation of LITE. In 1969, the Assistant Secretary of the Air Force, Financial Management, transferred responsibility for LITE from AFAFC to the then named "JAG Department," where it has remained. Although Legal Information Services' name has changed throughout the last five decades alongside the JAG Corps' evolving roles and functions, one

thing has remained consistent—JAS empowers the JAG Corps to embrace change through the roadmap it sets for innovation and efficiency.

In celebration of its 50th anniversary, JAS created a website dedicated to its history, including key initiatives and projects, and paying special tribute to some of the JAG Corps' leading pioneers in the field of legal information services and technology. Learn more by visiting the site at <https://aflsa.jag.af.mil/AF/JAS/anniversary/index.html>.

# OTHER FIELD OPERATING AGENCIES

In addition to the Air Force Legal Operations Agency, JAG Corps personnel are currently assigned to and provide legal services to numerous Air Force field operating agencies (FOAs), four of which are profiled here: the Air Force Intelligence, Surveillance, and Reconnaissance Agency, the Air Force Office of Special Investigations, the Air Force Personnel Center, and the Air Force Safety Center.

Spotlight on

## *Ms. Jennifer J. Smith, AFCEE*



**M**s. Jennifer Smith is an attorney assigned to the Air Force Center for Engineering and the Environment (AFCEE) in San Antonio, Texas. After retiring in 2010 as the AFCEE SJA, Ms. Smith put her leadership skills and procurement law expertise to work for AFCEE as a civilian. Her contributions to date have been nothing short of spectacular!



AFCEE programs, such as Environmental Remediation and Advisory and Assistance Services contracts. In 2011, she drafted 117 legal reviews on contract actions valued at more than \$1.5 billion and attended two Rapid Improvement Events to help streamline performance-based contracts that support BRAC and active base clean up projects.

As the lead attorney for AFCEE's contingency construction mission, Ms. Smith traveled to Afghanistan in May 2011 to examine a building on the Commission in Wartime Contracting's "project hit list." While there, she conducted witness interviews, reviewed reports and photographed the current state of the project. Her efforts and advice facilitated a solution that will fix the building's structural deficiencies and make taxpayers proud.

She also provided advice on the "crown jewel" of AFCEE's contingency con-

struction repertoire: Afghan National Security University (ANSU), which is Afghanistan's version of West Point. Built in multiple phases, ANSU encompasses Afghan National Defense University, the Joint Services Academy, the Legal Branch School and the Religious and Cultural Affairs School. The campus also boasts classroom buildings, recreational facilities and cadet barracks—including the first-ever "female cadet dormitory."

In addition to Ms. Smith's work on contingency construction contracts, she has played a significant role in other

On the litigation end of the contracting spectrum, Ms. Smith frequently teamed up with Air Force attorneys to ensure the Government successfully defended its case in bid protest challenges and contract claims. She also facilitated responses to multiple Congressional inquiries, Air Force audits, and reports from the Special Inspector General of Afghanistan Reconstruction.

With a demanding world-wide mission such as AFCEE's, zealous advocacy is critical to mission success. Based on her record so far, there is no doubt that Jennifer Smith can "bring it!"



## AF ISR

### JOINT BASE SAN ANTONIO, TX

**T**he Headquarters, Air Force Intelligence, Surveillance, and Reconnaissance Agency (AF ISR Agency) legal office advises a two-star commander on a full range of legal issues from contracts to intelligence operations. Located at Joint Base San Antonio (Lackland), TX on “Security Hill,” the AF ISR Agency continues a storied tradition of conducting the Air Force’s intelligence, surveillance and reconnaissance missions.

The AF ISR Agency’s lineage traces back to the United States Air Force Security Services created in 1948. The organization and name changed throughout the years, it was most recently known as the Air Intelligence Agency (AIA). On June 8, 2007 the AF ISR Agency was activated and AIA deactivated. The Agency is currently aligned under the Air Force Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance (AF/A2) as a field operating agency (FOA).

The AF ISR Agency is the Air Force’s largest FOA, with over 20,000 military and civilian members at approximately 70 locations worldwide. The agency’s mission is to organize, train, equip (OT&E) and present assigned forces and capabilities

to conduct intelligence, surveillance and reconnaissance for combatant commanders and the nation. The Agency is also charged with implementing and overseeing execution of Air Force Intelligence Directorate policy and guidance to expand Air Force ISR capabilities to meet current and future challenges.

The AF ISR Agency and subordinate commands, centers and organizations maintain a worldwide reach. The 70th ISR Wing, National Air and Space Intelligence Center (NASIC), 480th ISR Wing, 361st ISR Group, Air Force Technical Applications Center (AFTAC), the Air Force Geospatial-Intelligence Office (AFGO), and the Air Force Cryptologic Office (AFCO) are aligned under the AF ISR Agency. In addition, the AF ISR Agency legal office is actively involved in integrating numerous Air National Guard and Air Force Reserve units with ISR responsibilities into the Agency. The AF ISR Agency provides mission management and support for specific ISR operations conducted within all these organizations.

The Agency has three other organizational responsibilities in addition to OT&E. The Agency has been designated as the Air Force Service Cryptologic Component (SCC) to the National Security Agency (NSA). In this capacity, the Agency is the service lead for all USAF cryptologic activities, provides cryptologic forces to NSA, manages cryptologic resources, and executes cryptologic missions. The Commander, AF ISR Agency is also designated as the AF GEOINT (geospatial intelligence) Element Commander. Third, the AF ISR Agency is assigned operational mission responsibility for human intelligence (HUMINT) activities conducted by Agency personnel to obtain foreign intelligence under the collection authorities of the Secretary of Defense. The AF ISR Agency legal office provides specialized legal counsel, advice and assistance to the commander and Agency personnel concerning these three additional organizational responsibilities.

Of note with respect to HUMINT issues faced this year, the Agency legal office facilitated a more streamlined command and control arrangement for HUMINT operations while still ensuring appropriate oversight and control responsibilities.

The Agency legal office also helped avert a potential critical shortfall in ANG personnel supporting Agency operations being demobilized at the end of the fiscal year. The demobilization would have impacted the Agency’s ability to provide processing, exploitation and dissemination (PED) “reachback” support using the distributed common ground system to ongoing combat operations in Iraq and Afghanistan by dramatically reducing the number of ANG personnel available to conduct the PED. The bridging order was used to keep that support in place until the ANG man-days were approved and allocated.

The Agency legal office was significantly involved in the review and changes to numerous NSA, joint, DOD and AF plans, agreements, and doctrine publications. In particular, AF ISR Agency expertise was sought out during the redraft to the AFI on intelligence oversight and in the crafting of a new AFI for HUMINT.

A sizeable portion of the workload at the legal office involves contracting. The Agency legal office regularly advised the Agency contracting office and reviewed over \$300 million in contracts, including specialized and classified ISR contracts.

An ongoing project for the Agency legal office is to develop a “flight plan” for growing legal professionals for ISR-related mission support. And speaking of legal professionals, the legal office reluctantly said goodbye to an intelligence legend, Mr. Colby Blake. He retired this November with just over 15 years of civilian service at the Agency working intelligence oversight and SAP/SAR programs.



# AFOSI

## AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

### ANDREWS AFB, MD

The Office of the Staff Judge Advocate, Headquarters Air Force Office of Special Investigations (HQ AFOSI/JA) provides full spectrum legal advice to 2,600 military and civilian agents and support personnel at 200 units worldwide. The office administers 24/7, one-stop advice to agents in the field and their commanders on any subject one would see in a MAJCOM, as well as, many of the issues one might deal with at a base legal office. This includes advice on counterterrorism, counterintelligence (CI), criminal investigations, cyber law, discovery, Privacy Act, Freedom of Information Act (FOIA), ethics, labor, fiscal, and other attendant legal issues associated with a large worldwide field operating agency. In addition to the over 820 formal legal reviews rendered this year, the office received many calls and e-mails for quick advice on a myriad of issues. In addition, they advised and encouraged field agents to build those all-important relationships with their servicing legal offices.

In the support of overseas contingency operations, attorneys advise on finding, capturing and eliminating insurgents and terrorists in Iraq and Afghanistan. They ensure operations protecting our critical infrastructure and communications networks are conducted properly and within the fast changing cyber and CI law fields. AFOSI is the sole agency in the Air Force authorized to conduct CI operations, because HQ AFOSI legal office reviews every CI operation for approval and execution. In 2011, the office supported over 500 CI operations, which led to the capture or killing of over 360 insurgents and the destruction of 180 weapons caches.

The office also advises on broad military justice and criminal law issues, particularly as they relate to search and seizure, investigative techniques, and discovery. One specific investigative technique is the consensual interception of wire, electronic, and oral communications.

The use of this technique is authorized in Department of Defense Directive 5505.9, *Interception of Wire, Electronic, and Oral Communications for Law Enforcement*, 20 April 1995. The approval authorities for consensual intercepts for law enforcement purposes are the Secretaries of the various military departments. However, in the Air Force, the authority has been delegated to the Commander, AFOSI.

Consensual Interception is “an interception by a person acting under color of law of a wire, oral, or electronic communication where such party is a party to the communication or one of the parties to the communication has given prior consent to such interception.” Under the doctrine of preemption, the Electronic Communication Privacy Act, 18 U.S.C. 2510, et seq., permits AFOSI special agents investigating violations of the UCMJ or other federal offenses to utilize this technique with the consent of **one** party regardless of state law. Note:

Interception is the “**acquisition** of wire, electronic, or oral communications through the use of any electronic, mechanical, or other device” which differs from monitoring. Monitoring is simply law enforcement listening in and does not require prior approval-only the consent of one party.

A request to utilize interception techniques requires compliance with the criteria listed in Department of Defense Manual O-5505.9, *Procedures for Wire, Electronic, and Oral Interceptions for Law Enforcement*, dated May 1995. Many of the requirements are technical in nature; however, one criteria requires a “statement that the facts of the interception have been discussed with the cognizant prosecuting attorney and that such attorney has indicated (orally or in writing) the interception is appropriate.” This coordination requires law enforcement to engage with local JAGs or U.S. Attorneys and to involve trial counsel during the critical stages of the investigation where they will have an opportunity to identify potential litigation challenges or prevent the violation of individual rights. For instance, trial counsel should keep in mind concerns about entrapment, 6th Amendment issues, jurisdiction, and overall usefulness of the proposed operation. This attorney-special agent coordination is a great opportunity for trial counsel to engage in partnering as described in AFI 51-201 and get involved with the case agents on a tactical level in the early stages of an investigation. Even more important, coordination with trial counsel prior to approval of certain interception techniques is essential to the AFOSI commander’s evaluation of whether or not to approve an operation.

HQ AFOSI/JA advises on the cutting edge of cyber law as well. Foreign intelligence agents, terrorists and plain old criminal bad guys increasingly use the internet and modern communication devices to further their criminal acts. HQ AFOSI/JA advises on over 150 requests per year to conduct wire taps, computer trace and traps, telephone use logs, and other similar requests for both garden variety criminal investigations and counterintelligence operations, many of which are classified at the highest levels. HQ AFOSI/JA’s expertise in cyber law is recognized throughout DOD. They have provided instructors on cyber law for the Army’s Advanced Intelligence Law course and have also testified before Congressional committees on the subject.

While HQ AFOSI/JA is not generally part of the decision-making process for discovery, they do have some expertise in discovery matters that are specifically related to AFOSI information. Due process and the Rules for Courts-Martial specify that each party is entitled to the production of evidence that is relevant and necessary to their case. Relevance is frequently a key issue when it comes to discovery of AFOSI information, particularly when weighed against requests for internal regulations, training records, tradecraft, and the identity of non-testifying confidential informants. HQ AFOSI/JA fields calls from base legal offices and AFOSI detachments alike to discuss the sometimes complex issues surrounding discovery of AFOSI information. They also respond to hundreds of requests from base level judge advocates each year for derogatory data reviews on agents who are expected to testify in court. Each derogatory data review can be a

time-consuming process, as it requires obtaining files from multiple locations and then reviewing hundreds of pages of data to determine if such data exists. HQ AFOSI/JA provides trial counsel with any derogatory data found on testifying agents; trial counsel must then determine if the information is relevant and thus discoverable. HQ AFOSI/JA frequently assists trial counsel with making such decisions. AFOSI is one of the top three organizations in the Air Force when it comes to requests for information under FOIA and the Privacy Act. Unlike most other Air Force organizations, AFOSI funnels every FOIA and Privacy Act request for AFOSI information worldwide to a single headquarters office in Quantico, VA, for assessment, redaction, submission for legal review, and ultimate release to the requestor. In 2011, HQ AFOSI/JA provided comprehensive legal reviews of over 300 FOIA requests requiring a word-for-word assessment of over 17,000 pages of documents.

HQ AFOSI/JA has a robust general law division which is fully engaged in a range from labor law litigation to funding of AFOSI’s undercover operations. They also provide full-service ethics advice to our HQ and field commanders as well as assisting HQ with the myriad questions related to contracting, civilian personnel and fiscal issues one might see at either a base or MAJCOM legal office.

Overall, AFOSI provides attorneys and paralegals with an exceptional opportunity to make an impact on AFOSI operations worldwide.



# AFPC

## AIR FORCE PERSONNEL CENTER

### RANDOLPH AFB, TX

The Air Force Personnel Center's (AFPC) mission is to develop and deliver Air Force capabilities by providing premier personnel services to the Total Force and their families. Its Legal Office (AFPC/JA) advises the AFPC Commander, Secretariat, Air Staff, and JAG Corps personnel worldwide. It provides comprehensive legal support covering all aspects of the personnel life cycle for military and civilian personnel to include accessions, education and training, assignments and deployments, promotions and evaluations, and retirements and separations for 1.25 million Air Force military, civilian, and retirees. As specialists in officer, enlisted, and civilian personnel law, AFPC/JA facilitates complex personnel actions between JAG Corps personnel in the field and AFPC personnel subject matter experts. Closer to home, AFPC/JA also provides counseling for judge advocates who were not selected for promotion.

AFPC/JA was involved in a number of important issues in 2011. It worked closely with AFPC/DPS on Air Force Guidance Memorandums and Interim Changes for the repeal of 10 U.S.C. 654 (Policy Concerning Homosexuality in the Armed Forces) and completed work with AFPC/DPS and A1 on revisions to the Air Force tattoo policy. As the office of primary responsibility for AFI 36-2910, AFPC/JA led the charge and began the process to initiate extensive revisions to the line of duty instruction and associated processes throughout the Total Force.

Following the transformational momentum of the previous years, AFPC/JA teamed-up with the AFPC Physical Disability Division to execute a worldwide transition of a purely DOD Disability Evaluation System to a Veterans Affairs-DOD integrated process. This VA-DOD partnership delivers faster, more consistent disability evaluations and compensation

to wounded, ill, and injured service-members and veterans. This integrated process helped eliminate a backlog of 1,000 cases, saving the Air Force \$5 million dollars.

Over the course of the year, AFPC/JA reviewed more than 400 AFBCMR applications involving personnel issues and wrote several critical advisories on myriad legal personnel issues appealed to the Correction Board. In one noteworthy legal opinion, AFPC/JA determined that certain medical officers and chaplains could be mandatorily retired for age despite their not having reached 20 years of active service.

In the spotlight, AFPC/JA worked closely with AFPC/DPS on a wide range of force shaping and force management programs geared toward reducing the number of Air Force enlisted members, and AFPC/JA also served as the legal review authority in another round of officer force shap-



ing and reduction programs, which included a SERB and RIF in addition to various ADSC waiver programs. In the Line Officer Initial Skills Training reclassification/discharge area, AFPC/JA met the challenge of developing and implementing a procedure to appoint an investigating officer to review recoupment recommendations for officers whose education occurred before April 2006; this facilitated compliance with the grandfathered provision of 10 U.S.C. 2005.

In the area of civilian personnel law, AFPC/JA continued its representation of the Air Force in complaints, appeals, and grievances filed by

AFPC employees and applicants for AFPC positions. During this year, AFPC/JA advised and assisted the Center with new missions, namely, the implementation of the AFPC Operating Locations at Hill, Tinker, Robins and Wright-Patterson Air Force Bases and at Headquarters Air Force in Washington, D.C. AFPC/JA also played a key role in bringing Air Force classifications to the Center from the Air Force Manpower Agency. Finally, AFPC/JA assisted in the consolidation of HQ AF/A1 IT assets from four agencies into one agency (the Air Force Personnel Operations Agency (AFPOA)).

Finally, this year AFPC/JA began providing AF-wide notification discharge processing reports on enlisted administrative discharge cases to JAG senior leadership. AFPC/JA's efforts to mandate the use of Web-based Administrative Separation Program (WASP) for tracking enlisted administrative discharges now provides a single source data base for administrative discharge information. The office's teaming efforts with AFPC/DPSOS has also improved case processing, increased JA understanding of the enlisted administrative discharge process, and provided legal offices with a means to address processing issues.



*Air Force officials tailor AFPERS home page for users*





# AFSC

## AIR FORCE SAFETY CENTER

### KIRTLAND AFB, NM

The Air Force Safety Center legal office (AFSC/JA) advises the Air Force Chief of Safety (AF/SE), at the Pentagon, and the Executive Director and staff of the Safety Center at Kirtland AFB, New Mexico, on legal aspects of Air Force aviation, ground, weapons and space mishap investigations and mishap prevention, and provides general counsel on military law, civil law, and ethics matters.

The Air Force Chief of Safety, dual-hatted as the Commander, Air Force Safety Center, is responsible for the development and implementation of flight, weapons nuclear surety policy and ground safety. The Center manages mishap prevention programs for manned aircraft and unmanned aerial systems, develops ground safety programs and writes Air Force occupational safety and health standards, develops and manages space and directed energy weapons safety programs, and executes mishap

prevention programs for conventional and nuclear weapons and for nuclear systems.



AFSC Crash Laboratory

The mission of the AFSC Staff Judge Advocate is to provide well-reasoned, sound legal advice and general counsel to Air Force safety officials so they can establish and execute mishap prevention programs to enhance Air Force mission capability consistent with the law. The SJA also coordinates legal and safety issues between other U.S. armed services, federal agencies and international safety programs, and responds to requests for safety

information from Congress and under the Freedom of Information Act.

During 2011, AFSC attorneys taught 43 classes on the DOD safety privilege, to safety and accident investigation board presidents, wing Chiefs of Safety, safety program managers all over the world. AFSC/JA also introduced an outreach safety privilege training for legal offices to better equip judge advocates and paralegals to identify privilege issues when working with safety professionals. The office worked closely with DOD and sister service representatives on revisions to DODI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*. The new issuance includes specific language on the protection of privileged safety information in court proceedings. AFSC/JA continued to negotiate international agreements on the sharing of mishap prevention information and maintained the AFSC mishap report library holding mishaps from 1956 to the present.


 Spotlight on

## *A Tribute to Mr. Louie F. Alley*



*Mr. Louie F. Alley*

**M**r. Louie F. Alley first raised his hand and swore an oath to defend this nation over 49 years ago. From 1960 to 1986 he served all over the world: Little Rock AFB to Taiwan and Malmstrom AFB to Sembach, Germany. Louie was a valued member of our Air Force and he retired as a Senior Master Sergeant before entering into civil service. In 1991, Louie took a position with the Air Force Safety Agency at Norton AFB, California. He stayed with the Safety Agency through a move to Kirtland AFB in 1993 and saw the Safety Agency become the Air Force Safety Center in 1995. Over this time, Louie meticulously cataloged and maintained well over 30,000 Class A and B aviation mishap investigation reports, spanning 1956 to the present, and other records of well over a quarter million safety events.

He enjoyed his work at the Air Force Safety Center because he relished the challenge of taking the slimmest of facts to locate a historic mishap that would help a veteran or surviving family member receive a record and provide closure to that individual. Louie referred to his FOIA requestors as his “pen pals.” In a recent example, Louie’s remarkable detective skills resulted in a rapid and successful search that put a name to a true hero for a 1954 mishap in the French countryside. He demonstrated great initiative by maintaining redacted copies of frequently-requested reports, allowing virtually instantaneous responses to subsequent requests for them. “Louie’s Cruiser” was his vehicle of choice for heavy files and mail. Numerous books about aviation and aviation mishaps carry his name in appreciation.

Louie served valiantly as the Air Force Safety Center’s Freedom of Information and Privacy Act manager protecting the Safety Privilege from 1991 to 31 December 2010. On the day he retired, he was inducted into the USAF Safety Hall of Fame. This honor illuminates the indispensable talent and tireless work ethic he brought to an Air Force he truly loved. Ten days after his retirement from civil service, Louie passed away. He will be missed and ever remembered.

# DIRECT REPORTING UNITS

**A** direct reporting unit (DRU) is a subdivision of the Air Force, directly subordinate to the Chief of Staff (CSAF), and is separate from any major command (MAJCOM) or field operating agency due to unique missions, legal requirements, or other factors. A DRU performs a mission that does not fit into any of the MAJCOMs but has many of the same administrative and organizational responsibilities as a MAJCOM. JAG Corps personnel are currently assigned to and provide legal services to numerous Air Force DRUs, two of which are profiled here: the Air Force District of Washington and the United States Air Force Academy.



## AFDW AIR FORCE DISTRICT OF WASHINGTON, JOINT BASE ANDREWS NAVAL AIR FACILITY WASHINGTON, MARYLAND

**T**he Air Force District of Washington (AFDW), located at Joint Base Andrews Naval Air Facility Washington, Maryland (Joint Base Andrews), is a direct reporting unit with MAJCOM and numbered Air Force responsibilities. Activated in July 2005, AFDW provides headquarters support to the 11th Wing (“The Chief’s Own”), 79th Medical Wing, and 844th Communications Group at Joint Base Andrews.

The AFDW Commander serves as the general court-martial convening authority for all Air Force military members assigned to Joint Base Andrews, Joint Base Anacostia-Bolling, Fort Meade, Headquarters Air Force; the Office of the Secretary of the Air Force; the Office of the Joint Chiefs of Staff, the Department of Defense, the Office of the Secretary of Defense, and those members worldwide (with some exceptions) whose organization is not subordinate to an Air Force MAJCOM and who are not

stationed on an Air Force installation with an Air Force general or special court-martial convening authority. AFDW/JA also fills the unique role of providing legal support to activated Air National Guard personnel, the Air Force Honor Guard, and the Air Force Band. AFDW/JA supports the Air Force Corrections Program which oversees approximately 500 Air Force members who are in confinement, on parole, or on appellate leave. In total, AFDW provides general court-martial support to approximately 40,000 Airmen in 108 countries.

In January 2011, the AFDW Operations Law Division supported the State of the Union address, which took place in the National Capital Region (NCR). AFDW/JA served as legal advisor to the Commander, 320th Air Expeditionary Wing (the Air Force component to Joint Task Force–NCR) and helped ensure the success of this major national security event.

AFDW/JA’s Contract Law Division provides all legal support for procurement actions by the AFDW Contracting Directorate, which supports HQ AFDW, the Air Staff, and AFDW’s subordinate wing contracting squadron. They also support all Headquarters Air Force procurement in the NCR, including purchases by Headquarters Air Force Office of Special Investigations to support their U.S. Central Command warfighters. In 2011, AFDW/JA secured the Very Important Persons Special Air Missions (VIPSAM) aircraft maintenance contract which supports the President’s Air Force One, the Vice President’s Air Force Two, and Congressional air travel. It also secured a contract worth over eight million dollars to develop an Afghanistan transportation and trucking network that can shoulder much of the logistics responsibility in Afghanistan from military convoys to Afghanistan civilian companies.

AFDW/JA's Military Justice Division processed a number of complex cases including one involving an O-3 pilot in Italy who deserted his unit after openly announcing his homosexuality in the wake of the DADT repeal. The Pilot later sent threats to his commander and AF/CV. AFDW/JA's careful handling of the sensitivities associated with the case averted threatened negative publicity.

In a separate case, an accused child molester received a conviction and a sentence that included 25 years of confinement in spite of evidentiary concerns that previously influenced civilian prosecutors to relinquish jurisdiction to the Air Force. AFDW/JA also processed numerous senior officer cases, including several involving O-5 and O-6 officers.

In addition to the normal justice workload, AFDW/JA attorneys and paralegals also hosted the inaugural Military Justice Administration conference in March 2011 for military justice JAGs and paralegals located throughout the Mid-Atlantic region. The training detailed courts-martial administration and post-trial processing and received unanimously positive critiques from the conference attendees.



## DEPARTMENT OF LAW USAFA

### UNITED STATES AIR FORCE ACADEMY

**U.S. Air Force Academy mission:** *to educate, train and inspire men and women to become officers of character, motivated to lead the United States Air Force in service to our nation.*

**G**o ahead, take a moment and reflect on your life's mentors—who inspired you, molded you, and helped create the terrific officer and person you are today? For many the answer, besides their parents, is a former teacher. Educators at every level have a unique opportunity to shape their students, and at the United States Air Force Academy (USAFA), judge advocates and civilian law professors don their professorial robes and make such an impact every day on the Air Force's future leaders.

The faculty members of the Department of Law (DFL) taught over

1500 cadets this past year, receiving cadet praise for course relevance and instructor effectiveness. With an academic major encompassing more than fifteen law courses, including USAFA's core course in the study of law, *Law for Air Force Officers*, the faculty focused its efforts to develop leaders of character through expansive student writing, oral advocacy, and critical thinking. In support of these efforts, DFL hosted a number of renowned speakers this past year, including the Honorable Jeh Johnson, DOD General Counsel; Mr. Jack Adler, Holocaust survivor; and Colonel (Ret.) P.K. Robinson and Captain (Ret.) Mike McGrath, two former Vietnam prisoners of

war. Faculty continued to leverage the benefits of technology by video teleconferencing with experts in the civilian and military fields.

Outside the classroom, DFL continued to play a critical role in the cadet-run Honor System, serving as legal advisors in honor investigations and board legal advisors in cadet-run honor boards. Law faculty members also held positions as Squadron Professional Ethics Advisors, Associate Air Officer Commanders for Academics, and Officers-in-Charge for several cadet clubs and intercollegiate athletic teams. They also guest lectured at law schools

around the nation, including South Texas College of Law and the Sturm College of Law in Denver, as well as published in various law reviews.

As in previous years, law professors in DFL used their litigation skills as coaches of the nationally-ranked USAFA Mock Trial Team, and also hosted a mock trial tournament at USAFA involving twelve universities. Cadets, with the help of DFL faculty, also excelled in several international

competitions, competing against law and graduate students from around the world in the Jean-Pictet International Humanitarian Law Competition held in Najac, France. Several cadets also traveled to San Remo, Italy, to compete in the 10th Annual Law of Armed Conflict Competition for Military Academies. While there, USAFA took home the third and fifth place awards for best mixed teams (out of 70 teams) and one cadet individually placed tenth

out of seventy-eight. DFL faculty also accompanied cadets to The Hague as part of an internship program at the International Criminal Tribunal for Former Yugoslavia, and a DFL member deployed to Afghanistan to help train new Afghan Army lawyers.

In these and many other ways, DFL members contribute to our Air Force, and facilitate the development of cadets into officers of character, motivated to lead in service to our nation.

## Spotlight on

### *A Wing Judge Advocate*



*Capt Andrew B. Tharp*

**C**aptain Andrew B. Tharp is an Assistant Staff Judge Advocate assigned to the 20th Fighter Wing, Shaw AFB, South Carolina. With less than a year in the JAG Corps, Capt Tharp has already made a significant impact within the base legal office and beyond. From the outset, Capt Tharp clearly exemplified the highest standards of academic excellence, officership, and esprit de corps when he was selected as the Robert L. Lowry Award winner in a JASOC class of 65 graduates.

As Shaw's Chief of Adverse Actions, Capt Tharp is responsible for overseeing the administrative discharge and demotion programs for the 20th Fighter Wing and its various tenant units and GSUs. Capt Tharp's performance in that role has been nothing short of amazing. Under his leadership, the on-time processing rates have improved by nearly 10 percent despite the fact that the number of discharges processed has more than doubled from the previous year.

Results like this don't just happen by chance. Capt Tharp's tireless dedication to the mission and his remarkable ability to foster strong working relationships with commanders, first sergeants, defense counsel, and separations personnel, has paid huge dividends. Good order, morale, and discipline within the wing have been enforced, and the Air Force has been strengthened by the prompt and fair separation of substandard Airmen.

When asked to comment on the success of Shaw's discharge program, Capt Tharp is quick to point to the ground work paved by his predecessor and the astounding efforts by the paralegals in his section. There is no doubt, however, that Capt Tharp's leadership, work ethic, and commitment to the JAG Corps' mission have and will continue to positively impact the Air Force in significant ways.

## Spotlight on

*A Wing Paralegal**SSgt Michael J. Stevens*

**S**taff Sergeant Michael J. Stevens is a paralegal assigned to the 20th Fighter Wing, Shaw AFB, South Carolina. SSgt Stevens entered the Air Force in 2004 and began his career as an Aerospace Propulsion Systems Apprentice. In 2010, SSgt Stevens cross-trained into the paralegal career field. In April 2011, he took over as the NCOIC of the Adverse Actions section, and he hit the ground running. This highly challenging task included drafting and reviewing notification packages and legal reviews and advising and educating Team Shaw commanders and first sergeants on proper administrative procedures. In his first quarter as the NCOIC, SSgt Stevens successfully processed 30 administrative discharges and 10 demotion packages with zero defects and a perfect on-time processing rate. SSgt Stevens has excelled as the NCOIC, distinguishing himself as a remarkable leader.

SSgt Stevens' stellar performance as a relatively new paralegal has not been limited to the work he has done within the wing legal office. A week before he attended the Accident Investigation Course, SSgt Stevens was hand selected by ACC to assist on an accident investigation board (AIB) at Lajas Field, Portugal. SSgt Stevens assisted in the investigation of a Tethered Aerostat Radar System (TARS), which crashed on 16 August 2011. TARS assists the Air Force with its counterdrug efforts, to provide persistent, long range detection and monitoring of low level air, maritime and surface narcotics traffickers under NORTHCOM. SSgt Stevens was responsible for maintaining and organizing investigating material and documents, assisted with the setup of witness interviews and provided administrative support for the AIB. According to the AIB President, SSgt Stevens' professionalism and excellence enabled the board to complete a thorough investigation and detailed report. Another superb performance from a superb paralegal!

## Spotlight on

### *Mr. Shawn L. Bauer, 9 RW/JA, Beale, CA*

**M**r. Shawn Bauer is the court reporter assigned to the 9 RW/JA at Beale AFB, CA. With 20 years as an active duty paralegal, and a year in his current position as the civilian court reporter, Shawn is a wealth of experience and knowledge. He is an integral member of Beale's justice team, mentoring new paralegals and attorneys. Every year, he also teaches the court reporter block at the JAG School's Accident Investigation Board course. Shawn is the Air Force's "go-to" court reporter! He averages 2.5 days to transcribe each court martial and he volunteers to travel worldwide for discharge

boards, medical credential hearings, safety investigation boards, and accident investigation boards—taking on the toughest cases, including a recent AIB with 85 witnesses and over 2200 pages of testimony. His court reporting duties have taken him to faraway places including Africa and Afghanistan—always as a volunteer. Time and again, military judges touted Shawn as the "best court reporter in the Air Force" for his dedication and accuracy, while JAJM has praised Shawn for his perfect records of trial. Shawn always goes above and beyond his core tasks. He single-handedly created a medical drug dic-

tionary comprised of almost 50,000 words for Dragon and Microsoft Word, significantly reducing court reporters' research time transcribing medical terminology for drug cases and medical credentials hearings. His dictionary is used Air Force and Army wide. Shawn is also a leader among the court reporters, spending hours each month on the phone troubleshooting computer systems and providing guidance telephonically to his peers. It is no surprise that Shawn was the 2008 winner of the General Waldrop Award for all of his hard work and dedication.



*Mr. Shawn Bauer, 9 RW/JA, Beale, CA*




 Spotlight on

## Master Sergeant Aubry S. Herrera, 355 FW/JA, Davis-Monthan AFB, AZ

**M**aster Sergeant Aubry S. Herrera earned the 2010 Southern Arizona Federal Employee of the Year Award. Despite undergoing treatment for cancer, she is out in front! She organized the first ever 159-member DM Cancer Combatants team in support of Susan G. Komen and took home the Largest Corporation Award for raising over \$9,000. She managed the Davis-Monthan Professional Development Program of the year benefiting 7800 Airmen. When in the position of base career assistance advisor, she was asked to also take on the task of being the additional duty first sergeant and was the key advisor to 750+ Airmen maintaining a mission ready force. In addition, as a wing force shaping guru, she led daily initiatives to balance Air Force manpower requirements by personally contacting key functional managers to



*SMSgt Victor Herrera and  
MSgt Aubry S. Herrera*

get more than 200 Airmen retrained into critically manned AF specialties. MSgt Herrera is the DM Top 3

President, a key enlisted advisor guiding over 100 SNCOs. She completed her third Associate's degree with the Community College of the Air Force as well as received her level two as Occupational Instructor Certificate and is pursuing her B.A. in Social Psychology with 83 semester hours completed maintaining a 3.8 GPA. She personally orchestrated four banquets and an induction ceremonies to highlight Desert Lightning Team star performers and inductees, and raised more than \$4,000 in sponsorships for 12 AF's Outstanding Performers of the Year. MSgt Herrera has returned from her special duty where she not only fulfills the role of Law Office Superintendent, but is now the direct advisor to 355 FW Director of Staff on numerous enlisted issues as the 355 FW Superintendent. She is truly an exceptional wingman and an outstanding SNCO.

# MAJOR COMMAND LEGAL OFFICES

Encompassing anywhere from 12 to 30 legal professionals representing active duty, civilian, and Reserve members, the 10 major command (MAJCOM) legal offices provide full-spectrum legal services to the MAJCOM commanders and headquarters staff, on a myriad of cutting edge issues, to ensure operational success. In addition, MAJCOM legal teams provide professional oversight to the field on military justice, civil law, ethics, operational law, intelligence law, environmental law, labor law, commercial law, aviation law, and space law.

## ACC AIR COMBAT COMMAND



*Brig Gen Christopher F. Burne  
Staff Judge Advocate*



*CMSgt Lee A. Upright  
Command Paralegal Manager*

From their headquarters at Joint Base Langley-Eustis, the office of the Staff Judge Advocate at Air Combat Command (ACC) serves as legal counsel to the ACC four-star commander and his staff on all legal matters associated with meeting the challenges of providing combat airpower to America's war-fighting commands. ACC/JA provides professional supervision to some 580 active duty and reserve Component judge advocates, paralegals, and civilian personnel serving in 60 legal offices located at ACC and other non-ACC

installations. Three numbered air forces—1 AF, 9 AF, and 12 AF—as well as the U.S. Air Force Warfare Center and USAFCENT, comprise ACC. In 2011, ACC/JA held their biennial SJA/LOS conference bringing in JAGC leadership from across the command for an intense three day cross flow of best practices and review of operations.

The **Operations Law Division** (ACC/JAO) is focused on winning today's fight. ACC/JAO ensured that the ACC JAGC community

met all deployment taskings in 2011 and provided exercise support for TERMINAL FURY, TALISMAN SABRE, NORTHCOM's Defense CBRN Response Force (DCRF) exercise, VIBRANT RESPONSE, and JAG support for the 601st Air Operation Center. The Aviation Law Branch handled 19 accident investigation boards—more than half of the Air Force total. These boards ensured commanders, next of kin, and the public received accurate information regarding mishap causes.

The **Command Legal Training Branch** revamped the ACC legal training program to improve the overall professional knowledge and technical skills of all ACC JAGC personnel through a comprehensive program that tracks intra-office training, attendance at the self-styled “Top Ten” fundamental courses, CAPSIL completion, professional military education, office rotations, and deployments. In cooperation with ACC/JAO, our training branch established guidance to develop legal teams which now support the NORTHCOM DCRF mission.

The **Military Justice Division (ACC/JAM)** continued to set the standard for MAJCOM-level leadership in court-martial processing with conscientious oversight and commander-focused solutions. With ACC processing one-third of all Air Force justice actions, the significant decreases in discovery-to-action times in court and NJP processing times for ACC bases had a substantial impact on the overall metrics for the Air Force. Additionally, ACC’s dedicated IG team members, JAGs and paralegals, conducted numerous ORIs and

UCIs and were instrumental in the development of TJAG’s new Article 6 inspection initiative.

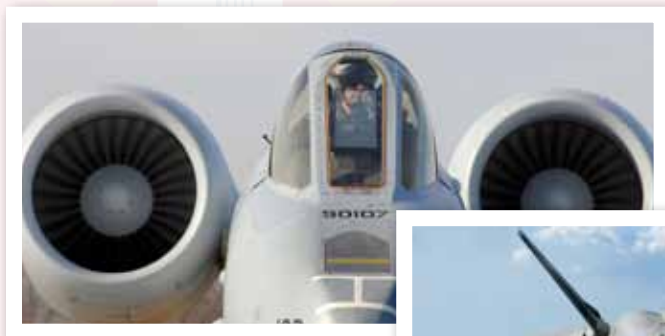
Outreach was the hallmark of the **Civil Law Division (ACC/JAC)**. In addition to the comprehensive ethics training offered to all inbound commanders and spouses, ACC/JAC also led the way with an innovative “Legal Issues for Executive Officers” briefing that trained executive officers, secretaries, and Chiefs to identify potential ethical and fiscal pitfalls to aid ACC senior leaders. Additionally, ACC/JAC created a web-based tool to cross feed best practices between ACC bases.

The ACC environmental liaison officer provided legal guidance to ACC directorates and bases on issues such as the proposed bed down of the Royal Saudi Air Force at Mountain Home, public controversy over the expansion of Davis-Monthan’s ANG Operation Snowbird, and the projected locations for F-35 operational squadrons.

Efforts to further implement Total Force Integration initiatives continue to demand our attention. To date,

thirty-one initiative review worksheets have either been approved or are in coordination at MAJCOM level, eighteen associations have completed formal integration plans, nine associations finalized unit-level memoranda of agreement, and at least ten additional associations are in the pre-initiative review worksheet stage.

The **Commercial Law Division (ACC/JAQ)** provided top-notch legal support to HQ ACC/A7K and ACC’s Acquisition Management and Integration Center (AMIC) during fiscal year 2011. The combined ACC/AMIC portfolio exceeded 6.3 billion dollars—one of the busiest years ACC has ever seen. ACC/JAQ’s close coordination on a \$4.7 billion dollar advisory and assistance services contract solicitation significantly contributed to approval by HAF and OSD reviewers. The division provided critical advice on an Air Force in-sourcing decision under RMD 802 that proved to be pivotal in successfully defending a precedent setting lawsuit in the 11th Circuit Court of Appeals.



# AETC

## AIR EDUCATION AND TRAINING COMMAND



*Col Lisa L. Turner  
Staff Judge Advocate*



*CMSgt Jose A. Mercado Jr.  
Command Paralegal Manager*

Headquartered on Randolph Air Force Base, Texas, AETC Office of the Staff Judge Advocate (AETC/JA) delivers professional, candid, independent counsel and full-spectrum legal capabilities to the commander and staff affecting over 74,000 permanent party military and civilian personnel as well as almost 430,000 student graduates per year at 13 AETC installations and recruiters in 50 states. AETC/JA provides professional supervision to JAG Corps members serving in 25 subordinate AETC legal activities.

As BRAC 2005 (and stand up of Joint Base San Antonio) was successfully completed, the process began to stand down 19th Air Force in the summer 2012 and enable another command element to exercise GCMCA. Law and policy transition issues and training related to repeal of Title 10 U.S.C. Section 654 ("Don't Ask, Don't Tell")

were successfully addressed and completed, while focus on command-wide force management and fiscal responsibility efforts increased and will continue into 2012.

Fiscal year 2011 was an exciting year for the First Command Legal Team across AETC as they came together to collectively raise the standard, quality, and efficiency of practice through innovate group sourcing efforts. They actively used AFJAGS-developed technology to share a wide range of best practices and develop solutions for shared challenges.

Personnel development was an emphasis item as well. After obtaining ideas and recommendations from the field, consulting with HAF and reviewing other career field processes, a policy requiring deliberate training development plans was enacted. Military Justice Training Teams went

out to bases and provided hands-on guidance to improve field skillsets. Monthly VTCs provided information on topics such as the enlisted assignment system.

The **Military Justice Division** (AETC/JAM) implemented several initiatives aimed at improving command-wide compliance and discipline processes. They hosted an AFSO21 rapid improvement event on retirement in lieu of discharge/demotion action process, resulting in the creation of comprehensive checklists and increasing process efficiency. They implemented monthly video teleconference chart briefs in which base SJAs brief court-martial cases and share lessons learned with their HQ and each other. AETC/JAM's AETC-wide studies on PTA trends, use of drug demand reduction tools and docketing delays helped focus improvement efforts. Reflecting

commander emphasis, AETC/JAM created a series of comprehensive briefings on good order and discipline trends, which were provided to all AETC senior leaders and separately their SJAs. AETC/JAM also enabled AETC leadership to provide subordinate commanders with individualized justice and administrative discharge metrics on a quarterly basis. AETC/JAM proudly noted that AETC base offices increased the timeliness of military justice in a number of key categories.

The **AETC Acquisition Law Division**, led by the AETC Reichart winner, Mr. Jerry Lawler, continued to enable successful execution of the Command's \$2+B acquisition programs including

award of the International Initial Flight Orientation (IFO) Contract that will provide FMS students IFO and navigator screening and training for a potential 140+ nations.

The **Operations Law Division** (AETC/JAO) continued to provide mission-critical support to AETC and the field. Their reviews included 16 Flying Evaluation Boards (FEB), waivers to FEBs and voluntary disqualification from aviation service. They coordinated several AETC aircraft accident responses and four Accident Investigation Boards (aircraft and ground). AETC/JAO also worked Total Force Integration issues for associations at Kirtland AFB with the Air National Guard and supported

integration with the Air Force Reserve and the Air National Guard for C-130 Legacy training at Little Rock.

The **Civil Law Division** (AETC/JAC) deftly handled a myriad of issues for command senior leaders and frequently provided support to the field. They began the review of all AETC curriculum related to core values and religion, and prepared command policy and a training module to ensure continued compliance with Constitutional requirements. AETC/JAC proudly noted that initiatives of AETC base office significantly increased legal assistance clients use of the Legal Assistance website as well as client use/completion of customer survey forms.



# AFGSC

## AIR FORCE GLOBAL STRIKE COMMAND



*Col Ronald R. Ratton  
Staff Judge Advocate*



*CMSgt Gerard Truglio  
Command Paralegal Manager*

Headquartered at Barksdale Air Force Base, Louisiana, Air Force Global Strike Command (AFGSC) provides combat-ready forces to conduct nuclear deterrence and global strike operations in support of the President of the United States and combatant commanders. AFGSC is the lead MAJCOM for all nuclear and global strike related organize, train and equip functions for assigned forces, and is a component MAJCOM to United States Strategic Command (USSTRATCOM). The command places a special emphasis on keeping the nation's most lethal and dangerous arsenal "Safe, Secure, and Effective" in accordance with Presidential priorities. Our vision is to be "American Airmen with special trust and responsibility for the most powerful weapons in our Nation's arsenal... an elite, highly-disciplined team... a model command."

Air Force Global Strike Command has two numbered air forces—the Eighth and the Twentieth—and maintains five Air Force bases. There are over 23,000 personnel in the command who operate, maintain or support the nation's entire inventory of ICBMs and long-range, nuclear-capable bombers. In addition, units that support the AFGSC mission include one Air Force Reserve Command and three Air National Guard units as part of the Air Force's Total Force Integration (TFI). AFGSC is the lead command for the Minuteman III ICBM, B-52 and B-2 bomber and UH-1N helicopter weapon systems.

The Air Force's newest MAJCOM legal office is fully mature with a staff of nine attorneys, five paralegals, and a civilian legal assistant. Although our HQ legal office is now FOC, it still encounters its share of firsts. One of its bases, Barksdale, will be one of the first to go through the new

CUI inspection regime in November. MAJCOM attorneys sat in the AOC for AFGSC's first participation in a real world contingency—Operation ODYSSEY DAWN. Their attorneys were also instrumental in reviving the first bomber and missile competitions since Strategic Air Command deactivated in 1992. Finally, the HQ legal office had its first change-over in staff judge advocates.

One event that required them to leverage all their legal talent was the response to the Minot flood. In June 2011, the Souris River crested to record levels and 10,000 homes were evacuated. Although Minot AFB was not physically touched by flood waters, the effect on the local community was felt profoundly by the base. Initial legal response involved the Operations Law section as they worked through DSCA requests and partnered with NORTHCOM to ensure all base assistance to the local

community was appropriate. Next, the Administrative Law section was challenged as they worked through novel ethics issues, like whether base pumps could be loaned to distressed Airmen, and drafting an evacuation order that allowed for needed financial assistance to displaced Airmen and their families. Finally, the Civil Law section batted clean-up to ensure Airmen could get access to FEMA trailers without forfeiting BAH and helped JAA obtain special authorization from SECAF to fund travel for

scarce construction tradesmen to the Minot area. The base legal office was the real hero in the crisis and JAA did a lot of heavy lifting, but the MAJCOM certainly had its spot on the varsity squad for this team effort.

New legal authority enacted this year will continue to challenge AFGSC for the next decade. The President ratified the new START treaty on 2 Feb 2011. The treaty limitations will impact the command as it draws down its force structure to match reduction targets.

The treaty regime also impacts the command with its increased use of on-site inspections. It has already started to create new legal work. As a result of the required reduction in launch platforms, the command must now eliminate “phantom silos” (missile silos with no missiles in them). This is creating work under NEPA as we do the environmental planning necessary to engage in such a large construction undertaking.



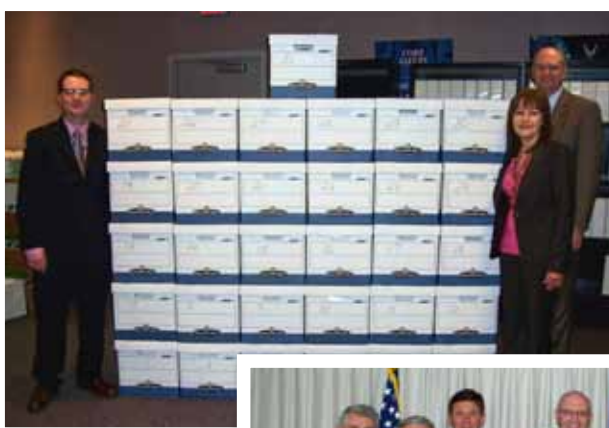
## Spotlight on

# Award of the KC-46 Aerial Refueling Tanker

On 24 February 2011, the Air Force announced the successful award of the KC-46 aerial refueling tanker program to The Boeing Company. The initial contract was a fixed-price incentive firm contract valued at over \$3.5 billion for the engineering and manufacturing development of four KC-46 aircraft. The overall program is valued over \$30 billion, with the final amount depending on the options exercised. The program will deliver the first 18 aircraft by 2017. The Air Force will ultimately purchase 179 planes.

The Air Force-led selection effort included experts across the DOD, including OSD staff. The legal team, led by Ms. Susan Raps, Deputy General Counsel for Acquisition and Technology, DOD, included acquisition counsel from the Air Force General Counsel's Office, AFLOA/JAQ and AFMC Law Office (AFMCLO). Members of AFMCLO included John Thrasher (AFMCLO Director), Mark Alexander, Len Cohen, Anthony Dattilo, Thomas Kundert, Robin Parkey, Thomas Powers, Richard Phillips, Russell

“Ken” Pippin, Steven Sollinger and Angela Tillman. These attorneys and paralegal provided day-to-day counsel to the source selection evaluation team and were instrumental in ensuring the evaluation was conducted in strict compliance with the Federal Acquisition Regulation and requirements of the RFP. As a result of the efforts of the entire legal team, the award of the KC-46A contract was not protested, paving the way for the beginning of the recapitalization of the Air Force's aging aerial refueling fleet. In a ceremony recognizing the extraordinary efforts of the entire KC-46 source selection team, Air Force Chief of Staff General Norton Schwartz said, “I have the ultimate respect for you and your families in sacrificing for this mission. I thank you for renewing the reputation of defense acquisition.” The KC-46 Air Force Program Executive Officer and Program Director, Major General (Select) Christopher Bogdan, also expressed his gratitude to the team, “I couldn't be any prouder of you all.” Congratulations to the entire KC-46 legal team!



KC-46 Team



Spotlight on

## Captain Tyler B. Musselman



Capt Tyler B. Musselman

Captain Tyler Musselman's first year in the JAG Corps at Whiteman AFB, MO, 509 BW/JA, has been quite an experience. Like so many incoming JAG Corps members, Capt Musselman entered the Air Force with a lot of promise. And, as so many great judge advocates before him, Capt Musselman has lived up to his promise.

Capt Musselman was named the "Top Litigator" of his JASOC class. This distinction has proven itself to be well earned. Capt Musselman has excelled on all three of the Special Courts-Martial he has prosecuted. Most impressive was his performance in a drunk and disorderly case where the accused assaulted an on-duty Security Forces member. In that contested court-martial, Capt Musselman prevailed over multiple defense motions to obtain an unnecessary expert consultant, thereby saving the Government thousands of dollars. He then secured a conviction of that accused resulting in a bad conduct discharge and eight months of confinement.

In addition to his stellar performance as trial counsel, Capt Musselman has taken Whiteman's legal assistance program to new heights. Under his leadership, 509 BW/JA attorneys provided counsel to ease the concerns of scores of Airmen when the state court foreclosed on the properties of a local housing manager. Additionally, Capt Musselman leaned forward to maximize the use of the Legal Assistance website. Through use of the website, the office has increased the efficiency of its legal assistance services throughout the course of the year. In fact, Whiteman's office has been placed on the Legal Assistance honor roll for both efficiency and feedback six months in a row.

Finally, Capt Musselman has excelled as the Chief of Adverse Actions when the prior Chief deployed. While serving as the Chief of Adverse Actions, the office has processed 100 percent of its discharges within the 15-day metric and 100 percent of Art 15s within the 20-day metric. Most impressively, the office has continued to improve the processing of its Art 15s under the new 30-day metric, an endeavor which has enabled the office to process 78 percent of its Art 15s within the new 30-day metric—tops in AFGSC!

Capt Musselman has had an accomplished first year as a JAG. As with so many other new JAGs, we look forward to even greater accomplishments in the future.

# AFMC

## AIR FORCE MATERIEL COMMAND



*Brig Gen Dwight D. Creasy  
Staff Judge Advocate*



*CMSgt Ronnell A. Horner  
Command Paralegal Manager*

**H**eadquarters Air Force Materiel Command Legal Office (AFMC/JA), Wright-Patterson Air Force Base, Ohio, with a staff of 23, has oversight responsibilities for over 400 attorneys, paralegals, support staff, and reservists at 16 legal offices. AFMC/JA supports three Air Force program executive officers at product centers for aircraft, weapons; and electronic systems; three air logistics centers; three Test Centers; the AF Nuclear Weapons Center; and the AF Research Lab, among others, delivering war-winning expeditionary capabilities to the warfighter through development and transition of technology, professional acquisition management, exacting test and evaluation, and world-class sustainment of all Air Force weapon systems.

2011 saw the departure of Mr. Greg Petkoff, AFMC/JA's Principal Deputy Director, who retired and joined a Washington D.C. law firm. They also said goodbye to Mr. John Thrasher, the Air Force Materiel Command Law Office Director, who left to take an Administrative Law Judge position with the Armed Services Board of Contract Appeals. In September 2011, Colonel Gary Jackson, AFMC Deputy Staff Judge Advocate, was reassigned as Ninth Air Force Staff Judge Advocate and was replaced by Colonel Tom Couture, formerly AFMC/JAA Director. They also saw the departure of Major Michael Carson, the executive officer, and the arrival of his replacement, Major (s) Kellyann Boehm, from ASC/JA.

As a result of the tightening fiscal environment in 2011, AFMC/JA leadership was actively involved in several DOD and Air Force initiatives to find more efficient and effective ways of doing business. As part of the efficiency effort, the Air Force is considering a restructure of Air Force Materiel Command focused on standardizing processes, streamlining decision-making and aligning missions to allow the command to operate more effectively in a constrained fiscal environment. AFMC/JA has been working closely with center staff judge advocates to focus this effort around AFMC core missions while preserving JA workforce and mission capabilities.

The **Administrative and General Law Division** (AFMC/JAA) provided advice to the AFMC commander and HQ directors on many diverse civil law and military justice issues. In military justice, they continued to build on previous improvements in military justice operations efficiency, with an increased emphasis on teaming with law enforcement during the investigations process. These efforts over the last two years led to preferral of charges in general courts-martial after completion of the report of investigation occurring twice as fast as courts processed in 2009. They also capitalized on video teleconferencing resources to conduct training and facilitate the cross-feed of information across the command—which helped maintain consistent command-wide discipline while reducing courts-martial and nonjudicial punishment processing errors.

AFMC/JAA efforts were also instrumental in aiding commanders in exercising control and oversight of the nuclear enterprise, as well as establishing a process to ensure nuclear weapons related material can be recovered when found outside of DOD control. In the labor law arena, Ms. Janice Beckett provided advice and support to AFMC/A1 and its command management team during intense Master Labor Agreement negotiations with AFGE Council 214—including one significant unresolved dispute which will be taken to the Federal Services Impasses Panel for resolution. In addition, the firefighters union has challenged management's implementation of an arbitration award concerning vehicle manning, and Ms. Beckett's advice will be crucial in defending the command position before the Federal Labor Relations Authority. In the government ethics realm, Mr. Mark

Stone, AFMC/JAA's command ethics attorney, continued to provide expert counsel to AFMC senior leaders, directors, and wing and center ethics attorneys in 2011. He also created an Ethics SharePoint site containing a wealth of ethics guidance material as well as a 92-page encyclopedia of ethics information, which was crossfed and enthusiastically received by legal offices across the Air Force.

JAA experienced significant personnel turnover in 2011 with the departure of Lieutenant Colonel Michael (Mic) Roderick (Global Strike Command) and Lieutenant Colonel Bruce Page (88 ABW/SJA) and the arrival of Lieutenant Colonel Teresa Barnes (AFPC/JA) and Lieutenant Colonel D.J. Western (Canberra SJA) to the division. Finally, in October 2011, they welcomed Colonel Robin Kimmelman (Legal Advisor to the Commander Air Izmir) as AFMC/JAA's new Division Chief.

The **Acquisition Law Directorate** (AFMC/JAQ) provided expert advice to the AFMC commander, vice-commander, executive director and HQ directors on a wide array of acquisition and fiscal law matters—totaling over 89,300 contract actions and \$47 billion in obligations—despite a significant turnover of personnel. Lieutenant Colonel Deb Collins retired in May and was replaced by Lieutenant Colonel Kevin Stiens, who arrived from the AFRL's Information Directorate in Rome, NY. Mr. John Pritchard, a retired Army JAG and former Army civilian attorney, was hired in June to fill a longstanding vacancy. He will be specializing in fiscal law. Mr. Ken Pippin, fresh from his return from the KC-X source selection team, was competitively selected as the Branch Chief to head

the Mobility and Aircraft Systems Branch at the AFMCLO. In August, Mr. Mark Alexander was selected to replace him in JAQ. In November 2010, the JAQ director, Colonel Paul Van Maldeghem departed for a six-month deployment supporting OEF and ISAF in Afghanistan, where he served as the Theater Counsel for the Defense Contract Management Agency. Ms. Sandra Zimmerle served as the acting JAQ director during Col Van Maldeghem's absence.

In the area of fiscal law, AFMC's resident expert, Mr. Robert McGrath rendered an extensive opinion concerning whether one element of the same military department can charge for procurement and administrative services provided on behalf of another element. The context was a contract that allowed orders to be placed by customers on a de-centralized basis, raising issues of what a charge would be based on and what fiscal year account the reimbursement could be collected into. The opinion sheds light on a number of issues, including the effect of citing the Economy Act as authority for a reimbursable transaction between two elements of the same military department in light of new congressional rules for calculating prior approval reprogramming thresholds and the statutory authority for crediting reimbursements earned by an expired fiscal year operation and maintenance account to a current year account.

AFMC/JAQ also continued to provide command-level oversight and legal advice for AFMC's new subordinate unit, the Enterprise Sourcing Group (ESG), which formally stood up on 28 Oct 11 and implemented the Air Force's Installation Acquisition Transformation initiative. In May

2011, AFMC/JA hosted a very successful “Corporate Counsel Day” at Wright Patterson AFB. After a one year absence, Corporate Counsel Day brought together over 170 attorneys from the government and in-house counsel from the aerospace and defense industries for briefings and panel discussions.

AFMC/JAQ support of the Expectation Management Agreement for AFMC’s services contracts resulted in review/advice of forty-four separate source selections. JAQ continues to participate in DOD/AF policy initiatives involving technical data rights, scientific and technical information, acquisition of product data, and cost

and pricing improvements. Finally, in its continued support of AFMC/A8’s Business Integration Office, JAQ advised on the final negotiations of the Joint Strike Fighter Partnering Agreement and will continue to work with OSD’s Standardization Working Group to standardize all public-private partnering agreements.




 Spotlight on

## Mr. M. Steele Kenyon, ESC/JA Systems Procurement Support for the Warfighter



Mr. M. Steele Kenyon

2011 marks twenty-six years of Air Force JAG Corps membership for one of AFMC's most experienced and best contract law attorneys, Mr. Steele Kenyon. For most of his eleven years as an active duty Judge Advocate and the past fifteen as a civilian attorney at the Air Force Electronic Systems Center (ESC), Steele Kenyon has leveraged his expertise in

federal acquisition law to bring cutting edge technologies to the battlespace.

As program counsel for Airborne Networking Programs at ESC, Mr. Kenyon played a pivotal role in one of the great technology warfighting advancements in current operations. Interoperability between tactical data and voice networks has been a continual challenge to military operations. Conceived as a technology demonstration project in 2005 to address this challenge, the Battlefield Airborne Communications Node (BACN) provides an airborne communications secure gateway to interconnect data links, voice systems, Internet Protocol networks, and other systems and serves as a backbone network for high capacity data transfer. This new capability facilitates tactical edge information exchange via airborne and ground systems, enables interoperability between multiple Tactical Data Networks, and provides beyond line-of-sight (BLOS) voice and data relay. The direct benefit to the warfighter is an increase in situational awareness and a reduction in the timeline for Troops in Contact (TIC) to receive air support.

The impact of the BACN system in the operational theater has been phenomenal. Following a successful demonstration at the 2008 Joint Expeditionary Force Experiment (JEFX) BACN was identified as a Joint Urgent Operational Need in May 2009. The contract to take the technology demonstration to the theater was awarded in less than a month, the first operational asset, aboard a BD-700 business jet, was deployed in October 2009. The system achieved full operational effectiveness in November 2010 with the delivery of a second Global Hawk, BACN equipped aircraft. Since its initial deployment, the BACN system has logged nearly 2500 missions and 20,000 plus flight hours. It has reduced the "Kill Chain," or time between a TIC event and the employment of kinetic force by 25 percent, while increasing the kinetic results in such situations by 45 percent. BACN has supported more than 8000 TIC events.

What does a lawyer have to do with this tremendous battlefield success? As an integral part of the BACN Team, Mr. Kenyon's creative and intelligent legal advice enabled the program to successfully award a series of contracts in record time. The transition of the BACN system as a technology demonstration on a leased, modified commercial manned aircraft to an operational unmanned Global Hawk presented myriad legal challenges in areas ranging from fiscal law, the law of war, limitations on the use of and budgeting for leased aircraft, the use of commercial contracts for the leasing and purchase of commercial aircraft and engines, and the ever-present competition requirements for government contracts. Steele Kenyon enabled the program office to navigate this legal minefield without a single misstep and get the capability to the field ahead of schedule. Mr. Kenyon's expertise proved essential to ensuring that our Air Force retains the technological edge that makes it the most effective and lethal Air and Space force in the world.

# AFRC

## AIR FORCE RESERVE COMMAND



*Col Jeffrey P. Wilcox  
Staff Judge Advocate*



*CMSgt Ann Parker  
Command Paralegal Manager*

**A**ir Force Reserve Command (AFRC), located at Robins AFB, GA, is now officially the largest MAJCOM in the Air Force. AFRC is an active duty MAJCOM responsible for 39 wings, three numbered air forces, four joint air stations, 52 tenant units, eleven stand alone air reserve bases, the Readiness Management Group and the Air Reserve Personnel Center.

AFRC remains fully engaged in AFRC 2012, the effort initiated by Lieutenant General Charles E. Stenner Jr. in 2008 to achieve full operational capability as a MAJCOM by 2012. AFRC's ultimate goal is to become a fully operational MAJCOM with the mission of preserving the strategic reserve while maximizing the contributions of operational reserve forces for the combatant commands by 2012. As an initial action to that end and begun last year, the process of transitioning three numbered air

forces to AFRC was completed this year. AFRC is now solely responsible for mobilization and volunteer support planning, scheduling of forces, activation and deactivation of forces and presentation of forces to joint force providers. At the center of that effort is AFRC's Force Generation Center (FGC) which this year also became fully operational. The FGC is the single point manager for the selected reserve (SELRES) and the individual ready reserve (IRR) forces and serves as the single point reserve force manager for reserve force activation, mobilization, monitoring, and deactivation.

On 1 October 2011, another significant FOC milestone was realized. AFRC implemented a sweeping NAF restructuring plan, including an extensive realignment of units, wings, and geographically-separated units (GSUs). Among the moves, four flying wings, one flying group

and seven smaller units in AFRC changed their higher headquarters and chains of command. These actions advanced the commands efforts to provide operational capabilities and strategic depth across the full spectrum of military operations. They affected units assigned to all three Reserve NAFs: 4 AF, March ARB, CA; 10 AF, Naval Air Station Joint Reserve Base Fort Worth, TX; and 22 AF, Dobbins ARB, GA. The realignments are administrative only and do not involve any geographic changes. The most visible effect of the moves was on NAF manning levels, some of which were heavily cut. We are happy to report that the NAF and wing legal offices did not suffer any manning cuts as a result of the NAF restructuring.

The primary mission of each NAF HQ is readiness of its assigned forces. The NAF HQ staffs provide oversight and advocacy to ensure subordinate units are trained and ready to deploy

and support operational missions as tasked. The realignment gave each NAF a distinct mission set, enabling them to more efficiently and effectively oversee their subordinate units' readiness and to focus on a specific mission. 4 AF is now responsible for "strategic reach forces," which includes aerial refueling and long-range, strategic airlift missions. 10 AF is now responsible for "power/vigilance," with intelligence, surveillance, reconnaissance, network operations, space and special operations forces. These forces include fighters, bombers, remotely piloted aircraft (RPAs), cyber, space operations, and special operations flying and training. 22 AF is now responsible for "tactical airlift, combat support, training and institutional forces."

In the realignment, 22 AF lost the reserve wings at Charleston ARB (315 AW), Westover ARB (439 AW), Dover AFB (512 AW) and McGuire AFB (514 AW), all of which were gained by 4 AF. 22 AF gained the 340 FTG located at Randolph AFB, TX.

The number of missions supported by Air Force reservists has doubled over the past 10 years. This increase is the result of new requirements in leading-edge missions in space, intelligence, cyberspace and new weapons systems. The demand for reservists on the frontlines has grown as well. In 1999, approximately 2,300 Air Force reservists filled deployment taskings. On any given day since 9/11, approximately 5,000 Air Force reservists are serving in the United States, Afghanistan, Iraq, or elsewhere overseas.

Focusing on the Reserve JAG Corps, 36 Reserve JAG members voluntarily deployed in fiscal year 2011. Of those, five were enlisted and 31 were officers. Most of the deployers were IMAs;

however, nine of the officers were traditional unit reservists. The majority of the deployments were to the AFCENT AOR, with only eight deployments to stateside or other geographic combatant command areas.

The Reserve JAGs and paralegals who volunteered to deploy performed exceptionally downrange in every conceivable job. Many of the jobs didn't match the advertised job description, but the reservists adapted and performed admirably. Many reserve members filled leadership positions that could not be filled with active duty JAGs and paralegals. We are extremely proud of our Reserve JAG and paralegal deployers, and we owe a huge debt to them for taking those jobs and performing so well.

AFRC/JA remains fully engaged in the development of the capability to conduct General and Special Courts-Martial of reserve component members, a central part of General Stenner's vision and the command's full operational capability (FOC) goal. Although the timeline for completion of this effort remains aggressive, development has been hampered by DOD-wide manning and budget cuts, the constraints of operating under continuing resolutions, the civilian hiring freeze and the uncertain DOD fiscal climate. Nevertheless, planning for the stand-up of the Military Justice Center continues.

There is little doubt that 2012 will be as exciting and challenging as 2011 and AFRC/JA is fully prepared and poised to continue supporting the command with the full spectrum of legal services. As national budget decisions unfold and are implemented, AFRC will be moving aggressively to meet its FOC 2012 goal with AFRC/JA engaged at every level.

### **Reserve-Specific Addition to *The Military Commander and the Law***

Another extremely valuable contribution made by a team of reservists led by Colonel Terry Negron, IMA to ACC/JA, involved researching Reserve-specific instructions and policies for inclusion in the next edition of *The Military Commander and the Law*, a publication of The Judge Advocate General's School.

### **Accessions and Reassignments**

AFRC/JAR continued to partner with the AFRC Recruiting Service and ARPC in an attempt to continue the trend of decreasing the accession time and streamlining the accession process for new Reserve JAGs and paralegals. During CY11, 74 accessions and 82 reassignments were completed. However, much work remains to be done. AFRC/JAR is fully engaged in the development of methods to extract vital recruiting statistics and metrics from the AFRISS-TF database, assist ARPC with the rewrite of several outdated AFIs pertaining to the recruiting and accession process, and aggressively researching additional ways to streamline the accession process for direct accessions with no prior JAG experience.

### **Annual Survey of the Law (ASL)**

The ASL is an signature annual event co-hosted by AFRC/JA and the JAG school, was once again a tremendous success in 2011. The event was held at the Marriott Denver Tech Center (DTC). Since 2011 was the first year implementing the new standard that all ARC members must now attend ASL every two years, the 2011 ASL was the largest ever, with 627 students, instructors, staff and guests in attendance. This amounted to a 30 percent

increase (191 additional attendees) over ASL 2010. In addition, TJAG held a board of directors meeting in conjunction with ASL, composed of TJAG Corps senior leadership. The attendees remained for ASL further increasing the total number of ASL 2011 attendees. While we have enjoyed our working relationship with the Marriott DTC, we have outgrown the facility. Accordingly, future ASL will be held at other venues beginning with the ASL 2012, which will be held at the Atlanta Sheraton Hotel on 13-14 April 2012. We are excited about the opportunities new venues will provide for making ASL even better for students, instructors, staff and guests.

### JAG/Paralegal MPA Management

During CY11, we used 5,593 JAG man-days and 3,573 paralegal man-days to provide ARC support to the RegAF mission. This is approximately a 50 percent reduction in man-days from CY10. The extreme man-day allocation cuts in CY10 affected all MAJCOMs.

### Military Justice and Adverse Actions

In CY11, AFRC completed 333 discharge actions, with 29 cases taken to administrative discharge boards. The most common bases (reasons) for discharge were unsatisfactory participation (128), drug abuse (83), pattern of misconduct (30), substandard performance (17), and commission of a serious offense (22). Of the 29 board cases conducted, five resulted in Honorable discharges, 17 in General (Under Honorable Conditions) discharges, five in Under Other Than Honorable Conditions discharges, and two retentions.

### HQ AFRC/JAZ Update

In FY11, 36 ARC members deployed. Of those, five were enlisted, and 31 were officers. Most of the deployed were IMAs; however, nine of the officers were traditional unit reservists. The majority of the deployments were to the AFCENT AOR, with only eight deployments to stateside or other geographic combatant command areas.

For deployment blocks B2 and C4 (basically CY11) and the current deployment block C1, AFRC personnel have deployed in the following percentages of our total JAGC deployments:

	JAGs	Paralegals	Total
B2	9%	7%	8.5%
C4	15%	4%	11%
C1	11%	10%	11%

Our ARC members, who volunteer to deploy, perform exceptionally down-range in every conceivable job. Many of the jobs don't match the advertised job description, but the Reservists adapt and perform admirably. Many ARC members have filled leadership positions that could not be filled with active duty JAGs and paralegals. We are extremely proud of our ARC deployers, and we owe a huge debt to them for taking those jobs and performing so well.





## Spotlight on

### Colonel Jim Caine

Colonel Jim Caine deployed to the International Security Assistance Force (ISAF) for seven months, where he served as Chief, Rule of Law (RoL). He led a NATO team consisting of French, German, British, Czech, and American officers in mentoring the Afghan RoL ministries including the Ministries of Justice and Interior as well as the Supreme Court and Attorney General. He also served as the staff focal point for all RoL activities at ISAF. As the RoL environment is extremely crowded and civilian lead area of effort, Col Caine spent much of his time working with international organizations. His major accomplishment was to lead and shape a dialogue on how the Afghan form of “traditional justice” involving

village leaders resolving disputes was potentially similar to many alternate dispute resolution practices and how these techniques could be best tied into the underdeveloped Afghan formal justice system. Additionally, through a regular program of briefings provided to the ISAF commander, Col Caine was able to highlight a critical funding shortfall and secure additional funding and vehicles for Afghan Judicial Security Units. This had a key impact on RoL as prior to the deployment of these judicial security units, judges were being killed. Finally, Col Caine planned and acquired funding for the first Afghan Ministry of Justice led RoL conference in downtown Kabul.



*Col Caine with the ISAF team*



*Col Caine at ISAF HQ during the 2011 big snow storm*

# AFSOC

## AIR FORCE SPECIAL OPERATIONS COMMAND



*Col Larry D. Youngner  
Staff Judge Advocate*



*CMSgt Darrell Hixon  
Command Paralegal Manager*

**A**ir Force Special Operations Command (AFSOC), headquartered at Hurlburt Field, Florida, provides special operations forces for worldwide deployment and assignment to regional combatant commands. AFSOC's core missions include battlefield air operations; agile combat support; aviation foreign internal defense; information operations; precision aerospace fires; psychological operations; specialized air mobility; specialized refueling; and intelligence, surveillance, and reconnaissance. Throughout the past year, JAG Corps legal professionals played crucial roles in the accomplishment of those missions by providing world class legal support, both at home station and in deployed locations across the globe.

The AFSOC Legal Office (AFSOC/JA) delivers professional, candid, independent counsel to SOF Commanders

worldwide. In 2011, AFSOC's main focus continued to be operations to deter, disrupt and defeat terrorist threats. In FY11, AFSOC conducted an estimated 12,891 combat sorties resulting in 58,048 combat flying hours, and transported approximately 46,123 passengers and 36.4 million pounds of cargo. AFSOC JAGs and paralegals, both at home station and deployed downrange, provided essential support to these missions and other joint special operation forces (SOF) operations.

An early challenge came from Mother Nature when a 9.0 earthquake and 33-foot tsunami hit Japan on 11 March 2011. In response, a team of more than 300 Air Commandos deployed on a Humanitarian Assistance/Disaster Relief mission, Operation TOMODACHI. Airmen from the 353d Special Operations Group (SOG) at Kadena AB,

Okinawa, Japan, delivered relief supplies to Sendai Airport and resupplied their forward deployed forces with much-needed supplies and personnel. Members of the 353 SOG, 320th Special Tactics Squadron (STS), Detachment 3, and 25th Intelligence Squadron worked around the clock, assisting Japanese emergency management officials, to reopen two strategic airfields and establish a central hub at Sendai Airport. Captain Reagan Beaton, then AFSOC's JAG assigned to the 353 SOG, deployed and played a vital role in providing legal counsel to SOF commanders who were heavily engaged with U.S. and Japan Ground Self-Defense Force personnel. In the end, the AFSOC team enabled humanitarian aid to reach Japanese citizens affected by the earthquake and tsunami.

AFSOC handled the oversight and processing of four accident inves-

tigation boards (AIBs). Technical Sergeant Brian Meeker from the 1st Special Operations Wing (SOW)/JA, Hurlburt Field, Florida, served as the AIB recorder for a 15 March 2011 incident where an MQ-1B Predator departed the runway and impacted a perimeter fence at a deployed location near the Horn of Africa. Staff Sergeant Marry Allen from 27 SOW/JA, Cannon AFB, New Mexico, served as the AIB recorder for a 5 May 2011 incident where an MQ-1B Predator crashed northeast of Kandahar Air Field, Afghanistan. Of special note was AFSOC's continued involvement in an AIB from 2010 regarding the loss of AFSOC's own Air Commandos during a 9 April 2010 CV-22 mishap near Qalat, Afghanistan. The resulting AIB report from this multi-month investigation was released to the public on 16 December 2010 and our AFSOC legal professionals continued to work on multiple legal issues as well as responses to numerous high-level inquiries throughout 2011.

AFSOC/JA oversaw the deployment of fourteen JAGs and paralegals to SOF-related duty locations in the CENTCOM, PACOM, AFRICOM, and EUCOM AORs. Additionally, AFSOC JAGs continued to fill, on a rotational basis, the staff judge advocate (SJA) position at the Combined Joint Special Operations Air Component (CJSOAC), which provides command and control of all special operations missions flown in both Iraq and Afghanistan in support of Operations NEW DAWN and ENDURING FREEDOM. AFSOC JAGs and paralegals deployed to several other joint special operations duty assignments, including Joint Special Operations Task Force-Arabian Peninsula (JSOTF-AP), Special Operations Command – Europe (SOCEUR), Joint Psychological

Operations Task Force (JPOTF), and Special Operations Task Force – West (SOTF-W). After being on station for approximately four months, Major Bradley Morris, the 27 SOW/JA Deputy SJA, responded to a short-notice tasking to fill a combat deployment to Africa serving with Joint Special Operations Task Force-Horn of Africa (JTF-HOA). AFSOC legal professionals also ensured the deployment readiness of our Air Commandos. Notably, AFSOC deployed a number of members during Operation ODYSSEY DAWN in Libya which led to the overthrow of Moammar Gadhafi. Additionally, AFSOC managed the constantly changing command and control structure for deployed expeditionary units, ensuring G-series orders and appointments to command were current and accurately reflected the myriad changes brought about by the increase in missions and the movement of command and control of SOF aircraft from Iraq to the Afghanistan theater of operations.

AFSOC's military justice program oversaw a robust year that enhanced the command's good order and discipline. In 2011, AFSOC prosecuted five summary courts-martial, 25 special courts-martial and five general courts-martial. Additionally, AFSOC's attorneys, with the vital assistance of paralegals, advised SOF Commanders in over 235 Article 15 actions and processed 151 discharges. In conjunction with AFOSI, both 1 SOW/JA and 27 SOW/JA investigated and successfully disposed of a significant number of cases involving the illegal use of Spice. For instance, at the 1 SOW, dorm sweeps and random tips contributed to either nonjudicial punishment or court-martial action for over 50 Airmen for use of spice.

The past year involved growth for the AFSOC community at 27 SOW at Cannon AFB, New Mexico. The support of the 27 SOW/JA was pivotal to identifying and resolving a myriad of environmental, contracting, fiscal, and other issues involved in the proposed New Mexico land gift to the Air Force and the potential expansion of the Melrose Range near Cannon. AFSOC/JA contributed to the coordination regarding the gift of approximately 10,000 acres of land which has been in the works for over three years and had to overcome numerous legal and political obstacles. Once donated and accepted, the new land will be appended to the Melrose Air Force Range, significantly increasing that range's value to both Air Force and Joint Special Operations readiness and training.

AFSOC growth at 27 SOW was also enhanced with the beddown and support of new Special Operations capabilities for the warfighter. The standup of the 522th Special Operations Squadron brought the first MC-130J Combat Shadow II into AF inventory. Cannon also saw the inactivation of the 25th Intelligence Squadron and stand-up of the 43d Intelligence Squadron. Along with the expansion to the mission comes more training of warfighters, which in turn led to more Flying Evaluation Boards (FEB). Captain Aaron Kirk from 27 SOW/JA attended the AFSOC ATSO 21 initiative at Hurlburt Field to streamline the FEB process.

The 27 SOW proposed the establishment of a Low Altitude Tactical Navigation Area (LATA) to provide much needed, realistic, high-altitude, desert training to aircrew. Balancing these training needs with the concerns of the community was the top priority of 27 SOW as they embarked on an

environmental assessment (EA) of this training area. Captain Jeffery Waddell and Captain David Ennis, both from 27 SOW/JA, and Mr. David Charitat from AFSOC/JA spent a combined four weeks traveling with the 27 SOW Vice Wing Commander to public comment hearings in the surrounding communities to educate the public and to accept comments into the official record. The EA process on the LATA required government-to-government consultations with the state governments of New Mexico and Colorado as well as a number of American Indian tribes.

AFSOC has been heavily involved in getting modernized housing for both

Cannon and Hurlburt Field. The 27 SOW embarked on a Military Housing Privatization Initiative to modernize housing at Cannon, which is one of six bases grouped together to form one housing privatization project known as the Northern Group. New house ground-breaking is expected by mid-2012.

AFSOC legal professionals continued to focus on the importance of the legal assistance services we provide to our members, dependents, and retirees. In 2011, AFSOC provided critical legal assistance support to 6381 clients and produced 11,409 documents to include powers of attorney, advanced medical directives, wills, and many

more. Of special note in this area was an amazing 1064 power of attorneys prepared by paralegals. In the area of tax assistance, AFSOC had a total of 6,308 electronic and 208 paper federal/state income tax returns prepared which saved our Airmen \$687,247.00 in tax preparation fees. This outstanding legal support resulted in an amazing \$1,420,975.00 consultation fees savings for our valuable SOF clients.

Through all the deployments, major events and daily legal support of operational missions, AFSOC's JAG Corps remained "Quiet Professionals Helping Quiet Professionals."



## Spotlight on

# 24 AF/JA Cyber Operations Team

**M**ajor Clayton Richter, Cyber Operations Law attorney, along with Master Sergeant Brian Mayhew, Operations Law Superintendent, are imbedded in the 624th Operations Center near Lackland AFB. This 24/7 organization reports directly to the 24th Air Force Commander and provides command and control for full-spectrum cyber operations worldwide as well as defense of the Air Force network. This outstanding team spots issues and advises on time critical cyber operations issues every day—from mission authorities to rules of engagement—for our cyber operators. In addition to their regular duties, they recently facilitated a mission critical, inter-command investigation of a cyber incident that directly impacted air operations.

When command became concerned about lagging computer performance which was critically impacting an operational mission across several bases, MSgt Mayhew sprung into action. He gathered and assembled over 50 pieces of evidence (some classified) that allowed two general officers from different commands to quickly see the urgent need to appoint joint investigating officers. The JAG/paralegal team was instrumental in helping the dual investigating officers interview almost 30 witnesses across four installations while gathering 327 classified and unclassified exhibits. These herculean efforts allowed the investigators to determine root cause, while making recommendations for vital changes to the way

the Air Force network operations commander (another 24 AF/CC hat) handles defensive measures and orders for configuration changes to information systems.

The 24th Air Force legal office has found paralegal teaming to be a true force multiplier for providing advice to cyber operators. Many, if not most, cyber operators are relatively young or mid-level enlisted personnel. Our paralegals have a unique ability to interact with these operators, spot issues and bring them to our JAGs for resolution when necessary. This unified effort, utilizing myriad skills, has allowed all our legal cyber warriors to provide advice at the speed of need.



*Maj Clayton Richter, Cyber Operations Law attorney, along with MSgt Brian Mayhew, Operations Law Superintendent*

# AFSPC

## AIR FORCE SPACE COMMAND



*Col Craig A. Smith  
Staff Judge Advocate*



*CMSgt Robert J. Hudson  
Command Paralegal Manager*

**A**ir Force Space Command (AFSPC) is responsible for identifying space and cyberspace requirements and presenting those capabilities and forces to Unified commands with the unified command plan (UCP) authority and responsibility to execute space and cyberspace missions. 14 AF (AFSTRAT) and 24 AF (AFCYBER) are designated as component numbered air forces (C-NAFs) through which space and cyberspace forces are presented to joint force commanders (JFCs). The command oversees a \$12 billion acquisition program for space and cyber systems procurement and sustainment.

The Air Force Space Command legal office (HQ AFSPC/JA) advises the AFSPC commander and headquarters staff on all legal and policy issues involved in organizing, training and equipping the Air Force's space and cyberspace forces.

The **Space, Cyberspace, and International Law Division** worked a multitude of seminal issues during the year including reviewing the development and testing of highly classified space programs and capabilities. The division supported the HQ AFSPC-led multi-agency Tiger Team assessing potential interference with GPS by a broadband network proposed by LightSquared. In concert with HQ AF/JAO and HQ 24 AF/JA, the division standardized and streamlined the cyber capability review process, significantly reducing the time required to get cyber capabilities to the warfighter. The division also developed a space, cyberspace, and international law electronic library providing the entire Air Force access to over 900 legal and policy documents.

The **Training Division** worked closely with AF/JAG and The Judge Advocate General's School to transform paralegal and attorney training into a more collaborative and deliberative

process. Through close cooperation with AF/JAG, the division unveiled the first command-wide JA training program. HQ AFSPC/JA's beta test of the training templates proved invaluable as AF/JAG utilized feedback from the command to tailor the training templates to the customers' needs. The division also broke new ground by teaming with AF/JAI on one of the first Article 6 Part I Inspections to be synchronized with a MAJCOM IG consolidated unit inspection.

The **Military Justice Division** teamed with Public Affairs to handle a number of high-profile misconduct cases receiving media attention. The division worked with the command's Sexual Assault Response Coordinator and regional AFOSI leadership to develop AFSPC/CV leadership-emphasis messages. The CV-led video dramatization of a bystander intervention success story, posted on Facebook and presented at the AF Leadership Summit on Sexual

Assault Prevention and Response, was distributed throughout the command.

The **Civil Law Division** supported an investigation of a high-interest mishap involving the first Advanced Extremely High Frequency satellite, in which the satellite initially failed to achieve its intended operational orbit. The division briefed all of the command's installation-level IGs during their annual conference. The division worked closely with SAF/GCA and HQ AFSPC/IG to support the investigation and successful resolution of two whistleblower disclosure cases submitted to the U.S. Office of Special Counsel. The division conducted or supported all tiers of training in preparation for the repeal of 10 U.S.C. 654 ("Don't Ask Don't Tell").

The **Operations Law Division** worked with HQ AFSPC and NGB staff to craft the future architecture and command relationships at Clear AFS AK (for a space warning

squadron) and at McConnell AFB with the Kansas ANG (for a network operations support squadron).

The **Administrative Law Division** provided counsel to the command on acquisition, commercial, environmental, ethics, fiscal and real property law. Division personnel worked closely with AFLOA/JAQ to coordinate efforts of over 60 DOJ, SAF, HAF, MAJCOM and wing personnel at eight bases to craft corrective action which saved a \$204 million Multiple-Wing Logistics Support Contract insourcing effort at the Court of Federal Claims-then did it again to defend another insourcing action at Patrick AFB. Together, these two cases paved the way for the Air Force to request dismissal of all future protests of AF in-sourcing decisions. The Commercial/Space Launch branch worked closely with the Office of Management and Budget to improve a legislative proposal for authority to accommodate com-

mercial space launch requirements at DOD launch ranges.

The **Advanced Space Operations School (ASOpS)** and the **National Security Space Institute (NSSI)** provide space education and training programs for 1500-1800 joint space professionals each year, ranging in rank from E-3 to O-9. With the separation of the two schools, most courses were revamped this year by the JAG instructor. The legal lessons in each course provide space operators with the knowledge to understand the parameters of space operations established by domestic and international law using classified and unclassified real-world scenarios. The goal is to demonstrate the interplay between law, policy, and strategy drawn from maritime, air and cyberspace domains for application in space operations so students see the possibilities for law as a facilitator of strategic objectives rather than a hindrance.



# AMC

## AIR MOBILITY COMMAND



*Brig Gen David C. Wesley  
Staff Judge Advocate*



*CMSgt Steven J. Fitzgerald  
Command Paralegal Manager*

**T**he Headquarters Air Mobility Command Legal Office (HQ AMC/JA), Scott Air Force Base, Illinois, provides timely, accurate, and efficient legal and ethics advice to commanders, Airmen, and their families in order to promote successful accomplishment of Air Force global mobility missions, maintenance of good order and discipline, and enhancement of the quality of life. The global mobility mission encompasses over 900 flights a day 24/7/365 supporting combat operations, refueling, transport, humanitarian relief, aero medical evacuation, and special air missions.

In 2011, HQ/AMC JA oversaw the creation of the Contingency Response Wings Concept of Operations, the transformation of the HQ USAF/

EC legal office, the creation of innovative military justice initiatives, an expansion of their legal assistance capabilities, two deployments, and, finally, they hosted the Court of Appeals of the Armed Forces (CAAF) for an outreach argument.

### **Contingency Response Wings and Expeditionary Center**

In an effort to address the need for rapidly deployable mobility assets and the continued emphasis on security cooperation in developing nations, AMC's two contingency response wings at Travis AFB and JB McGuire-Dix-Lakehurst began forging their Concept of Operations to build partnership capacity with AFRICOM and SOUTHCOM. The CRW legal advisors have become an integral piece of the Air Force's capac-

ity to develop the mobility assets of our allies.

Further, with the realignment of four wings from 18 AF to the Expeditionary Center, the EC/JA has grown from a training focused mission to providing NAF-level courts-martial support.

### **Military Justice Initiatives**

This past year AMC bases saw great changes in terms of trial resources for courts-martial. Ten military psychologists and psychiatrists were trained as expert consultants for AMC bases to use in courts-martial. In addition to mental health experts, AMC funded the training of two DOD employees as forensic computer examiners. The use of organic AMC capabilities will reduce scheduling and financial burdens for the MAJCOM. These efforts



will hopefully assist AMC wing offices, which are striving to find efficiencies in the courts-martial process.

### Expanded Legal Assistance

In September of 2011, General Wesley filed notice with the Illinois Supreme Court that members of the 375 AMW legal office were authorized to appear in civilian courts to represent active duty members of the armed forces, their dependant family members, and other military members eligible for legal assistance. While limited, this authorization is the culmination of an effort to provide military legal assistance attorneys with the ability

to not only gain real world experience but to see their client's cases through to the end.

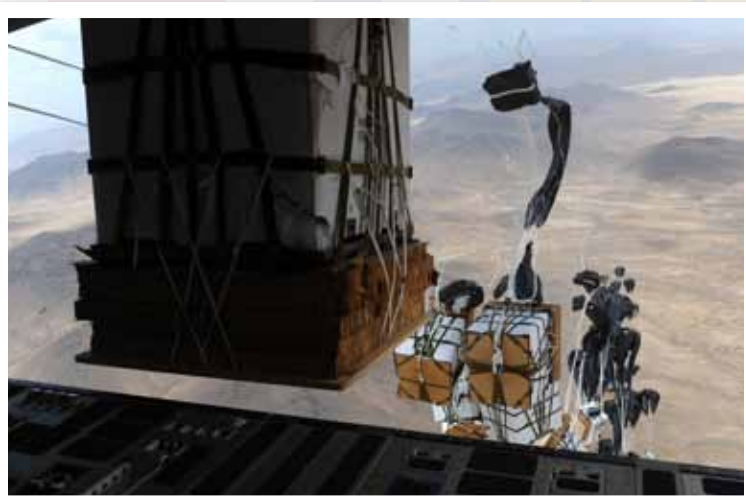
### Deployments

HQ AMC/JA team members Lieutenant Colonel Mynda Ohman and Master Sergeant Karana Rice deployed from their office this past year. Lt Col Ohman deployed to Liberia, where she assisted the Liberian Army's development of its own JAG Corps. Her efforts in Africa greatly assisted the nascent legal services of Liberia by shaping the training curriculum and building military/legal partnerships. MSgt Rice deployed to Al Dhafra serving as the NCOIC of Military Justice. In addition to her

daily duties, MSgt Rice excelled as a mentor and leader by taking a young airman, who was denied reenlistment, and turning her into an award winner before the six months was over.

### CAAF

In November, CAAF visited St. Louis and Scott AFB for oral arguments as part of CAAF's Project Outreach. First, CAAF heard arguments at the Washington University School of Law in the case of *United States v. Hayes*. The following day, HQ AMC/JA, 18 AF/JA, and 375 AMW/JA hosted CAAF on Scott AFB to hear arguments in the case of *United States v. Fry*. Both venues allowed local law students, members of the Missouri and Illinois bar, and military members to experience a once in a lifetime opportunity to hear an appeal litigated in front of the highest military court.



# PACAF PACIFIC AIR FORCES



*Col Tonya Hagmaier  
Staff Judge Advocate*



*CMSgt Bernadette L. Hamilton  
Command Paralegal Manager*

**H**oused in the historic barracks damaged by enemy fire on 7 December 1941, the Office of the Staff Judge Advocate, Headquarters, Pacific Air Forces (PACAF/JA), Hickam Air Force Base, Hawaii, remains engaged in the United States' mission to provide peace and stability in the Asia-Pacific region. The Pacific area of responsibility (AOR) is unmatched in size and diversity, spanning from the U.S. west coast to the African east coast and from the Arctic to the Antarctic, covering 105 million square miles, 43 countries, and sixteen time zones. The AOR contains approximately 60 percent of the world's population, which represents over 1,000 languages and dialects and accounts for over one-

third of the global economic output. Moreover, the unique location of the Strategic Triangle (Hawaii-Guam-Alaska) gives the U.S. persistent presence and options to project U.S. airpower from sovereign territory. The PACAF mission is to provide U.S. Pacific Command (USPACOM) integrated expeditionary Air Force capabilities to defend the Homeland, promote stability, dissuade or deter aggression, and swiftly defeat enemies.

PACAF/JA's primary clients include the Commander, Pacific Forces (COMPACAF), 18 headquarters staff directors, and 14 subordinate numbered air force (NAF) and wing legal offices. The four PACAF NAFs all have unique, yet critical, missions

that require close coordination with, and support from, local and national leaders in U.S. territories and from host country officials at local and national levels in allied countries in which we operate or have a presence.

PACAF/JA and 13 AF/JA staff are currently involved in an ongoing merger of PACAF and 13 AF's mission and personnel. The mission of 13 AF is to plan, command and control, deliver, and assess air, space, and information operations in the Asia-Pacific region (excluding the Korea theatre of operations) across the security spectrum from peacetime engagement to major combat operations. The command is charged with planning, executing, and assessing operations in support of the

U.S. Pacific Command commander's objectives. Next year's merger will mean the majority of 13 AF personnel will become PACAF assets. PACAF will also assume 13 AF's mission, to include the day-to-day operations of the 613 AOC.

2011 was a year where they bid farewell to some, but said "Aloha" to others. From PACAF, Colonel Jerry Villarreal and Lieutenant Colonel Wendy Sherman departed to assume responsibilities as staff judge advocates. Arriving this year were their new Chief of Administrative Law, Mr. (Colonel, retired) John Dyer, Major (sel) Dylan Imperato, and Captain Aaron Wilson. For 13 AF/JA, they said farewell to Senior Master Sergeant Lori Vrooman, who retired from the Air Force after 22 years of faithful and

dedicated service. Lieutenant Colonel Michelle Tilford departed 13 AF to begin her new job at JAA. They were glad to welcome Lieutenant Colonel Terry McCollom, Lieutenant Colonel (sel) Rob Chatham and Master Sergeant Theresa Freeman into the 13 AF family.

This past year saw attorneys and paralegals from throughout PACAF respond to the tragic earthquake, ensuing tsunami, and potential nuclear reactor disaster in Japan. Headquarters PACAF/JA joined with 13 AF/JA to provide 24/7 legal support to Operation Tomodachi relief efforts. Lieutenant Colonel Chris McMahan deployed forward to Yokota Air Base to lend his direct support on the frontlines of this important humanitarian mission.

PACAF/JA personnel continued to deploy around the globe in support of ongoing operations. Major Tracy Park deployed to 386 AEW/JA, Ali Al Salem Air Base, to serve a six month tour as SJA. Master Sergeant Sean Castillo spent six months deployed as Law Office Superintendent at 455 AEW/JA, Bagram Air Field, Afghanistan. Master Sergeant Donna Larkins deployed to Liberia, Africa, for six months as part of a unique effort to train and educate the Liberian Armed Forces on the benefits and fundamentals of military justice. Finally, Technical Sergeant Sarah Peterson is currently deployed to the Philippines as part of JSOTF-P. From 13 AF/JA, Colonel Stephen Shrewsbury is currently deployed to Kabul, Afghanistan, as the ISAF Deputy SJA.



# USAFE

## UNITED STATES AIR FORCES IN EUROPE



*Col Jeffrey A. Rockwell  
Staff Judge Advocate*



*CMSgt Steven L. Wallace  
Command Paralegal Manager*

**U**SAFE supports EUCOM and AFRICOM missions with forward-based air power providing combat-ready forces, ensuring strategic access, strengthening relationships with allies, deterring aggression, and building partnerships and partnership capacity. In 2011, USAFE once again demonstrated its ability to execute its missions as it responded to contingencies across Europe and the African continent. Operations ODYSSEY DAWN (OOD) and UNIFIED PROTECTOR (OUP) truly capture the import and impact of USAF assets forward deployed to the European theater.

In the spring, Libyan citizens launched a peaceful protest demanding the establishment of a democratic government. The autocratic Moammar Qaddafi-led government sought to

quash this mandate with armed force and violence. As the United States and Europe supported the Libyan populace with humanitarian aid, the UN sought stronger measures to protect the people of Libya from the Qaddafi regime.

On 18 March, the UN adopted UNSCR 1973 authorizing the use of force to protect the Libyan civilian population from pro-Qaddafi forces. The measure included enforcement of a no-fly zone over Libya and of an arms embargo against the Qaddafi regime. The United States formed an international coalition employing military action to enforce the resolution.

USAFE forces provided immediate and direct support to AFRICOM as they led this coalition in the planning and execution of OOD to enforce

UNSCR 1973 and assist the people of Libya. OOD brought together a unique international air power team with contributions from European and Arab partners. OOD involved a series of strikes against air defense systems, command and control structures and other capabilities in Libya. As stated by the President, the goal of OOD was to obtain a “rapid, but responsible, transition of operations to coalition, regional or international organizations...”

Legal assets from across USAFE, 17 AF, 3 AF headquarters and all base legal offices joined together to meet the demanding legal challenges spanning two COCOM AORs and twelve contributing nations. Base legal office staffs surged to support their home station tanker, fighter, ISR, C2 and airlift assets tasked to OOD. USAFE

judge advocates and paralegals deployed throughout the AOR to advise and assist the commanders and operators executing OOD including, commanders' staffs at the Joint Task Force aboard the USS MOUNT WHITNEY, the Joint Forces Air Component Command, the Joint Air Operations Center, the 603 AOC, the 617 AOC, and the Tanker Task Force forward deployed to Morón AB.

USAFE legal professionals advised on rules of engagement, law of armed conflict, special instructions, target-

ing—deliberate, dynamic and time-sensitive, national caveats, personnel recovery, strategic communication, humanitarian assistance, information operations, NEOs, and safe-maritime passage. Within two weeks of the UN passing UNSCR 1973, OOD planned and executed over 2000 kinetic, ISR, CAP, airlift and air refueling missions.

OOD also laid the groundwork enabling NATO to take over C2 of operations. By 4 April, the United States completed transfer of responsibility for the military operations in

Libya to NATO under OUP. USAFE forces and bases remained heavily engaged in operations as part of the United States contribution to OUP. USAFE legal personnel in-briefed NATO legal advisors, provided reachback support and ensured a smooth transition of the targeting and humanitarian missions. Working together, USAFE legal assets at all levels delivered the professional, candid, timely legal services that are the hallmark of the JAG Corps.



## Spotlight on

# A Tribute to Mr. Dwayne Ash



*Mr. Dwayne Ash*

On May 10, 2011, PACAF lost a valued, life-long Airman when Mr. Dwayne Ash, the court reporter at Kadena Air Base, passed away due to complications from cancer.

Mr. Ash was affiliated with the military since 1954 when he enlisted in the United States Air Force. During his active duty career, he honorably served in three diverse career fields: Public Affairs, Administration, and Legal Services. He directly supported various special assignments with the Air Force Passport Liaison Team at the Pentagon and with the 8th Air Force Inspector General's Team. Additionally, he completed two years of combat duty in Vietnam; one year at Cam Rahn

Bay and a year at DaNang. In 1980, Mr. Ash retired from active duty as a Master Sergeant and began a brief career with the El Paso County Clerk's Office in Colorado. He later joined the Air Force's Civil Service employment and worked eighteen years as a court reporter and eight years as an Executive Paralegal. Mr. Ash was very active in the Veterans of Foreign Wars organization and was the Commander for the Okinawa District from 2008 to 2009.

In October 2001, Mr. Ash relocated to Kadena Air Base after serving eight years at Headquarters Twelfth Air Force as an Executive Paralegal. He is survived and remembered by his wife Mitsu (Oshiro) Ash, and his three children Paul, Vernon, and Jennifer in addition to several grandchildren and countless family and friends. Mr. Ash was memorialized by family, friends and co-workers at a retreat ceremony held at Kadena Air Base.


 Spotlight on

## Captain Timothy K. Dinin



*Capt Timothy K. Dinin*

Component—OOD (JSOAC-OD). As the JSOAC-OD legal advisor, Capt Dinin advised the commander on all aspects of the operation.

During the build-up for OOD, Capt Dinin advised on a variety of legal issues surrounding the forward deployment of more than 200+ AFSOC members and their associated aircraft at RAF Mildenhall. Through extensive research and close coordination with higher headquarters, he ensured treaty compliance with regard to the aircraft and ammunition brought into the United Kingdom (UK). With the arrival of aircraft and ammunition to the UK, came Airmen as well. Capt Dinin made certain these deployed Airmen were legally ready to accomplish the mission by giving briefings on host-country laws, OPSEC rules, and by providing legal assistance.

**C**aptain Timothy K. Dinin, 100 ARW/JA, was serving as the Legal Advisor to the 352d Special Operations Group prior to the onset of Operation ODYSSEY DAWN (OOD) on 19 March 2011, at which time 352 SOG/CC became a part of JTF OOD commanding the Joint Special Operations Air

During OOD, Capt Dinin advised the JSOAC-OD/CC on the initial ROEs and daily SPINS updates, while coordinating heavily with SOCAFRICA/JA and the JTF-OD legal office to effectively advise the 352 SOG/CC on issues surrounding positive identification (PID) of enemy forces. After consulting with EUCOM and SOCEUR to determine if host-country permissions had been given to use forward locations closer to Libya, Capt Dinin provided critical advice and coordination on the ability to deploy key assets to a location much closer to operations in Libya for increased mission effectiveness. Additionally, he drafted fragmentary orders to be sent to HHQ to transfer control of key aircraft to JSOAC-OD. Capt Dinin's efforts culminated with providing critical ROE clarification on air to ground engagement prior to kinetic strikes.

In addition to the major legal work involving operations and administrative law, there were many minor, but equally important, legal issues. Both home-station and deployed SOG members had last minute legal questions and issues as they faced the possibility of deploying further forward or, potentially, into Libya itself. By quickly dealing with disciplinary issues, Capt Dinin's efforts allowed commanders to focus on the mission, most of whom were spending 18 hours a day on operation planning and execution. Capt Dinin, with the support of the entire 100 ARW/JA team tackles each of these issues and provided direct support to the Air Commandos in England and over the skies of Libya, 1500 miles away!

# NUMBERED AIR FORCE LEGAL OFFICES

**W**ith a staff of experienced and specialized personnel, numbered air force (NAF) legal offices advise and assist NAF commanders and their staffs located across the globe on a wide variety of legal issues. Much of this advice is necessarily concerned with the administration of the military justice system since the majority of NAF commanders also serve as general court-martial convening authorities. In addition to military justice, however, NAF staff judge advocates and their staffs provide critical advice on matters such as environmental law, labor law, international law, civil law, and contract law—not only to the NAF personnel, but also to the base legal offices aligned beneath them. What follows is a summary of important accomplishments from representative NAF legal offices in 2011.



## **CONR-1 AF (AFNORTH)/JA (ACC) Tyndall AFB, FL**

Every day C-NAF, CONR-1AF (AFNORTH) lives the Total Force concept as REGAF, Reserve, Statutory Title 10 Guardsmen, Active Guard Reserve, Drill Status Guardsmen, Canadian Forces, Army, Navy, Air Force, Marines, civilians, and contractors work side-by-side. As the continental United States (CONUS), North American Aerospace Defense Command (NORAD) region command (CONR), and NORAD Combined Forces Air Component Commander (CFACC), these men and women share the sole responsibility for ensuring the air sovereignty, air defense, and maritime warning of CONUS, the Virgin Islands, and Puerto Rico. Additionally, Air Forces Northern (AFNORTH) is the Commander of Air Force Forces (COMAFFOR) and designated Joint

Forces Air Component Commander (JFACC) to United States Northern Command (USNORTHCOM), providing for the land and maritime defense of the homeland, and supporting local, state, regional, and federal emergency service agencies.

In March, AFNORTH's SJA, Lieutenant Colonel Diana Johnson, deployed to Travis AFB, CA, in support of USNORTHCOM led Operation Pacific Passage (OPP) evacuation effort. The operation focused on the voluntary return of military families from Japan in the aftermath of the deadly earthquake, tsunami, and partial meltdown of nuclear reactors that struck Japan. Some 7,000 dependents and their pets, stationed at military bases throughout Japan, transitioned to safe-haven throughout the U.S. as part of OPP. A joint military reception coordination center, consisting of military and civilian agencies, provided administrative, legal, financial, lodging, medical support and more to passengers before they departed on flights to their final destination.

In April, USNORTHCOM was tasked to deploy two Air Force Reserve C-130 air-

craft carrying the "Modular Airborne Fire Fighting System" (MAFFS) to Laughlin AFB, TX, to support Mexican authorities fighting fires in Northern Mexico and four similarly-equipped National Guard C-130 aircraft to Dyess AFB, TX, to help fight fires in Texas. Under the JFACC's direction, four C-130 Hercules aircraft equipped with the MAFFS deployed in response to wildfires that plagued Southern Texas and Northern Mexico. By September, AFNORTH had, through an incredible effort, conducted over 20 air drops over Mexico, dropping approximately 42,000 gallons of fire suppressant and retardant, and 22 air drops over Texas, dropping approximately 65,300 gallons of fire suppressant and retardant.

USNORTHCOM kicked off exercise ARDENT SENTRY 2011 on 16 May 2011, a 5-day multi-state disaster exercise simulating the catastrophic nature of a 7.7 magnitude earthquake. During this exercise, AFNORTH/JA had an integral role as part of the CONR-1AF (AFNORTH) Crisis Action Team (CAT), by being engaged in responding to multiple organizations in the coordination of multiple-jurisdictional integrated responses to the national catastrophic event.



In late August, Exercise Vibrant Response was conducted and it provided the opportunity to exercise the evolving response structure for chemical, biological, radiological, and nuclear (CBRN) consequence management and supported on-going CONR-1AF (AFNORTH) efforts to normalize unmanned aerial systems (UAS) and remotely piloted aircraft (RPA) utilization in the national airspace (NAS). AFNORTH deployed JAGs from Air Combat Command (ACC) and Air Mobility Command (AMC) to support the Defense CBRN Response Force (DCRF) and one of the Command and Control CBRN Response Elements (C2CRE). Feedback from the JTFs indicates that our Air Force JAGs performed admirably in this joint environment. Additionally, through the combined efforts of our A3, A9 and JAG staff, this exercise marked the first time that live-fly UAS operations were approved by the Secretary of Defense (SecDef) and the Federal Aviation Administration (FAA) for operations in the NAS for an exercise.

Finally, CONR-1AF (AFNORTH) also participated in other national exercises, conducted air defense for National Special Security Events, and supported the last Space Shuttle flight, the G8 and G20 Summits, Hurricane Irene, and a host of other operational missions.



### **2 AF/JA (AETC) Keesler AFB, MS**

2 AF is responsible for conducting basic military and non-flying technical training for Air Force, joint, and coalition enlisted members and support officers. In addition to traditional wings at Keesler AFB,

Sheppard AFB, and Goodfellow AFB, 2 AF also includes the 37th Training Wing at Lackland AFB and the 381st Training Group at Vandenberg AFB, as well as smaller detachments worldwide. 2 AF oversees the training of approximately 149,000 Airmen annually via 2,500 courses in 250 officer and enlisted AF specialties. 2 AF also provides oversight of Airmen completing Army training in preparation for joint expeditionary taskings (JET). The Office of the Staff Judge Advocate (2 AF/JA) supports these missions by advising the commander on a myriad of legal issues while ensuring fair, efficient, and sound processing of administrative and judicial actions.

HQ 2 AF is organized to reflect an operational emphasis and has a command structure organized around a Technical Training Operations Center (TTOC) containing four divisions: strategy, plans, operations, and analysis. The JA function is a staff function reporting directly to the commander. 2 AF/JA continues to provide legal support to JET Airmen and their leadership through the 602nd Training Group (Provisional). In FY11, approximately 5,000 Airmen were trained in accordance with combatant commander requirements at numerous power projection platforms around the country for deployments taking them “outside the wire.” 2 AF/JA also provides legal support to our JET Airmen (while in training) and their on-site leadership through the TTOC.

2 AF consistently remains one of the busiest NAFs in the Air Force for military justice actions, supporting a general court-martial convening authority and special court-martial convening authorities at three dynamic training bases—Keesler AFB, Goodfellow AFB, and Sheppard AFB. During FY11, 2 AF bases completed 37 courts-martial, accounting for five percent of the AF total and 421 Article 15s, accounting for six percent of the AF

total. Finally, 2 AF bases completed an astounding 902 administrative discharges in FY11.

Along the way, 2 AF/JA also instituted weekly command-wide justice meetings and monthly training by VTC, enabling the leveraging of this technology to facilitate the cross-flow of information. They have already achieved improvements in areas such as the Victim Witness Assistance Program and AMJAMS inputs as a direct result of this training. Continuous improvement is just one of the attributes that continues to make Second Air Force second to none!



### **3 AF/JA (USAFE) Ramstein AB, Germany**

3 AF/CC is a designated EUCOM JTF commander—the only USAF commander assigned as a standing JTF commander. 3 AF/CC is the primary general court-martial convening authority for all of USAFE. These two missions alone demand the full expertise and commitment of the 3 AF/JA legal staff.

From its JAO division, 3 AF/JA supports the 603 AOC and the myriad of operation planning teams driven by EUCOM and USAFE mission sets. From NEOs to HA to POTUS support to kinetic operations, C-NAF commitments drive a robust steady state operations tempo. OOD and OUP highlighted the skill, dedication and capability of the entire 3 AF/JA staff as they surged to 24 hour operations in support of a JTF, JFACC and two AOCs. 3 AF/JA NCOs created a knowledge operations model that fed information near real time to in-garrison

and forward deployed legal teams. 3 AF/JA NCOs shepherded and resourced the numerous RFFs seeking legal assets across the AOR. 3 AF/JA officers were prepped and deployed with 24-hour notice. 3 AF/JA is a mission ready, mission tested legal team that, everyday, reinforces commanders' confidence in the value the JAG Corps brings to the fight.

3 AF/JA brings full spectrum military justice support to the MAJCOM, NAF and installations. As of mid-October, 3 AF/JAJ processed and provided oversight for over 550 Article 15s and over 70 courts-martial including a high-profile murder case that necessitated side-by-side cooperation with host nation authorities who investigated and prosecuted a companion case in the local court. But more than that, 3 AF/JAJ provides mentoring, and military justice management tools to the force. 3 AF/JAJ engagement and real time feedback efforts netted marked improvements in substantive advice and courts-martial processing across the command. The continuing emphasis of commanders on, and support for, JA and law enforcement partnering is changing the culture across the command to more appropriately and effectively focus resources earlier in the process to achieve a more efficient military justice system across the board.

### 3 AF-UK/JA (USAFE) RAF Mildenhall, United Kingdom

3 AF-UK/JA underwent an incredible year of change in 2011. In January 2011, the office moved to a new headquarters building on RAF Mildenhall thanks to a \$100,000 renovation effort. All the while, their business continued at its normal high ops tempo, never missing a beat in the expert delivery of legal services affecting 25,000 U.S. Visiting Force members from all branches of service posted in the United Kingdom.

But the most significant change was the retirement of Mr. Lyndon B. James, 3 AF-UK's Director of International Law after 25 years of service. A Reichart Award winner and a fixture in NATO SOFA practice and all things UK, Mr. James leaves us a great legacy. Fortunately, the international law practice at 3 AF-UK remains in good hands with Mr. David Feehan and Mrs. Heather Middleton, who joined the 3 AF-UK team in the spring and is doing incredible work for USAFE. 3 AF-UK/JA said goodbye to Master Sergeant Aimee Schlenker after three years of superb service; MSgt Schlenker was replaced by Master Sergeant John Locke, who came from Eielson AFB, AK.

The success stories for 3 AF-UK/JA are numerous. For example, 3 AF-UK/JA developed a new Health and Safety Memorandum of Agreement that accom-



*Members of the 5 AF/JA Operation Tomodachi Legal Team: (L to R) Mr. John Madsen, Lt Col Chris McMahan, MAJ Ann Ching, Mr. Dale Sonnenberg, Colonel Zeb Pischnotte, CDR Jon Odom, CAPT Stuart Belt, Mr. Ed Bloom, CAPT Mike Shaw, Lt Col David Dusseau, Maj Jeremy Anderson, TSgt Adam Smith*

modates the UK workforce embedded in the USAF chain of command while protecting the U.S. Force's sovereign interests. They also secured an agreement exempting certain immigration requirements for U.S. Forces' dependents. Working directly for the U.S. Country Representative to Her Majesty's Government, Major General Mark R. Zamzow, the Division engaged

in face to face meetings with UK civic leaders an average of 12 times per month; Colonel James Durant, the Director of Legal Services, personally engaged with UK governmental officials on 25 separate occasions on behalf of the U.S. Country Representative.



### 5 AF/JA (PACAF) Yokota AB, Japan

5 AF/JA, Yokota Air Base, Japan serves as the HQ PACAF forward element in Japan and as the peacetime air component to U.S. Forces Japan (USFJ). The staff judge advocate is dual-hatted under 5 AF (JA) and USFJ (J06). 5 AF/JA also serves as the Single Service Claims Responsibility for all of Japan and advises the commander on a wide array of issues including foreign criminal jurisdiction, international law, general law, and military justice. In the role as numbered air force and sub-unified legal office, 5 AF/JA provides functional oversight to Air Force, Army, Navy, and Marine Corps legal offices on Japan.

In the past year, the efforts of the legal office have been instrumental to the success of the 5 AF mission. Following the devastating earthquake and tsunami, the legal team quickly responded, advising commanders on legal authorities relative to emergency, humanitarian relief. In the ensuing nuclear crisis involving the Fukushima-Daiichi Nuclear Plant, the legal office took on an expanded role, including foreign consequence management, bringing in augmentees

from all services. Paralegals, attorneys, local national employees, and support staff worked tirelessly together to ensure 24/7 support on a myriad of issues, including environmental, international, claims, and fiscal issues, garnering accolades from senior U.S. and Japanese officials.

As part of our regional defense strategy, 5 AF and USFJ continue to maximize partnership capabilities and foster bilateral cooperation. In that regard, 5 AF/JA sponsored legal liaison and training activities with personnel from the Japanese Self-Defense Force, including hosting the Law Day event at Tokyo, Japan. During the Law Day event, the Government of Japan Minister of Justice lauded the extraordinary professionalism and dedication of the USFJ and 5 AF legal professionals. He stated the support provided during Operation Tomodachi would never be forgotten by Japan.

5 AF/JA continues to provide key support on significant initiatives to promote interoperability and cooperation, including assisting in the groundbreaking relocation of Japanese Air Self-Defense Force, Air Defense Command, to Yokota AB, which is scheduled to occur in 2012. 5 AF/JA also serves as the chairman on U.S.-Japan subcommittees on criminal jurisdiction, prison affairs, and civil jurisdiction, thereby ensuring due process protection to service members, dependents, and civilian personnel.

5 AF/JA personnel also garnered special recognition within the command. Ms. Holly Miller and Technical Sergeant Renee Cenov were recognized as the top civilian and noncommissioned officer for the year. Captain Wendi Sazama and TSgt Cenov also were recognized respectively as the 5 AF company grade officer and noncommissioned officer of the quarter.



### **7 AF/JA (PACAF) Osan AB, ROK**

Ever-present tensions between North Korea and the Republic of South Korea (ROK) came close to boiling over at the end of 2010 with a North Korean artillery barrage upon one of South Korea's Northwest Islands, killing two ROK Marines and two civilians, and wounding dozens. This incident, just months after the North Korean sinking of a South Korean naval vessel in the same vicinity, resulted in both Korea's military forces being on high alert for almost two months. As a result, U.S. forces on the Korean peninsula and elsewhere in the region geared up for the possibility of a wider conflict. Thankfully, this did not materialize.

Throughout the crisis, 7 AF/JA provided nearly round-the-clock counsel to Lieutenant General Jeffrey Remington, the triple-hatted commander of 7 AF, commander of Air Forces Korea (AFKOR), and deputy Combined Forces Command (CFC) commander, and his staffs, advising on issues from application of self-defense principles to preparing to receive follow-on forces. Of special note, an armistice rules of engagement targeting matrix created by the 7 AF deputy SJA, Lieutenant Colonel Suzette Seuell, clarified strike authorities and restrictions for the air component commander, Korea Air Operations Center (KAOC) Combat Operations staff and for CFC Component Commanders, all of whom used it extensively during the crisis and since.

In addition to providing "real-world" support for the air component commander, 7 AF/JA personnel spent nearly ten weeks operating out of the KAOC in support of six joint and bilateral exercises including CJCS exercises KEY RESOLVE and ULCHI FREEDOM GUARDIAN. In support of these exercises, 7 AF/JA bedded down and provided intensive week-long training to 13 JAG Corps augmentees from across the Air Force on all aspects of air operations center operations and the Korean theater of operations, seamlessly integrating them into the five major KAOC divisions.

Beyond the operational law arena, 7 AF/JA provided counsel on a full spectrum of legal and foundational issues including training, military justice, command relationships, ethics, international, civil, labor, environmental, and fiscal law despite the leadership turnover within an austere staff of three active duty military attorneys, one civilian attorney overhire, and two military paralegals. The office welcomed Colonel Mike O'Connor as the new SJA as Colonel Chris Dooley went downrange for a 365-day deployment. In addition, Deputy SJA Lieutenant Colonel Seuell was replaced by Lieutenant Colonel Mark Patterson while the law office superintendent (LOS) Master Sergeant Michael McGeever also moved on, leaving Master Sergeant Loretta Grantman double-hatted as LOS and NCOIC of Military Justice for four months.

In the military justice arena, 7 AF bases are on track to complete 20 courts-martial in 2011, with 92 percent meeting pre-ferral to action standards as of October 2011. Bases in 7 AF also made significant improvements in both date of discovery-to-initiation processing as well as overall date of discovery-to-SJA review for Article 15s, with a 14 percent improvement in the 30-day metric and a 17 percent improvement in the 10-day metric—all the while completing 95 percent within

20 days of initiation. It is noteworthy that this performance was achieved despite a nearly complete turnover of both base legal office staffs and 7 AF staff during the year.

7 AF/JA played a key role in numerous international law negotiations with our ROK counterparts, identifying approximately \$60 million in potential cost recovery for the Air Force, advocating for consistent application of the ROK-US status of forces agreement (SOFA) for anticipated operations of remotely piloted vehicle, guiding issuance of official duty certificates under the SOFA in a politically sensitive ROK prosecution, and protecting the United States from liability risks for continued domestic and potential international civilian airline operations on the Kunsan AB runway.

In addition to real world operations and daily legal functions, 7 AF/JA hosted Lieutenant General Harding and Chief Master Sergeant Vassallo for an Article 6 inspection in May, demonstrating that 7 AF/JA holds a firm hand on the sharpest spear in the Pacific Theater. Pilsung!



### **8 AF/JA (AFGSC) Barksdale AFB, LA**

The mission of the Mighty Eighth (8 AF/JA) is to safeguard America's interests through strategic deterrence and global combat power. The flexible conventional and nuclear strategic mission gives 8 AF the ability to deploy forces and engage enemy threats both from home station or forward positioned, anywhere and at any time. So it should come as no surprise that

the 8 AF/JA, after having worked through many issues associated with leaving one MAJCOM and becoming part of a new MAJCOM, once again experienced a productive year in overseeing, assisting with, and being directly involved in an extensive array of issues over the past year.

In addition to supporting two judge advocate deployments, 8 AF judge advocates played key roles in conventional and nuclear exercises as well as real world operations. Specifically, the office expanded the scope of legal support to the 608th Air Operations Center and initiated the process of formalizing an inter-COCOM judge advocate coordination process. By doing so, the legal office added value to its critical legal support role to 8 AF's strategic mission, improved the realism of its exercises, and helped ensure the best possible and well integrated legal advice and counsel to our nuclear mission.

In military justice, the office continued to empower and enable legal experts at base-level to successfully accomplish their missions. 8 AF legal professionals facilitating a court-martial workload that more than quintupled from the previous year. 8 AF judge advocates directly assisted with military justice activities by serving as Article 32 investigating officers and administrative discharge board legal advisors, and in one case, as a conscientious objector investigating officer, both within and outside the command.

In the area of legal assistance, Colonel Steve Meador, the 8 AF SJA, authorized Lieutenant Colonel Dan Rouse to conduct his annual tour at Minot instead of 8 AF to provide desperately needed flood-related legal assistance help. The 8 AF deputy SJA, Lieutenant Colonel Gilliland, later volunteered to go TDY to Minot to continue the efforts that Lt Col Rouse initiated. Lt Col Rouse developed a quick reference guide for use by JAGs; Lt

Col Gilliland used Lt Col Rouse's guide and developed a similar guide for military flood victims that AFLOA/JACA later distributed throughout the JAG Corps. Finally, the office continued to deliver spot-on ethics advice and counsel to the 8 AF commander and staff.



### **9 AF/JA (ACC) Shaw AFB, SC**

9 AF is located at Shaw AFB in South Carolina and is responsible for more than 350 aircraft and 24,000 active duty and civilian personnel across seven CONUS wings at Joint Base Langley-Eustis (JBLE), Moody, Shaw, Seymour Johnson, and Robins Air Force Bases. 9 AF is also responsible for training and equipping a number of diverse detachments and direct reporting units – the largest being two Red Horse squadrons at Hurlburt and Malmstrom Air Force Bases. 9 AF/JA provides primary oversight of four installation-level legal offices at JBLE, Moody, Shaw, and Seymour Johnson Air Force Bases and oversees the military justice programs at all seven 9 AF wings, coordinating military justice actions at those units which are tenants on installations belonging to other commands. The 9 AF legal office also provides legal counsel and administrative support to 9 AF bases in areas of ethics, contracts, fiscal, international and operations law.

2011 saw 9 AF mature as a headquarters; its wings were growing, changing, and increasing in complexity as well. Shaw AFB gained the Army's CENTCOM component command when 3rd Army/ARCEN stood up their new head-

## Spotlight on

### 8 AF Minot Flood

In May, the Minot, ND community learned that flooding in the center of town was imminent. When the flood arrived in late June, it was the most serious flooding in Minot in more than 100 years, quickly overflowing the flood plain and defying the community's efforts to keep it at bay.

The Minot legal office faced a daunting to-do list, from providing constant and complicated flood-related advice to commanders, to providing legal assistance to Airmen in need, to physically assisting with sandbagging and helping JAG Corps family members and others move themselves and their belongings to higher ground—all the while trying to process court-martials and Article 15s stemming from an expanding drug ring.

One critical issue concerned FEMA trailers and BAH. When FEMA initially declared that military members were not entitled to receive BAH while living in a FEMA trailer, Minot judge advocates worked steadfastly behind the scenes to find the legal basis for reversing that conclusion. Their successful

effort effectively put a free roof over the heads of military members and enabled them to continue their mortgage payments. The peace of mind these legal professionals created was simply priceless.

Unfortunately, many of the affected homeowners had no flood insurance and little equity in their homes. This meant they were faced with abysmal options and a lot of uncertainty. But once again, Minot legal office personnel, including 8 AF/JA reservist Lieutenant Colonel Dan Rouse, led the way. By clarifying and simplifying these complicated issues, their clients could more easily identify the options that were right for them. Also, Lt Col Rouse developed an invaluable guide on these issues so that legal offices will be better prepared.

This summer was an extremely difficult time in Minot, ND. However, through their consistently outstanding leadership, the Minot legal office delivered practical, palpable help to people and a community in need and demonstrated the positive impact that legal professionals can have.



*Minot Airmen help community as flood waters rise*



*Minot Airmen and local citizens work together to make sandbags*

quarters, providing proximity for the Air Force's and Army's headquarters on one installation. The 116th Air Control Wing, which had been a blended wing with National Guard and active duty components in a single wing, split into the Active Duty 461st Air Command Wing as an active associate unit of the 116th Air Control Wing of the Georgia Air National Guard. In addition to these basing issues, the administrative law division provided numerous ethics opinions, congressional inquiry legal reviews, inspector general and command-directed investigations, administrative discharges, and FOIA and Privacy Act reviews.

The year 2011 proved again to be a busy military justice year with 382 Article 15 actions administered by the 9 AF legal offices, as well as 44 courts-martial. 9 AF wings completed 25 general courts-martial, 10 special courts, and 9 summary courts. All four of the 9 AF installation legal offices did an outstanding job addressing a wide array of complex issues, while keeping a keen eye on the efficient and effective administration of military justice during a busy year.



### **10 AF/JA (AFRC) Joint Reserve Base NAS, Fort Worth, TX**

10 AF received the Outstanding Unit Award, including the JA office. The legal offices throughout 10 AF exemplified the Total Force concept, transitioning smoothly from RegAF to ARC, working side-by-side with RegAF offices, and transferring seamlessly within all three active reserve components, the Guard, the IMA program, and the TR (unit)

program. In addition to all the activity generated by the NAF restructuring that culminated in October 2011, along with the accompanying Reduction in Force, and the two threatened government shut-downs, our JA offices provided amazing legal support with expeditionary war effort deployments, record numbers of CDIs, numerous administrative actions, and essential unit leadership. Throughout 2011, 10 AF/JA traveled to numerous bases to assist with inspection preparations and to train our Corps on legal issues and policies.

10 AF/JA also gained and lost members: It gained a new enlisted paralegal, Master Sergeant Tamiki Parks, and will soon be saying good-bye to Master Sergeant Tanya Williams when she deploys to the AEW. It will also be saying good-bye to Staff Sergeant Eugenia Fields as she returns to the IMA program at Sheppard AFB. Chief Master Sergeant Evelyn Mickles closed out the year with her retirement after 33 years of honorable and dedicated service. She helped select and train her successor, Senior Master Sergeant Maria Cachola, who transferred to 10 AF/JA from the IMA program. SMSgt Cachola will be promoted to chief master sergeant in January 2012.



### **11 AF/JA (PACAF) Joint Base Elmendorf- Richardson, AK**

11 AF JA supports the quadruple-hatted Eleventh Air Force Commander, Lieutenant General Stephen L. Hoog. In addition to his responsibilities as commander of Eleventh Air Force, Lt Gen Hoog is commander of Alaskan

Command (ALCOM), a subunified command of U.S. Pacific Command; Joint Task Force Alaska (JTF-AK), a U.S. Northern Command (NORTHCOM) task force; and Alaska NORAD Region (ANR), one of the three regions of NORAD, a bi-national command.

All 11 AF/JA personnel (JAGs, paralegals, and our civilian law office manager) supported real-world Northern Sovereignty Operations and OPERATION NOBLE EAGLE exercises for the Alaskan NORAD Region. Russian long-range aviation in the Arctic and in the vicinity of Alaskan air space remained steady throughout 2011. JAGs and paralegals manned the 611 Air Operations Center during ten real-world intercepts and 30 exercises and helped the 611th Air Operations Center team earn a "Mission Ready" ranking, the highest rating given during NORAD's Region Alert Force Evaluation.

ALCOM played a key role in EXERCISE VIGILANT SHIELD 2012, NORAD and NORTHCOM's premier joint training exercise focusing on strategic threats to the United States and Canada. The exercise involved over 200 Department of Defense participants, including the 11 AF legal team which provided 24/7 legal support to the exercise. Throughout the year, all JAGs in the office supported other joint 11 AF/ALCOM/JTF-AK/ANR exercises such as ARCTIC EDGE and RED FLAG, along with non-flying exercises such as AMALGAM ARROW, FENCING GAIN, and ARCTIC RESOLVE.

11 AF JAGs participated as standing members of ALCOM's Current Operations Group, Joint Planning Group and the Pacific Alaska Range Complex Vision team. JA also supported ALCOM on numerous environmental issues including the proposed Joint Pacific Air Range Complex Environmental Impact Statement process.

The 11 AF legal office also hosted an environmental restoration attorney assigned to AFLOA's Environmental Law Field Support Center. Mr. James Klasen retired from the AFLOA position this year and Mr. Steve Lufkin now fills this role on the Alaska legal team. Mr. Lufkin works an endless stream of restoration issues. In 2011, the Alaska duty location allowed travel to restoration sites at Wake Island in the Pacific and at Port Heiden, Alaska.

11 AF/JA continued to provide support and guidance on military justice issues to the wing legal offices of Joint Base Elmendorf-Richardson and Eielson Air Force Base. Support for the 20 court-martial (two GCMs, 14 SPCMs, and four SCMs) in 2011 ranged from drafting charges and assisting with motions, to implementing corrective measures during court-martial processing. 11 AF/JA also assisted commanders in administering 200 nonjudicial punishment actions pursuant to Article 15, UCMJ.



## 12 AF (AFSOUTH)/JA (ACC) Davis-Monthan AFB, AZ

12 AF serves as the air component (Air Forces Southern—AFSOUTH) to U.S. Southern Command (USSOUTHCOM), in addition to performing traditional numbered air force (NAF) functions for ten active duty wings and three direct reporting units. The Commander USSOUTHCOM, whose area of responsibility (AOR) includes Central and South

America, and the Caribbean, has designated the 12th Air Force Commander as the USSOUTHCOM Combined Forces Air Component Commander. Brigadier General Jon Norman, 12 AF



*12 AF Legal Team Row 1 (L to R): Maj Don Davis, Lt Col Stephen See, Col Jeff Slagle, MSgt Ronald Johnson, Mr. Omar Ojeda, CMSgt Larry Tolliver, and Capt Mark Evans. Row 2 (L to R): Mrs. Teresa DeCoste, TSgt Jessica Larsen, TSgt Rachel Staub, Capt Tiffany Williams, and Mrs. Victoria Quintanilla. (Not pictured: Maj Felix Sutanto and Maj Michael Freyermuth.)*

(AFSOUTH)/CC, exercises that authority through the AFSOUTH Combined Air and Space Operations Center and his Air Force staff. The fusing of traditional NAF responsibilities with those of an air component to a combatant commander, provides unique challenges and opportunities for 12 AF/JA.

### International and Operations Law:

As part of ongoing partnership building efforts, 12 AF/JA participated in subject matter expert exchanges (SMEE) and exercises with our partners throughout the Americas. In this year saw great strides made with two of our key allies, Brazil and Colombia.

In October 2010, two 12 AF JAGs deployed to provide operational law training at Brazil's CRUZEX V, a six-nation air campaign exercise. In June 2011, 12 AF/JA led a SMEE on operations law

in Brazil with members of the Brazilian Headquarters Staff. This SMEE served to establish a closer working relationship with the Brazilian Air Force military legal advisors to facilitate joint air operations.

In February 2011, 12 AF/JA deployed a field-grade officer (FGO) to Bogota, Colombia for six months as part of USSOUTHCOM's efforts to assist the Colombian government in counter narco-terrorism and drug trafficking within its borders. During his time in Colombia, the FGO successfully provided foreign military sales and training support valued at over \$3 million to the Colombian military. Moreover, while deployed to Colombia, the FGO conducted conferences to train the Colombian military on operations law, human rights and military justice. One such conference assisted with Colombian

military justice reform efforts and had participation from Spain, Mexico, Chile, and Peru. Finally, the FGO led efforts to integrate Colombian legal advisors into PANAMAX 2011, USSOUTHCOM's premier multinational exercise focused on defense of the Panama Canal. As a result of these efforts, PANAMAX 2011 was greatly enhanced by the presence of a Colombian Air Force JAG. 12 AF/JA's operational law team worked closely with Major Martin-Melo, fostering mutual understanding of operational issues with one of the United States' key allies in this hemisphere.

**Military Justice:** In 2011, 12 AF/JA provided military justice oversight and assistance to seven Air Force installations within Air Combat Command. Additionally, it supported Air Force commanders in deployed and forward operating locations, including Colombia,

Cuba, Curacao, Haiti, Honduras, Panama, and Puerto Rico. In August 2011, 12 AF/JA hosted its first annual Military Justice Workshop. The workshop brought together Chiefs and NCOICs of Military Justice from all seven 12 AF installations for two days of intensive military justice training. The conference was an overwhelming success, providing cutting edge training and fostering teamwork and camaraderie within the command. The results of the conference are evident with 12 AF leading all NAFs in courts-martial volume, NJP processing metrics and special court-martial discovery-to-action processing.



**14 AF/JA (Air Forces Strategic)  
Vandenberg AFB, CA**

14 AF/JA supports the commander, 14 AF (Air Forces Strategic), who is responsible for organizing, training, equipping, and employing Air Force space forces. Because 14 AF (Air Forces Strategic) is also the Air Force Component numbered air force (C-NAF) to United States Strategic Command (USSTRATCOM) for space operations, 14 AF/CC is dual-hatted as the Commander; Joint Functional Component Command for Space (JFCC SPACE). JFCC SPACE is the single point of contact for military space operations, with personnel from all branches of the U.S. Armed Forces as well as several coalition partners. **JFCC SPACE** plans and executes command and control through the Joint Space Operations Center (JSpOC)—the Air Force’s only space-centric Air Operations Center.

JFCC SPACE continuously monitors over 22,000 objects in orbit, to include over 2,000 active satellites owned by more than 60 different countries and corporations, as well as debris from dead satellites and rocket pieces. JFCC SPACE warned satellite operators of more than 7,500 predicted collisions, including NASA’s International Space Station, to facilitate safe operations in the increasingly congested space environment. Their operational law attorneys are laying the groundwork to create emergency criteria for approval by CDRUSSTRATCOM to allow CDR JFCC SPACE to share information during emergency situations. Additionally, they worked closely with operators to lay the ground work towards effecting DOD’s priority of integrating space and cyber operations, as well as the highly visible efforts of transitioning the JSpOC into a Combined Space Operations Center.



*17 AF Legal Team*

In 2011, 14 AF/JA ensured the legality of JFCC SPACE actions in space to support national and combatant commander objectives, including providing continuing support from space to warfighters in the CENTCOM AOR and to international military operations enforcing United Nations Security Resolution 1973 in Libya. With the help of our operational law attorneys, the CDR JFCC SPACE provided unprecedented support to foreign governments to help them with their space activities. In particular, JFCC SPACE shared vital space situational awareness data with Russia on its satellite mishaps—

most visibly the Phobos-Grunt—and to the European Space Agency on its de-orbit of a Galileo satellite.

14 AF/JA supported numerous service, joint and combatant command exercises involving space and cyber systems and capabilities, to include GLOBAL THUNDER 2012 and the Schriever Wargame, attended by PACOM, STRATCOM, AFSPC, ARSTRAT, and coalition attorneys.

14 AF/CC is also the general court-martial convening authority for five AFSPC bases: Buckley, Patrick, Peterson, Schriever, and Vandenberg AFBs. The military justice section had a robust year, completing the processing of 142 Article 15s and 30 courts-martial, more than half of which were referred to trial as GCMs. Nearly half of the GCMs were either for officers, senior NCOs and/or members of the Guard or Reserve. 14 AF (AFSTRAT) was also a leader in processing Article 15s, completing 70 percent within 30 days of the date of discovery of the offense.



**17 AF/JA (USAFE)  
Ramstein AB, Germany**

17 AF is located at Ramstein Air Base, Germany and serves as the air and space component to AFRICOM located at Stuttgart, Germany. In this capacity, 17 AF is dual-hatted as U.S. Air Forces Africa (AFAFRICA). 17 AF is responsible for developing strategy and plans to execute air and space operations in support of AFRICOM objectives.



AFAFRICA conducts sustained security engagement and operations as directed to promote air safety, security and development on the African continent. Through its Theater Security Cooperation events, AFAFRICA carries out AFRICOM's policy of seeking long-term partnership with the African Union and regional organizations as well as individual nations. AFAFRICA works with other U.S. Government agencies, to include the State Department and the U.S. Agency for International Development, to assist our African partners in developing national and regional security institution capabilities that promote security and stability and facilitate development.

AFAFRICA is responsible for conducting Air Force, joint and combined air and space operations in the 54 country AFRICOM AOR. To fulfill these responsibilities, AFAFRICA employs a full spectrum of capabilities, to include intra-theater airlift assets.

17 AF/JA consists of two attorneys and one paralegal who serve as the primary legal support team and advisors to 17 AF/CC and staff. 17 AF/JA advises in the areas of international and operational law, adverse personnel actions, administrative law, fiscal law, military personnel law, ethics, foreign and tort law, and command appointments and assumptions.

In 2011, 17 AF/JA advised on complex funding issues, provided international and operations law counsel, and advised on African AOR real-world contingency operations. In just a two-month span, 17 AF/JA assisted in planning five NEOs for citizens in Tunisia, Cote D'Ivoire, Burkina Faso, Egypt and Libya. All great efforts by 17 AF personnel, but none as great as the efforts put forth during OOD.

By mid-February, as protests spread into eastern Libya, the opposition took control of the eastern city of Benghazi. By

late February, the UN adopted UNSCR 1970, and simultaneously 17 AF received planning guidance to deliver plans for a no-fly zone. Only 21 days passed from the commencement of crisis action planning to the first strikes in Libya. During the early morning of 19 March, OOD began when strikes from coalition forces were launched against a variety of targets in Libya. 17 AF/JA, along with the entire USAFE JA team worked closely with 12 different countries to create basic coalition ROEs that accommodated the coalition's varied national caveats, force capabilities, weapons systems, languages, cultures, domestic political considerations, and national/institutional pride. The combined JA staff reviewed and advised on dynamic targets, air-to-air engagements, strike coordination and reconnaissance missions, and time-sensitive and deliberate targets ensuring compliance with the law of war. Over the course of 13 days, the collective coalition flew over 2000 sorties, launched more than 200 TLAMs, released thousands of pounds of munitions, saved thousands of Libyan civilians from massacre, and eliminated any threat from the Libyan Air Defense System.



### **18 AF/JA (AMC) Scott AFB, IL**

18 AF/JA's legal services were devoted primarily to military justice and adverse administrative actions for a population of 52,000. 18 AF/JA worked closely with wing legal offices to ensure case dispositions were consistent, legally sufficient, and fair. Nearly 2000 investigations were opened, leading to 119 courts-martial, 765 Article 15 actions, and 443 discharge

cases. Attorneys and paralegals worked 20 to 30 officer cases at any given time and provided legal advice on five commander-directed investigations involving senior officers. Also of note, 18 AF/JA processed numerous expert witness requests for nearly \$1,000,000.

The command was also busy with training events. The annual military justice workshop included over 25 attorneys from across AMC and the Air Force. This five-day event led to valuable cross-feed of best practices, providing hands-on, practical instruction on critical justice issues/processes. The agenda also included lectures from personnel from the National Center for Missing and Exploited Children and the Air Force Legal Operations Agency, JAJM division, discussing issues as diverse as investigating and prosecuting child pornography, prosecuting sexual assaults, and effective administration of military justice processes. This well-received program also allowed attendees, in conjunction with the Air Force Judge Advocate General's School, to receive professional legal education credit necessary for continued licensure. Additionally, we held our annual NAF Chiefs/NCOICs Military Justice conference, which included attorneys and paralegals from across the Air Force. This two day event also led to valuable cross-feed of best practices on critical justice issues/processes. The agenda included lectures from personnel from the Air Force Legal Operations Agency, JAJM division.

Their office manages HQ 18 AF and 618 AOC command-level ethics program for 12 wings, two EMTFS, one GSU and advises 18 AF/CC and staff on standards of conduct (ethics). The ethics program primarily involves financial disclosure statements (OGE 278s and OGE 450s), the Financial Disclosure Management System (FDM) and common ethics issues such as gifts, contractor visits, travel, post-

government employment and possible conflicts of interest. The 18 AF/JA ethics counselor and paralegal coordinate with the front office staff to ensure compliance by researching and preparing draft legal opinions on ethics related issues mentioned above.

In an effort to strengthen everyone's understanding of important ethics issues along with building a strong ethical culture within 18 AF, 18 AF/JA facilitated a first ever ethics awareness briefing to the entire staff. As a result, more inquiries from the entire staff are being made to keep the mission of 18 AF on track without any possible conflicts of interest arising. Our administrative law paralegal was selected to create EC/JA's ethics program from scratch; provided on-site ethics-awareness training and expert advice to EC/CC and staff. In addition, 18 AF/JA started an "Ethics, Did You Know" monthly e-mail that is sent out to the staff and field to forward to their respective wing level staff offices as another avenue to provide ethical awareness across 18 AF.

In the past, 18 AF/JA has provided VTC training to Administrative Law attorneys and paralegals with regard to their OGE 450 programs. This year, the bases are requesting this same training with their new members to maintain strong continuity within their respective offices.

The 18 AF/JA also provided guidance during the four-month SJA vacancy at the 618 AOC.

18 AF/JA continues to write roadmap guidance on all pending ethics related issues as well as OGE report requirements for 18 AF/JA's quarterly newsletter to the field.



### **19 AF/JA (AETC) Randolph AFB TX**

19 AF trains nearly 30,000 U.S. and allied students annually. This training ranges from entry-level undergraduate flying training to advanced combat crew training, and ultimately provides fully-qualified aircrew personnel to the war-fighting commands. 19 AF is composed of more than 24,000 personnel and over 1,400 aircraft assigned to 17 Total Force wings and three independent training groups located at 34 locations throughout the United States.

Military justice continued to be the busiest section in 19 AF/JA during 2011, with 203 Article 15 actions administered by the 19 AF legal offices, as well as 20 courts-martial. 19 AF installations completed five general courts-martial and 15 special courts. Each 19 AF base legal office did an outstanding job addressing a wide array of complex issues, while keeping a keen eye on the efficient and effective administration of military justice during a busy year. Training is an essential part of their mission and they continue to use technology to maximize coverage and minimize costs. 19 AF/JA conducted monthly video teleconference sessions with its six active duty base legal offices, training 32 judge advocates, 31 paralegals, and 16 civilian legal personnel on recurring issues arising during military justice and adverse action case processing. They continue to host quarterly professional development training; the presentations are a collaborative effort utilizing the knowledge and experiences of personnel throughout the command and the JAGC.

19 AF/JA and the legal offices aligned with 19 AF, work with commanders to ensure the appropriate regulations are accurately applied to a variety of training situations. This past year, these reviews included nine Flying Evaluation Boards (FEBs), and 15 waivers to FEBs and voluntary disqualifications from aviation service. Additionally, 19 AF/JA and its aligned base legal offices worked with AETC/JA and AFLOA/JACC to provide significant support to aircraft accident investigations involving 19 AF assets. 19 AF/JA also provided numerous ethics opinions, as well as legal reviews on congressional inquiries, inspector general and commander-directed investigations, administrative discharges, FOIA and the Privacy Act.

As part of their ever expanding role, 19 AF paralegals augment the Air Force and AETC Inspector General teams during consolidated unit inspections in the future. Paralegals were utilized as senior trainers for the AETC military justice pilot program, providing hands-on justice training tailored to each base within the command.



### **20 AF/JA (AFGSC) FE Warren AFB WY**

20 AF is unique in that it has dual responsibilities to Air Force Global Strike Command (AFGSC) and United States Strategic Command (STRATCOM). As the missile numbered air force for AFGSC, 20 AF is responsible for maintaining and operating the Air Force's ICBM force. Designated as STRATCOM's Task Force 214, 20 AF provides on-alert,

combat-ready ICBMs to the President. Combined with the other two legs of the nuclear Triad bombers and submarines STRATCOM forces protect the United States with an umbrella of deterrence.

20 AF/JA advises 20 AF/CC, the general court-martial convening authority responsible for approximately 9,500 personnel at three wings covering nearly 46,000 square miles in five states.

During this past year, 20 AF remained one of the busiest NAFs in the Air Force. It is the focal point for all U.S. land-based nuclear missile assets and thus an integral component of the newly formed Air Force Global Strike Command. Committed to excellence in the nuclear enterprise, missile wings at both Malmstrom AFB, MT and F. E. Warren AFB, WY, underwent scrutinizing nuclear surety inspections, receiving the highest scores available. A third missile wing at Minot AFB, ND, provided expert assistance and aid to the local community, saving lives and property, after a devastating flood destroyed many areas of the city and shut down official travel to Minot AFB.

Working with the local community, 20 AF and the 90th Missile Wing at F. E. Warren AFB hosted the Chief of Staff of the Air Force, General Norton Schwartz, as he participated as Grand Marshal of the annual Cheyenne Frontier Days, which included the largest rodeo in the country. The 90th Missile Wing Legal Office (90 MW/JA) provided over 200 legal reviews in support of the events. The military installation that is now F. E. Warren AFB has been in existence from the mid-1800s. 90 MW/JA has thus been at the forefront for ensuring continued protection and restoration of its historical buildings. The 341st Missile Wing Legal Office (341 MW/JA) defended a \$28 million housing lawsuit, and successfully saved the region's air show by negotiating

with the City of Great Falls and with the Montana ANG in the waning hours prior to the show.



### **22 AF/JA (AFRC) Dobbins Air Reserve Base, GA**

440 AW/JA, Pope AFB, NC, which falls under 22 AF, earned an "Excellent" rating in the 440 AW ORI. The office was recognized for its "Rule of Law" initiatives, including an ORI legal pamphlet that it distributed during out-processing. The pamphlet included legal office POC information and location, as well as follow-up information provided in the first edition of *Mobility Minutes* newsletter, which provided concise legal assistance information on a variety of common legal assistance issues.



### **24 AF/JA (AFSPC) Lackland AFB, TX**

24 AF/JA and the 624th Operations Center (624 OC) substantially enabled the Air Force's ability to establish, operate, maintain and defend Air Force networks and conduct full-spectrum cyberspace operations through teaming, integration, and collaboration. This team of legal professionals helped stabilize and baseline cyber units across the Air Force by leading and supporting initiatives to optimally organize cyber forces, build

capacity through training and equip them to support the warfighter. Judge advocates and paralegals worked diligently to ensure the commander maintained discipline for more than 5,400 Airmen in tenant units at more than 20 installations by networking with 18 host legal offices. The team prepared a detailed adverse actions matrix that laid out each commander's authority while serving within challenging inter-command and joint base command structures. In addition, the team skillfully applied ethical rules to protect key leaders while providing industry access to decision-makers and navigated a complex acquisition framework to provide immediate capability to the warfighter. Judge advocates reviewed cyber capabilities for compliance with law and policy and recommended policy changes to streamline review processes.

To build tomorrow's cyberspace operators, the legal team grew cyber capacity by developing training materials and lecturing at training events such as functional specialty courses and continuing professional education for cyber operators and legal professionals at venues such as the Air Force Institute of Technology, the Judge Advocate General's School, KEYSTONE and joint workshops. In support of network operations, the team ensured lawful network control and defensive measures were used to protect the Air Force networks as fully integrated mission enablers within the Air Force's cyber operation center. Judge advocate and paralegal teams were embedded to provide direct support to a cyber command and control organization that utilizes processes similar to those found in an Air Operations Center.

As key mission enablers, one team supported a critical, multi-command investigation to evaluate a cyber incident that impeded air operations. Their diligence produced an actionable report for commanders and created a process to resolve

future incidents. To enhance mission effectiveness, the entire legal staff collaborated to recommend policy changes on the release of stored communications and the telecommunications monitoring. Both initiatives were designed to streamline processes and maximize the use of limited resources. To support combatant commanders, the legal team provided advice to normalize and operationalize cyberspace capabilities to enable warfighters to achieve and maintain the information advantage during military operations. In all phases of operational planning and execution both judge advocates and paralegals produced direct and quantifiable results that helped create cyber effects in areas of hostility. The team clarified complex mission authorities, helped develop a scalable command and control structure and facilitated lawful operations by fusing law, policy, intent, and rules of engagement to create clear, precise and understandable special instructions. Their ability to integrate and collaborate with operators and legal advisors within the operational chain of command proved critical in responding to time-sensitive operations.

Finally, the office leadership made professional development a priority. The legal team created and implemented a requirements-based, mission-focused training program to produce operationally ready judge advocates and paralegals. The diverse practice within 24th Air Force demanded a timely, relevant, and targeted training program to share professional knowledge and ensure continuity of operations. With leadership, sharp advocacy and fiscal discipline, the staff maximized resources to train and equip the office to support the mission and build cyber expertise. Using the Corps guiding principles of wisdom, valor, and justice, 24th Air Force's legal professionals work diligently and proudly to allow the Air Force to fly, fight and win in cyberspace.



### **502 ABW/JA (AETC) Fort Sam Houston Army Post, TX**

The Joint Base San Antonio (JBSA) population consists of more than 80,000 people, has more than 152,000 students annually, a work force of over 8,000 personnel, manages an annual budget of \$600 million, and is the largest single DOD installation. There are 211 supported units, 27 general officers and 16 senior executive service employees. JBSA, through the 502 Air Base Wing (502 ABW), consolidates the management of installation support functions of four major military installations: Lackland Air Force Base (AFB), Randolph AFB, Fort Sam Houston, and Camp Bullis. On 1 October 2010, the 502 ABW assumed full operational capability for JBSA.

JBSA is having a great 2011. Proudly building on what they started in 2010, they continue to lead the way for joint basing. In July 2011, the Army Fort Sam Houston legal office moved into temporary trailers which also housed the Air Force Fort Sam Houston legal office. This new co-located legal office created synergy to maximize the expertise and resources of both the Army and Air Force. In September 2011, a contract was awarded to renovate a building and create a permanent home for the new co-located Army and Air Force legal office. Our success has been briefed to the Chief of Staff of the Air Force and the House Armed Services Committee.

In September 2011, the first legal assistance training for our three mission support group legal offices and Army part-

ners was held. They offer "Gold standard" expanded legal assistance services at JBSA to include: pro se divorce, pro se name change, and pro se probate. 502 ABW/JA has partnered with the HEROES Program of the Texas Attorney General's Office to provide free child custody and child support representation. The new services and innovative processes now account for over nine percent of all Air Force legal assistance.

The office's robust and dynamic military justice mission continued into 2011. There are 13 different Air Force convening authorities stationed at JBSA who receive six different status of discipline briefs each quarter. They have tri-service military justice "Cops and Robbers" meetings where investigators from Army CID, Air Force OSI, and Navy CIS present case updates to the JBSA commanders and coordinate on investigations.

Due to the 42 separate legal offices at JBSA, to include nine different offices at Fort Sam Houston alone, we have a one-of-kind legal practice standard operating procedure. This 40+ page tri-service document standardizes legal operations creating the Air Force as the lead legal office for client questions on how and where to obtain services.



### **AFRS/JA (AETC) RANDOLPH AFB, TX**

Air Force Recruiting Service (AFRS) consists of the HQ staff, three groups, and 24 squadrons supporting a population of 2,311 personnel geographically dispersed throughout all 50 states, Europe, the Pacific Rim and Puerto Rico. AFRS

recruits 100 percent of the enlisted force, medical officers, line officers and chaplains. AFRS/JA's support to HQ AFRS addresses a myriad of decisions involving civil law, FOIA requests, reports of survey, contracts, fiscal law, labor law, ethics, legal assistance and military justice advice.

AFRS recruiters use the Air Force Recruiting Information Support System (AFRISS) to input all pertinent applicant information for new recruits. In September 2011, AFRS contracted to develop a software program called AFRISS Total Force. The software will integrate a uniform system for active duty and Reserve Components in their recruiting efforts. In the past, two separate records and or software systems were maintained. It is expected the new system will facilitate communications between the active duty and reserve recruiting efforts and allow future government expenditures to decrease. AFRS/JA was heavily involved in the decision and review of this program to ensure all legality issues were met.



### **AU/JA (AETC) MAXWELL AFB, AL**

As the intellectual and leadership center of the Air Force, Air University (AU) provides dynamic comprehensive education to prepare graduates to develop, employ, command, research and champion air, space, and cyberspace power at all levels. AU provides the full spectrum of Air Force education, from pre-commissioning to all levels of professional military education, including degree granting and professional continuing education. AU's professional military education programs educate Airmen on the capabilities of air,

space and cyberspace power, and their role in national security. These programs focus on the knowledge and abilities needed to develop, employ, command, and support air and space power at the highest levels. Specialized professional continuing educational programs provide scientific, technological, managerial and other professional expertise to meet the needs of the Air Force. AU conducts research in air and space power, education, leadership and management. The university also provides citizenship programs and contributes to the development and testing of Air Force doctrine, concepts and strategy.

While the office performs functions similar to a civilian district attorney, city attorney, and the general counsel to a major university, military justice is the principal focus of our mission as we performed our duties as staff judge advocate and legal advisor to not only the AU Commander in his role as GCMCA, but also to the HQ AU staff, and 15 school commandants and subordinate commanders.

In the area of civil law, AU/JA provided legal reviews and opinions for more than 325 requests on various topics to include 15 commander-directed investigations, 47 copyright reviews, and 54 faculty appointment recommendations. In addition to researching and advising on multiple joint ethics regulation (JER) issues for command and staff, we also published a new AU Instruction to provide oversight to the financial disclosure review process.

Working with its three subordinate legal offices, AU/JA provided all AU associated units the legal advice and counsel to ensure full compliance with all laws, regulations and policies by Air Force education activities impacting over 350,000 students per year. Our staff also supplemented the education and training mission of AU by participating in numerous training events, including briefing senior officer

and SNCO perspectives at Squadron Officer School as well as leadership perspectives to Air Force Judge Advocate General School audiences, facilitating legal issues seminars at the SNCOA, and briefing Government Purchase Card (GPC) holders on procurement integrity and the Anti-Deficiency Act. The staff also participated in numerous base and community relations activities.



### **SMC/JA (AFSPC) LOS ANGELES AFB, CA**

The Space and Missile Systems Center Legal Office (SMC/JA), Los Angeles AFB, CA, provided direct legal support to the Air Force Service Acquisition Executive and HQ AFSPC/JA regarding the nationally high profile issue regarding Government contractual rights and remedies after the \$500 million initial Advanced Extremely High Frequency Military Communications Satellite failed to reach proper orbit after launch due to a failed propulsion motor. The legal office provided detailed information on the applicable contract provisions and potential Government courses of action against the contractor for the loss of use of the satellite. Their analysis was critical to Air Force leadership responding appropriately to national media members who were pressing the Government for answers on potentially holding the contractor accountable for the loss of use of an expensive taxpayer funded asset.

SMC/JA also provided crucial legal support from start to finish leading to the successful award of the \$2 billion contract for Wideband Global Satcom Satellite Vehicles 7-9 ensuring the availability of

dire communications capacity to meet continually growing warfighter needs. SMC/JA played a substantial role in completing complicated negotiations for \$1.6 billion award of Advanced Extremely High Frequency Satellite Vehicle 4 which is a critical addition to future military protected communications capabilities in the battlefield.

SMC/JA was fully engaged in supporting the war effort with three JAGs and a reserve paralegal deploying in 2011.



### **USAFWC/JA (ACC) NELLIS AFB, NV**

The United States Air Force Warfare Center Legal Office (USAFWC/JA), Nellis AFB, Nevada provides legal services to the United States Air Force Warfare Center, which is organized into four wings and one named activity. Over 11,000 Airmen serve in the 57th Wing, 53rd Wing, 99th Air Base Wing, 505th Command and Control Wing, and the

Nevada Test and Training Range at locations in 20 states and 31 installations. Notably, USAFWC/JA also provides primary legal support for the 432d Wing at Creech AFB, Nevada.

USAFWC/JA once again experienced a very busy year for military justice. Nellis had the highest court-martial volume in ACC and the third highest in the Air Force. In addition to having the highest volume of administrative discharges in ACC, we led the way by developing a fitness discharge program designated by ACC Unit Compliance inspectors as a “Best Practice.” While enduring a 77 percent increase in administrative discharge volume, we managed to achieve a 40 percent reduction in processing time from last year.

The general law section had a number of unique accomplishments too. They assisted the 432d Wing in accomplishing their first-ever flying evaluation board (FEB). In conducting three FEBs for issues arising out of the 432d Wing’s unique unmanned combat mission, they implemented a process to manage the increasing FEB demand that comes from a combat wing engaged in real-world operations. In supporting Creech AFB, they successfully negotiated over \$1 mil-

lion dollars savings for a project to supply local utility power to operational units at Creech. They have also dealt with a wide array of issues related to the Mike O’Callaghan Federal Hospital’s expansion into a medical center with over \$70 million in military construction projects and the addition of 200 personnel.

USAFWC/JA had the highest volume in ACC for contract reviews including review of over 120 contracts valued in excess of \$134 million. They successfully negotiated with Clark County and NV Energy for the expansion of Nellis’ \$100 million solar array which, upon completion, will supply 50 percent of the base’s electrical energy needs. Finally, as home base for the Thunderbirds, we advised them on a host of unique issues resulting from their one of a kind mission.

So many varied opportunities to excel provided our personnel a great chance to be recognized for their efforts. The USAFWC agreed that we were doing some great work and selected two CGOs, two SNCOs, one NCO, one Airman, and one civilian as quarterly award winners. A SNCO, NCO, and civilian were also chosen as annual award winners.




 Spotlight on

## Support Personnel



*Mr. Brian A. Kupperion*

ACC. A retired senior master sergeant from the communications career field, the legal office benefits from Mr. BK's long service as an Air Force NCO not only because of his no-nonsense blue collar work ethic, but also because of the "real world" operational perspective he provides when an airman is being considered for discharge. The proof is in the results. Since Mr. BK

A small printed sign on the door of the office of the 4th Fighter Wing's discharge processing clerk says it all. "Outstanding or outprocessing!" Mr. Brian Kupperion, "BK" to his colleagues, is the discharge clerk for the 4th Fighter Wing and he presides over one of the most successful discharge programs in

took over the program, the 4 FW/JA discharge process has crushed AF and ACC goals. This year alone, Mr. BK orchestrated 115 discharges for a program that was ACC's #1 in timeliness. This included executing 96 rapid discharges with 98 percent of the discharges executed in less than 15 days. The strength of Mr. BK's program is not in the paperwork, however. It's in the relationships he has built throughout the wing and throughout the Air Force. Mr. BK is well known to every person who touches a piece of the administrative discharge process. This personal touch is so evident that AFPC/JA selected Mr. BK to come to KEYSTONE to help teach an administrative discharge module. Mr. BK's contributions are not limited to discharges. He is a fixture in legal assistance, executing 626+ wills and 1210+ notaries in 2011. He also provides valuable communications support for everything from computers to VTCs. For his efforts, Mr. BK was awarded the Wing Staff Agency Civilian of the Quarter and 2011 Wing Civilian of the Quarter for the second quarter of 2011.

# BASE LEGAL OFFICES

The base legal office is the key leadership element of the Corps, directed by the staff judge advocate (SJA), a seasoned judge advocate who acts as the primary legal advisor to the base commander. The SJA is aided by a deputy staff judge advocate (DSJA), and the law office superintendent (LOS), most often the senior enlisted paralegal, who maintains significant leadership responsibility for enlisted personnel in the office. Additional personnel include assistant staff judge advocates (ASJA), holding positions such as the chief of military justice, adverse actions, labor law, civil law, international law, environmental law, and legal assistance. ASJAs in turn rely heavily on skilled noncommissioned officers in charge (NCOIC) in leading each section. Furthermore, civilian attorneys, paralegals, court reporters, and talented administrative staff provide specialized expertise and technical assistance. While documenting all the accomplishments, significant events, and varied legal issues addressed by base offices in 2011 would be nearly impossible, the following provides a representative sample from across the Air Force.

## **Air Combat Command (ACC)**

The **4th Fighter Wing Legal Office's** (4 FW/JA), Seymour Johnson, North Carolina, military justice division successfully tried eight general courts-martial, five special courts-martial, and two summary courts-martial while embracing TJAG's discovery to action standard. Emphasizing early collaboration with AFOSI and SF investigators, designated trial teams consisting of a trial attorney and a case paralegal were immediately appointed to the case upon discovery of an offense, helping the office slash case backlog and

drastically cut processing times to 32 percent for general courts-martial, 49 percent for special courts-martial, and 70 percent for summary courts. Not only focusing on the speed of military justice actions, Seymour Johnson's trial counsel aggressively prosecuted complex cases by securing rare SECAF approval to prosecute a sex offender after a previous conviction for the same offense in a foreign court and by fast tracking a child

percent of them executed in less than 15 days. The discharge program was so flawlessly executed that the program administrator was handpicked to brief his model program at KEYSTONE. An Air Force and ACC leader in TJAG honor roll appearances, the legal assistance staff processed 1,092 tickets resulting in 674 surveys while providing 990 plus wills, 3,600 plus powers of attorney, 800 plus additional documents, and 7,407 notaries.



*4th Fighter Wing Legal Office*

porn case to obtain a 10-year sentence while processing the case from discovery to action in 252 days. Recognizing diminishing investigation and litigation support resources, Seymour Johnson's case paralegals and trial attorneys also set the JAGC standard for automation and innovation by establishing a SharePoint site for ADC access to discovery materials. This removed a key source of delay in the pretrial process and paved the way for the legal office to also establish a JA/OSI SharePoint collaboration site for investigation materials—a process deemed “best practice” by the OSI region commander. Seymour Johnson's discharge program successfully processed 115 administrative discharges and led the way on timeliness in ACC. This included processing an astonishing 96 rapid discharges with 98

The **7th Bomb Wing Legal Office** (7 BW/JA), Dyess Air Force Base, Texas spearheaded a multifaceted attack on “Spice” abuse. First, military justice teams prosecuted Spice abusers in six courts-martial. Second, civil law personnel drafted a base supplement to AFI 31-213, enabling 7 BW/CC to place local businesses selling Spice off-limits. Third, preventive law personnel briefed hundreds of Airmen on the dangers of Spice use. 7 BW/JA also led the way in community involvement as base POCs for the 9-11 Remembrance Run, the 5K Abilene Heart Walk, and the Abilene Veterans Day parade. The parade's Grand Marshal, retired Chief Master Sergeant David Goldie, 7 BW/JA discharge clerk, led 600 military personnel and dozens of military vehicles through downtown Abilene.

The **9th Refueling Wing Legal Office** (9 RW/JA), Beale Air Force Base, California dramatically reduced their average number of days from discovery to action in general courts-martial beating the Air Force average by 184 days. 9 RW/JA's tax program assisted in filing 1385 tax returns, saving \$212,000 in fees and garnering \$1.5 million in returns. 9 RW/JA partnered with the DOJ to institute the magistrate's program allowing the



installation commander to hold civilians accountable for on-base crimes. 9 RW JAGs are fitness superstars with a 100 percent fitness test pass rate.

The **20th Fighter Wing Legal Office**, (20 FW/JA), Shaw Air Force Base, South Carolina, displayed superb year long client customer service as it was the only base in ACC to make the Feedback Honor Roll for 12 consecutive months... and counting! Their Tax Center Program filed 2,879 returns bringing in over \$3.3 million in refunds and totaling a savings of \$400,000 in filing fees for their clients. The legal office was coined for educating over 1,500 20 FW, 9 AF, and AFCENT Airmen on DUI consequences. They also created a joint OSI/JA trial practice program where they conducted mock direct and cross examinations of OSI agents. The ACC Inspector General lauded JA's "amazing performance" during their recent UCI. Finally, they dominated the Wing Staff Agency awards, with twelve quarterly award winners and four annual award winners.

The **23d Fighter Wing Legal Office** (23 FW/JA) had a busy year in military justice as they tried 14 courts-martial, the

most in one year since 2003. Further, the office paralegals teamed with attorneys to draft the majority of all wills during legal assistance appointments, interviewed 40 courts-martial witnesses, and spent over 1,000 hours researching and writing legal reviews. The office's hard-charging tax program netted \$1.5 million in refunds for 800 clients. Finally, JA's rapid response to an off-base A-10 accident ensured access to the crash site all the while preserving evidence and the environment.

The **28th Bomb Wing Legal Office** (28 BW/JA), Ellsworth Air Force Base, South Dakota managed a 400 percent increase in courts-martial processing despite a reduction from six to four captains. They also partnered with local authorities and successfully gained jurisdiction for first-offense DUIs for active duty members. Despite the manning concern, the office supported deployments to Afghanistan sending Captain Michaelangelo Avidano and Staff Sergeant Ryan Moore. While deployed, SSgt Moore served in the Honor Guard and along with General David Petraeus, participated in a ceremony honoring six soldiers who died in a firefight. SSgt Moore also assembled a Medal of Honor nomination

that was ultimately awarded to Marine Corps Sergeant Dakota Meyer on 15 September 2011.

The **49th Wing Legal Office's** (49 WG/JA), Holloman Air Force Base, New Mexico outstanding efforts brought an attempted murder case to trial in a dizzying 161 days from the attack resulting in a sentence of 22 years confinement. They also provided crucial AIB support on six remotely piloted aircraft incidents, including a crash that threatened cancellation of an air show. 49 WG/JA assisted individuals assigned to Holloman's German Air Force Flying Training Center in resolving countless visa, tax, landlord-tenant, and drivers license issues. With the loss of more than half of its attorney positions, the office continued to excel by leveraging a teaming initiative that utilized paralegals for legal assistance, civil law, and military justice research.

The **55th Wing Legal Office** (55 WG/JA), Offutt Air Force Base, Nebraska teamed with the 55th Contracting Squadron at all stages in the acquisition process to complete 2,577 contracting actions worth \$750 million dollars and averted bid protests in FY11. They also



49th Wing Legal Office



55th Wing Legal Office

provided critical advice on an environmental assessment and ultimate finding of “no significant impact” keeping a \$564 million USSTRATCOM building project on track. 55 WG/JA provided great support to the base population by leading 58 tax volunteers in providing 2,546 hours of assistance to file 4,193 federal and state tax returns, recovering \$6,316,143 in refunds and saving \$425,000 in tax preparation fees.

The **355th Fighter Wing Legal Office** (355 FW/JA), Davis Monthan Air Force Base, Arizona managed the busiest military justice program in 12 AF and ACC while having four members deployed supporting missions in Iraq, Afghanistan, and Suriname. They processed over 130 NJP actions, 110 administrative discharges, and prosecuted over 25 courts-martial. 355 FW/JA’s legal assistance program saved clients \$1,241,750.00 in fees by advising 6,500 legal assistance clients, producing over 12,000 documents, and preparing 5,469 tax returns. After responding to a tethered aerostat crash, their claims team paid \$10,000 in emergency claims. The claims team again stood-up after a lightning strike caused a base power loss and quickly paid \$4,100 in spoiled food claims to Davis-Monthan families.

The **366th Fighter Wing Legal Office** (366 FW/JA), Mountain Home Air Force Base, Idaho actively pursued perfection in all foundational leadership pillars. The office embraced the revival in military justice and consequently led ACC with 77 percent of NJP actions meeting the new Air Force 30-day metric from discovery to action. Additionally, 366 FW/JA had the lowest NJP error rate in 12 AF, ensuring that justice was both swift and fairly administered. JAGs and paralegals immersed themselves in understanding the mission of the 366 FW

by visiting at least one unit around the base per calendar quarter. Paralegals took on increased responsibilities by drafting general law legal reviews and conducting witness interviews.

The **633d Air Base Wing Legal Office** (633 ABW/JA), Joint Base Langley-Eustis, Virginia has one of the busiest legal assistance programs in the Air Force. In 2011, that mission was further complicated by civilian hiring controls which caused two attorney positions to remain unfilled since Spring 2011. Rising to the challenge, 633 ABW/JA aggressively launched paralegal wills drafting in Summer 2011. In two months, 633 ABW/JA rose from almost no paralegal will production to first in ACC. The “Wills Team” won the quarterly 633 ABW Team Excellence award and continues to be a vital part of 633 ABW/JA’s success. Following the standup of Joint Base Langley-Eustis in October 2010, the 633d Air Base Wing legal office this year directed the first ever Joint Langley-Eustis tax program. The OIC, Captain Eric Morley, and NCOIC, Staff Sergeant Ashley Reyes, skillfully led 38 Airmen, Soldiers, and civilians operating



**366th Fighter Wing Legal Office**

*L to R: SSgt Tywana Savage, A1C Alec Knoles, SrA Jechante Grice, SSgt James Flanders, Capt Brad Mumford, Major Mike Tucker, Lt Col Matt Jarreau, Capt Jaime Espinosa, Capt Josh Wendell, Capt Jerred Kelly, Ms. Lisa Fuller, and MSgt Jerol Boyce*

full-time tax centers at both Langley and Eustis. The program helped over 2,500 customers file more than 3,600 returns, resulting in \$7 million in refunds while

maintaining a 99.7 percent satisfaction rate. In addition, Captain Morley and Staff Sergeant Keyes secured a permanent location for the Langley tax center, paving the way for continued success in the future.

**Air Education and Training Command (AETC)**

In 2011, the **14th Flying Training Wing Legal Office** (14 FTW/JA), Columbus Air Force Base, Mississippi, earned an “Excellent” in their March UCI under the new JAGC UCI checklist. The DSJA and the LOS were recognized as “Superior Performers.” The office then selflessly passed “lessons learned” to two other AETC bases resulting in “Excellent” ratings for both bases. In January 2011, they organized and monitored a “434-RIDE” initiative for the wing that provided an anonymous ride home option to individuals. This initiative resulted in 57 “saves” and showcased the legal office’s initiative to decrease misconduct. Finally, teamwork ensured mission success in the handling of events such as an active duty officer death, an increase in military justice investigations, an increase in legal assistance, and three flying evaluation boards during increased operations tempo along with manning constraints.

**The 17th Training Wing Legal Office**

(17 TRW/JA), Goodfellow Air Force Base, Texas, forged ahead in 2011 through turnover in the SJA, DSJA, LOS, and Chief of Military Justice positions this past summer. Despite a heavier Article 15 work load since 2010 (100 cases in 2010, 97 cases in 2011 to date), their 20-day metric rate increased from 84 percent to 96 percent, and their 30-day metric rate increased from 32 percent to 67 percent. Further, discharge processing rates also improved despite a significant jump in cases (149 cases in 2010, 165 cases in 2011 to date), as on-time rates increased from 86 percent


 Spotlight on

## 71 FTW/JA (AETC), Vance AFB, OK



*SSgt Brandon J. Blunt*

Wisdom, valor, and justice are the guiding principles of the Air Force JAG Corps; but these principles cannot be implemented without versatility, adaptability, and initiative. Staff Sergeant Brandon Blunt exemplifies these traits.

He led a legal office that was without a Law Office Superintendent for over a year. Less than one year after cross-training and arriving at Vance AFB, Oklahoma, SSgt Blunt found himself as the only paralegal in a three-paralegal office. He was the sole paralegal for five months and then continued as the senior paralegal for an additional eight months.

Although a relatively junior paralegal himself, SSgt Blunt took the initiative to obtain his 7-level upgrade without a paralegal trainer to eliminate the capability gap due to the reduced manning in his office. He developed the first-ever program for Vance paralegals to draft wills,

implementing a paralegal utilization program recommended by TJAG. His leadership also led to a UCI “Excellent” rating for the legal office.

Not only did SSgt Blunt strive to fulfill a leadership role, but he also remained dedicated and adapted his time and energy to serve the Vance legal office clients. Vance handled 432 cases, drafted 226 wills, 716 powers-of-attorney, and provided 1245 documents under his watch. He maintained stewardship of the legal assistance program ensuring Vance made HAF/JA honor roll nine months in a row—the only legal office in 19 AF to do so. Additionally, SSgt Blunt served as the paralegal for the first court-martial in two years at Vance and was lauded by the military judge as “the best I’ve seen.”

If that is not enough, SSgt Blunt shows his versatility in many areas outside of the office as well. He represents the Air Force as an Honor Guard team leader, often honoring retired members at official funeral processions. He also serves as a coach for local baseball and t-ball teams, providing the community youth with a positive role model. SSgt Blunt exudes versatility, adaptability, and initiative, and serves as an example of selfless service to which we should all strive.

## Spotlight on

### 81 TRW/JA (AETC), Keesler AFB, MS



Mr. Gregory Lewis

**M**r. Gregory Lewis is a legal assistant assigned to the 81st Training Wing at Keesler Air Force Base, Mississippi. For over 10 years, legal assistance clients have been greeted by this warm professional with great enthusiasm.

Greg serviced 5,700 clients, drafted over 10,000 documents, executed 685 wills, and performed over 11,000 notaries, saving clients \$765,000. When it comes to customer feedback, he's their favorite, with such comments as, "Most professional service I have seen in my 12 years in the AF" and "Knowledge was invaluable."

Greg holds a B.S. in Paralegal Studies and seeks challenges to utilize his legal knowledge. He is key to Keesler's successful VWAP, Federal Magistrate Court, and Labor Law programs, all while still providing exceptional front-desk service. As a VWAP advocate, Greg's extraordinary care and sensitivity were unmatched as he liaised with two male victims in sexual assault cases. Our magistrate court paralegal, he's the legal-bridge with downtown authori-

ties, liaising with public defenders and district attorneys; Greg interviewed over 350 witnesses, processed 839 citations which netted \$56,000 in fines, and handled 17 trials. As Keesler's labor law paralegal, Greg managed 20 EEOC cases. His impeccable research resulted in all cases being resolved favorably, diverting government liability of three million dollars.

Most impressive was Greg's assistance to Security Forces in the apprehension of an alleged rapist. As the suspect entered the legal office, Greg immediately recalled his name from a blotter entry four days prior and that the suspect could not be located. Without delay, he notified an attorney who contacted Security Forces. Greg's professionalism and calm composure kept the suspect and other clients unaware of the impending apprehension. The suspect was apprehended without incident. As Greg comes in contact with hundreds of clients each day, to recollect a name as he came face-to-face with the suspect without arousing any suspicion is truly commendable while ensuring the safety of clients and legal staff. Greg's demonstrated abilities and extraordinary devotion to duties sets him apart from his peers. His calmness engenders great confidence in those he comes in contact with as they deal with stressful situations. Greg repeatedly exemplifies his willingness to go above and beyond expectations.

to 91 percent, with average number of duty days from notification to discharge decreasing from 14 to 11.

The **42d Air Base Wing Legal Office** (42 ABW/JA), Maxwell Air Force Base, Alabama, in their legal assistance programs, ranked on efficiency and feedback honor rolls every month by providing assistance to over 4,000 eligible beneficiaries, providing more than \$2.5 million in benefits. Captain Jon Paul Calandruccio deployed to the CENTCOM Contracting Command, earning the volunteer medal and Joint Service Commendation Medal for superb contributions in Operation ENDURING FREEDOM. 42 ABW/JA welcomed inspections from DJAG and the AETC/IG in 2011. Staff Sergeant Christy Contreras was recognized as a Professional Performer by the IG for developing outstanding commander and first sergeant guides. The office received an “Excellent” rating.

The **47th Flying Training Wing Legal Office** (47 FTW/JA), Laughlin Air Force Base, Texas, experienced a vibrant year in 2011 that was marked by personnel changes that expanded the scope and reach of their services. The Staff Judge Advocate, Major Christopher May, was selected for promotion to lieutenant colonel, and legal office NCOIC Technical Sergeant Ines Fret-Caraballo was selected for

promotion to Master Sergeant. Mr. Peter Myers was recognized as Laughlin “XLer of the Week” by the wing commander. Mr. Myers, Mrs. Deborah Moore, and Mrs. TerraWade, were all awarded Wing Staff Agency quarterly awards in their respective categories.

The **56th Fighter Wing Legal Office** (56 FW/JA), Luke Air Force Base, Arizona, developed a ground-breaking initiative implementing the first ever JAG MOUs with both the local Air Force Office of Special Investigations (OSI) detachment and Security Forces (SF). The 56 FW/JA’s MOUs with OSI and SF highlight mutual investigative goals, institute processes aimed to move cases efficiently, and ensure justice is maximized. This best-practice was featured in the Fall 2011 edition of the JAG Reporter. The office served more than 2,500 legal assistance clients and drafted more than 700 wills, of which over 75 of those wills were accomplished through JAG-paralegal teaming. Finally, they developed sound legal advice on precedent setting environmental issues related to the potential F-35 bed down and plans for a Solar Array located on base.

The **71st Flying Training Wing Legal Office** (71 FTW/JA), Vance Air Force Base, Oklahoma, has a huge civil law mission. Through October of this past year, their office saw over 661 clients and

provided 970 documents. The VITA volunteers, led by 71 FTW/JA assisted 415 tax clients prepare returns, saving them \$67,000 in fees and returning \$335,000 to Team Vance members. Finally, the office worked with city, county, and U.S. attorneys to change the area around base housing and base entrance gates from proprietary jurisdiction to concurrent jurisdiction.

The **81st Training Wing Legal Office** (81 TRW/JA), Keesler Air Force Base, Mississippi, is the first Air Force base to partner with the United States Custom and Immigration Service (USCIS) when the New Orleans, Louisiana USCIS began hosting monthly immigration workshops within the Legal Office. Their staff advertises this service and sets up one-on-one appointments for USCIS staff who have guided and assisted 90 military families in obtaining U.S. citizenship. The 81 TRW/JA led Mississippi as the number one Volunteer Income Tax Assistance (VITA) program with over 4,000 federal state returns filed, netting filers \$3.3 million in refunds, saving clients \$469,000 in tax preparation fees.

The **82d Training Wing Legal Office** (82 TRW/JA), Sheppard Air Force Base, Texas, in 2011, strengthened its relationship with the base AFOSI detachment by working out a memorandum of



*56th Fighter Wing Legal Office*



*82d Training Wing Legal Office*

## Spotlight on

### *325 FW/JA (AETC), Tyndall AFB, FL*



*Ms. Madonna M. Fell*

2000 pages of testimony in the past year. However, it is everything else Ms. Fell does that makes her deserving of this accolade.

Ms. Fell is an integral part of Tyndall's military justice team. She attends every court-martial murder board and provides invaluable input to trial counsel. She also attends every military justice meeting and provides

**W**hen you speak with someone that has been assigned to the 325 FW legal office at Tyndall AFB you will often hear the words, "You have the best court reporter in the Air Force." Ms. Madonna Fell is truly one of the best court reporters in the Air Force, transcribing over 24 proceedings and

insight and a fresh perspective on justice issues. She is the reason Tyndall rarely sees post-trial possessing errors. She reviews every document and sits down with the paralegals and JAGs to talk through complicated post-trial documents. She also provided training to all of AETC on post-trial processing and drafted a post-trial processing guide benchmarked by AETC and helping to solve the #1 post-trial processing errors.

The ultimate team player, she is always eager to lend a hand. She regularly provides notary assistance and witnesses wills. She even performed a marriage ceremony for two Air Force officers. She was critical to the success of our recent Article 6 visit. Ms. Fell ensured proper protocol and that all the social functions were perfect. She is always involved in JA social functions and her warm personality is a daily morale boost.

Ms. Fell is so much more than a court reporter; she is an invaluable member of 325 FW/JA.

understanding putting trial counsel earlier into the investigative process. They improved their relationship with the Wichita County District Attorney by teaching key local officials about the fairness of the military justice system. In the legal assistance arena, the office served 2,398 clients in legal assistance and utilized social media such as Facebook and blogs to publicize their robust program. The office worked with the Texas Labor Law Field Support Center to train commanders, civilian supervisors, and civilian personnel office on managing their civilian workforce. Finally, the 82d TRW/JA joined base senior leaders with representatives from the Federal Mediation Conciliatory Service (FMCS) to ease labor-management tensions on base which worked to improve labor relations base-wide.

The **97th Air Mobility Wing Legal Office** (97 AMW/JA), Altus Air Force Base, Oklahoma, streamlined a new method of selecting court members as well as alternate, replacement and enlisted members in advance. This method was selected as an official AETC “Best Practice.”

Further, after an unexpectedly severe hailstorm on 16 June 2011 caused extensive property damage, the claims section rapidly coordinated with the Claims Field Support Center to have the storm declared an “unusual occurrence” which allowed members to seek reimbursement. Ultimately the claims section assisted in filing over 250 claims related to this event totaling \$1,179,329.00. Finally, following allegations of mismanagement at a civilian airfield used for military training, the legal office helped the USAF recover over \$100,000.

The **325th Fighter Wing Legal Office** (325 FW/JA), Tyndall Air Force Base, Florida sponsored an AFSO21 event that reduced wait time for wills from 74 to

two days and cut appointment times by 50 percent. Their office reduced discharge processing from 17 to 11 days. The office DSJA, Major Kevin Catron, was awarded the Bronze Star for his work during a deployment in support of CJIAF 435 in Afghanistan. Moreover, in 2011, four members of the office deployed in support of operations in Iraq and Afghanistan. Office paralegal Technical Sergeant Shannon Bruce deployed to Al Udeid as the defense paralegal to serve the defense needs of the entire AOR. Finally, the office completed over 1,315 tax returns which was a 20 percent increase from previous years.



*325 Fighter Wing Legal Office*

The **802d Mission Support Group Legal Office** (802 MSG/JA), Lackland Air Force Base, Texas, hosted a daylong session training all mission partner commanders and first sergeants on legal policies and procedures together with the nuts and bolts of civil law and disciplinary practices. Further, to celebrate Law Day, their preventive law attorneys and paralegal team manned a booth at the Army and Air Force Exchange lobby to answer general questions about legal services. Finally, for the second year in a row, Lackland’s legal team participated in the National POW MIA 24-hour run, focusing on ensuring America remembers to stand behind those who served our nation and to account for those who do not return.

The **902d Mission Support Group Legal Office** (902 MSG/JA), Randolph Air Force Base, Texas, developed a communication, education and assistance program focused specifically on Exceptional Family Member Program (EFMP) families and needs. The program includes four prongs: (1) coordination with base EFMP resources, (2) communicating with EFMP families, (3) providing legal assistance for EFMP families, and (4) obtaining issue-specific training for legal office personnel. Their tax assistance program processed 1,719 federal tax returns and returned over \$3.5 million dollars in tax refunds to clients in the 2011 tax year. Finally, on 7 September 2011, the 902 MSG/JA stood-up its Expanded Legal Assistance Program (ELAP). They now provide pro se divorce, pro se name change, pro se probate, pro se step-parent adoption, and immigration services.

The **Air Force Institute of Technology** (AFIT/JA), Wright Patterson Air Force Base, Ohio, is the steward for graduate education providing defense focused education to more than 6,000 students from various locations

throughout the U.S. and 12 foreign countries. AFIT/JA provided focused legal instruction to include training hundreds of Civil Engineer project managers. They played a critical role advising AFIT in securing a record \$20 million in research funding. Their expert advice on 120 plus non-federally funded travel requests saved the Air Force \$556,000. Finally, the office’s provided critical advice on the transition of AFIT commandant position to a Senior Executive Service member, including legislative action to define the position criteria.

The **Jeanne M. Holm Center for Professional Development Legal Office** (The Holm Center), prepared an extensive authorities matrix ensuring there were

zero conflicts while the Officer Training School is under the Operational Direction (OPDIR) of Title 10 Active Guard and Reserve (AGR) commandant. The office played a key role as they provided support for the stand-up of the ROTC Drug Demand Reduction program. They single-handedly provided DADT Tier 2 Repeal training to 144 ROTC detachments and eight CAP-USAF regions ensuring 100 percent compliance with OSD requirements. The office processed over 1,800 legal actions despite 66 percent attorney workforce cut due to deployment taskings. Finally, they reviewed and administered over 900 AFROTC/OTS cadet disenrollment actions to ensure the best officers are commissioned.

### **Air Force Global Strike Command (AFGSC)**

The **2d Bomb Wing Legal Office** (2 BW/JA), Barksdale Air Force Base, Louisiana, served more than 8,000 legal assistance and tax clients, securing them \$5 million in refunds and saved legal fees. Their office also led the fight against unlawful state taxation of non-resident military income, quashing 170 garnishments and ensuring more than \$8,000 in refunds. On the military justice front, Barksdale legal professionals almost doubled their Article 15 and court-martial workload compared to 2010 largely due to Spice-related crimes, and has so far met or exceeded the metrics in all but one of their courts-martial.

Despite taxing deployments and a five-fold increase in courts-martial, the **5th Bomb Wing Legal Office** (5 BW/JA), Minot Air Force Base, North Dakota, provided full spectrum support in the wake of historic flooding that affected more than 600 DOD members and devastated the local community. A total force Minot legal team provided complex legal assistance to some of the hardest hit

DOD flood victims and drafted key guidance that was circulated Air Force-wide. Beyond providing critical legal advice to two wing commanders, office personnel also volunteered hundreds of off-duty hours to help reinforce levees and assist local and JAG Corps families. Finally, the office's leadership concerning a missile launch site at risk of flooding was critical to diffusing a contentious property rights issue and ensuring the site's security.



*90th Missile Wing walk against domestic violence*

The **90th Missile Wing Legal Office** (90 MW/JA), Francis E. Warren Air Force Base, Wyoming, focuses on forging strong ties with the local community. Those ties proved invaluable during Cheyenne Frontier Days (CFD), an annual 10-day local rodeo held in conjunction with an open house at the Air Force's oldest operating installation. 90 MW/JA advised on over 50 CFD-related legal inquiries, including issues related to logistical support and private organizations. Sustaining local community ties throughout the year, the office boasts a robust Magistrate Court Program and a unique collaboration with state authorities to enforce underage drinking laws. Thanks to the resources available through the local Volunteer Income Tax Assistance (VITA) Program, the office was able to provide tax services to military members, retirees, and civilian employees, making the 90 MW Tax Center the top performing Air Force VITA tax center in Colorado, Montana, and Wyoming.

The prodigious litigators of the **341st Missile Wing Legal Office** (341 MW/JA), Malmstrom Air Force Base, Montana, tried 18 courts-martial while administering over 115 Article 15 actions. JAGs and paralegals effectively teamed to accomplish the mission, providing critical support to one another and commanders. The office also helped defend a \$28 million housing lawsuit, and successfully saved the region's air show by negotiating with the City of Great Falls and with the Montana ANG in the waning hours before the show. Legal assistance staff served over 670 tax center clients (saving over \$188,000) while receiving dual Efficiency and Feedback Honors for eight straight months.

Personnel from the **509th Bomb Wing Legal Office** (509 BW/JA), Whiteman Air Force Base, Missouri advised the Air Force's first two suicide review panels, which directly

influenced the future of that process. Additionally, the legal advice and counsel provided by office personnel during Operation ODYSSEY DAWN had a direct impact on one of the most significant international events this year. Like 2 BW/JA, 509 BW/JA have met or exceeded the metrics in all but one of their courts-martial.

### **Air Force Materiel Command (AFMC)**

In the spirit of attorney/paralegal teaming, The **Air Force Materiel Command Law Office Contract Law Division** (AFMCLO/JAN) hosted the Paralegal Contracts Law Course from 30 Nov-2 Dec 10 at Wright-Patterson AFB OH and 8-12 Aug 11 at The Judge Advocate General's School. Forty-eight military and civilian paralegals representing virtually all major commands and the U.S. Army attended the training. AFMC Law Office, under the guidance of Colonel Jennifer



Martin and Major Thomas Gabriele, created the five-day course curriculum, which is taught by experienced contract law attorneys and paralegals, and provides a first-of-its-kind contract law-focused paralegal training with an additional focus on related areas (e.g., fiscal law, ethics, fraud, and government contract-related Freedom of Information Act issues). After attending the course, paralegals have the necessary skills to immediately be put to work as members of the base-level acquisition/contract law team. The fourth offering of this course will be held the fall of 2012.

**The Air Force Materiel Command Law Office Acquisition Integrity Division**

(AFMCLO/JAF) works 80-90 percent of the Air Force's significant procurement fraud cases. Per AFI 51-1101, JAF vigorously pursues and coordinates the Air Force's four remedies—criminal, civil, contractual and administrative. To strengthen AFMC's fraud fight, JAF established Fraud Working Groups (FWG) at all AFMC bases. Key members are Air Force Office of Special Investigations agents, who do an outstanding job! Since 1994, fraud recoveries total over \$1.2 billion for the taxpayer. In FY11 alone, the combined efforts of all the AFMC fraud fighters brought back \$153 million taxpayer dollars, returned over \$11.7 million to the Air Force Warfighter and put \$5.3 million back on AFMC contracts.

The **Industrial Facilities Division** (JAK) supports the Air Force Government Owned Contractor Operated (GOCO) industrial plants and other real estate actions. The GOCOs are owned by SAF/AQ but managed by ASC/EMV pursuant to a Program Management Directive. Plants 4 and 6 are leased to Lockheed and used for aircraft manufacturing, while Plant 44 is leased to Raytheon and

manufactures missiles and Plant 59 is leased pending sale to the Broome County (N.Y.) Industrial Development Authority and through them to BAE who performs electronics work. Plant 42 in Palmdale, California supports multiple contractors (Lockheed, Boeing, and Northrup) and government agencies (FAA and NASA). The largest single accomplishment of the Industrial Facilities Division for 2011 was the support of ASC/WMV's conversion of the Base Operating Support (BOS) at AFP 42 in Palmdale, CA from a contractor operation to one accomplished with government employees. It was the



*AFMCLO/JAF Fraud Working Group*

largest single in-sourcing (in personnel) in AFMC and involved extending then closing out the prior contract, while creating, classifying and hiring the civilian employees to replace them. Among the issues were ownership of personal property, age and health requirements for security and firefighters, and the close-out liability for an underfunded defined benefit pension plan under the Employee Retirement Income Security Act (ERISA).

In 2011, the **Air Armament Center Law Office** (AAC/JA), Eglin Air Force Base, Florida, prosecuted six GCMs, seven SPCMs, and two SCMs, and processed over 110 Article 15s, 13 of which were officer cases. They completed 52 notification discharges, 92 percent within the 15-day metric, and eight board waivers, while

litigating four discharge boards and two BOIs. The tax center filed 3,241 returns and was lauded by the IRS as "Best in Air Force." AAC/JA completed over 2,000 general law suspenses, litigated numerous labor law cases, and took 71 cases to magistrate's court. AAC/JA revamped its OGE 450 program and it is now the AF model. Ms. Cynthia Rivera, the paralegal managing the OGE 450 program, teaches a class at the JAG School on OGE 450s. AAC/JA's acquisition team provided superior support for several multi-million source selections and five protests while its environmental experts ensured the bed down of the F-35 Joint Strike Fighter, involving a contentious Supplemental Environmental Impact Statement, and the Army's 7th Special Forces group staying within legal bounds. Finally, Mr. John Averett was a critical liaison with SAF/GC, the Air Staff, and AFMC in gaining support for instituting a direct recovery action for Eglin's damages from the Gulf oil spill, resulting in a \$295,000 claim against British Petroleum.

The **Arnold Engineering Development Center Legal Office** (AEDC/JA), Arnold AFB, Tennessee, provided the highest quality legal assistance and preventive law programs to the base populous, Guard and Reserve, and 14,000 retirees. As of September, it received feedback honors all nine months, efficiency honors for five months, and high praise from the 100-person audience to its two-session Estate Planning workshop presented by a guest local expert. Arnold maximized attorney-paralegal teaming to investigate seven sonic boom claims (over \$100,000) and six FTCA claims (over \$185,000) and to review 31 contract actions (\$45 million) and \$74 million in modifications to the \$3 billion operating contract. Finally, the office was instrumental in a successful 2011 Arnold

AFB housing privatization real estate closing.

The **Air Force Flight Test Center Legal Office** (AFFTC/JA), Edwards Air Force Base, California, plays a key role in the supporting the mission of the Air Force Flight Test Center (AFFTC) and many other tenants, who together employ nearly 13,000 people. Test pilots assigned there have flown every aircraft in the U.S. Air Force's inventory since World War II, including the sound barrier-breaking Bell X-1, and the X-15 rocket plane, which blasted to the edge of space. Today, the F-22 and the F-35 testing programs make sonic booms a routine part of life. Edwards also served as an alternate landing site for the space shuttle, which completed its final mission on 21 July 2011. The combined legal office of AFFTC and 95 ABW reviews RDT&E contracts worth hundreds of millions of dollars, including matters on behalf of AFRL's Rocket Lab and the USAF Test Pilot School. The legal office provides real estate law advice to sustain 300,000 acres of land, including support for lengthy negotiations to build one of the nation's largest solar farms through an Enhanced Use Lease. The legal office handled 1547 legal assistance clients, processed 34 Article 15s, and discharged 23 service members, preventing disciplinary infractions from becoming more serious military justice matters. The tax center's team of 16 attorneys, paralegals, and volunteers filed 972 returns, gleaned \$1.5 million in refunds, and won AFFTC's Team Award.

The **Air Force Nuclear Weapons Legal Office** (AFNWC/JA), Kirtland Air Force Base, New Mexico, performed a wide variety of legal services dominated by one of the busiest environmental law workloads in the Air Force and an extremely robust procurement and patent law function in support of the nuclear mission. Procurement attorneys reviewed over 600 contracting actions supporting programs valued at \$9.6 billion. AFNWC/

JA prosecuted five courts and processed over 60 Article 15s. The Legal Assistance Program had 2,500 visitors who saved \$583,000 in fees. AFNWC/JA's tax center served 750 clients, who obtained \$1.5 million in refunds and saved \$150,000 in tax preparation fees. Finally, the office handled 650 cases in Magistrate's Court obtaining \$14,700 in fines.

The **Air Force Office of Scientific Research Legal Office** (AFOSR/JA), Arlington, Virginia, provided legal counsel on over \$500 million in contracts and grants issued to 350 worldwide research partners dedicated to identifying breakthrough technologies for tomorrow's Air Force. Since 1951, AFOSR, which manages the basic research effort for the Air Force, has provided research funding to 69 future Nobel Laureates in the fields of physics, chemistry, physiology/medicine and economics. AFOSR funding has supported significant breakthroughs: the development of the maser and laser; integrated circuits, superconductors, advanced/conductive polymers, game theory, femto-chemistry, the cooling and trapping of atoms, semiconductor heterostructures, and magnetic resonance imaging. These discoveries have led not only to more precise and effective Air Force systems, but to commercial applications surrounding us in our daily lives in the fields of manufacturing, communications, materials, medicine, travel, and the entertainment industry. Recently AFOSR entered into two Memoranda of Understanding with the National Sciences Foundation to jointly issue solicitations for research proposals. These agreements assist in leveraging the two organizations' complementary missions of fostering basic research.

The **Air Force Research Laboratory Legal Office** (AFRL/RIJ), Rome Research Site, New York, has "reinvented" the Information Directorate's patent process by introducing several new initiatives in FY11. First, RIJ's patent attorney has

collaborated with RI's chief scientist in delivering "Patent Workshops" aimed at conveying to the S&E workforce the importance and benefits of securing Air Force patents as well as providing hands-on training for patent application drafting, resulting to date in 36 percent increased patent filings. Second, RI's Director has approved and RIJ has implemented the Air Force's first Patent Review Board comprising RI's most senior technical personnel—AFRL Fellows—providing a corporate view into the patent process ensuring the most effective, efficient, and proper use of RI's authority and capacity to patent RRS technologies to meet the needs of the Air Force, DOD, and national interests, while saving 19 percent in patent maintenance fees. Lastly, RI is constructing the Air Force's first "Patent Wall" in a dedicated portion of the Sherwood Boehlert Center for Information Science and Technology to permanently showcase the Directorate's patented innovation dating back to the 1950's to the present. In addition to their patent efforts, RIJ advised on a very active contracting function, reviewing over 700 actions in FY11 totaling over \$781 million. They also provided advice and assistance to our procurement function in the form of reviewing and commenting on about 70 different data and software rights issues, including helping to negotiate 20 highly complex commercial software licenses.

The **Aeronautical Systems Center Legal Office** (ASC/JA), Wright-Patterson Air Force Base, Ohio, directs acquisition, modernization, and sustainment efforts for virtually every aircraft system flying today. While the AFMC Law Office provides legal support for the ASC acquisition mission, ASC/JA provides all other legal support for ASC and its commander, who is the general court-martial convening authority. Additionally, ASC/JA serves the 88th Air Base Wing (88 ABW), a myriad of tenant units at Wright Patterson AFB, and supported

units throughout a five-state region. The deputy staff judge advocate is dual-hatted as the Staff Judge Advocate for the 88 ABW, and its commander, who is the special court-martial convening authority. In 2011, ASC/JA prosecuted one GCM, three SPCMs, and one SCM while processing 58 NJP actions. ASC/JA personnel also provided steady-state services and timely advice on emerging legal issues. ASC's legal assistance team assisted 5,635 clients, prepared 4,200 POAs, and 1,100 wills, saving clients over \$1 million in legal fees. Additionally, the tax center served 1,654 clients, filed 3,428 returns with \$5.3 million in refunds and saved clients \$425,000 which is a 20 percent increase from the previous year. The military justice section was recognized as "Outstanding Team" during the 2011 Wright-Patterson AFB UCI. The hard work by ASC/JA personnel did not go unnoticed. Captain Kellyann Boehm was named USAF 2010-11 American Bar Association Outstanding Young Military Service Lawyer. Captain Lauren Rosenblatt was the TJAG nominee for the 2010 ABA Legal Assistance for Military Personnel Distinguished Service Award. Ms. Julienne McCammon was the 2010 ASC Civilian Category II Employee of the Year.

The **754th Electronic Systems Group Legal Office** (ELSG/JA), Gunter Air Force Base, Alabama, provided superb legal support in contracting and ethics this year. Their four attorneys provided legal reviews for 1,100 contract actions valued at more than \$452 million and guided seven parallel source selections for Air Force wide Information Technology contracts including NETCENTS two contracts for hardware/software and network operations and application services with combined values \$27 billion and GCSS-AF-2 at \$790 million for combat support systems that was awarded without protest. Significant training initiatives for ethics were added supporting in-sourcing

and our Air Force-wide AFITC conference and improvements made in FOIA processes and office web site.

It was a busy military justice year for the **Electronic Systems Center Legal Office** (ESC/JA), Hanscom Air Force Base, Massachusetts. ESC/JA prosecuted two GCMs and four SPCMs, with another of each scheduled by the end of the year which equals the total number of courts prosecuted the base the previous three years combined. The majority of the accused in these cases were Air National Guard and Air Force Reserve members who required recall to active duty by The Secretary of the Air Force for prosecution. In an unprecedented case, ESC/JA prosecuted a captain for theft (via GPC and contract vehicles) of \$550,000 of government property, obtaining a sentence of four years confinement and a dismissal. As the only active duty Air Force installation in New England, Hanscom's legal assistance division had another busy year assisting nearly 1,200 clients and providing almost 2,000 legal documents to those clients. Further, the tax office prepared over 1,000 returns, saving clients \$175,000 in preparation fees. ESC/JA also spent significant time recruiting new members of the JAG Cops at 10 New England law schools which resulted in more than 40 applicant interviews for the direct appointee and other commissioning programs. ESC/JAH (ESC's Program Counsel at Peterson AFB) devised and implemented a new, recurring virtual multi-MAJCOM/service Space and Cyber Procurement Law CLE Crossflow program to enhance JA support to critical capability delivery. ESC/JAA (General and Administrative Law) successfully defended three GAO bid protests in calendar year 2011, including one in which the protestor withdrew its protest as a result of being suspended by SAF/GCR thanks to ESC/JAA's outstanding advocacy. Finally, JAA's Ethics Counselors filed seven SF-278

Public Financial Disclosure Reports and 1,123 OGE Form 450 Confidential Financial Reports.

The **Oklahoma City Logistics Center Legal Office** (OC-ALC/JA) completed another strong year of legal support to the command and its personnel. The justice division managed six courts-martial, over 80 NJP actions, and nearly 85 discharges. Additionally, that division rolled out a "virtual" MJ division SharePoint site that allows commanders, shirts, and JAG personnel to interface on justice actions, discovery, court member request, and other items. The office's Financial Disclosure Management Program handled over 750 filings—100 percent on-time and with an AF success score of 993 (AF average is 749). The Tax Center provided valuable service to clients saving over \$318,000 in filing fees and assisting in the receipt of over \$3 million in returns. Additionally, the office's environmental law division was instrumental in obtaining approval to negotiate acquisition of the Tinker Aerospace Center which dramatically expands and modernizes the Center's depot maintenance capacity.

The **Ogden Air Logistics Center Legal Office** (OO-ALC/JA), Ogden, Utah, experienced a memorable and busy year. In 2011, the military justice team prosecuted 15 courts-martial: eight GCMs, three SPCMs, and five SCMs with a 100 percent conviction rate, obtaining sentences totaling more than 146 months of confinement, six BCDs, and one DD. Its military justice team also completed 83 Article 15s; the military justice team also completed 56 discharges. D2A averages improved by almost two months for SPCMs and three months for GCMs over the 2010 D2A averages. The civil law division worked more actions, cases, and opinions than any previous year in the history of the office while the labor law division defended numerous Merit System Protection Board (MSPB) cases involving

“Butterbaugh” claims. OO-ALC/JA labor attorneys streamlined the MSPB process so that one attorney and one paralegal—in coordination with the Hill AFB personnel office—could handle all of these cases. For yet another year, OO-ALC/JA environmental attorneys successfully managed and facilitated the installation’s expansive Environmental, Safety, and Occupational Health Compliance Assessment and Management Program, or ESOHCAMP Program. Hill AFB is the only facility in the Air Force where management of the ESOHCAMP program is done by attorneys. The acquisition division saw an increase in workload this year. They reviewed over 800 contract files for a total value of approximately \$16 billion—a substantial increase in the dollar amount. In addition, they issued over 1,000 acquisition opinions, 31 Freedom of Information Act requests, and 37 post-government employment letters, a 25 percent increase.

The **Warner-Robins Air Logistics Center Legal Office** (WR-ALC/JA), Warner-Robins Air Force Base, Georgia, provided expert and highly effective legal support to the Warner-Robins Air Logistics Center in response to over two years of OSHA safety and health investigations. WR-ALC/JA orchestrated command responses and advocated defenses highlighted by legal solutions and development of 39 command certifications of compliance. These events were concluded by drafting and negotiating a settlement agreement between OSHA and the ALC that removed the OSHA inspection teams, resolved the underlying violations, and enhanced the health and safety of the Command. WR-ALC/JA developed defenses and responses to the first ever OSHA comprehensive inspection of a major DOD industrial complex has become a model for the rest of the Air Force. In the military justice arena, WR-ALC prosecuted two GCMs and one SpCM, while processing

44 NJP actions. WR-ALC/JA was the primary contributor to the development of a year-round ESOHCAMP, replacing the prior one-week annual version of ESOHCAMP that has been practiced in most of the AF. This involved successful advocacy and support for the year-round program at the ESOH Council, almost daily legal review of proposed findings and proposed Management Action Plans, as well as highlighting selected findings for proposed ESOH Council action. The result has been greater oversight and coverage over environmental matters on a continuous basis, significantly enhancing focus on compliance.

### **Air Force Reserve Command (AFRC)**

At the **301st Fighter Wing Legal Office** (301 FW/JA), Naval Air Station Fort Worth Joint Reserve Base, Forth Worth, Texas, Air Force Reserve Command, while Lieutenant Colonel Derek Phillips was deployed to the AOR, Captain Mitch Martzen capably took the reins of the office and provided non-stop legal support to the 301 FW. Since February 2011, Captain Martzen has superbly performed the duties of both SJA and Deputy SJA, positions normally filled by a lieutenant colonel and a major, respectively. In addition to preparing for an ORE and ORI, Captain Martzen also successfully ran his sole provider legal practice, reached out to the local law enforcement (LE) community to establish working relationships with members of the local LE organizations, and provided a significant portion of the Tier I and II DADT training sessions for commanders at both the 301 FW and 10 AF. As a JAG leader on DADT repeal issues, Capt Martzen briefed hundreds of Airmen at nearly 20 training sessions. Never neglecting the needs of individual Airmen, Capt Martzen drafted and/or reviewed numerous legal documents and provided crucial legal advice to Airmen, including a case involving the death of

an active duty member and one where an Airman was fraudulently deprived of tens of thousands of dollars. Not content with the status quo, Capt Martzen secured approval and buy-in from higher headquarters, JA, PA, and his Navy counterpart and initiated constructive ties between the joint base and the local civilian law enforcement entities, including the police departments, sheriff offices, and district attorney offices. Further, Technical Sergeant Faison was promoted to master sergeant and the office successfully recruited a new paralegal from FM.

It was quite a year of change as the **917th Wing Legal Office** (917 WG/JA) at Barksdale AFB, Louisiana, became the **307th Bomb Wing Legal Office** (307 BW/JA), Air Force Reserve Command. Many administrative and organizational challenges were associated with the stand-up of the new wing, and their staff rose to the occasion! During this transition, the 307 BW/JA completed a record number of CDI legal reviews with several high profile issues. But their staff’s individual accomplishments reveal the talent! They recruited Richard Talley, their new cross-trainee paralegal, from FM. He completed the Paralegal Training Course as a Distinguished Graduate, and completed over 80 days of active duty seasonal training with the 2 BW/JA office at Barksdale. He hit the ground running and is doing a great job. It was also a whirlwind year for their LOS, Amanda Bertrand. In addition to attending to all the JA office matters between and during the monthly UTAs, she managed to attend the SJA Conference in Atlanta in August, the Paralegal Research and Writing Course at Maxwell AFB, Alabama, in May, and the KEYSTONE Conference in New Orleans in October, all while serving as the acting LOS for HQ AFGSC/JA. She was there running both offices, not just during the drill weekends, and simultaneously winning the respect and confidence of the 307

BW commanders. This culminated with her promotion to Senior Master Sergeant in conjunction with being selected to serve as the Senior IMA Paralegal for 14 AF/JA. They also celebrated with their Deputy, Robert L. Luttrell, after he was promoted to Lieutenant Colonel in October. 307 BW/JA was also recognized as an “Efficiency Honoree for February” on TJAG’s Legal Assistance Honor Roll.

**The 310th Space Wing Legal Office** (310 SW/JA), Shriever AFB, Colorado, Air Force Reserve Command, was recognized as feedback honorees and made the legal assistance honor roll for October 2011. The office services 15 units, several of which are GSUs and two direct reporting units. The Air Force Legal Assistance website has dramatically changed the way they do business in that it allows their geographically separated members to complete their will and POA worksheets online from any computer in the world. This makes the legal assistance process easier and saves time when clients are in the office meeting with an attorney or paralegal.

The Yellow Ribbon Reintegration Program is a comprehensive plan to inform and support deployers and their families—and employers—before, during, and after a deployment. And as a family of professionals, the 310th Space Wing is especially dedicated to providing support and care to its deployed personnel. Major Aaron Haase and Master Sergeant Penny Guillard provided JA support at two 2011 Yellow Ribbon Events, one in California and one in Washington, D.C.

As another example of ARC teamwork, Major Dennis Dyke, an IMA assigned to 50 SW/JA, Schriever AFB, CO, filled the 310 SW/JA SJA slot while Lieutenant Colonel Vlad Shifrin, the newly selected SJA at Schriever, completed his 179-day deployment in Afghanistan.

**The 482nd Fighter Wing Legal Office** (482 FW/JA), Homestead Air Reserve Base, Florida, Staff Judge Advocate, Lieutenant Colonel Steve Parrish, constantly encourages his two subordinate JAGs to volunteer for TDYs and deployments and to conduct Home Station Support tours at Regular Air Force offices. Moreover, all three JAGs are proactive at Yellow Ribbon events throughout the lower USA (Dallas, New Orleans, and Orlando) and have received accolades from the AFRC POCs regarding their informative and interactive presentations. Additionally, he and the LOS, Master Sergeant Diane Acquaviva, have perfected JAG/paralegal teaming in legal assistance where she prepares all POAs and wills for legal review, and he advises the clients and finalizes the documents.

**The 919th Special Operations Wing** (919 SOW/JA), Eglin Air Force Base, Florida, Air Force Reserve Command’s office building began renovation in 2010. During renovations, the office relocated to a modular office building with two office areas. In an effort to maximize JAG/paralegal teaming, the SJA and LOS shared one office and the attorney and paralegal shared the other office. This move fostered a wonderful working relationship between newly assigned personnel, First Lieutenant Samuel Taylor and Airman First Class Kathryn Davidson. In addition, the SJA and LOS were able to easily collaborate regarding all aspects of office management. These “cozy” working conditions provided a unique and valuable opportunity for both teaming and mentorship. Lieutenant Taylor maximized every opportunity to mentor A1C Davidson by guiding research and discussing, in depth, the various legal issues handled by the JA staff. Additionally, squadron and group commanders and first sergeants appreciated the ability to gain a perspective on disciplinary issues from both the SJA and the LOS. Commanders and first sergeants who visited the office to discuss issues

with their Airman were greeted by both the SJA and the LOS, Lieutenant Colonel Jacqueline Bouchard and Master Sergeant Tricia Miller, who then were both able to offer their expertise and provide senior officer and enlisted perspectives for the benefit of command. As the office prepares to move into its new office/building location, it has made preparations to continue this valuable teaming partnership. Although each attorney will have their own office, they plan to include both the paralegal and attorney in all counseling sessions on legal issues with the chain of command.

**At the 940th Wing Legal Office** (940 WG/JA), Beale Air Force Base, California, Air Force Reserve Command, newly-minted Major Randy Renfro participated in Terminal Furry 2011 as the Operations JAG working alongside active duty commanders and Regular Air Force JAGs during the exercise. He worked mostly in the AOC but was shared by all areas-targeting, planning, and operations. Then he assisted the California ANG with an adultery investigation and helped draft a final report. He also assisted the ANG with a FOIA request regarding the investigation and drafted the final releaseable document. Maj Renfro assisted PACAF for a month working on a number of regular JA duties and some ops issues—he worked on several accident investigations and coordinated legal releases with the FLO. He reviewed numerous FOIA requests from contractors regarding lost Air Force work (each one was over 3,000 pages), drafted a releasable AIB report (including all redactions) that exceeded 1,000 pages, and also worked with the 713 and 710 COSs in getting JA support for their burgeoning legal issues and functions. State-side, Maj Renfro has been proactive providing legal assistance for members considering/filing bankruptcy and/or trying to avoid

foreclosure. Maj Renfro has taught several courses and spoken at numerous commander's calls to discuss debt, financial issues, and the effects, if any, of fiscal matters on security clearances.

### **Air Force Space Command (AFSPC)**

With 12 weapons systems at 39 units and GSUs in nearly 30 locations and six countries, the 21st Space Wing at Peterson AFB, Colorado, is one of the Air Force's most diverse wings. The **21st Space Wing Legal Office** (21 SW/JA), began the year with a successful HQ AFSPC/IG Compliance Inspection. The office had no significant or critical discrepancies, and the Chief of Military Justice was identified as a "Top Performer" for excelling as a Crisis Action Team member. The General Law division maintained the busiest legal assistance workload in the command, providing vital legal services to over 4,000 personnel, saving clients over \$988,000 on more than 7,000 legal documents. Mirroring TJAG's teaming principle, the Military Justice division's Trials Team was named a "best practice" during an HQ AFSPC/JA briefing. The staff organized and hosted several morale and team-building events with area legal offices, including office hikes, a pre-game USAFA tailgate function, and Thanksgiving and Christmas potluck luncheons.

The **30th Space Wing Legal Office** (30 SW/JA) at Vandenberg AFB, California, supports diverse spacelift and testing missions and 40 tenant units. The military justice division completed its general courts-martial in about half the average Air Force processing time. Civil law attorneys and paralegals completed over 1,200 reviews, including 45 private organization constitutions and bylaw reviews as part of an effort to improve oversight of private organization activity. Attorneys and paralegals managed an aggressive magistrate court program, prosecuting 1,028 offenses, an increase of 78 percent over the

previous year. With nearly 100,000 acres on the installation, the office handled complex encroachment, real property, and environmental issues. Finally, the office boasted one of the Air Force's highest-rated legal assistance programs, garnering 93 percent "outstanding" feedback and earning distinction as one of only five active duty offices to appear on both components of TJAG's honor roll for the entire year.

The **45th Space Wing Legal Office** (45 SW/JA), Patrick AFB, Florida, was the first AFSPC base to undergo the new Article 6/Consolidated Unit Inspection (CUI) using the new CUI checklist. The office excelled, and its Legal Assistance/VWAP programs were noted as strengths. 45 SW/JA also offered the first quarterly Retiree Will Day with the entire office supporting the effort—attorneys and trained paralegals teamed to draft the wills and everyone else served as witnesses. In 2011, they prepared 1161 wills, 845 of them for retirees. They also enhanced their trial skills, hosting the TRIALS program and by bringing in a federal prosecutor/Reservist JAG and two local trial attorneys to provide trainings on trial techniques. Major Scott Gunn deployed in the middle of 2011, and Captain Jerome Kearns and Staff Sergeant Nerissa Williams deployed at the end of the year.

The **50th Space Wing Legal Office** (50 SW/JA), Schriever AFB, Colorado, tackled several unique issues in 2011. There was not one but two "active shooter" events on the installation, the second garnering national media coverage. Both incidents required extensive coordination with local authorities and mastery of complex jurisdictional issues, including the Anti-Shuttling Act. In both events the Office of the Staff Judge Advocate gave immediate, spot-on advice to wing leadership. The 50th Space Wing Legal Office also received numerous accolades, including a winner in each of

the Wing Staff awards categories. After returning from his most recent deployment to Afghanistan, the Law Office Superintendent, Master Sergeant Michael Wright, was honored as the AFSPC nominee for the 2010 Swigonski Award. Additionally, every active duty member of the 50th Space Wing Legal Office scored in the "Excellent" category on their 2011 fitness assessment.

The **67th Network Warfare Wing Legal Office** (67 NWW/JA), a tenant at Lackland AFB, Texas, provides legal support to the 67th Network Warfare Wing and the 688th Information Operations Wing. During 2011, it successfully completed its transformation into the Air Force's only exclusively ops-focused wing-level legal office. In support of worldwide cyber operations, they successfully devised critical language for special instructions (SPINS) that enabled operators to support a new classified mission, ending a three-month delay in the mission. Additionally, the office created the wing's first mission-specific legal training for cyber operators conducting classified Network Attack operations. Through its continuing hard work and expert advice, the office contributed directly to 67 NWW winning the 2010 Air Force Space Command's overall outstanding Wing with a Cyber Space Mission.

2011 was a year of tremendous change and success for the **460th Space Wing Legal Office** (460 SW/JA), Buckley AFB, Colorado. Over 50 percent of all military personnel, including Reservists, were new arrivals to the office. The Legal Office team was integral to Team Buckley's successful support of the evacuation of military dependents from earthquake-stricken Japan, offering legal assistance services to hundreds of dependents moments after their arrival from Japan. Legal assistance and preventive law were priorities all year as the office added walk-in hours to increase services to over 2,300 clients and


 Spotlight on

## 319 ABW/JA (AMC)



*MSgt Aaron Holmes*

**M**aster Sergeant Aaron Holmes deployed from the Grand Forks AFB legal office as a phenomenal NCOIC and continued to impress from across the world and across services as a Joint Investigative Committee paralegal with the Law and Order Task Force (LAOTF) in Iraq.

LAOTF's primary mission is to prosecute top-tier terrorists in Iraqi courts. MSgt Holmes worked directly with Iraqi judicial investigators and often made trips to Iraqi courts providing requested documents or other evidence so that cases could proceed to trial. When he wasn't at court, MSgt Holmes was mostly likely participating in

one of over 75 "outside the wire" operations, putting his own life in danger to gather evidence to be used in prosecuting terrorists. He secured and inventoried more than 90 weapons and over 120 boxes of documents which led to "detention orders" for 22 insurgents, removing them from the streets and making Iraq a safer place for both our troops and the Iraqi people. MSgt Holmes reviewed thousands of pages of intelligence documents and prepared prosecution memoranda earning the respect of everyone in the LAOTF. Air Force leadership called him one of the very best NCOs he had worked with in 35 years of service. Navy leadership called him the number one NCO, not only at LAOTF, but throughout the United States Forces-Iraq (USF-I) Office of the Staff Judge Advocate. And while the Army leadership was typically reserved in words, MSgt Holmes was the only NCO in USF-I Staff Judge Advocate's Office of any service to be coined by the USF-I Sergeant Major.

published the first edition of The Cross-Examiner, a new quarterly preventive law newsletter. Finally, three child molesters were successfully prosecuted over a two-month period, which earned the Military Justice section the Buckley Air Force Base Team Excellence Award.

### **Air Mobility Command (AMC)**

The **6th Air Mobility Wing Legal Office** (6 AMW/JA), MacDill Air Force Base, Florida, had an outstanding year. In addition to supporting the 6th Air Mobility Wing, the legal office also provided outstanding support to United States Central Command (USCENTCOM) and United States Special Operations Command (USSOCOM) and 38 additional tenant units. As most offices, their office saw many personnel moves throughout the year. And also has numerous individuals deployed throughout the year. They also had many award winners. Specifically, Staff Sergeant Frank Castro was selected as the 6th AMW Honor Guard NCO of the Quarter for the second quarter. The office continued to build strong ties with both the local and state bar associations. In April, their office hosted the Executive Committee for the Hillsborough Country Bar Association. In addition, on 16 September, Mr. Robert Nader, the President Elect for the Hillsborough County Bar Association, was appointed by the Wing Commander to be the legal office's Honorary Commander. Because MacDill is in beautiful and sunny Florida, they service a very large and robust retiree population. The 6 AMW/JA provided legal assistance to over 4,600 clients. On Saturday, 24 September 2011, the legal office supported the Wing's Retiree Appreciation Day. In a little over 5 hours, their attorneys and paralegals provided spot-on legal assistance to 113 retirees, drafted and executed 104 wills, and notarized an additional 162 documents ranging from various power of attorneys to health care surrogates. In addition, their legal assistance program truly

highlights their office's commitment to paralegal-attorney teaming. Most of their paralegals attended the wills preparation course. The paralegals draft wills with attorney supervision reducing the time attorneys spend drafting documents. This provides the attorneys with additional and valuable man-hours to meet with clients.

The **19th Airlift Wing Legal Office** (19 AW/JA), Little Rock Air Force Base, Arkansas, supports one of the Air Force's premier combat airlift wing. In the month of April, a Category Two tornado ripped across the base, damaging over 100 homes and three aircrafts. Immediately, 19 AW/JA sprang into action and was instrumental in the activation of the Tornado Assistance Center. They rapidly compiled claims information to launch onto electronic media to help families in need. Additionally, within 24-hours of the tornado, and despite the impact of the tornado on legal office personnel, the office continued to provide legal support briefing over 200 deployers, who departed three days after the disaster. Throughout the year, the office briefs deploying Airmen, first term Airmen, newcomers and the spouses of deployed Airmen. Ensuring legal readiness for over 1,246 deploying Airmen, they assisted 2,232 clients providing 3,682 legal documents, executing 369 wills and 4,104 notaries, saving clients over \$437,000. The military justice team successfully completed nine courts-martial, 70 discharges, and 132 nonjudicial punishments ensuring good order and discipline amongst Team Little Rock and its two wings and subordinate units under three separate MAJCOMs.

The **22d Air Refueling Wing Legal Office** (22 ARW/JA), McConnell Air Force Base, Kansas, received AMC's Excellence in Discipline "Silver Medal" award for 2010. The justice team hosted a rare triple Art 32 hearing with three accused from three different bases, four government attorneys, and six defense

counsel. In addition, the military justice section instituted an Article 15 "Tips For Commanders" handout and developed NJP stoplight charts which greatly improved efficiency. The civil law team negotiated a tough Environmental Right of Entry with Boeing and coordinated use of an ANG building, saving \$50 million in MILCON costs. 22 ARW/JA deployed three members at the same time, including the DSJA and LOS. The JA team hosted a successful Article 6 visit, receiving praise from both DJAG and AMC/JA.

It was a historic year for the former **Pope AFB**. The 2005 BRAC transferred Pope AFB real property to the Army and created an "Operations Group", providing unity of command of Air Force units on "Pope Army Air Field" to manage loadout of Fort Bragg assets. Thus, on 1 March 2011, Pope AFB closed and the 43rd Airlift Group was born. So too was the 43rd Airlift Group Office of the Staff Judge Advocate, which serves an active duty population of approximately 1,800 personnel consisting of units from ACC, AETC, AFSOC, and AMC.

The **60th Air Mobility Wing Legal Office** (60 AMW/JA), Travis Air Force Base, California, accomplished outstanding work in 2011 and simultaneously took the warrior ethos to heart. The legal office maintained a 100 percent fitness test pass rate and won the Travis Chief's Group Sit-up/Pushup Challenge as the unit with most participants, while also winning individual awards for the most push-ups and sit-ups. Placing customer service in the forefront, the office consistently earned a place on the legal assistance Honor Rolls 10 of the last 12 months. Individual accomplishments included Mrs. Erin Hernandez' selection as an Outstanding Performer during the Travis UCI, Mrs. JoRene Danel's selection as the 60 AMW Civilian Volunteer of the Quarter, and Captain Sprott's selection as



a Distinguished Graduate during Officer Training School.

2011 was an exciting year for the **62d Airlift Wing Legal Office** (62 AW/JA), Joint Base Lewis-McChord. Throughout the year, we deployed two JAGs and four paralegals in support of overseas contingency operations, including the deployments of two different law office superintendents. The remainder of the office rallied to an outstanding performance in numerous challenges and opportunities. In February 2011, the office hosted TJAG during his first Article 6 inspection to an Army-led joint base. On two separate occasions this year, JAG-paralegal teams recently trained at the AIB Course provided critical legal support to investigating officers investigating serious C-17 mishaps. Their efforts ensured a thorough investigation in each and laid the groundwork for three simultaneous and lengthy flight evaluation board proceedings later in the year. In May 2011, the office earned an “Excellent” during the AMC Compliance Inspection. Captain Andrea Hunwick and Senior Airman Roberto Vargas were recognized as an “Outstanding Team” by the AMC/IG for their exceptional efforts in building an incredible Operations Law program. The team also won first place in two AMC Operations Law Exercises. With three paralegals in upgrade training and three new JAGs, the office built a strong training program which was also highlighted during the compliance inspection.

In 2011, the **87th Air Base Wing Legal Office** (87 ABW/JA), Joint Base McGuire-Dix-Lakehurst, New Jersey, realigned within Air Mobility Command from 18th Air Force to the U.S. Air Force Expeditionary Center. The realignment occurred to better meet the challenges of Air Mobility Command’s ever-evolving mission. While most of the changes were largely transparent, the net effect enabled

18th Air Force to focus on serving as the air component of USTRANSCOM, and the U.S. Air Force Expeditionary Center to focus on expeditionary and installation support missions. The 87 ABW provides installation management to the Joint Base, the nation’s only tri-service joint base. The joint base’s 42,000 contiguous acres spanning more than 20 miles east to west, are home to more than 80 mission partners and 40 mission commanders, and provide a wide range of combat capability. The 87 ABW Legal Office works closely with wing leadership and our sister service legal offices to support the myriad host wing responsibilities at the Joint Base. Additionally, the Legal Office provides services to the 305 AMW, the 621 CRW, and the 21 EMTF. The Legal Office collected numerous Wing Staff Agency and Air Base Wing Awards throughout the year. The Legal Office also continued its support of the Global War on Terror, with the deployments of the Deputy Staff Judge Advocate, the former Law Office Superintendent, and the current Law Office Superintendent.

The **319th Air Base Wing Legal Office** (319 ABW/JA), Grand Forks Air Force Base, North Dakota, exhibited the same warrior spirit and pursuit of excellence the Warriors of the North are known for and applied their skill, determination, and ingenuity to a new mission, expanding the Global Hawk’s mission of high altitude intelligence, surveillance, and reconnaissance on the 21st century battlefield. The 15 men and women of the 319th Air Base Wing Legal Office were not only instrumental in bedding down the new mission but continued providing exceptional legal support for commanders and for nearly 4,000 military, civilian, and dependent members of Team Grand Forks.

In 2011, the **375th Air Mobility Wing Legal Office** (375 AMW/JA), Scott Air Force Base, Illinois, successfully prosecuted and garnered a conviction for

former Command Chief William Gurney in one of the Air Force’s highest profile cases in years. Additionally, Captain Scott Adams is serving as AMC’s first ever primary JAG for the NORTHCOM Defense CBRN Response Force one-year tasking. Furthermore, as a result of extremely hard work, the office earned an “EXCELLENT” rating from the IG during the Air Forces’ first Combined Unit Inspection (CUI). Finally, 375 AMW/JA is serving as a test bed for the entire JAG Corps by implementing the expanded legal assistance program with representation of military members and dependents in uncontested divorce cases.

The **436th Airlift Wing Legal Office** (46 AW/JA), Dover Air Force Base, Delaware, partnered with the Delaware Office of the State Bank Commissioner to intercede for foreclosure clients resulting in nine homes saved from foreclosure. To address local landlord violations of the SCRA, the legal office teamed with the housing office to institute expanded legal reviews of residential leases and implemented daily walk-in lease reviews. To reduce courts-martial and discharge board member excusal requests, the legal office instituted a “just-in-time” member nomination process. The legal office’s many accomplishments contributed to Dover Air Force base winning the 2011 Commander-in-Chief’s Installation Excellence Award for AMC.

It is an amazing time to be a part of the U.S. Armed Forces while attached to the **628th Air Base Wing Legal Office** (628 ABW/JA), Joint Base Charleston Legal Office, Charleston, South Carolina. In October of 2011, they celebrated their one-year anniversary of becoming a joint base with the United States Navy. Working at a joint base with the Navy not only brings unique legal issues, such as riparian rights of civilian vessels along the Copper River, but allows the opportunity to build lasting synergistic relationships

with the Navy. In addition to nearly doubling their civil and administrative workload in 2011, they also prosecuted over 15 courts-martial to include an attempted murder case.

### **Pacific Air Forces (PACAF)**

The **8th Fighter Wing Legal Office** (8 FW/JA), Kunsan Air Base, ROK, completed another successful year “defending the base, accepting follow on forces, and taking the fight North!” The Law Dogs of the Wolf Pack earned an “Outstanding” rating during the PACAF unit compliance inspection while still maintaining the high readiness tempo demanded at the Wolf Pack. Additionally, although there is 100 percent annual turnover, 8 FW/JA continued to lead PACAF’s military justice program, achieving near perfect metrics in every military justice category while also continuing to support peninsula-wide exercises, including the annual KEY RESOLVE and ULCHI FREEDOM GUARDIAN joint exercises.

The **15th Wing Legal Office** (15 WG/JA) Hickam Air Force Base, Hawaii, blazed through 2011, handling a 100 percent increase in courts-martial over the previous year in stride. An emphasis on renewing the office’s relationship with the city prosecutor paid huge dividends as we received jurisdiction in 50 percent more off-base misconduct incidents than in previous years, to include several aggravated assaults and DUIs. The office continued to partner with the Navy’s local legal offices during our first full year as a joint base, providing true joint support across the base. Our JAGs and paralegals were actively involved in the community, from helping organize the POW/MIA memorial run to volunteering with local sporting and religious activities. The office supported the Team Hickam effort with multiple POTUS/VPOTUS missions, the filming

of three *Hawaii-Five-O* episodes, and the Asian-Pacific Economic Conference.

The **18th Wing Legal Office** (18 WG/JA), Kadena Air Base, Japan, had an exciting 2011. Several 18 WG/JA members deployed to contingency locations, including Major Tara Olayvar to Al Dhafra, Major Sandra O’Hern and Captain Christopher Kovach to Afghanistan, Senior Airman William Hawkes to Kuwait, and Airman First Class Lezette Orellana to Qatar. Kadena also bid farewell to Senior Master Sergeant James Wells Jr., who retired after 20 years of honorable service. Finally, in the wake of the devastating tsunami that struck mainland Japan, Kadena members geared up to assist with Operation Tomodachi. Captain Reagan Beaton, Captain Brian Call, and Technical Sergeant Robert Mathews were handpicked augmentees, supporting the relief efforts.

The **35th Fighter Wing Legal Office** (35 FW/JA), Misawa Air Base, Japan, had many accomplishments in 2011, but none more significant than the support of Operation Tomodachi. 35 FW/JA made a tremendous impact, including advising on the legality of using base equipment, tracking down 80 missing Misawa High School students, bedding down USAID workers, and helping evacuees get passports. When the State Department authorized military families to voluntarily depart Japan, the legal office, operating out of a makeshift office due to power outages, produced an amazing 1,383 legal documents, ensuring 873 departing families were legally prepared. The legal office also donated hundreds of hours of manpower to feeding, sheltering, and rebuilding our host nation. The 35th Fighter Wing Legal Office is extremely proud of their efforts in support of this complex humanitarian mission.

The **36th Wing Legal Office** (36 WG/JA), Andersen AFB, Guam, received an “Excellent” rating on a Unit Compliance inspection in May, with the inspectors praising the legal team for having zero deficiencies. During the year, four Team Andersen legal warriors deployed: Captain Imelda Antonio serving in the Philippines; Captain Ian Holzhauer in Guantanamo Bay, Cuba; Master Sergeant Judy Bland at forward operating base Salerno, Afghanistan; and Airman First Class Matthew Huston in Kuwait. The military justice team processed 15 courts with three trial counsel and three paralegals, the busiest per capita in the Air Force. The 36 WG/JA implemented a newly-acclaimed “Legal Newsletter” for the base, addressing topics on legal assistance, ethics, and justice for the base population. Special recognition goes out to Master Sergeant Ralph Oliver who was selected by the 13 AF/CC as the only technical sergeant step-promoted to master sergeant at Andersen.

2011 was a good year at the **51st Fighter Wing Legal Office** (51 FW/JA), Osan Air Base, ROK. A springtime operational readiness inspector rated the wing’s legal operations as “Excellent” and non-combatant evacuation operations (NEO) as “Outstanding.” 51 FW/JA was able to improve its involvement in the NEO mission set during real-world preparations to receive evacuees from tsunami- and earthquake-ravaged Japan. Perennial tensions on the Korean peninsula and a robust training cycle made for a busy year. Finally, Osan experienced an increase in general courts-martial atop an already hectic military justice case load.

The **354th Fighter Wing Legal Office** (354 FW/JA), Eielson Air Force, Alaska, is “Ready to go at 50 below!” Despite their small size and more than 50 percent turnover in manpower, they provided 1,445 documents to 849 clients while a

robust tax program returned \$900,000. The military justice team delivered excellent and timely service to commanders, ranking #1 in PACAF for discharge processing and #2 for Article 15s. The civil law section handled high profile contract and environmental law issues resulting in multi-million dollar jet fuel bladder and water treatment projects. The year culminated in a highly successful IG Compliance Inspection.

The **374th Air Wing Legal Office** (374 AW/JA), Yokota Air Base, Japan, continued a busy operations and international law practice, including supporting JTF-GTMO with one JAG and paralegal. Between 12 Mar and 4 May 11, the office mobilized in support of Operation Tomodachi (which means “friend” in Japanese). This operation helped the Japanese people recover after the devastating earthquake and resulting tsunami. Captain Sara

Rathgeber served as the officer-in-charge of the Wing Staff Agency Control Group Center, the critical command and control hub for the wing commander’s staff for the duration of the operation. Captain Mary Wood served as the night-shift executive officer to the 374 AW vice commander. JAGs and paralegals manned the office 24-hours a day to ensure both the home and TDY population had their legal needs met. The office generated more than 850 POAs during the operation, including on the voluntary, authorized departure line and paralegals worked the reception processing unit line to support more than 1,700 incoming operational personnel.

2011 was another busy and successful year for the **673d Air Base Wing Legal Office** (673 ABW/JA), Joint Base Elmendorf-Richardson, Alaska. The office was heavily involved in the accident investigation boards for the fatal F-22 and C-17 crashes.

The legal staff supported a major Army deployment from the joint base, as more than 4,000 personnel processed through the deployment line and provided over 127 wills and 1,984 powers of attorney in three weeks. Office personnel also supported PACAF inspections and exercises, traveling to Korea, Guam, Hawaii, and Australia in support of KEY RESOLVE, an ORI, a UCI, operation TERMINAL FURY, and operation TALISMAN SABRE.



31 FW/JA - Aviano tax center during Operation UNIFIED PROTECTOR

### United States Air Forces Europe (USAFE)

The **31st Fighter Wing’s Legal Office** (31 FW/JA), Aviano Air Base, Italy, provided full-spectrum legal services to the Aviano installation and to GSUs throughout Southern Europe. During the year, 31 FW/JA personnel supported Air Force, joint, and coalition operations. Specifically, the office’s military justice practice, legal assistance initiatives, robust training efforts, and attorney-paralegal teaming programs yielded tremendous benefits for 31 FW/JA’s clients—particularly during Operations ODYSSEY DAWN and UNIFIED PROTECTOR. Furthermore, by initiating and fostering close official relationships with Italian government authorities, 31 FW/JA safeguarded command prerogatives and directly enhanced the wing’s ability to conduct combat operations.

The **39th Air Base Wing Legal Office** (39 ABW/JA), Incirlik Air Base, Turkey, continues to support the fight from the outer fringes of USAFE. Incirlik AB plays an instrumental operational role as AMC’s busiest cargo hub in support of Operations NEW DAWN (OND) and ENDURING FREEDOM (OEF). Over 50 percent of airlifted sustainment cargo for OND and OEF, as well as 19 percent of AMC’s worldwide freight transits through Incirlik AB. The legal office is frequently involved in supporting these cargo movements through interpretation of international agreements and effective liaison with Turkish customs directorate officials. In addition to supporting the cargo hub mission, the legal office’s interpretation of international agreements and Turkish law is key to the facilitation of several new and emerging missions in support of both U.S. and NATO interests.

The high operations tempo at RAF Lakenheath continued unabated throughout 2011, with 20 percent of the Wing deployed throughout much of the year. The **48th Fighter Wing Legal Office** (48 FW/JA), RAF Lakenheath, United Kingdom, “Liberty Legal” also deployed four of their own: three NCOs and one officer deployed to Afghanistan, Al Udeid, and Iraq, with another officer slated to deploy to Al Udeid in early January 2012. Operation ODYSSEY DAWN presented another opportunity for their JAGs and paralegals to provide direct legal support to the mission. While deployed to Aviano AB, Captain Ian McCrea provided LOAC/ROE/RUF briefings, prepared ROE/CDE products to assist operators with daily changes to the SPINS, and facilitated communication between the 603 AOC, 617 AOC and Operators. He also provided legal assistance and coordinated military justice issues between the Aviano and RAF Lakenheath legal offices.

In addition, multiple JAG/paralegal teams travelled to Kalamata, Greece in support of the 347 AEG, the first ever integrated ship-based combat search and rescue force in Europe and Africa. During deployments to Kalamata, alternating JAG/paralegal teams hosted status of discipline briefings, provided advice on military justice, fiscal law and 347 AEG policies and procedures, conducted legal assistance, and advised on ROE between the USAF and the Hellenic AF. 48 FW/JA continues to rotate a JAG/paralegal team to the 347 AEG every 60 days in support of the mission.

USAFE's largest and most diverse fighter wing (fighters, AMC, and NATO), the **52d Fighter Wing Legal Office** (52 FW/JA) Spangdahlem AB, Germany began 2011 earning a Special Recognition Award during the wing's victorious bout for the 2011 Commander-in-Chief's Installation Excellence Award. The year quickly evolved into a series of unrelenting challenges. In March, the wing took on the monumental task of generating and launching the largest fighter force employed on the first night of operation ODYSSEY DAWN. In just five days of 24-hour surge operations, the legal office prepared over 1,000 Airmen for war. In April, we responded to a non-fatal A-10 crash, successfully prosecuted an Airman for negligently killing two fellow Airmen when he lost control of his vehicle on the Autobahn, completed 27 cases as part of two drug rings, and deployed a JAG and paralegal to the CENTCOM AOR. In July, we hosted TJAG and USAFE/JA for an Article 6 visit. Then in September, military justice once again took center stage as our office secured a 22-year sentence for a murder conviction in a litigated shaken baby case. We worked very closely with the German authorities to produce more

than 30 German and American witnesses and experts. Our resolve was tested and they emerged all the better for it.

The **65th Air Base Wing Legal Office** (65 ABW/JA) Lajes Field, Portugal, between 12-16 September 2011 marked the first USAFE combined ORI/LCI at Lajes Field, Azores, Portugal. Prior to the dual inspection, 65 ABW/JA underwent ATSO testing, performed safety drills, self-aid buddy care (SABC), put out a few fires, weapons disassembly, and MOPP 4 PAR sweeps. They also deployed, worked the personnel deployment function line, responded to weekly major accident response exercises (MAREs,) and prepared files for inspection. The base received an "Excellent" rating, to include our rule of law program. 65 ABW/JA files were found "in compliance," and our team cohesiveness was rewarded with a superior performance team award.



*86th Airlift Wing Legal Office*

The **86th Airlift Wing Legal Office** (86 AW/JA), Ramstein Air Base, Germany managed the heaviest docket in the AF processing 156 Article 15s and 25 courts-martial through mid-October, which included a high profile case where a total force effort embodied model teaming with OSI and JA. That teaming effort led to a life without parole conviction of a child rapist. The office also created a visionary

USAF first-of-its-kind discharge form that streamlined the notification process, cutting the typical discharge package from seven largely repetitive documents down to one. This focus continued to all facets of legal mission, as the office took the lead role in USAFE, creating a AF Legal Assistance website infomercial that was televised to more than three million viewers. Deployment support continued for Operation ODYSSEY DAWN where they filled a critical attorney role as an AOC ROE/targeting advisor.

The **100th Air Refueling Wing Legal Office** (100 ARW/JA), RAF Mildenhall, United Kingdom, played an integral role in supporting deployment operations around the globe. Filling three deployment taskings, Major Sterling Pendleton and Captain Brianne Rahn deployed in support of Operation ENDURING FREEDOM, while Staff Sergeant Justin McCrary deployed in support of Operation IRAQI FREEDOM. Additionally, the office supported wing and partner combat units at six different operating locations in support of Operation ODYSSEY DAWN and Operation UNIFIED PROTECTOR. Moreover, Captain Tim Dinin served as the Joint Special Operations Air Component-ODYSSEY DAWN legal advisor, advising the commander on all aspects of the operation. This outstanding support occurred all while successfully undergoing

a Unit Compliance Inspection and completing six courts-martial. Finally, to ensure continued exceptional host nation relationships, Captain Amy Siak organized base-wide participation in the highly meaningful Battle of Britain parade, recognizing the sacrifices of the Royal Air Force. Captain Siak, Master Sergeant Jill Robbins, and Staff Sergeant Paul Asp all marched in the parade.

The **421st Air Base Group Legal Office** (421 ABG/JA), RAF Menwith Hill, United Kingdom, expertly handled from start to finish, the complicated deportation of an Airman released from prison in the United Kingdom through the Facilitated Early Return Scheme for Foreign Prisoners. The member had served approximately half of a 12-year sentence after being convicted in the Crown Court of rape of a female 16-years-old or older, attempted rape, sexual assault on a female, sexual assault, and four counts of rape of a female under 16-years-old. The member also received an under other than honorable conditions discharge from the USAF. The 421 ABG/JA team coordinated and handled every aspect of the deportation and return, to include: out-processing the member from the USAF completely through prison visits prior to release; arranging with the UK Borders Agency for U.S. pick-up and transfer from the prison; utilization of a required private security company to get the member through airport security and the UK border; coordination of INTERPOL, FBI, and local law enforcement to meet the member upon landing in the U.S. to complete mandatory sex offender registration; and escort by USAF SFS personnel from the prison to final release in the U.S. Besides building incredibly good working relations with numerous UK agencies, the legal office saved the UK Government from paying the member £5,000+ in incentives to voluntarily leave the UK, as well as numerous administrative costs.

During the past year, the **422d Air Base Group Legal Office** (422 ABG/JA), RAF Croughton, United Kingdom, reached out to all the letting agents within a 30-mile radius of RAF Croughton concerning the Value Added Tax (VAT) relief program. This program allows U.S. service members to avoid paying VAT (a 20 percent sales

tax) for goods and services valued over 100 British pounds. The only catch is that the program requires the seller to opt into the scheme. Through their legal assistance program, they determined that some service member tenants were paying VAT on letting agent fees assessed at the time of entry into (or renewal of) their leases. Their research determined that service members could be exempted from paying VAT for this service. Several weeks after notifying over 80 letting agents, they had a 100 percent response and all of the letting agents agreed to opt into the program to allow service members to avoid payment of VAT on fees. They then worked with the housing office to make sure Airmen



422d Air Base Group Legal Office

were aware of the process to request relief. This program will ultimately save service members upwards of \$20,000 per year.

The **426th Air Base Squadron Legal Office** (426 ABS/JA), Stavanger, Norway, had a busy year building relationships and interacting with the host nation both locally and nationally. This included traveling to Oslo to meet with legal representatives from the Norwegian Ministry of Defense to discuss the possibility of instituting a program in which members of the U.S. Armed Forces in Norway could purchase tax and duty-free gasoline in the future. The 426 ABS legal staff also met with newly appointed police prosecutors

and briefed them on the NATO SOFA, foreign criminal jurisdiction and the U.S. military justice system. These briefings were followed up with a meeting with the Rogaland police district leadership and a tour of the police headquarters.

The **470th Air Base Squadron Legal Office** (470 ABS/JA), Geilenkirchen NATO Air Base, Germany, continues its tradition of exceptional and effective customer service in a complex international and operational environment. Recently, the legal team eliminated sales taxes levied by the German Ministry of Finance on purchases made on the installation by Europe-based U.S. forces not stationed at Geilenkirchen NATO Air Base. With persistent appeals and assistance from both USAFE/JA and USAEUR/JA, the legal office convinced the German Ministry of Finance to overturn its previous decision on the issue, utilizing the Bilateral Leave Agreement implemented years ago. The ministry now concurs with the legal office's interpretation of the agreement, and U.S. forces traveling through Germany are now allowed base shopping privileges at Geilenkirchen without tax repercussions.

The **501st Combat Support Wing Legal Office** (501 CSW/JA), RAF Alconbury, United Kingdom, continued to provide wide-ranging support for its joint and combined tenant units. The small office supported the fight by deploying the Deputy Staff Judge Advocate to Bagram Airfield, completing a historical five courts-martial, processing numerous Army and Air Force discharges and Article 15s, and completing over 500 income tax returns. Additionally, the legal office was lauded for its development of an innovative fitness tracker to assist commanders in identifying and appropriately responding to unsatisfactory performers.



*Lt Col Shifrin at school in AOR*



*TSgt Alison Villarruel and Maj Julie Rutherford deployed to the 386 AEW in Southwest Asia*



*31 FW/JA - Aviano OUP tent city under construction*



*100 ARW JA*



*12 AF/JA*



*8 AF/JA 2d Bomber Wing Maintenance Tour*

# JOINT JAGs AND PARALEGALS

**M**ore than 80 percent of the JAG Corps deployment taskings fulfill non-Air Force operational requirements. These joint and sister-service missions often require a specialized focus, such as contracting, fiscal law, international law, domestic operations, claims, or operations law. In 2011, the JAG Corps deployed judge advocates and paralegals to numerous joint task forces, combined commands, and joint service legal offices in Afghanistan, Iraq, Djibouti, Liberia, Cuba, Colombia, the Philippines and throughout combatant command AORs.

Supporting joint and sister-service operations is a Total Force effort for the JAG Corps. During 2011, Air Force Reserve and National Guard attorneys and paralegals volunteered to fill approximately 20 percent of all JAG Corps deployment taskings. This teamwork, both at home and abroad, is critical to mission success. Every day, JAG Corps members are dedicated to providing full-spectrum legal services needed to support the warfighter around the world. What follows is a spotlight on what we are bringing to the fight, working with our joint, sister-service, and coalition partners, 24/7/365.







## AFRICOM

Initially, U.S. Africa Command (USAFRICOM) operated almost entirely as a “diplomatic” combatant command. That clearly changed this past spring. When diplomatic efforts in Libya failed, USAFRICOM was called upon to conduct combat operations almost overnight.

On 17 March 2011, the UN Security Council passed a resolution directing member states to “take all necessary measures” to protect Libyan civilians. On 19 March 2011, USAFRICOM launched precision strikes to stop the advance of Muammar Qaddafi’s forces as they threatened Benghazi. Judge advocates working at strategic and operational levels of command provided time-critical advice every step of the way.

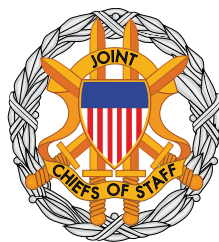
For the next several weeks, USAFRICOM attorneys and other Air Force JAGs

throughout the theater provided 24/7 support to military planners, operators, and leaders. From his vantage point on the Joint Staff, Colonel Jim Dapper wrote rules of engagement (ROE) approved by the SecDef to match the UN Security Council Resolutions.

At USAFRICOM headquarters, Lieutenant Colonel Brandon Halstead provided ROE guidance in the hours before strikes began. To enable humanitarian flights, he coordinated the issuance of Notices to Airmen and airspace approval authorities. Finally, Lt Col Halstead analyzed the facts and claims issues surrounding the crash of an F-15E. At 17th Air Force, Colonel Chris Lozo and Major Joy Primoli provided continuous operational advice to the 603rd Air Operation Center. They tackled questions on command relationships and support, targeting analysis, and deconfliction of

issues encompassing two COCOMs, NATO and other coalition forces. JAGs from 3rd Air Force also joined the Joint Task Force aboard the USS Mount Whitney where they provided real-time targeting advice.

The careful guidance provided by Air Force attorneys facilitated flawless execution. Atrocities were halted and regime forces were prevented from carrying out Qaddafi’s threat of mass murder in Benghazi. Air strikes were conducted with amazing precision against regime forces threatening or attacking civilians—no civilian casualties occurred throughout U.S.-led coalition operations! Today, USAFRICOM JAGs continue to provide advice during the transition to post-conflict conditions, proving that USAFRICOM is indeed a full-spectrum combatant command.



## CHAIRMAN'S LEGAL

The Office of the Legal Counsel to the Chairman of the Joint Chiefs of Staff, or “Chairman’s Legal,” is a selectively manned joint legal office comprised of 12 judge advocates from each of the Services (including four Air Force JAGs: Colonel Eric Roth, Lieutenant Colonel Ed Lucas, and Majors Erik Coyne and Matt Stoffel), a Navy paralegal, and an administrative assistant. All members of the office are required to maintain a Top Secret clearance and must be accepted into the position by the senior

legal counsel, a 1-star JAG. The office is responsible for providing legal advice to the Chairman, Vice Chairman, and Joint Staff on all operational and international law matters, including the law of war, rules of engagement (ROE), war powers, deployments, status of forces and access agreements, intelligence oversight, fiscal law, information operations, combating terrorism, arms control, reserve matters, ethics, and homeland security. Members of the Legal Counsel staff represent the CJCS’s interests in U.S. interagency

matters—regularly interacting with the National Security Council, Departments of State and Justice, combatant commands, military departments, defense agencies, and Congress—as well as in dealings with foreign governments. This past year major issues such as combat operations in Libya and developing draw-down plans for Afghanistan and Iraq have seen Chairman’s Legal Air Force JAGs routinely working high-level national security issues.

### Spotlight on

## Chairman’s Legal

Few attorneys routinely provide legal advice with potentially strategic effects like those at Chairman’s Legal. On the Joint Staff, judge advocates from all of the services are at the fore of providing legal counsel to our nation’s military leadership on incredibly broad and dynamic operational and policy issues. Air Force Majors Erik Coyne and Matt Stoffel stand out prominently among this elite group of twelve attorneys and continuously reflect favorably upon the Air Force and the JAGC. Formulating legal advice for the nation’s most senior military officer provides these Air Force JAGs a unique role in supporting the creation of national-level policy.

Chairman’s Legal duties are split into portfolios, with each attorney responsible

for their own portfolio and then providing back-up support to other portfolios as needed. As the JAG responsible for ethics reviews and personnel and general officer matters, Major Stoffel’s portfolio requires he be a master at juggling competing high-level priorities. His portfolio requires frequent communication with the Chairman’s protocol office and numerous aides and executive assistants throughout the Joint Staff and COCOMs to ensure all of his clients are receiving thorough and consistent advice. Additionally, Major Stoffel serves as Chairman’s Legal’s point person on personnel matters, such as the repeal of “Don’t Ask, Don’t Tell” and military justice.

As the Litigation Fellow, Major Coyne has responsibility for Joint Staff review

on litigation matters where the Chairman or members of the Joint Staff have equities, including habeas corpus cases filed by detainees. His portfolio also includes various Rule of Law matters, such as the International Criminal Court, war crimes tribunals, and mass atrocity prevention. This diverse portfolio requires him to liaise with not only DOD offices and the different COCOMs and services, but also a number of federal agencies.

While Majors Coyne and Stoffel are the junior ranking officers assigned to Chairman’s Legal, their contributions put them shoulder to shoulder with their joint counterparts earning them the title of the Chairman’s Legal Counsel “Iron Majors.”



## ODC-T

The Office of Defense Cooperation-Turkey (ODC-T) Office of the Staff Judge Advocate consists of an Air Force Judge Advocate, a secretary, and two Turkish national attorneys, one of whom is organizationally attached to the 39th Air Base Wing at Incirlik Air Base while performing duty at the ODC-T in Ankara. The ODC is subordinate to European Command (EUCOM) and facilitates security cooperation activities with Turkey, including

foreign military sales and international training, interfaces with the Turkish Government to facilitate U.S. military missions in Turkey, and oversees U.S. support to counter-terrorism operations in Turkey.

In 2011, the ODC-T legal staff achieved notable success in unraveling complications that had arisen with the APO mail system, access to installations, and vehicle registration. Resolution depended on communicating the rights provided to U.S. Forces under international agreements, including the NATO SOFA and Defense and Economy Cooperation Agreement (DECA), as well as coordinating with Turkish agencies to identify mutually agreeable solutions. The latter half of 2011 saw an increased emphasis on international agreement negotiations and facilitating the entry of personnel and

equipment as missile defense radar and remotely piloted aircraft operations were introduced into Turkey.



L to R: Mr. Nur Tanisik, Mr. Cliff Hunter, Ms. Burcu Gökçe, and Lt Col Duane Thompson

## Spotlight on

Paralegals assigned to the Office of the Chief Prosecutor of Military Commissions work in a unique and historic environment. OCP has a staff that includes 62 military personnel. Currently, 14 of those positions are filled by Air Force members, 6 of whom are paralegals. These paralegals are not only working in a joint environment in which all the Armed Forces participate, but it is also an inter-agency environment that requires collaboration with the Department of Justice and other government agencies.

OCP paralegals work on cases against Guantanamo Bay detainees suspected of or associated with, among other attacks, the 1998 embassy bombings, the attack on the USS Cole, and the 9/11 attacks. For each case, paralegals review and

analyze tens of thousands of documents, manage hundreds of witness interviews, coordinate interaction between multiple government agencies, interact with foreign governments, and manage the in-court presentation of evidence using state of the art courtroom presentation software and equipment. OCP paralegals work tirelessly behind the scenes to ensure everything runs smoothly.

One such paralegal is Master Sergeant Rudy Gibbs, who served at the commissions from Oct 2005 until Sept 2011. MSgt Gibbs served as lead paralegal on two prosecution teams and was lead paralegal on the 9/11 prosecution team. He was also the lead paralegal in the first fully contested military commission trial since World War II—*United States v. Hamdan*. It was his coordination of over

## OMC

30 witnesses and hundreds of prosecution exhibits that ensured the seamless presentation of the prosecution's case.

Other Air Force paralegals are also serving in this unique command in leadership roles. Master Sergeants Bridget Forshee and Julie Tims are both lead paralegals for their respective trial teams. Senior Master Sergeant Jason Felisbret serves as the Senior Enlisted Leader and reports directly to the Chief Prosecutor, Brigadier General Mark Martins. Air Force paralegals at OMC-P are making huge strides in a work environment that differs substantially from base legal office practice. Air Force paralegals are prized for their expertise, attention to detail, and exceptional work ethic.

# OMC/OCP

2011 has been a busy year at the Office of the Chief Prosecutor of Military Commissions (OCP). The office completed prosecution of the last case charged before President Obama took office and initiated prosecutions in two complex and historic cases.

In February, a military commissioned sentenced Noor Uthman Mohammed to 14 years confinement after he earlier pled guilty to terrorism, providing material support to terrorist organizations, and conspiracy to provide material support to an international terrorist organization. Noor was an instructor in a terrorist training camp in Afghanistan. Lieutenant Colonel Ken Sachs served as an assistant trial counsel on the case.

In April, the office swore charges against Al Qaida member Adb Al Rahim Al Nashiri for, among other offenses, his role in planning and preparing the attack on the USS Cole in October 2000. Among the charges referred to a capital commission on 28 September were specifications of murder, conspiracy, perfidy, attacking civilians, and

intentionally causing serious bodily injury. A military commission arraigned Nashiri on 9 November.

In March, the Attorney General designated military commissions as the forum for the cases against five detainees for their roles in the 9/11 attacks. In May, the office swore charges and requested capital referral against Khalid Sheikh Muhammed and four other detainees for their roles in the 9/11 attacks. Those cases are under review by the convening authority.

In June and September, the U.S. Court of Commission Review decided two landmark appellate cases favorably for OCP: *United States v. Hamdan* and *United States v. Bahlul*. OCP's appellate counsel, Colonel (Ret.) Fran Gilligan, USA and Captain Edward White, USN, argued the appeals at the U.S. Court of Military Commission Review on 17 March 2011.

In Oct 2011, Brigadier General Mark Martins, USA, took over as the new Chief Prosecutor of Military Commissions. Prior to his appointment, Brig Gen Martins

deployed to Afghanistan as commander for the Rule of Law Field Force.

Air Force JAGs and paralegals continue to play a vital role in the mission to hold accountable those who commit law of war crimes. Lieutenant Colonel Ralph Paradiso leads a team that includes Major Dave Voltz, Major Coretta Gray, and Major Jared Grimmer, along with Master Sergeant Bridget Forshee. His cases include a case against a detainee charged with maritime attacks. Lieutenant Colonel Ken Sachs is now assigned to the 9/11 prosecution team. Major Damund Williams and Major Dale Riedel, along with Master Sergeant Julie Tims, Master Sergeant Teresa Hawkins, and Technical Sergeant Carrie Mullins are assigned to a team whose cases include detainees suspected of participation in embassy bombings and attempted attacks on civilian objects. Senior Master Sergeant Jason Felisbret is the senior enlisted advisor for the office. Master Sergeant Gloria Vizcaino is the NCOIC of Operations and ensures the smooth running of office logistics.



*Office of the Chief Prosecutor of Military Commissions Air Force Staff at the Air Force Memorial next to the Navy Annex and Arlington National Cemetery, 12 December 2011. (Back Row L to R): TSgt Carrie Mullins, Lt Col Ken Sachs, Maj Coretta Gray, Maj Damund Williams, MSgt Gloria Vizcaino, SSgt Ashley Salmones. (Front Row L to R): Maj Jared Grimmer, Maj Dave Voltz, MSgt Teresa Hawkins, Col Mike O'Sullivan, Lt Col Ralph Paradiso, Maj Dale Riedel, SMSgt Jason Felisbret, MSgt Bridget Forshee.*



## NORTHCOM

The North American Aerospace Defense Command (NORAD) and United States Northern Command (NORTHCOM) Office of the Staff Judge Advocate provides commanders and staffs with timely, responsive and professional legal support required to plan for and execute aerospace warning, aerospace control, maritime warning, homeland defense, civil support, and security cooperation to defend and secure the United States, allies and interests.

Since 1957, both Canadian and American military lawyers have worked side-by-side as a bi-national team advising NORAD leadership. NORAD's day-to-day operation involves sensitive rules of engagement issues applicable to foreign military threats as well as domestic terrorism events involving civilian aircraft. These tense, uncertain and rapidly evolving

Operation NOBLE EAGLE scenarios pose myriad of legal issues including, cross-border authorities, hostile threat indicators, and ultimately, engaging and defeating an attack against North America while considering domestic laws, the foundational principles of self-defense, and the law of armed conflict.

NORTHCOM sent a negotiation team, which included N-NC/JA, to Mexico to negotiate an acquisition and cross servicing agreement (ACSA). Unique aspects of these negotiations were that the team negotiated with the Secretaría de Marina (SEMAR), the naval branch of the Mexican military, and separately with Secretaría de la Defensa Nacional (SEDENA), the Army and Air Force branch of the Mexican military. The ACSA with SEMAR has been reviewed by the Joint Staff and Office of the Secretary

of Defense and is pending approval at the State Department.

N-NC/JA, DIILS (Defense Institute of International Legal Studies), and ODC-Mexico have assisted SEDENA and SEMAR over the last two years with Mexico's constitutionally-mandated transition from an inquisitorial military justice (MILJUS) system to an accusatorial/adversarial MILJUS system. In February 2011, SEDENA and SEMAR agreed to a four mobile education team (MET) package. The first three MILJUS MET training seminars focused on trial counsel, defense counsel, and investigator training. The final MILJUS MET training seminar focused on judge's training culminating in a mock trial.



*N-NC/JA hosted visits with SEDENA and SEMAR operations law attorneys during August and September 2011 to exchange information on providing legal advice to operational commanders. N-NC/JA gained a more thorough understanding of the authorities of the Mexican military to conduct counter drug missions. N-NC/JA intends to propose a joint follow-on meeting with SEDENA and SEMAR operations law attorneys to take place in 2012.*



## SOUTHCOM

The Comité Jurídico Militar de las Americas (COJUMA, for its Spanish acronym) or the American Military Legal Committee in English, is one of the U.S. Government's most enduring and successful legal engagement initiatives. Over the last 16 years, COJUMA has built and strengthened relations across the Western Hemisphere. It has helped countries during multinational exercises, real world operations, and most recently, improving institutional capacities to strengthen rule of law and increase adherence to human rights and international norms.

COJUMA began in 1995 among eight partner nations as a Twelfth Air Force/Air Forces Southern initiative. COJUMA's goal was to provide commanders and legal advisors with tools to address military issues. At the time, there were no regional handbooks, manuals, or models to study military justice systems, operational law issues, or training.

Since its founding, COJUMA has grown in size and stature to become a combatant command level program which now includes 24-member nations. It has published six model legal studies, including

a model UCMJ, a study of visiting forces agreements, a military operations deployments legal manual, a military disaster assistance legal manual, a model judge advocate basic course curriculum, and a model JAG Corps structure.

Air Force judge advocates have been central to all of the COJUMA projects. In recent years, Mr. Darrell Phillips of the JAG School, Colonel Lisa Turner when she was stationed at U.S. Northern Command, Colonel Rodger Drew of U.S. Southern Command, and Colonel Pete Marksteiner of JAX have provided leadership to COJUMA.



## U.S. CYBER COMMAND

U.S. Cyber Command is a sub-unified command of U.S. Strategic Command located at Fort Meade, Maryland. Air Force Colonel Gary Brown leads a joint team of nine attorneys (five Air Force, two Army, one Navy, and one civilian), one Air Force paralegal, and a civilian administrative specialist through the complex nuances of cyber warfare law and policy. JAGs are embedded at every stage of the planning and execution of global cyber operations

to ensure legal compliance in the execution of Cyber Command's mission.

In the past year, Cybercom attorneys have participated in and given presentations at academic, law and policy events in Germany, Australia, England, Estonia, France, and Italy to define and refine international norms of operational law in the cyber domain. Cybercom JAGs brief at the military schools, civilian universities and cross-Service training events.

Cybercom debuted its Cyber Flag exercise and provided cyber support in numerous other exercises. Their office engages frequently with Congress, the National Security Agency, the Central Intelligence Agency, the Department of Defense and the office of the Chairman of the Joint Chiefs of Staff. The year 2011 saw great advances in building a more robust legal framework to defend our nation in the newest domain of warfare.



## USAFCENT

In 2011, the Office of the Staff Judge Advocate, U.S. Air Forces Central Command (USAFCENT) provided precision counsel to the USAFCENT commander on all legal issues, including military justice, command relationships, ethics, international, operations, civil, environmental, and procurement law. The office supported the development of plans, policies, and procedures for over 26,000 Airmen in the U.S. Central Command (USCENTCOM) area of responsibility (AOR) and supervised the provision of legal services to the Combined Air Operations Center and ten air expeditionary wings (AEWs); nine located in the USCENTCOM AOR, seven of which have their own legal office, and one wing located in the continental United States. The office trained and advised on the effective use of over 80 Total Force Corps personnel.

Operationally, USAFCENT/JA advised USAFCENT/CC on legal matters impacting two contingency operations—

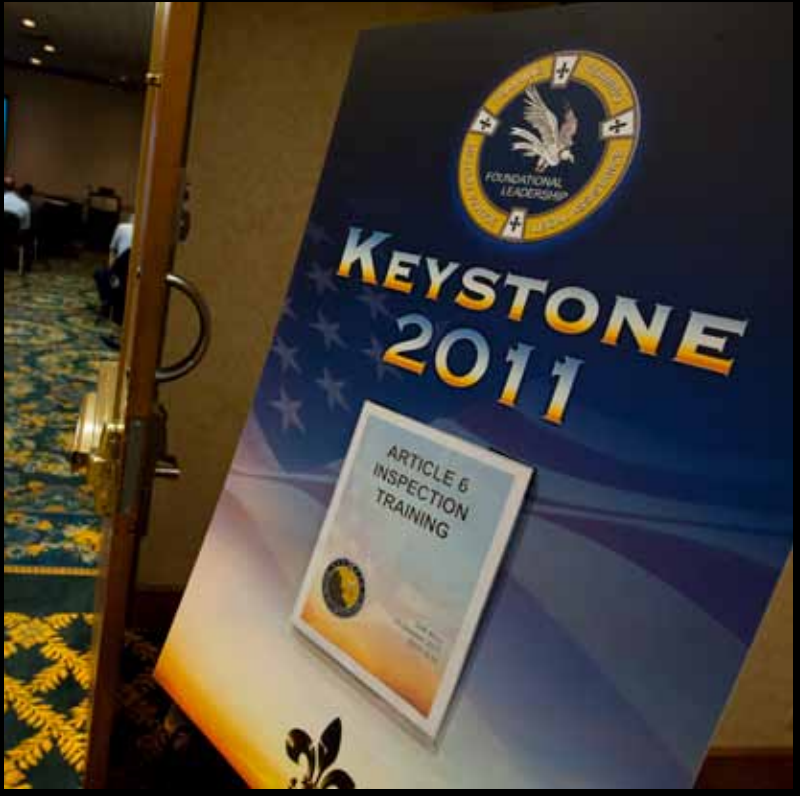
ENDURING FREEDOM (OEF) and NEW DAWN (OND), including legal issues involving the OND end of mission transition. In 2011, USAFCENT successfully executed over 130,217 combat and combat support missions. These combat operations included 4,059 close air support missions supporting troops engaged in hostilities and 46,965 airlift sorties moving 665,174 personnel and delivering 108,261 tons of supplies.

Contingency contracting and fiscal law remained an active area of law for USAFCENT/JA. In 2011, USAFCENT/JA and our deployed judge advocates advised on over \$2 billion in spending and on the execution of approximately \$220 million in new contract actions for Operations OEF and OND. Additionally, USAFCENT/JA served as legal advisor for the Air Force's largest War Readiness Material (WRM) program, \$5.2 billion in assets and \$500 million in support contracts. The WRM program serves a critical role, providing logistical support

to deployed Airmen throughout the USCENTCOM AOR.

USAFCENT/JA's administrative law division provided opinions and legal reviews on ethical questions, congressional inquiries, inspector general and commander-directed investigations, and on FOIA and Privacy Act requests. In addition, we ensured DADT repeal training was implemented and completed AOR-wide.

Finally, the attorneys and paralegals from USAFCENT/JA oversaw another busy year in military justice. Total Article 15 actions in the AOR exceeded 246 with the AEWs completing two general courts-martial and two special courts. All seven of the AEW legal offices did an outstanding job addressing a wide array of complex issues, keeping a keen eye on the efficient and effective administration of military justice.





# KEYSTONE 2011

The seventh annual KEYSTONE Leadership Summit was held in New Orleans, Louisiana from 17-21 October 2011. This year's theme was "Building Tomorrow's Leader's Today." KEYSTONE 2011 once again included an impressive array of national security, leadership, and legal experts, while featuring a broad selection of special subject tracks, professional development seminars, electives, and MAJCOM breakouts.

As usual, the weekend before KEYSTONE was full of important training. First, the Article 6 Inspector Training trained many JAG Corps leaders on the new two part, synchronized Article 6 and Inspector General inspection process. The second annual "Military Justice Revival" continued the JAG Corps's efforts to improve military justice case management. Both the paralegals and the Senior Executives continued their tradition of holding their annual dinner the weekend before KEYSTONE.

Lieutenant General Richard C. Harding, The Judge Advocate General, introduced the next Foundational Leadership focus area,

Building Tomorrow's Leader Today. Building future leaders of the Corps is critical to ensure the Corps will be all it can be for the Air Force and the nation. Building future leaders focuses on mentoring and training Corps members with equal vigor to realize their full leadership potential. Attendees also heard from senior military and civilian leaders including the Secretary of the Air Force, the



Honorable Michael B. Donley; the General Counsel of the Air Force, the Honorable Charles A. Blanchard; the President of the American Bar Association, Mr. William T. Robinson; Major General Alfred J. Stewart, Commander, Air Force Personnel Center; the Honorable Jim Letten, the United States Attorney for the Eastern District of Louisiana; and Chief Master Sergeant of the Air Force, James A. Roy.

Six half-day tracks were offered to present an intense overview of specific topics. Two of the six special-subject tracks emphasized core Foundational Leadership themes: military justice and legal assistance. The other four special-subject tracks emphasized forward-leaning fields of practice, including joint-coalition partnerships, homeland defense and homeland security, personnel law issues, and the use of remotely piloted aircraft in foreign and domestic operations.

The summit offered twenty-eight special-subject electives on the broader range of professional development and fields of practice topics. Professional development breakouts, working lunches with JAG Corps senior leaders, optional continuing legal education luncheons, expanded major command conferences, and the annual TJAG Awards Banquet were also held. Throughout the week, the JA Spouse Connection offered family members a host of special presentations and fun, educational activities.

KEYSTONE once again provided JAG Corps leaders an unparalleled forum to strengthen their foundation in leadership and the law.

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# Learning Leadership from Great Leaders

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**W**ell, it's great to be back for my third KEYSTONE. And I have to say, as I've said before, I want to thank the JAG Corps for being so welcoming to me and my General Counsel team as I've traveled across the various MAJCOMs and wings. I also appreciate the partnership with General Harding and General Lepper. We make a great legal team. Our clients seem to appreciate our legal advice. And so far, I think we've done a good job of gaining and keeping the confidence, of not only the Air Force leadership, but the larger DOD leadership as well.

I was asked to talk about leadership. The challenge when you're speaking about leadership is you imply you have all these great qualities that you're talking about. I want to talk about lessons I have observed, ones I haven't necessarily learned, but lessons I have observed about great leaders that I have been privileged to work for. The theme is going to be a very diverse group of leaders but each was a great leader in their own way.

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***I want to talk about lessons I have observed about great leaders that I have been privileged to work for. The theme is going to be a very diverse group of leaders but each was a great leader in their own way.***

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There are several individuals I want to talk about. One is Sandra Day O'Connor for whom I had the honor of clerking. Another is James C. McKay who was an independent counsel on an independent counsel investigation I did right after working at the Supreme Court. Next is General Barry McCaffrey for whom I was his lawyer when I was working at the Drug Czar's office. And finally, the senior partner at my old law firm who was my mentor as a young associate and then again a mentor as a young partner. I want to talk about what I've learned from each of them.



**Honorable Charles A. Blanchard**  
Air Force General Counsel

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*One of the things I learned from Justice O'Connor is you should not be afraid of dissenting voices. In the General Counsel's office, I've tried to encourage people to feel free to tell me when they think I am wrong.*

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### **Justice Sandra Day O'Connor**

Let's start with Justice Sandra Day O'Connor. I was lucky to have parents that decided to move to Arizona because that's how I got the attention of Justice O'Connor. When she saw on my resume that I was from Arizona and I worked at an Arizona law firm, she immediately called me for an interview. I tell people I was her affirmative action Arizona candidate. It was a great opportunity and I learned a great deal from her. I still learn a great deal from her. She's still a part of our lives. My son goes to first grade at Columbia Elementary School and I am one of the cool parents because she's agreed to speak to the Columbia Elementary next year during the law day program. She also spoke to summer associates at my old law firm. She still stays in touch and still is a great friend and a great mentor.

I wanted to share with you three things that I learned from her. The first one is the most important. If you look at a lot of the justices and how they hire clerks, they tend to hire ideologically. So Justice Scalia's clerks are all really conservative. Justice Brennan's clerks were all very liberal. But Justice O'Connor did not hire ideologically. She's had very liberal clerks and she's had very conservative clerks. She's had clerks that were active Democrats, she's had clerks who were active Republicans. It's because she was confident enough in her own core values that she was not threatened by having dissenting voices within her chambers. She didn't mind having someone in her chambers who would challenge her preconceived notions. That was my experience clerking for her. I was one of the more liberal clerks working for her. But there were also conservative clerks. Not only did she hire me, but she actively encouraged us to provide arguments that were consistent with our view of the cases. We had four clerks and we would write bench memos and we were each assigned a fourth of the cases. Then on Saturday before oral argument, Justice O'Connor would bring in lunch. We learned later that she was working her way through the Junior

League cookbook from Phoenix, Arizona where she had been a member. We would eat and then go through each of the cases that were going to be heard the following week and we would argue. I would be arguing with a Supreme Court justice. I might add I never won. I never persuaded her to change her view. But I do think that her arguments became sharper and I learned a great deal. It was a wonderful experience. What I learned from her is you should not be afraid of dissenting voices. In the General Counsel's office, I've tried to encourage people to feel free to tell me when they think I am wrong.

The second thing I learned from Justice O'Connor is there is no such thing as over-preparation. You should over prepare for everything because you never know what you need to know in the courtroom during oral argument. She epitomized this. Some justices would only have intense bench memos and activities on a few cases and they would read the briefs and not really worry about unimportant cases. To Justice O'Connor, every case was important. She had the same detailed bench memo from the law clerk. She read the key cases. She read the law review articles. She discussed every case, unimportant or important, before every oral argument and had a robust conversation with the clerks so that when she went into a conference or she went into oral argument, she knew that case probably better than any of the other justices. The result is that she had a lot more influence because she knew the record, she knew the case, she knew the background, and she knew what the legal scholars were saying. She over-prepared and the lesson I learned from that is there is no such thing as over-preparation. Treating every case and every matter as if it was important and over-preparing is worth its weight in gold.

Finally, I learned from Justice O'Connor, and I'm still learning, that mentorship pays dividends. She viewed the clerkship experience as just the first in a multi-year relationship with her law clerks. As

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## *The second lesson I took from James McKay is that a good leader takes nothing personally.*

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a result, after being a judge for 25 years, she had about 100 law clerks and has one or two law clerks a year as a retired justice. As a result, she has this wonderful network of people she still mentors and stays in contact with that are federal judges. We have a judge in Miami who was an O'Connor clerk who's just been nominated for the 11th Circuit. We've had judges across the country, professors at every major law school, and lawyers in every government agency. She stays in touch with these folks. We all owe a huge debt of gratitude to her. She's still in our lives. As a result, she has a much more rich life right now. She's enjoying traveling around and talking to her law clerks. We have T-shirts for our kids that says, "I am an SOC grand-clerk." She still stays in our lives. The lesson there is mentorship, even that one year of mentorship, can pay huge dividends.

### **James McKay**

The next person I want to talk about is someone you may never have heard of. He's James McKay and he was a partner at Covington and Burling. He was assigned the job of doing the independent counsel investigation of the Wedtech scandal involving the allegations of misconduct by several senior officials, including Ed Meese, then Attorney General, and Lyn Nofziger, who was the political aide to President Reagan. I was fortunate to be recruited soon after my clerkship, to postpone my trip back to Arizona, to work for James McKay. It was my first real job as a lawyer and it was a phenomenal experience largely because of what I learned from James McKay.

First of all, I learned that humility works better than the alternative. He was the most humble man you can imagine and mind you, he was a partner in one of the leading firms in Washington D.C. with a client list that would blow you away. Most significantly, he was the lead anti-trust counsel for the National Football League. He was a very impressive guy but he did not act that way. He acted very humbly, very quietly, and what I noticed is that the people's respect for him went up because of his humility. The one

story I love to tell is that when we actually gained a conviction of Lyn Nofziger, the media went up to James McKay and asked, "Aren't you happy? You've got this conviction in this hard-fought case. You must be thrilled." James McKay responded, "No, actually it's always a sad day when anyone gets convicted of a federal crime. This is not a happy day. This is a sad day." And the thing that was unique about that is he wasn't just parroting a line that you should say as a prosecutor; he actually believed it.



The second lesson I took from James McKay is that a good leader takes nothing personally. He had a job to do that caused adverse headlines. We had a lot of folks who were accusing him and us of being on a witch hunt. To his credit, he took nothing personally. He continued to be the incredibly fair, tough-minded, fact-focused, law-focused prosecutor and didn't allow noise in the environment to dissuade him from doing what he thought was the right thing. So the lesson here was if you're in public life, you got to have thick skin. Just laugh it off and don't take anything personally.

Finally, what most impressed me about James McKay was that he knew he should listen. He listened to a lot of voices. But on the critical issues, he really acted out of what he thought was the right thing to do. We had a decision as to whether or not to indict a fairly significant official in the Reagan administration. And actually, all the career prosecutors thought that yes indeed, a crime had been committed and that we ought to indict. We went around the room and that was the unanimous consensus of all the folks who had been working the case. McKay took it under advisement but made the tough call in the other direction and did not indict, which looking back 20 years later, was the right decision. In my opinion, there were technical violations of the law and it wasn't a very sexy case. It probably was inadvertent and justice really would not have been served by that kind of prosecution. What impressed me is that McKay listened, but he had the moral courage having listened to that advice to make the decision himself.

### **Barry McCaffrey**

Now, I'm going to talk about a completely different character than the other two. I tell people Barry McCaffrey was both my favorite client I've ever had in my life and the client I most had difficulty with. He was a very, very challenging client, but I learned a great deal from him and he was a tremendous leader who really moved the needle on counter-drug policy in ways that we have not seen since he left the Drug Czar's office. I learned from him several important lessons.

The first one is that he literally would not take no for an answer from anybody but the President. When a staffer from the White House would call us and tell us to stop doing something, he would say unless I hear from the President, I'm going to continue. I don't work for a building; I work for the President. And obviously, there are limits to this principle. This principle can get you in trouble, but I do think that there is a larger point here in that it's very easy in the Defense Department and the U.S. Government to have really good ideas die a death of coordination. The process is designed to kill stupid ideas, but it also sometimes can kill really good ideas. Sometimes you should recognize the dissent, recognize the non-concurrence, but still tell the secretary—tell the assistant secretary—yes, so

and so opposes this, but it's still a good idea for the following reasons. Consensus is important, but sometimes it's important to push the envelope and to affect change. Really good effective change usually occurs with some opposition. The lesson I learned from Barry McCaffrey is be respectful of people who may disagree with you, but don't let them have a veto power over what you think is a good idea. I saw this time and time again where Barry McCaffrey was able to get more money for drug treatment than we otherwise would have gotten because he didn't take no for an answer. I saw him develop a major aid package for Columbia that otherwise wouldn't have occurred because he didn't take no for an answer. He had the confidence and the support of President Clinton. Ultimately President Clinton took yes as the answer and didn't allow the coordination process to say no even though cabinet secretaries were advising the President to go the other way.

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### ***The second lesson I learned from Barry McCaffrey was the importance of immediate honest feedback, both good and bad.***

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The second lesson I learned from Barry McCaffrey was the importance of immediate honest feedback, both good and bad. He was notorious for this. But he was notorious because of stories where he would express his dissatisfaction immediately if he didn't think people were prepared or if he didn't think they were doing the right thing. But to his credit, he was also good at providing immediate honest feedback that was positive. If he thought you were doing a good job, he would recognize it on the spot. It was not just a matter of doing evaluations, but he was outstanding about giving immediate honest feedback. I realize as I look through my legal career, not all of us are very good at it. We are barely good about getting feedback on an annual basis during the formal process. We are probably not as good as we ought to be in giving immediate negative and positive feedback to the people who work for us, which I think is an important part of mentorship and leadership.

The third lesson from Barry McCaffrey is that there is no such thing as a casual meeting. Every meeting he had with anybody always had an agenda and a goal. If he was going to be having breakfast with another cabinet secretary, it was an all hands on deck exercise to come up with the two items that should be discussed at the meeting. Barry McCaffrey attended meetings with his counterparts knowing exactly what he wanted to accomplish. None of the other principals really had anything more than a vague idea except that they were going to talk about drugs. Usually that meant we controlled the agenda because we made the agenda and we had a principal that was really prepared.



And literally, nothing was casual. He would be going to a cocktail party and we would produce things he should talk to them about at each level. And probably the crowning example of this is that he was invited to go on Air Force One with President Clinton. He decided the topic he wanted to talk about was needle exchange because the administration was moving forward with a proposal to allow needle exchanges. He turned five minutes with the President into the ultimate decision to undo that decision—killed the proposal—and all because he didn't take anything as casual at all.

My wife also worked for Barry McCaffrey. She was his Colombia and Bolivia expert. She got to see the same principle involved when she traveled with Barry McCaffrey to Cartagena. President Clinton was there as well. President Clinton gave some remarks, and she noticed that President Clinton was giving remarks using slide sets that my wife had produced for Barry McCaffrey. So apparently Barry McCaffrey was also a good action officer.

Finally, and this was really the thing I learned most from Barry McCaffrey, was that you cannot survive in a Washington environment unless you have a clear mission and a strategy. Before Barry McCaffrey showed up as Drug Czar, we had an annual strategy. Every year the Office of National Drug Control policy would produce an annual strategy, which he thought was laughable. Annual strategy is an oxymoron because a strategy has to last for multiple years. So what we produced was a strategy, and we did monthly reports and updates. He made it clear, he made it measurable, and he made it quantitative. He gave performance measures. The lesson I learned there is that you don't get much done unless you have a clear mission and a really thought out strategy on how to get there.

### **Paul Eckstein**

The next person I want to talk about is someone I'm sure you've never heard of, Paul Eckstein, who is a senior partner at Perkins Coie. I first met him as a summer associate when I worked at Brown and Bain. Then I came to the firm and he was the partner I worked with a lot. When I came back as a young partner, he was still a partner I worked with a lot.

The first thing I learned from him is that loyalty goes both ways and is rewarded. He expected loyalty from us, and he expected to be loyal to the client. He also was very loyal to us. He was invested in our careers. He spent a huge amount of time mentoring us. When you're a partner at a law firm, getting credits for client relationships is the gold by which compensation is done. So in a private law firm, getting origination credits or client supervision credits is huge. When I was a young partner, he would refer a client to me and would have me handle the initial phone call. Before I knew it, he had given me all the credit for getting the client. He also fostered relationships. He

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*James McKay taught me that civil leadership and being active in the community is really a job requirement.*

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would pass on clients. He would develop a client and would pass it off to a younger partner. So what I learned is that he was incredibly loyal to the people below him. The loyalty was rewarded by all of us as well, because hopefully we returned the favor.

The second thing he taught me is that lawyers need to specialize. That's the nature of the modern world. But we also need to be agile generalists because you never know what's going to come through the door. He started his career as a tax lawyer. Suddenly a major case came in and it was a litigation matter involving Motorola. He made that transition from being a tax lawyer to a litigator in short order, which was an amazing feat. He later developed both an election law and a constitutional law practice in Arizona.

The third thing he taught us was history and literature are required reading for lawyers. He actually had book groups at his home where we read through Shakespeare. He had us read through Faulkner. He had us read great plays. He seriously believed, and force-fed us at times, that every great lawyer has got to be well familiar with literature and history.

He also taught me that civil leadership and being active in the community is really a job requirement. He was extremely active in the community and was very encouraging of me when I decided to run for office. He is a real believer that civil leadership should be the aspiration of all attorneys. Finally, as I became a more senior partner in my law firm, he said, "Give young associates responsibility when they're ready, and if they can't screw things up too badly, give them responsibility even before they're ready," which I think is not always the case of a large firm practice. He was notorious for getting very

young lawyers in the courtroom arguing motions. My first argument before the Arizona Supreme Court was one that he otherwise would have taken, but let me do. And I think that's a case of, again, you need to share not only the client credits, but also give your junior lawyers the opportunity to move on and to get responsibility as soon as they're ready and preferably before.

Some final thoughts, and these are not mine, these are Steve Lepper's. I gave my slides to Steve because we were traveling to Maxwell together. Here are his thoughts. First, it is possible, even preferable, to disagree without being disagreeable. General Harding and I rarely disagree on the law, but sometimes we have different views on strategy and tactics. But what I've learned is that General Harding is a gentleman, and he's never been disagreeable in our disagreements. In discussing our disagreements, with both General Harding and General Lepper, we usually persuade each other where I'll take their view and they'll take mine or we will actually come up with a better third option for our clients.

Second, going back to the James McKay point, humility is a core value. If you're good, you don't need to tell people you're good because others will do it for you. And third, and this certainly reflects the leadership style I now see in the JAG Corps, kindness really equals credibility. It really does compel people to give their all for you if you are a kind leader. In the rare moments when you need to be stern, you're going to be taken a lot more seriously, and I think that's definitely the case. So hopefully, I've incorporated some of these leadership messages over my career. I've certainly benefited from the great advice I've gotten over the years. 🦋

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*







**Maj Gen Alfred J. Stewart**

Commander, Air Force Personnel Center, Randolph AFB, Texas



# The Responsibility of Leadership

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**G**ood morning. I was introduced as an aviator. There was a time when I was an aviator. Then there was a time when I was an expeditionary mobility expert opening airbases. Then I was the Air Force's lead recruiter. I didn't know anything about being a recruiter before I took command, and now I am a personnelist. I am the commander of the Air Force Personnel Center. I heard some things before I went there. For instance, have you ever heard this one before? *At AFPC, we care, just not about you.* I've heard some other things too. There was another one, it went like this: *At AFPC, we make dreams come true. Nightmares are dreams too.* All right, I'll give you one more and then I'm going to move on. *At AFPC, we are not happy until you are not happy.*

But it's my pleasure to be here. Before I leap in, let me just give you a personal perspective. I was asked to do several things here today. Leadership is a topic here today. Foundational Leadership. I took notes from every presenter. Diversity was a topic here today. Commanders and commanders' relationships with JAGs was a big topic here today. I will try to touch on each of those. Let me begin with more than just the bio that you heard.

## Background

I was born in 1959 in Dinwittie County, Virginia. It's a little tiny county and farming community and I was born in a home with no running water and no indoor bathroom. It's 1959 in the Jim Crow South. My mom and dad were very young. They were married at 17 and by the time they were 24, they had four kids and then they divorced. My mom took us when I was three years old and moved us to Petersburg, a small town nine miles outside of Dinwittie County. And we stayed there until I was 10 years old. We were so poor I can remember it vividly. It was a tough upbringing in Petersburg, Virginia.

My mom got a job with the Social Security Administration in Baltimore. In 1969, when I was 10 years old, she moved us to Baltimore, to the inner city. You want to talk about culture shock. From Petersburg, Virginia to Baltimore, Maryland as a 10-year-old. And by the way, 1969 was a year after the race riots in United States. I grew up in Baltimore and graduated from high school.

Things changed over those years. In 1959, my birth certificate says that I was colored. In the second grade, in 1966, my mom told me, "You are not colored, you are Negro; and I was to go tell my second grade teacher, which I did. In 1969, when we moved

to Baltimore, Maryland, something else happened. I moved from being Negro to Black in the 180 miles between Petersburg and Baltimore. I became Black and I was never again a Negro. Interestingly, I stayed Black for the next 30 years. Until it was about 1999, it could've been 2000, when the term "African-American" began to apply to me. I didn't get a survey. Nobody asked me, "What should I be called?" So as I stand here, I'm a diverse candidate. I am diversity embodied.

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***I was raised by a single mom  
in the inner city and I didn't  
have anything.  
All I had was potential.***

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But for 30 years, what has not changed is my service to this nation and the U.S. Air Force. Thirty years went by in the blink of an eye. I remember vividly being a lieutenant. Even back further than that, in Baltimore when I was a junior in high school, my guidance counselor, Mr. Conrad Binister, said, "Stewart, I'm going to take you out of your geometry class for today and I want you to come to a presentation." I went to this presentation and there was a group wearing blue suits like this one from the U.S. Air Force Academy. These cadets and their recruiter team gave a presentation on the U.S. Air Force Academy. I had never seen anything like it. The stainless steel and glass, the Chapel spires, the rampart range of the Rocky Mountains, the cadets, the excellence, the airplanes. And the more I saw, the more I loved it. I'd never seen it before, but I knew that's where I had to go. As a high school junior, I knew nothing more about it than that.

That exposure changed my life. [My mom said:]

"Stewart, you better do well on your SAT or you won't make it to the Air Force Academy. You better keep your grades up or you won't make it to the Air Force Academy. You better stay off the corner drinking wine or you won't make it to the Air Force Academy. You better keep your nose clean and get good grades and go through the whole application process."

Which I wouldn't have made it through had it not been for my mother who did every application and said, "Stewart, sign here."

### **Air Force Academy**

Just the exposure to that place, called the Air Force Academy, changed my life, changed my perspective of the world. So I was blessed, fortunate, and I was extremely lucky to be selected to go to the U.S. Air Force Academy. I showed up there with nothing. I was raised by a single mom in the inner city and I didn't have anything. All I had was potential. I received an academic education that rivals any. You name the subject, I've been taught it. I've been taught history, thermal dynamics, physics, math, English, chemistry, and astronomical engineering. I was exposed to a great academic environment at the Air Force Academy.

But it wasn't just academics. I also received training on leadership, character, integrity, service, teamwork, pride, spirit, and the Air Force mission. I also received training in physical fitness. "Stewart, you will be fit. There's no option." I got so much at the Air Force Academy which laid a foundation that launched me into my career. They sent me to pilot training to become a U.S. Air Force pilot. Can you believe that? How do you go from Dinwittie County, Virginia in 1959 to a U.S. Air Force pilot? What an amazing experience the U.S. Air Force provided to me to get to the point of being an officer.

### **Opportunities**

I was also provided training opportunities, experience, assignments, deployments, TDYs. Do you know I've been commander six times? Squadron commander, group commander, wing commander, expeditionary mobility task force commander, recruiting service commander, and now the Air Force Personnel Center Commander. The Air Force has been guiding and shepherding and training and mentoring and coaching me for this whole 30 years. It's a blink of an eye. If you are a lieutenant, if there's something you want to be when you grow up, you better get started now. It goes by fast. If you're thinking about getting ready to become something, you better get on the train because that train is leaving. The competition already began. You have work to do and it goes by quickly.

I also offer one piece of advice: “someday” doesn’t get here. I would say to my two sons who are now 25 and 22,

Son, just let me get through this training program, I’ll spend more time with you. Or let me just get through this ORI and I will be able to spend more time with you. If I just get through this school, I’ll spend more time with you. If I just get through this...someday I’m going to spend time with you.

Then I watched my son walking away down the ramp at the Ramstein airport to get on a plane and go to school. I wasn’t ready. Someday never got here. Someday isn’t coming. Get your pencil and your calendar, circle a date, save your money, book your tickets or whatever you need to do, someday won’t get here. Make your commitment to do those things now.

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***The United States’ population is changing. We will look very different in the year 2040.***

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### **Diversity**

Some people see different things when they’re looking up here at this stage. Some people see a two-star general, AFPC Commander. We already went over that. Some folks see an African-American. Some folks see a leader. Some see a commander. Some, if they were here, see their dad. Some spouses will see their husband. It’s different for everybody when you consider the term diversity. What do you see? Secretary Donley just talked about the leadership and diversity summit we had earlier this year. Doctor Scott Page is a PhD mathematician, economist, and political scientist and he showed us with equations that diverse organizations make complex decisions better than those that are not diverse. He showed us that diverse companies make more money than companies whose leadership is not diverse. What then are the implications for the U.S. Air Force in building a diverse senior leadership corps?

I’ll give you another perspective. When I was a recruiting commander, I got more recruits from the state of Texas than any other state in the United States. My wife was reading me an article the other day and it said that 50 percent of the school kids in the state of Texas are Hispanic. I don’t mean a small town on the Texas-Mexican border. I mean 50 percent of school kids in the state of Texas are Hispanic. Doctor Page briefed us on a megatrend, the changing United States population. We will look very different, he said, in the year 2040.

In the year 2040, our service members, our Airmen, who have been in the service for 30 years, entered last summer. What will we do to prepare for the leadership corps that’s required in the year 2040? It’s a fair question to say that if the population of our senior leadership corps looks just like it does today, will that population be served by that same leadership in 2040? Is it okay for a population that looks one way to be sent to war by a leadership corps that looks another? What will we do over the next 30 years to develop that senior leadership corps that entered last summer? It’s a fair question about diversity.

Diversity has many components as well. There’s a concept called mentorship. That’s a part of leadership. But there is a diversity component there as well. I’ve had mentors over the course of my career. Not many of them looked like me. As a matter of fact, most didn’t. My mentors were my squadron commanders, my aircraft commanders, my group commanders, wing commanders. They took care of me and it didn’t matter what they looked like. They saw something in me and for whatever reason and they took an interest.

I wished I could say that over the course of my career, I’ve been discriminated against and I’d had racial discrimination because sometimes that’s a popular subject. It just hasn’t happened to me personally. I’ve been taken care of and mentored and shepherded. What will you do with those candidates that entered last summer that may be of a diverse nature? What will you do to mentor them, shepherd them, guide them, lead them, and coach them so that 30 years from today, they will be leaders in the U.S. Air Force? It’s a responsibility for all of us.

There are responsibilities on both ends though. As a diverse candidate, I have responsibilities. The U.S. Air Force is most interested in the best qualified. As the recruiting service commander, I turned away thousands upon thousands of applicants for the U.S. Air Force. Some had health issues. Some didn't score well enough. Some had bad credit. Some were covered in tattoos. You can't be in the U.S. Air Force with these types of conditions. As a matter of fact, about 100 applicants produces one Airman. It's amazing what we go through. We're interested in the highest qualified. The diverse candidates have a responsibility to score well on the SAT, AFOQT, and the ASVAB. So there's responsibility on both ends regarding diversity.



### Meritocracy

Right behind me there is the American flag. It is the most beautiful thing that I've ever seen. As a diverse candidate, it's the playing-field leveler. Our ancestors gave their all for that flag to produce what General Harding mentioned, meritocracy. Not aristocracy. It doesn't matter where you were born, it doesn't matter the names of your parents, it doesn't matter what kind of accent you have. What matters is your commitment to the flag and freedom and liberty and meritocracy. That flag is worthy of our best. It is worthy of being defended. The challenges are numerous: the economy, unemployment, financial markets, real estate, natural resources, oil and gas, terrorism, nuclear weapons, rising competitors—China, the Arab Spring, Libya, Tunisia, Egypt, Syria, Yemen,

Saudi Arabia, Somali pirates, North Korea, nuclear weapons, global economies, Iraq and Afghanistan, natural disasters, earthquakes, tsunamis, tornadoes, and floods. These are the challenges facing the United States. Our nation is responsible for responding to this whole myriad of challenges and threats.

### Taking Care of the Air Force

The one thing that is constant for this United States is the world's number one Air Force. There is no competitor for the U.S. Air Force. Our competitors flee when the U.S. Air Force shows up. We dominate in the skies. We dominate in space. And we dominate in cyberspace...and we better. That flag, our nation, depends on this Air Force dominating and being number one always. And when I say "U.S. Air Force" that translates to you. You are members of the world's number one air force and the world's number one JAG Corps.

Over the course of my career, I've had relationships with JAGs and it's actually changed over the years. When I was a squadron commander, I butted heads with the wing SJA because my number one job as a squadron commander was to take care of my Airmen. So if I had an Airman who was guilty of an unprofessional relationship, I loved that Airman. He was my Airman. I knew his family. But I didn't want to crush him. So I didn't want to give him the punishment that might be dictated by the SJA. The wing SJA, Larry McCrell, and I used to butt heads over punishing Airmen. I had the responsibility as a squadron commander to take care of my Airmen and Larry educated me. He said my responsibility is to take care of the Air Force and to maintain standards for the force and to maintain justice across the force. He educated me and I started getting a different perspective.

By the time I got to be a wing commander, my SJA was Terry O'Brien. I don't know where Terry is today, but she was my right-hand person. I was a wing commander at a pilot training base. Not all pilot training candidates make it. Some of them are heart broken and crushed when they don't make it. You need good advice from a JA who can look at the situation and say, here's what I recommend based on what I see. What I found by the time I got to be wing commander is that my JA was my teammate, my partner, my trusted advisor.

That relationship was strengthened when I went to be the Air Force recruiting service commander. We got headlines in the recruiting service. My recruiting service JAG was my best friend. Where's Tom Dobbs? I think I saw you here. Tom, stand up and wave your hand to everybody because I want you to see this guy. Tom Dobbs and I were at the Air Force Recruiting Service and we took on all kinds of challenges. Remember the headlines in the *Air Force Times* about tattoos? That was Tom Dobbs and me. We took that one on.

### Changes to Our Air Force

What's happening in the U.S. Air Force today? Secretary Donley already covered a few things. We are doing some amazing things to our Air Force. I say that on purpose. We're doing some amazing things to our Air Force today such as a reduction in force, or a RIF, SERBS, high year tenure, date of separation rollbacks, force shaping boards, reduced promotion opportunities, initial skills training eliminees, and on and on to get our level of the Air Force end-strength down.

At the same time, certain specialties have to grow. We need more cyber, acquisition, space, and remotely piloted aircraft. Cyberspace and nuclear enterprise needs to grow. We are executing force management programs for our military personnel.

And guess what we're doing for our civilian force? Remember hiring controls? It was 2-for-1 for a while where if you have two vacancies, you could hire one. Those were the good old days. We are in a hiring freeze as of August 11, 2011. Along with the hiring freeze came a voluntary early retirement called a VER. There also is a voluntary separation incentive pay, called a VSIP. VER and VSIP are done to prevent a RIF. We're taking all actions we can to avoid those, but we are right now in the middle of executing tough programs to that civilian workforce.

This environment is unique. As I said, I've been in the Air Force now for 30 years. We've been through tough times before. Does anyone remember the Cold War? The Soviet Union? Strategic Air Command ("SAC")? That's how I began my career as a second lieutenant, in the KC-135 sitting in the SAC alert tower and looking at across the ramp at the B-52 loaded with nuclear weapons. We were prepared to

takeoff and execute a very difficult mission. Then the wall came down and the world changed. We had to keep up with those changes and the new world order turned out to be not so orderly. It's a new world and new challenges. But we're still the world's number one Air Force and we have work to do.

In the midst of executing all the programs we execute and the missions we must execute, our number one Air Force is under pressure. As Secretary Donley said, there will be changes. There will be more pressure. If we thought that somehow this was going to get easier, it isn't. It's going to get more difficult. But that's just the way that it is.

### JAG Corps

I should say too I have a relationship with the JAG Corps that I didn't mention. My wife is an attorney and that's a good thing. Sometimes I would go to Tom Dobbs on issues that had nothing to do with the law or application of justice or regulations. It was just, "Hey Tom, what do you think about this. How does this look to you?" Lawyers and JAGs bring a certain perspective. My wife is a graduate of Temple Law School. She volunteered in the Randolph JAG office for three years on Thursdays doing wills. She's also an accountant and teaches accounting. She has an MBA as well. It's embarrassing. She's so much better qualified for anything than I am.

But one particular day, I came home and I said, "Sweetie, this is just a hard case. I am working on some difficult things." And I talked to her about it without any details. She says, "Well, have you considered due process?" I hadn't considered due process. The issue was an Article 138 claim, where some actions took place at one of my lower-level commands and they missed one step at that level and the senior master sergeant that was punished was smart enough to know that a due process step had been missed. As a result, the senior master sergeant was able to escape punishment, specifically the entire Article 138 process. The letter of reprimand as well as the EPR based on the letter of reprimand was thrown out. I have scar tissue from those events.

That senior master sergeant was reinstated because we missed a step in the due process. He is still in our U.S. Air Force today and every time I hear his name or see him, I know that he did what we said he did.

So JAGs when you advise your commanders, when you advise folks who are seeking your advice, always remember “due process, due process, due process.” Do not administer justice in anger. I learned this valuable lesson from that experience: When you have an Airman who does something that is worthy of punishment and you are a commander make sure every opportunity they are entitled to—every defense, every document, every CDI, every piece of information, the rights have been read, everything that individual is entitled to, they better get it. No matter how mad you are at what they did, make sure they got everything they needed, so that when they want to kick and scream about how justice was administered, you did it right. That’s good advice. I have scars from not following my own advice.

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***Service....It’s one of our core values; service before self. It must be the foundation of your service. You have to think that way.***

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#### **Service, Character, Attitude, & Fitness**

I also have advice for you about being officers. Service, service, service. Ask yourself, why are you here? Why do you wear the uniform that looks like this? It is service to that flag. It must be your foundation. It must be your core. What could be so important that you would miss your daughter’s piano recital? What could be so important that you’d miss your first anniversary? What could be so important that you would miss Halloween, Thanksgiving, Christmas, and New Year’s all in the same year? What could be so important that your high school football star son looks up into the stands after he scores a touchdown and dad isn’t there? What could be so important to miss those things you are not there for? It has to be your service. It’s one of our core values; service before self. It must be the foundation of your service. You have to think that way.

Another is character. Some people define character as your integrity over time. Character, character, character. I will hire for character over talent any day. Anybody know talented, well-educated, well-

resourced folks that you can trust? Do you know folks who whatever they lack in resources, or lack in education, or lack in talent, they will make up for it with their character. Character, character, character. It is central to us.

My name tag is my prized possession. My grandfather and my father gave me this name. It is important what they think of me. Regardless of the Air Force core values, what my grandfather and father think of me and how I represent this name are central to who I am as being a service man as well. But your character will always be with you. Make sure it is intact.



Attitude. We kick butt and take names. That is our attitude as an Air Force. You better not take on the U.S. Air Force. We will come get you. You must have the attitude that we will win or we will die trying. There can be no second place. That flag and that nation, the 300 million Americans represented by that flag, the liberty, the justice, the freedom that’s represented by that flag deserves the world’s number one Air Force to kick butt and take names. You must have that attitude.

Leadership is your AFSC. I know, you’re JAGs but your AFSC is leadership. You’re Airmen. And whatever is required, that is what you do. So don’t get too stuck on being a JAG. I expect you to be



experts of course, because I need your good advice. But your AFSC is leadership and you're Airmen first.

Take care of yourself. I mean this in all sincerity. You must be fit. You must be healthy. You must be strong to be in this world's number one air force, so take care of yourself. That's my final piece of advice.

### Closing

I'll close with my favorite quote which sums it for me. I learned it when I was a kid. John Stuart Mill in the 1800s wrote that,

War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral or patriotic feeling, which thinks that nothing is worth war is much worse. A person who has nothing for which he is willing to fight, nothing more important than his own personal safety is a miserable creature and has no chance at being free unless made and kept so by the exertions of better men than himself.

You all are shining examples of those better men and women. The U.S. Air Force and our United States has always had the great benefit of having men and women like you volunteer to serve. Thank you for your service. It's my pleasure to be here. God bless you. Thank you.

**QUESTION:** Since America is a country of so much diversity, where we have folks from Iran, Iraq, and China, which are current and potential future adversaries, are there targeted recruiting techniques where we're looking 10 or 20 years down the road so that we recruit first-generation individuals from those countries so if we ever go to war with them, we will have senior officers who fully understand that culture because that certainly is an advantage we have over all of our adversaries and the rest of the world?

**ANSWER:** Yes, we do recruit with an eye to the needs of the Air Force and the needs of the nation. There is a formal program called MAVNE where we recruit folks of a foreign background to become U.S.

Air Force Airmen and eventually officers and service people. There is a broad aperture to go find the talent the U.S. Air Force needs and to bring that talent to us and then to develop it into leaders.

**QUESTION:** I know that we target diversity in our recruiting effort. How are we doing on retention of diverse candidates?

**ANSWER:** Retention right now as an Air Force is at a 17-year high. And when you break it down into slices, there are differences in retention based on demographics. I wish I could give you the specifics and there are some gender differences in retention as well. But yes we are aware of differences in retention based on demographics. Whether it's racial or whether it's specifically gender; we've looked at both. As the population from which we recruit changes, we need to pay attention to the characteristics of those demographic changes. For example, I mentioned Hispanic kids in Texas and 50 percent of the kids in the state of Texas are Hispanic. What's the average ASVAB score? What's the high school graduation rate? What's the propensity to serve? What's the propensity for career fields from that demographic? We know what that demographic groups score on the ASVAB test. Do those demographic groups score well enough to populate all of the AFSCs that the Air Force has? For example, there are minimum scores for crypto linguists AFSCs. If we have most of our candidates from a certain demographic, will they qualify? We are well aware of not only the qualifications to get folks in, but then to retain them after they've been serving with us for a while.

We are a retention service by the way. Some other services are a constant revolving door of young people who come in, they spend the minimum time, and then they go out the other end by design. Not for the U.S. Air Force. If I hire a kid and make them a crypto linguist or air traffic controller and train them and they become proficient. I have no interest in losing that Airman. I need them to stay with us for as long as absolutely possible for a career. Retention is a big deal. 🦋

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



**CMSAF James A. Roy**  
Chief Master Sergeant of the Air Force



# Charting the Right Path

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**G**ood morning everyone. It is certainly good to be back in New Orleans and it is especially great when you get a ride from the Secretary of the Air Force. He offered and I took him up on it.

General Harding, thank you so much for the invite. Chief Vassallo, thank you again for being here and thank you both for your leadership.

What I want to do today is discuss where we are. General Stewart and I work closely together and as he discussed, we have a lot of things going on with personnel force management. Some of it is kind of old hat. It's the way we've done it for years on end. Some of it is brand new and certainly as we team together, hopefully we can chart the right path because that's what we're all looking for.

What I want to do is give you an idea of where we are. We have about 40,000 Airmen deployed on any given day around the world. Now certainly in the Middle East we have an awful lot of Airmen deployed there, we have a lot of JAG officers and

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***What I want to do is give you an idea of where we are. We have about 40,000 Airmen deployed on any given day around the world.***

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enlisted deployed there on a large scale, but we have another roughly 120,000 to 160,000 Airmen every single day that are employed by a combatant command somewhere. In total, we have about 200,000 Airmen employed in joint/coalition operations and it's certainly good to see our coalition partners here today. Thank you for continuing to join forums like this because we continue to learn from each other and that's really what it's about.

I was just at NATO working with the senior enlisted at NATO at one of their conferences and every time I go to a forum like that, I learn more than I could ever give to our partners, so that's what we do today; that's what we do on a given day.

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*Quite frankly, if you look at the types of missions that our Airmen are doing today, particularly those that operate outside the wire, you will see missions that we would have never seen in years past.*

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### **Deployments—New Missions**

Quite frankly, if you look at the types of missions that our Airmen are doing today, particularly those that operate outside the wire, you will see missions that we would have never seen in years past. You have Airmen like Technical Sergeant Holmes. In April 2011, TSgt Holmes deployed to Balad, Iraq to work Joint Task Force Order and Discipline. TSgt, now Master Sergeant Holmes, who while working this joint task force, went outside the wire on more than 75 missions, jailing more than 22 insurgents. That's what our Airmen are doing today; that's what you're doing today. It hasn't always been that way.

### **AEF Next**

General Stewart talked about AEF Next. AEF Next is an approach and quite frankly, many of you in this room may have worked on it to help build it, and all of you will be in what we call an air power team. There are 117 air power teams that have been formulated. As General Harding and I were sitting together at a meeting the other day, he leaned over to me and he told me, he said, "You know, Chief, as I look at this, our JAG Corps is going to be in every single one of them," and that is true. It will certainly be a challenge for some low-density, high-demand career fields like yourselves, because as we build these teams, we need your expertise in every single one of those teams. It's not like when you call out a bomber or you call a strike package; we're going to need your expertise in every one of those different buckets.

The idea behind AEF Next is to give more predictability. Here's what I like about it and hopefully you will like about it as well. Our Airmen have found themselves in different kinds of situations when they're deployed, which causes them to ask: "Who do I work for? Where is my chain of command?" At the beginning of the war, we had Airmen that were deployed forward and we had garrison commanders and garrison leadership reaching forward trying to make decisions for those Airmen.

With the AEF Next idea, it takes it even a step further from where we are today where you're going to train with your commanders. Every one of those air power teams are going to train with their commanders with the idea that you deploy with your commander. It's going to make a huge difference with both how a person is trained and at what level.



### **Deliberate Development**

What is deliberate development and what is it about? We have been working at this for many years now—in fact, a lot more years than I've been the Chief Master Sergeant of the Air Force. We've taken it a couple of steps further over the last few years. How do we develop our Airmen for the future? General Stewart mentioned to you about the right person at the right place, right time. I would just add to it the right qualifications. That is important. That is what commanders want. That's not to say that all of this is a change to the assignment system, that's not what we're saying. What we're saying is we're at the size of force where we need to make sure we have individuals developed in a way where we can place them in those positions. This whole idea of attorney and paralegal teaming is a good example.

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***Our Airmen have found themselves in different kinds of situations when they're deployed, which causes them to ask: "Who do I work for? Where is my chain of command?"***

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I'll break deliberate development down into a couple of different sections, three tiers if you will: experience, education, and training. The term *developmental team* has some negative connotations to it in some venues. We started this in the enlisted form about six to eight months ago. We started it in a nuclear enterprise with the idea that we would identify those deliberate developmental positions and utilize our folks in the right way. So we had a group of chiefs and their functional manager, and they came together to vector these Airmen, primarily the senior NCOs. We didn't get down through the technical sergeants but primarily the senior NCOs and it has shown much success. We've had four-star commanders write back to us and tell us how important this was. We've had the members being vectored right back to the board and told how important it was because the message goes out for them with feedback that, "Here's where you're going to be vectored at looking at these three areas: experience, education, and training." So I commend what you're about to do.

Now, I have to caveat this by saying this is not a new assignment system at all. It's utilizing those experiences that we already have.

**Experience:** This idea of experience. How do we take and master that experience, capture that experience, and how do we utilize it? If we don't utilize it, it's pretty much a waste. What I mean by experience is looking at that idea that working out in a joint assignment and utilizing that experience to best use our folks.

**Education:** I bring up a couple of points to you here. Certainly one of the areas that we focus on a lot is this idea of off-duty education. We, as a United States Air Force, have always touted the fact that our enlisted Airmen are highly educated. I was down at basic training not too long back and as I saw down there and I listened to these Airmen at lunch, they're much

older than I was when I came in. The Airmen coming in today are coming in at about 25. Many of them say, "Well, you know, I've got a bachelor's degree;" a couple of them said, "I've got a master's degree." I even met one that said, "I've got a doctorate's degree." Yes, a doctorate's degree for an enlisted Airman. It's a true fact.

Then our PME. As we continue to look at how we do development, some folks have only focused on the idea of PME. PME is good but it's not the only thing. We have done some pretty unique, interesting things over the last few years. Notably, we now send our Airman to a couple of our coalition schools and give them credit for these schools. For instance, Canada, New Zealand, and Australia.

**Training:** As I look at training, training is so, so important. As I mentioned to you about education, one of the things that we pride ourselves in the United States Air Force is how technically proficient we are in whatever trade that we are in. Just like our paralegals. Absolutely we have the best. Why? Because we have this system that allows it. That formal training, that informal training, and OJT. We've got to continue to focus on those things.

### **Life Skills**

On my way here, as soon as we landed, I got an e-mail about another individual who decided to commit suicide. Unfortunately, we've had that scenario nearly 70 times this year. I looked at the three top reasons people take their own lives and they are relationships, finances, and those in some type of legal action. I ask you to make sure they seek help. How do we give those Airmen life skills to work through those situations? One of the things we did in March was this idea of Comprehensive Airman Fitness. What we're trying to do in this case is look at all four dimensional areas: physical, mental, social, and spiritual, and giving Airmen those skills

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*I believe that our first-line supervisors are the first line of defense and the first line of motivation. I truly believe that.*

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necessary. General Breedlove, the Vice Chief of Staff, took on three areas: Comprehensive Airman Fitness, master resiliency training, and leadership pathways.

There's a couple of different ways we can do this. One has been through a certain college. We need those trainers to be able to train on those skills at our installations. We realize we're not going to get to everybody if we try to get everybody to school. There's no way to get it through PME, we're not going to catch everybody. We've got to get these trainers out into the field. What is that training? I use this one example of two AICs. One young married female went through this master resiliency training. She was interviewed afterwards and was asked, "Do you see any difference?" She thought for a minute and she says, "You know, I do." She said, "When I talk to my husband now about doing the dishes, we don't argue about it. Dishes still don't get done, but we don't argue about it." You know, that's one of the things that we don't do enough of—communicating well with each other. Interesting enough, I have twin sons. Last night just before going to bed, one of them came in there just ranting and raving.

**Son:** "Dad, he did this to me."

**Me:** "Have you talked to him about this? Have you discussed it with him? Why are you coming to me about it? Do you know how to work through it?"

**Son:** "Yes, Dad."

**Me:** "Then work through it."

I asked the question. This may poke a few people on the eye. How many parents do that? How many parents allow their children to work through the situation themselves instead of just taking care of it themselves? Folks, that's life skills—that's coping with life. That's who we are today.

When we have problems working out our relationships, we need to get after that and that's one of those things that the last item gets after as well, this idea of leadership pathways. It started off at Dover with the idea of incentivizing some of these training sessions.

### **First-Line Supervisor**

The first-line supervisor is an area that needs a lot of focus. I think it's one of the most important jobs in our entire Air Force. I remember it like it was yesterday, having 10, 15, 20 people in the shop to supervise, each one of them having their own scenarios, their own situations. I look back and I think, "Now what kind of tools was I given to do that job," because I believe that the first-line supervisors are the first line of defense and the first line of motivation. I truly believe that. We have to continue to focus on our first-line supervisors. We have to continue to give them the tools necessary, we have to continue to give them the support necessary. It's one thing to give somebody some training and say, "Go do good things." But then how do you support them?

I look at your career field, the fact that you've taken direct hires into the career field for only the last 5 years. I would venture to say that there's a new set of dynamics that the career field has taken on when you took on those direct hires. Instead of getting these prior-service paralegals, now you're getting them directly from mainstream Air Force, right out of basic training, right out of tech school. It's the first-line supervisor that's going to make the difference. I ask and I solicit your help for this person, these positions.

### **Repeal of Don't-Ask-Don't-Tell**

When we were going through the repeal of the Don't-Ask-Don't-Tell, I kept raising my hand and saying, "But what are we doing for the commander and the supervisors?" We've got to make sure that they're armed and ready. We've got to make sure that we give them the right training, the right education,

and they're prepared to do the mission because that's where it's going to fail and certainly where it's going to be successful.

I'll just highlight what we saw in the *Early Bird* yesterday. There was a comment in there about the repeal of the don't-ask-don't-tell by a service member that was gay and the reporter asked him the question, "Hey, how was the repeal of the don't-ask-don't-tell?" And the response went something like this: "It was a non-event." It certainly was because of all the preparation we put into it, because of Airmen in those important front-line supervisor, commander, and first sergeant positions.



### Family

We couldn't do anything without our families. I absolutely believe this. It's why we do what we do. Folks, we've got to continue to support our families. The Secretary mentioned to you about the Year of the Air Force Family. I've heard it a couple of different ways. That was then, this is now. But we learned an awful lot of lessons throughout the Year of Air Force Family.

Our Chief of Staff of the Air Force, General Norton Schwartz, and Mrs. Schwartz are absolutely focused on the families as evidenced by the programs that they've been able to institutionalize across our Air Force. We did an awful lot of things over the last few years for exceptional family member parents and members. Are we there yet? No, we're not there yet, but we've put a lot of focus on the exceptional family member. But we've got to continue to focus on our families, for example during a normal PCS, we have created school liaisons, a brand new idea.

I would ask one thing of you as you leave here and you go back to your duty station. I would just ask that you relay our message back to your family on how much we absolutely appreciate the sacrifices they endure as well. It doesn't go unseen. Your focus on the mission, able to deploy on multiple fronts, and all the while they're maintaining the home front at home. Please carry that message home for us

### Conclusion

Let me just wrap this up by saying thank you so much for what you do each and every day. I didn't talk too much about my experience with JAGs, with lawyers, and with paralegals, but quite frankly, I have the utmost respect for you. Having been a command chief for a little over 10 years, I certainly have worked with you. I see a lot of familiar faces out there. And I always appreciated the fact that as Secretary Donley said,

You always gave me, you always gave the commander the advice that they needed, not necessarily the advice that they wanted, but the advice that they needed.

So please continue to do that. Please continue to work with those first sergeants, those chiefs out there because those folks are the ones working with and advising the commanders. So thank you and please tell your families how much we appreciate them. ✈️

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



# Lessons Learned from Hurricane Katrina

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**W**elcome to New Orleans, one of the jewels in the crown of this wonderful country. I'm going to talk from two perspectives, first hurricane Katrina and the federal law enforcement response in the immediate aftermath of Katrina and what type of challenges we faced. I will also fast forward to the post-Katrina recovery up to today, the types of challenges that we faced here in New Orleans and the types of responses to those challenges.

As the U.S. Attorney, I found myself in a position of being the ranking federal law enforcement official in the district in the immediate aftermath and recovery which made for some extremely interesting dynamics. All of us recognize that each and every U.S. Attorney has to be prepared to step into a crisis leadership role if, and when, we find ourselves in a situation such as Katrina. This is stressed by the Attorney General of the United States and by the White House. Our allies of course are the traditional allies: FBI, ATF, U.S. Marshal Service, DHS, DEA, etc., but also our state and local first responders who performed so wonderfully here on the ground.

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***As the U.S. Attorney, I found myself in a position of being the ranking federal law enforcement official in the district in the immediate aftermath and recovery which made for some extremely interesting dynamics.***

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Emergency Support Function 13, known as ESF 13, is the public safety and security support function. There are 15 emergency support functions mandating different responses through different protocols in the event of a crisis. I'm going to go past ESF 13 structure and get into the immediate Katrina Joint Operations Command Center, Law Enforcement Command Center history. By the way, JOCC and LECC for the purpose of this article are used interchangeably.





**Mr. Jim B. Letten**

U.S. Attorney for the Eastern District of Louisiana

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## *The biggest problem we faced was the fact that cellular communications were down or severely compromised.*

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### **CAT 3**

Saturday, August 27, 2005, Katrina is a CAT 3 hurricane. It's on the way in and it looks like she's going to land on Monday. We've already activated our phone tree and gone to our full crisis response plan implementation. There is an evacuation prepared but we haven't gone to total general quarters yet.

### **CAT 5**

On Sunday, Katrina is a CAT 5 which is where it gets interesting for me. I'm getting ready to ride this thing out in my office and get on the phone with a retired Marine, a Vietnam War hero, and a wonderful guy named Colonel Terry Ebbert who was the head of Homeland Security for the city. Terry tells me:

Jimmy, this thing's heading towards New Orleans. It's a CAT 5. Let me tell you what's going to happen. You're going to be stuck in the federal building there on the phone with D.C.; you're not going to be able to get out because the levees are going to break. There is going to be too much pressure on the levees and the city is going to flood and you won't be able to do us any good. Get your family out and come back.

So I did. I paid attention to him. I evacuated and got my family to Atlanta.

We went to full general quarters that day making sure to interact with the courts and the U.S. Marshals Service to effect closure and long-term implementation of our crisis management plan.

### **Landfall**

The hurricane makes landfall on Monday, August 25. At 8:00 AM things start to happen. The industrial canal levee breaks which links the lake and the river. The London Avenue Canal, which is an outflow drainage canal, which is probably a couple hundred meters across, breaks near the University of New Orleans. The city begins to flood. By noon, the 9th

Ward at what we call "ground zero" is just about completely destroyed. There is significant flooding in New Orleans. St. Bernard Parish is completely underwater. I-10 is chopped up like a Tootsie Roll from the wave action.

### **Aftermath**

As of Tuesday, August 30, the storm has passed. A tidal surge on Tuesday breaks the 17th Street Canal which floods the remainder of New Orleans. The city is 80 percent submerged. Now, the city is virtually destroyed. Infrastructure power grids are shot. Routes in and out of the city are almost completely blocked because the storm has actually hit to the east. This storm also wiped out the Mississippi Gulf Coast. As a result of trees being down and damage along the way, all of the interstate routes into the city were undrivable. Thousands of individuals were stranded in the city.

The New Orleans Police Department (NOPD) is not only displaced but all of their headquarters are now submerged or damaged beyond the point of use. Even the federal agencies had their buildings damaged beyond use. The FBI building, which was surrounded by water, was not flooded from beneath, but flooded from above when the roof tore off. The whole building was held by a team of individuals who had to protect critical classified information.

### **Search and Rescue**

Search and rescue begins and civil order has almost collapsed. You have small pockets of men and women from NOPD who are out there doing the best they can without vehicles for the most part, without adequate provisions. The federal agencies are assisting them in trying to carry out search and rescue operations.

The biggest problem we faced was the fact that cellular communications were down or severely compromised. Even federal law-enforcement agencies have been displaced. Also, importantly, the prison facility, which at the time was the largest urban

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*From August 30 to September 6 there was nothing  
but search and rescue.*

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prison population in the United States (nearly 8000 individuals), had to be evacuated. There were no holding facilities, no booking facilities, no criminal justice facilities whatsoever for the better part of 100 miles.

The hurricane affected four area codes. You might be able to use a cell phone at 2 or 3 o'clock in the morning, but even that was sporadic at best. Satellite phones at the time were absolutely worthless. The FBI issued them to us and they made great paperweights. There were no interoperable communications being used among our state and local law enforcement entities. They had never integrated their communication systems. They didn't have any relays to allow them to talk to one another. What did work was walkie-talkie features of telephones using the DOJ command center. Believe it or not, text messaging actually worked. The Government emergency telecommunication system (GETS), landline telephones, actually worked and punched through the land line traffic.

From August 30 to September 6 there was nothing but search and rescue. There was still no law and order established here in the city. No air traffic control whatsoever. And yet you had a very active environment in the air as a result of lots of search and rescue helicopters. Private, local law enforcement, state law enforcement and federal. You had Navy assets out there. You had U.S. Coast Guard, by the way, who all did heroic, unbelievable work.

Tuesday evening, I arrived at the Louisiana State Police emergency operations center in Baton Rouge because I couldn't get into New Orleans. My primary mission was continuity of operations of the U.S. Attorney's Office, because without that, there was no federal rule of law. I was able to accomplish that by maintaining telephone communications with the Attorney General, the DOJ command center, the Executive Office for U.S. Attorneys, and communicating directly with the U.S. Attorney from the Middle District of Louisiana in Baton Rouge,

because that's where the state police emergency operations center was in Baton Rouge. We established operations immediately in Baton Rouge. So we had no interruption of services whatsoever.

On Wednesday morning we had a conference call with the Attorney General of the United States, and thereafter, I had telephonic contact with him and briefed him at least once a day—usually three or four times a day for about the next three months. We met in Baton Rouge with the Chief Judge of the U.S. District Court from New Orleans who had evacuated to make certain that the Eastern District Courts could function there with the help of our office, public defenders office, etc. She issued a 90-day-continuance order of all pending criminal cases based upon something that had been tried and achieved, and that was a similar continuance order that was done in the Southern District of New York in the immediate aftermath of the World Trade Center bombing on 9/11.

We called in all of the special agents in charge from the FBI, DEA, ATF, Secret Service, and ICE and briefed them on the situation. We re-established our criminal justice connectivity there. One of the things that we noticed was that we were out of our district. The entire district was nonfunctional, as it were. We had to conduct legal proceedings at some point in time in an adjoining district. Well, there was no federal law that at the time permitted the use of an adjoining or a different district for criminal proceedings, whether for first appearance, for grand jury, or for any types of judicial proceedings from arraignment to trial, etc. So DOJ worked with both of our senators, Senator Mary Landrieu and Senator David Vitter, and the Office of Legislative Affairs, to push emergency legislation through on the Hill, to give us the tools to conduct criminal justice proceedings in an adjoining district.

By Wednesday, August 31, we had full connectivity with the U.S. Attorney's Office in Baton Rouge. We had to find our employees, which we did in

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*Now, Baton Rouge doubled in size overnight. It started out with a population of 250,000, and it went to about a half million people within about three days.*

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short order, and get as many of them relocated to Baton Rouge as soon as possible. Now, Baton Rouge doubled in size overnight. It started out with a population of 250,000, and it went to about a half million people within about three days. We were able to locate housing and office space for these individuals, which we moved into in just a couple of weeks.

### **No Rule of Law**

By Thursday, September 1st, we got massive support from Main Justice. Search and rescue still progresses, but they're a missing element because there's still no rule of law. There's effectively no law enforcement. There is no booking facility. There are no criminal justice facilities or holding facilities available in the city of New Orleans. And, there was a lot of criminal activity going on. There were bands of individuals who at times were shooting at rescue workers as well as individuals who were looting. There was a considerable amount of lawlessness that was going on in town. Individuals who were "prohibited persons," who were in possession of firearms were being encountered by police and federal agents. However, effecting an arrest of one of these individuals involved law officials taking themselves out of circulation and driving 75 miles to Baton Rouge to book the individuals and start proceedings. So we really had a problem.

As civil order is being restored, and search and rescue continues, there is a desperate need for rule of law and criminal justice. By the way, the disinformation and misinformation out there that was coming from the media, (and I'm not faulting the media), was extraordinary. The mayor at the time, and I think a high-ranking police official at the time, were reporting, without verifying, rumors of roving bands of gangs with Kalashnikovs running through the Superdome and firing at individuals at will, and committing wholesale acts of violence...which it

turned out was not accurate. In fact, Dave Dugas, the U.S. Attorney from Baton Rouge and I actually were so concerned about it that when we did some of our daily briefings on CNN, we actually urged the press not to report anything that wasn't verified by us because there was so much misinformation out there.



The state attorney general and the head of the State Department of Corrections secured a makeshift detention facility and that was the Amtrak/Greyhound bus station in downtown New Orleans which although right in the middle of downtown New Orleans, had not been flooded. To help put an end to rampant criminality, we established what we called "Camp Greyhound." Greyhound didn't like it and they got irritated at that. They said, "For God's sake, don't call this Camp Greyhound." We said,

okay, okay. So we then affectionately started called it “Angola South.” Angola, of course, is the name of our large state prison here a few miles upriver. It was really kind of a miracle. It was staffed around-the-clock initially by Assistant U.S. Attorneys who volunteered from my office. Young men and women who volunteered, escorted by Southern District of New York investigators into a potentially very dangerous environment. Sleeping on the floor, working with National Guardsmen, federal, state, and local officials from around the country, they all secured the place and established a booking facility. Arrestees were booked on site; when they were processed, our people helped determine whether they should be booked on federal, state, or local charges. And by virtue of that makeshift process, within about a 24-hour period, we reestablished rule of law and a viable criminal justice system in the city.

On September 3, we held a press conference to let not just the city—not just the area, but the entire country know that, in fact, we had established the rule of law here.

By September 4, we took a 12-hour tour with the FBI through as much of the flooded city as we possibly could get to. That was the same day that we saw elements of the 82nd Airborne who had arrived in the city to augment National Guard troops. These troops were being deployed to the city and also federal, state, and local agencies who were here to fan out and try to at least establish peaceful and safe conditions in the city.

The first federal arrest occurred in the wee hours of that morning. And I’m proud to say that it was special agents of ATFE as they are affectionately called. They actually arrested an individual in the wee hours of that morning for firing randomly with a handgun out of an apartment window in the West Bank at rescue helicopters flying by.

### **Supervisory Authority Granted**

On Monday, September 5, something happened that I won’t forget. It initially scared the hell out of me actually and it was something that came unannounced. My secretary came to me and she said, “You need to see this fax.” It was an order from the

Attorney General of the United States giving the U.S. Attorney, which was me at the time, supervisory authority over all DOJ federal enforcement resources, although with a nice invitation in there to allow me to delegate operational authority for operational functioning to anyone who would be appropriate. And of course that would be the agency heads themselves.

Immediately pursuant to that, I was able to meet with, once again, and brief the special agents in charge on that evolution. I met with FBI and Department of Homeland Security headquarter representatives who had come down thankfully that same day. They came down and one guy’s name was Mike Wolf. This gentleman was an assistant director from the FBI and an incredible man. And a great guy named Mike Vanacour from DHS headquarters. They were there under ESF 13 to establish the senior federal law-enforcement official concept and established that ESF 13 partnership. They said:

You’re the U.S. Attorney. And if you buy into this and you are so inclined, we need to call together all of the members of federal enforcement, state enforcement, local enforcement and Department of Defense and establish the Joint Operations Command Center (JOCC) in order to coordinate our search and rescue activities and more importantly, coordinate our law enforcement activities.

### **Joint Operations Command Center (JOCC)**

So the JOCC was born. We, in essence, summoned the heads of all of these agencies to what was then the FEMA headquarters. Mike Wolf and Mike Vanacour established the JOCC, not as FBI or agency centric, but as law enforcement-neutral. This immediately eliminated the notion of turf among any agencies, pulling everybody together. The JOCC was there to provide for logistical coordination, teamwork and cooperation; and primarily, I think, mission de-confliction for the many hundreds, if not thousands of individuals, in various law enforcement agencies fanning out into the area. Without daily logistical

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## *Eighty percent of New Orleans was still submerged a week after the storm...the stench was overwhelming.*

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coordination, there was going to be an enormous amount of wasted resources. And it actually worked.

Situation briefings occurred at 9 o'clock every morning, in which every participating agency from every department, whether it's DOD, DOJ, DHS, you name it, occurred. The entire situation was always in hand during the course of the JOCC. We had around-the-clock watches that made sure that incoming information was properly received, digested, and disseminated as needed.

On Tuesday, September 6, we had our inaugural meeting of the JOCC at the FEMA base camp. The U.S. Attorney was the convener, with the agency headquarter representatives, and we briefed all of the agency heads on this. We had 100 percent compliance immediately. It was never difficult. We went on the same day to inspect Angola South to make sure it was operating efficiently. On that same day, our office, DOJ, leased 14,000 square feet of office space in Baton Rouge.

On Wednesday, September 7, we needed to forward deploy the JOCC. We really didn't want this JOCC in Baton Rouge because in essence the theater was New Orleans. We needed that operational command center as close to the action as possible. Robert Mueller, the Director of the FBI, who I'd known and worked with for many years, actually traveled to Baton Rouge and New Orleans and was impressed with what he saw, in terms of cooperation on the ground.

The Attorney General (AG), the following day, visited New Orleans. He was briefed. He actually visited Angola South and took a helicopter tour of the city. The absence of air traffic control in this area was frightening at best. It was probably the scariest environment I've been in, hairier than walking across a carrier deck during flight ops. If you could imagine hundreds of fixed wing and helicopters—aircraft all

over New Orleans that were without any air traffic control whatsoever, confined to an area just a few miles across. It was pretty hairy.

### **Fraud Task Force**

The AG on that same day ordered the establishment of the National Katrina Fraud Task Force, which has now become the National Center for Disaster Fraud. The Department of Justice recognized that there would be billions of dollars that would come to the area, and with it would come fraud.

The AG visited the staff of Angola South, which were using temporary detention pens. The individuals who were arrested on serious charges, and I stress serious charges, most of which were federal firearm charges, would spend not more than a couple of hours there, before being transported up the river to Hunt Correctional Facility for processing.

Eighty percent of the City of New Orleans was still submerged a week after the storm. Flying over the city in a DEA helicopter, the stench was overwhelming while doing 120 miles per hour at about 400 feet. Absolutely amazing.

Dave Dugas and I were actually giving daily briefings to or close to daily briefings with Rear Admiral Thad Allen, later the Coast Guard Commandant who was the senior federal military official in the area.

### **Another Hurricane Approaching—Rita**

On Friday, September 9, hurricane Rita is approaching the Gulf Coast. We're looking at another storm that may hit New Orleans. Most of the city, including the Lower Ninth, is no longer under deep water. It's slushy and mushy, but most of the water, finally, after several weeks has gone down. We believed there was going to be more levy breakages, because the tidal surge—remember Lake Pontchartrain. For those of you who don't know it, Lake Pontchartrain is not a

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***The fraud phenomenon we saw here after the storm, on a national level is absolutely nothing short of extraordinary.***

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true lake. Lake Pontchartrain is open to the Gulf of Mexico via the Rigolets Pass. It is brackish water. It is fed by the Gulf of Mexico, so whatever happens to the tides in the Gulf happens in the lake. Therefore the lake water that pushes up against the levees of these canals that go deep into the city, that surge is reestablishing itself. The surge is coming back even though there are temporary repairs that have been done to these major levee breaks.

New Orleans and the coast re-evacuates. Hurricane Rita strikes western Louisiana and the eastern part of Texas. Industrial Canal levee breaks again. A 600 foot break had been repaired temporarily, but is now ground zero all over again. The 9th Ward is completely re-flooded. I was actually able to drive into the 9th Ward with the permission of the National Guard. We were driving through the water briefing the Attorney General as the water was coming up. So, we had to get through that evolution again.

Fast forward, by Monday, October 3, we were completely reestablished now in our 14,000 square feet of office space. It was a little tight because right now we occupy 65,000 square feet. But 14,000 square feet was wonderful when you understand that we had literally collocated with the Baton Rouge U.S. Attorney's office, the Middle District, for the several weeks before that.

On October 7, we were actually able to convene a grand jury at home in Louisiana. God bless the citizens who serve us. We indicted six individuals arrested for federal firearm violations.

### **Insurrection Act**

What didn't happen? The Insurrection Act. The Insurrection Act was never implemented. In the most serious of situations, and you look at the 1992 Los Angeles riots, the combined effort of enforcement may not be adequate to maintain public order. In

certain cases then the Insurrection Act could be invoked by the President, but it did not happen here. What happened though upon the request of the Governor, the President did use federal military forces to augment existing forces. Title 32 troops are your National Guard enforcing state law. Title 10 troops are all active duty military, National Guard that have been federalized and under the Command of POTUS but cannot assist in enforcing domestic laws unless the Insurrection Act has been invoked.

The Sheriff, local law enforcement authorities, and Department offices coordinated through the structure of the Governor's Office and the Louisiana State Police. That construct was a result of the experience in Katrina and is still in essence in effect.

### **Fraud**

The fraud phenomenon we saw here after the storm, on a national level is absolutely nothing short of extraordinary. The Hurricane Katrina Fraud Task Force, the National Center for Disaster Fraud (NCDF) is actually in Baton Rouge. It is on the LSU Campus, and there is a call center there that receives referrals, calls, from all around the United States and actually is able to farm out potential fraud cases to various federal districts, state and local law enforcement offices. It actually works. Since Katrina, the NCDF has operated through about 88 declared disasters in the United States. The NCDF has received roughly 30,000 complaints nationally and reports relative to all 88 of those. This has resulted in roughly 1500 individuals who have been charged, in 47 different federal districts, from coast to coast, from the Canadian border to the Gulf of Mexico.

In our district we have charged about 150 individuals with disaster related felonies. We look at the cycle of disaster fraud where there is a bell shaped curve of fraud cases. First, we saw the basic charity fraud, FEMA fraud cases, Red Cross fraud, benefit fraud,

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***We still have to control and reduce violent crime. We are aggressively addressing, and we think we are deterring public corruption, with is one of the most robust public corruption programs in the country.***

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identify theft and public corruption. We were the first office in the United States, right after the storm, in that we arrested a Parish Councilman in Saint Tammany Parish for engaging in an effort to secure kickbacks to help secure a million dollar debris removal contract. Thereafter, in January, right after the storm, we arrested two FEMA officials, who both ran the Algiers Base Camp, for demanding kickback payments from a food service provider from North Louisiana in which they were going to show him how to pad his billing for meals allegedly served to first responders.

### **Post-Katrina**

New Orleans is a miracle in progress. New Orleans before Katrina had a declining population. We went from 650,000 net in Orleans Parish, which is New Orleans, in the late 1960s down to 450,000 the day before Katrina hit. That was before Katrina. I called it the East Berlin Syndrome, as I'm an old Cold War intel type. We saw the same thing happening in the Warsaw Pact, they lost brain power, they lost companies, they lost their young people. Anybody who could get out got out. That was what was happening to New Orleans. We had failed public education. We had endemic corruption which drove that and we had a shrinking port. At one time not too many years ago we had the largest port in gross tonnage in the entire United States. Right now we have a deteriorating economy, wide-spread poverty after Katrina, which existed before Katrina, a violent crime and homicide rate that is still very high. We still flirt with having the highest homicide rate in the United States per capita.

We had a short-lived decline in crime because the population left. When the population returned, which by the way for the city itself is settled at 350,000, we saw a resurgence of serious crime.

The police department was in horrible shape, as a result of attrition, as a result of other difficulties. And the local criminal justice system at the time was a revolving door. Since then, we have a new DA, a new police chief, and a new mayor, and so many things are changing.

Homicides remain very, very high but we have some short-term solutions that have really helped a great deal. Initially we brought to bear all of the federal resources we could, including getting assigned/detailed a number of additional federal prosecutors. We adopted and charged any violation of criminal law we could in U.S. District Court. We would prosecute in federal court any drug violation such as a hand-to-hand sale of crack, or any gun violation to bleed pressure off the state system which was really beleaguered.

We had a partnership with the New Orleans Police Department beginning in 2006 that was probably almost unprecedented. We had a 32 percent increase with a 98 percent conviction rate in our federal violent crimes. We had a 300 percent increase in felony immigration prosecutions.

The Chief Justice of the Louisiana Supreme Court and I established the Southeast Criminal Justice Recovery Task Force. We saw 133 million dollars in grants from DOJ. We established various leagues for the kids and a victim/witness capability that we exported to the local DA's office. Locally we helped build a Family Justice Center for victims of domestic violence that had burned down and reestablished that capability here, a new crime lab for NOPD, funding for additional prosecutors, and a massive juvenile justice prevention effort. We still are grappling with pre-Katrina challenges.





We still have to control and reduce violent crime. We are aggressively addressing, and we think we are deterring public corruption, with is one of the most robust public corruption programs in the country.

We are attracting industry and diversifying the economy. We are protecting our growth industries from corruption and rebuilding the NOPD with the Civil Rights Division. Right now we are working on a draft consent decree. We prosecuted 21 police officers in about the last two years on various civil rights and other related violations.

The New Orleans Police Department is a great department with great people in it, but the NOPD had a lot of individuals who shouldn't have been there. And they had some really massive failures. With the new mayor, with the police chief, and with the Civil Rights Division of the Department of Justice there is a team down here that is working literally right now to present a consent decree which will result in the rebuilding of this department from the ground up, and all of its capabilities, into a world-class department. We've got a federally led re-entry program underway. We've got an unprec-

edented drug demand reduction program which we just kicked off last week. And we just kicked off an effort based upon federal funding to export here the Milwaukee Homicide Review Team, a homicide control process.

### **Failure is Not an Option**

Failure is not an option. New Orleans has been through a lot, to say the least, in the last few years, and she is still grappling with some of the most serious conditions, and challenges of any American city.

I will leave you with this. Nowhere in this country, I believe, is the daily bare knuckled tooth and claw struggle, everyday, against poverty, against corruption, against violent crime more poignantly played out than it is right here. And that is why it is so important, and why I'm so grateful that you all are here. That's why I'm excited that New Orleans is a venue of choice for extraordinary groups like yourselves. That is why I believe we have to keep our shoulders to the wheel and do everything we can to make sure that this wonderful city survives. I think we're moving in the right direction, we still have a long way to go. God bless you. Thank you for being here. 🦅

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



**Mrs. Hollister K. Petraeus**

Assistant Director, Office of Servicemember Affairs,  
Consumer Financial Protection Bureau



Consumer Financial  
Protection Bureau

# Protecting Military Families

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**G**ood afternoon, everybody. New Orleans is a great location to have a conference. When I leave here tomorrow, I'm going to another conference at Indianapolis, where it is 52 degrees and rainy. So, I think you guys win. I was thinking last night after the Senior Executive Dinner about going out a little downtown and I was kind of afraid I would run into a bunch of rampaging JAGs researching criminal misdemeanors on Bourbon Street. That's continuing legal education, right?

So, I decided maybe I would just stay in and let you all have that experience by yourselves.

Seriously, I really do appreciate the opportunity to tell all of you about the Office of Servicemember Affairs at the new Consumer Financial Protection Bureau, or "CFPB." I would like to thank General Harding for the invitation to do that. And let me say upfront that I appreciate all that everyone in this room does to help our service members with professional and personal legal issues.

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***I appreciate the opportunity to tell you about the Office of Servicemember Affairs, at the new Consumer Financial Protection Bureau, or "CFPB."***

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As a non-lawyer, I do find it a little bit intimidating to stand up and deliver words of wisdom to a group such as this. But I do have a little factoid for you. I do, in fact have a little bit of lawyer DNA. My great-grandfather was the prosecuting attorney in the Lizzie Borden ax murder case. I am afraid that he did not win, if you recall.

From what I've heard, the judge's instructions to the jury were bad in that case. They pretty much were, "I know you won't find this lovely young woman from a good family could possibly have done this. Now, go deliberate." So, he did not win. But he did go on to become the Attorney General of Massachusetts

for a number of years. So, even though I am not a lawyer and didn't stay at a Holiday Inn Express last night, I do have a little bit of lawyer blood in me. So, I hope you will listen to me with a little more attention now that you know that tidbit.

### Army Wife, Daughter and Mom

First, let me tell you what I think my real credentials are for giving this talk today. As you all heard, I do happen to be an Army spouse. Some of you might have heard of my husband.

We have been married for 37 years and before my husband retired in September, we had moved 24 times in those 37 years. May I say that is a whole lot of visits to JAG legal assistance for powers of attorney, to move the household goods, and move the cars. So, I have sat in that waiting room, and I do appreciate the services—we did our wills as well. So, we have used JAG services for sure.

In addition to being an Army wife, what you may not know is that I'm also an Army daughter. My father was also an Army four-star general. He also served for over 36 years. He fought in both World War II and Vietnam, and he was the Superintendent of West Point for four years.

Is there anybody out there who remembers Wheelus Air Force Base? Whellus Air Force Base was in Tripoli, Libya. And yes, I have been there. When I was nine, my dad was the U.S. attaché to Tunisia and twice a year we would go to Wheelus Air Force Base in Tripoli to get our healthcare. And may I say we kids thought it was the coolest thing ever because it had a Shoppette. We could get comic books, bubble gum, and all of that good stuff. So, I had a very positive first experience with the Air Force, way back when.

In addition to being an Army daughter, I'm also an Army mom. My son is a Lieutenant in the Army. Both he and my husband have jumped out of very good Air Force planes, many, many times.

So, thank you for flying those so well. So, I have been around this unique military community of ours for my entire life.

### Advocacy

I also have been around all the scams that are out there. I'm happy to bring my knowledge of the financial issues that can cause our service members problems to my job within the CFPB.



It is very important for our military to have strong advocates working on its behalf and it is my intent that the Office of Servicemember Affairs be one of those strong advocates, both educating and looking out for military personnel and their families.

During our active duty years I spent a lot of time, over 20 years, as a volunteer on the Army posts where we were assigned. There was no paycheck involved but there were a lot of great opportunities to learn about military families and the unique challenges they face everyday. During the first year of the Iraq War, when my husband was Commander of the 101st Airborne Division at Fort Campbell, Kentucky, I served as the Division Senior Family Readiness Group Advisor during that year of combat.

In that capacity, I saw the unforeseen problems that came with deployment. Not just for our active duty families, but frankly also for the National Guard and Reserve. We had a lot of Guard and Reserve families that showed up at Fort Campbell needing assistance and all they knew about their service member was that they had left from Fort Campbell. Some of them didn't even know the number of their unit.

We have come a long way since that time. But it was certainly an education for me that there was a lot that we needed to do. I did work on those issues with DOD officials, as well as local, state, and national legislators.

A year after that I was invited to become the Director of Better Business Bureau (BBB) Military Line, a program of the Council of Better Business Bureaus providing consumer education and advocacy for service members and their families—a position that I held for six years from 2004 to 2010. The BBB was looking for a military-family subject-matter expert, and that was certainly a title that I felt I could claim. It was my good fortune they were willing to think outside the box and hire me despite my very unconventional resume. I suspect that many of you may be aware that the BBB receives a large number of military consumer complaints each year, approximately 50,000. It was a great education for me to look at those complaints and see the problems and scams that military consumers were facing. Based on that knowledge, my team and I developed six military consumer workshops, some of which are taught regularly at Air Force bases. I wrote a monthly military consumer newsletter that went out to about 3,000 subscribers, as well as traveling around the country doing military outreach.

It was in my BBB capacity that I first connected with the CFPB last fall. I was called on to give some suggestions as to how the Office of Servicemember Affairs, created by the Dodd-Frank Act, should be set up. Unbeknownst to me, my session morphed into a job interview. When I was offered the job of heading up the CFPB's military office, I couldn't resist the chance to serve as an advocate for military personnel and their families.

### Consumer Financial Protection Bureau

The Consumer Financial Protection Bureau has one core mission, which is to protect consumers. We bring under one roof authorities to issue rules, conduct compliance examinations, and enforce 18 different federal consumer financial laws that were previously spread out among seven federal agencies. Since this is an audience of lawyers let me go into a little more detail on some of the laws that the CFPB now has the power to enforce.

First, is the **Truth in Lending Act**, or TILA, which requires that lenders provide full disclosures to consumers about the cost of a mortgage, credit card, payday loan, or other consumer credit. For example, TILA requires that creditcard issuers disclose a standard APR (Annual Percentage Rate), to give consumers a chance to make meaningful comparisons between offers.

Congress has amended TILA many times, including the passage of two related laws, the Consumer Leasing Act and the Homeownership and Equity Protection Act. These two laws expanded TILA to provide special protections for leases and high cost mortgages.

Two other important TILA amendments that we enforce include the Fair Credit Billing Act, which provides certain protections regarding billing errors, grace periods and other matters, and the Credit Card Act of 2009, which prohibits certain credit card practices, improves disclosures, and creates other important consumer protections.

Another major consumer financial law we will enforce is the **Fair Credit Reporting Act**, which governs the behavior of credit reporting agencies and established requirements for entities that use credit reports or report information to credit bureaus. For example, the Fair Credit Reporting Act entitles a consumer to obtain a free copy of his or her credit report once a year, from each of the three largest credit bureaus. I suspect that you all know that consumers can order these at “AnnualCreditReport.com,” and not at “FreeCreditReport.com.”

The **Real Estate Settlement Procedures Act**, which regulates settlement services provided in connection with residential real estate purchases and requires certain disclosures in mortgage transactions, on top of those that TILA already requires.

Also the **Equal Credit Opportunity Act**, or ECOA, which prohibits discrimination in lending on the basis of race, color, religion, national origin, sex, marital status, age, or because a person receives public assistance, or has exercised a right under certain consumer credit laws.

The **Home Mortgage Disclosure Act**, which requires lenders to disclose certain data about their mortgage lending, mostly so that the public can determine whether lenders are in the words of the statute, “Filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located.”

Also the **Electronic Fund Transfer Act**, or EFTA, which is intended to protect consumers engaging in electronic money transfers. Among other important protections the EFTA provided the basis for the recent rule prohibiting banks from automatically enrolling customers in costly overdraft programs for ATM withdrawals and point-of-service debit card transactions.

The **Fair Debt Collection Practices Act**, which provides protections against harassment and other unfair or deceptive practices by debt collectors and provides for a private right of action by consumers against debt collectors who violate this law.

The **Truth in Savings Act**, which requires uniformity in the disclosure of rates and fees for deposit accounts, such as early withdrawal fees on a CD.

The **Gramm-Leech-Bliley Act**, which requires financial institutions to provide consumers with privacy notices, including notice of the right to direct that the institution not disclose the consumer’s nonpublic personal information to unaffiliated third parties, in some circumstances.

The **Safe Mortgage Licensing Act**, which provides for registration and some licensing of mortgage loan originators, meaning brokers and mortgage loan officers, and establishes minimum standards for state licensing and registration of these originators.

The **Omnibus Appropriations Act**, which includes a provision that granted the FTC authority to prohibit unfair or deceptive acts or practices related to mortgage lending.

And finally, the **Dodd-Frank Act** itself, which created the CFPB, and authorized it to write rules and take enforcement actions to prevent unfair, deceptive, or abusive acts or practices by companies and

individuals that provide consumer financial products or services that fall under our authority.

Included in Dodd-Frank are important new mortgage protections. Such as:

- 1) A requirement that mortgage lenders document and verify a borrower’s income before making a loan, and take other steps to ensure that the borrower can afford to repay it, and
- 2) Prohibitions on brokers and bankers being paid more for steering borrowers into high cost loans.

So, did you get all of that? There will be a quiz at the end.

Interestingly, one law that did not come over to us is the Servicemember’s Civil Relief Act. That law will remain the responsibility of other regulators and the Department of Justice, Civil Rights Division. But even without it, you can see we obviously have plenty to do. Interestingly I have been called to weigh in on the SCRA in testimony on Capitol Hill. And in the name of education, I’m happy to do that. But we do not enforce it.

The CFPB will carry out its work through the following three important functions:

First, enforcing the federal consumer financial laws I just mentioned to you and, related to this enforcement power, examining a range of financial services companies, including the nation’s largest banks, thrifts, and credit unions with over 10 billion dollars in assets and their affiliates. The CFPB enforcement and supervision authority will also encompass mortgage related non-bank companies, like lenders, brokers, and servicers, payday lenders, and private student loan providers as well as larger non-bank providers of other consumer financial products and services.

CFPB will also be conducting research, monitoring markets, and issuing regulations and other guidance to promote fairness, transparency, and other competition in markets for mortgages, credit cards, and other consumer financial products and services.

And third, CFPB will be providing consumer assistance and education, including financial literacy programs, on-line resources, and a consumer complaints hotline.



And how does the Office of Servicemember Affairs fit into that equation? Well, we are there to see that military personnel and their families receive a strong financial education, to monitor their complaints about consumer financial products and services and the responses to those complaints. We will also coordinate the efforts of federal and state agencies to improve consumer protection measures for military families. We are authorized to enter into agreements with the Department of Defense to carry out our work and to make sure that we achieve those goals.

In fact, our first formal agreement was with The Judge Advocate Generals of all the services named a joint statement of principles. We had some concerns about how we would handle military consumer complaints, including SCRA complaints. We wanted to get something in place to ensure we would share information about consumer complaints with the JAGs and vice versa, so nobody falls through the cracks. We decided on a process where we would refer most SCRA complaints to you, the JAGs, if we get them, rather than sending them over to Justice. We do have a point of contact at the CFPB for you.

Her name is Angela Martin and many of you may be familiar with her. She actually teaches CLE down at the Army JAG School quite often. She works in our enforcement division and she is well aware of the issues.

Before I get off the topic of consumer complaints let me talk to you a little bit about CFPB's consumer response team. Our hotline at CFPB is now open for business and consumers can file a complaint or tell us their story, as we put it, at [www.consumerfinance.gov](http://www.consumerfinance.gov), which is our website, or they can call 855-411-CFPB.

We are doing a graduated roll-out of our complaint handling capability, so at the moment we are only taking complaints about credit card issues. But as the months go by, we will keep expanding the options. Probably the next one will be mortgage complaints. My office is monitoring the military complaints as well as making sure that CFPB's consumer response specialists can identify military-specific issues.

We have also arranged with the Veteran's Administration that any service member or veteran who comes to us in danger of foreclosure is referred immediately to the VA home loan program. That program has a very good record of preventing foreclosures. And even if it is not a VA loan, they told us that they feel they may be able to help identify benefits or grants that might help the people that we refer over. If someone who is a veteran or a service member calls us and is in danger of losing their home, we will refer them to the VA.

We hope you will encourage service members to come to us with their complaints about consumer financial products. We are trying to make the process user-friendly by assigning a case number that allows the individual to check back on the status of the complaint. I know that has been an issue before about some federal complaint processes that once you sent the complaint in it was like a black-hole and you never heard anything again. So we're trying to make it a little better.

We cannot help service members unless we hear from them. So we hope that you will keep an eye on the website and the expansion of our complaint-handling capability and help us spread the word that we are

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***If you who work in legal assistance, I do encourage you to get in touch with the consumer division of your state attorney general's office. They can be a real value-added in your efforts to help service members.***

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open for business. We have already seen some exciting stuff come through on credit card complaints.

In addition to the consumer complaints side of things, you may recall that I said we are supposed to coordinate the efforts of federal and state agencies to improve consumer protection measures for military families. And we've been trying to do just that. At the national level we've been talking to legislators, federal agencies, business and non-profits about the issues that we've been hearing about from military families. Right now I am definitely leading at the CFPB in terms of numbers of times testifying on Capitol Hill. In a couple of weeks, I'll be going up for the fourth time since January. So, I do have the opportunity to articulate your concerns up there, and I hope you will remember that.

At the state level I've done a number of events with state attorneys general. My office serves not just active duty, but guard and reserve and their families. And I expand that to include retirees and veterans as well. So, we feel it is important to talk to the attorneys general, and hear about the issues that their military families are facing.

If you who work in legal assistance, I do encourage you to get in touch with the consumer division of your state attorney general's office. They can be real value-added in your efforts to help the service members where you are assigned. And in my experience they are very eager to partner with you.

Regarding the macro issues, the big concern is homeownership. As I think you know, declining home values are putting military families between a rock and a hard place when they receive PCS orders. They can't sell their home for enough to pay off the mortgage, they can't rent it for enough to cover their mortgage payments, they're told they can't get a loan

modification or short-sale because they are not yet delinquent, and they can't refinance for a good rate because it will no longer be considered their principal residence once they leave.

The military homeowner's assistance program is, unfortunately, no longer a viable option. It is tapped out. But we are starting to see some movement in other places to try to make it easier for service members to get help. The Department of the Treasury has issued new guidance for its Home Affordable Foreclosures Alternative, the HAFA program, making it more accessible for those with PCS orders. And some of the Government sponsored enterprises, like Fannie Mae and Freddie Mac are tweaking their own guidance. There have also been various letters flying around on the importance of this issue from Congressmen, as well as the banking industry. So the issue is up on the front burner and stay tuned for further developments, because we think there may be some.

Another big issue we've been tracking concerns military education benefits and for-profit colleges, an issue that impacts military spouses, too, now that they can use the post-9/11 GI Bill. Because of a quirk in the Higher Education Act, military education money is very appealing to for-profit colleges, because it counts towards a requirement that they get at least 10 percent of their revenue from sources other than Title IV education funds administered by the Department of Education.

Military benefits, tuition assistance, and the GI Bill are not Title IV funds, so they count in that 10 percent. This has led to some cases of super-aggressive marketing by for-profits to military personnel and their families. And these schools often market not only the educational programs themselves, but also push the expensive private student loans needed to



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***Regarding the macro issues, the big concern is homeownership. As I think you know, declining home values are putting military families between a rock and a hard place when they receive PCS orders.***

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pay for the difference between what your benefits will cover and what it actually costs.

CFPB is focused on whether students understand these loans and whether they will really be able to pay them. But there are also serious questions about whether the education you get at some of these institutions justifies the high price. In many cases the answer may be “no.” And Congress is taking a hard look at this issue now. I’ve submitted Senate testimony on this subject.

Moving on to another issue important to service members is cars. Although we will only have supervisory authority over the auto dealers who write their own loans, what you’d call “Buy Here, Pay Here,” we are supposed to be coordinating with the Federal Trade Commission and the Federal Reserve on military auto issues. I would be happy to pass on any first-hand stories from you about bad practice. You can reach us on that or any other issue at this e-mail, write it down: [military@CFPB.gov](mailto:military@CFPB.gov). I have a small team; you may not get an answer for quite a while but I guarantee you I read every e-mail that comes in that box and if you have information that we can pass on, we would love to do that.

Finally, I want to say that we take the education piece of our mission very seriously. We have been doing a lot of round tables at military installations starting with Lackland Air Force Base last January, so we can hear directly from military families and military service providers, including JAGs, about the issues that concern them. We’ve also been taking a look at the financial education piece of basic training to see what’s being taught and if there are things we might suggest that would make that early training more effective, so less service members end up in your legal assistance offices having signed bad contracts.

It has been very entertaining to see the different approaches in the services to teaching financial education at basic training. I haven’t been to the Air Force yet, but we went to the Navy and the Marine Corps, and with the Navy there was a lot of shouting of, “Yes, Petty Officer/No, Petty Officer.”

And, “Everybody got the that? Yes, Petty Officer!! Any questions? No, Petty Officer!!”

And the Marine Corps students actually periodically shout, “Kill!” It is probably the only financial education class I will ever attend where that happens. It was kind of a surprise the first time we heard it, but whatever works.

We do consider you all to be a very important part of our process since you are down there where the rubber meets the road and you can give us an unvarnished look at the unsavory practices that our military families need to be educated to avoid. Then it will be our job to translate the feedback we get from you and military families into the best financial education and consumer response programs that we can possibly provide.

So, I hope that gives you a basic idea of what we are up to at the Office of Servicemember Affairs. I have to say it is very exciting for me to work for an agency that can be an enforcer and educator on behalf of our military families who serve so faithfully and deserve the best treatment both from government and business.

And since I know the focus of this conference is all about teamwork, I pledge to you that we will work with you, listen to your concerns, and do our best to address the military consumer financial issues that you bring to us. Thank you very much.

**QUESTION:** Do you think the current state of the economy is creating even more difficulties in protecting military families from scams and fraud?

**ANSWER:** The short answer is yes. Unfortunately I think the more people you have with financial problems, the easier it is for scammers to take advantage of them. And desperate people will often do things they would not ordinarily do. In other words, they are grasping at straws. They are looking for that pot of gold and unfortunately they are apt to be taken advantage of.

The number one cause of security clearance revocations is financial. I heard a presentation by the guy who runs the appeals for the revocation board at the DOD level and he said frankly it is becoming increasingly automated. It is very easy to pull a credit report up and to check that. So that means a lot of people are losing their clearance because they have financial difficulties. Of course if they lose their clearance, they can not do the job they were trained to do, so everybody loses then—the individual, the services, and the taxpayers, too who paid for them to be trained.

So, yes, the economy is definitely taken its toll, and its taking a toll on spouse employment. If you have a spouse who can't find work, that is going to really impact your bottom line.

**QUESTION:** We heard earlier about people hesitant to go see mental health professionals or get mental health care because of the social pressure or perceived sense of failure when they do so. Have you seen any of that with the financial or the consumer issues, where people might be a little hesitant to get help because of cultural pressure or peer pressure?

**ANSWER:** No, I think you are absolutely right. I've definitely seen it. You can even see it when you give a consumer scam class. There will always be people that lurk around by the doors, they won't stand up and ask a question, but when you are on your way out they pull you aside, "You know, I have this issue." They are embarrassed. We have to get rid of that feeling that filing a complaint is like going to the dentist.

I read an interview of a Soldier at Fort Sill, Oklahoma who had the usual sort of triggering issues of spending a lot of money in a short-term marriage and then the wife had departed with all of the furniture. He was still left paying for everything. He was living in his buddy's garage because he basically had all of his money for the month totally committed for the foreseeable future. The Soldier did not reach out for help. His friend said the goal of every Soldier, and I think probably young Airman, too, is number one, not to get yelled at. So, he was afraid to go and ask for help because he would be yelled at. Unfortunately there are people who should be getting the help that is there for them and they may not do it for that reason. I think it is a struggle. Sometimes it's easier maybe for them to come to another agency, like ours, that they can do on-line versus asking for time off to go over to JAG. So, we have to work out ways to make it seem a little less like the visit to the dentist when they come in for help, where they don't come in and leave feeling like they were stupid. We are trying to work on that.

**QUESTION:** You spoke about your experiences within the military, of course growing up within a military family and your experiences with your spouse. But was there one particular family or situation that inspired you to become so active in raising the issues for military families and what they face today?

**ANSWER:** You know, I think it was really more a time period, which was that first year of the Iraq War, when I heard so much about issues impacting the families that I don't think had occurred to any of us. I remember at Fort Campbell we had some families receiving various government assistance programs because they were junior enlisted and they had enough kids that they qualified for government assistance. When their service member deployed their benefits got recalculated. There were a number of situations where the Government was giving them combat pay with one hand and then snatching it back with the other because their benefits were being reduced. The Government argument was, "You got one less person in the household" or "You are earning more money."

So, that definitely struck me. Also, as I said, the number of Guard and Reserve family members we saw come in, who were totally unprepared for being in the military. They had spent all of their adult years thinking of themselves as civilian families and all of the sudden they weren't anymore.

There was also a few amusing things, which I think you JAGs can probably relate to. The Soldiers were encouraged to get powers of attorney for their families or for somebody to take care of their finances. Our JAGs found there was a very nice young lady at the local dance club who ended up with six powers

of attorney from various Soldiers who thought she would be the perfect person to have that power of attorney for them while they were gone.

On the very first day our Family Assistance Center opened, our first customer was a distraught wife. She lived on post with their little kid and she had no access to the money and she did not know what to do. Her husband had only been gone a week, so we asked if he left a power of attorney, and she said, "Yes, for his girlfriend." It was a very eye-opening year for me! 🦋



*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



**Lt Gen Russel L. Honore**  
U.S. Army Retired



# Leadership in the 21st Century

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**G**ood morning, Air Power. I'm a graduate of the Air War College at Montgomery, Alabama. I would like to thank General Harding for the opportunity to address this great group of leaders here today and to share some thoughts with you on leadership and preparedness in the 21st century.

The city of New Orleans has survived. When duty called and the President of the United States ordered the military to come here and save lives, you were here—the United States Air Force. The military response also included the local Air National Guard, the Bayou Bandits. And the capability that was brought here, led by General Schwartz and TRANSCOM—they dudes can do some heavy lifting, let me tell you.

We did not need fighter jets, but I will always remember the leadership provided by the squadron commander. His unit took over Zeppla Field and in the true spirit of the warrior, he got amongst them and said, "Well, air power can help here, too." Taking care of people and administering to them. It was a sight to behold.

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***We went over to the New Orleans Airport and within a matter of 36 hours, a USAF Reserve air medical unit had set up a first class triage hospital.***

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The Sunday after Katrina hit, the Secretary of Defense along with the Chairman of the Joint Chief's of Staff, General Meyer, United States Air Force, toured the damage. We went over to the New Orleans Airport and within a matter of 36 hours, a United States Air Force Reserve air medical unit had set up a first class triage hospital. When you go back through that airport, the next time you travel, take the time to visualize the entire airport filled with stretchers. Rows and rows of stretchers of elderly people that had been evacuated out of the hospitals and nursing homes in New Orleans. They were being cared for by that air medical squadron. They shipped those patients all over the United States of America. It was a sight to behold. You could see the emotion in the senior leadership from Washington regarding the care being given to those elderly people who could not evacuate. Thank you very much, again, Air Power.

## The Frog General

A few months ago we had some flooding here in Louisiana and I was out by Southern University doing interviews for a CNN crew overlooking the Mississippi River. As I was sitting there waiting on the crew to get setup, a young lady came by and she sat on the concrete bench next to me. As she sat there a frog jumped up on the table and talked to her.

The frog said, “Actually, I’m a General. If you kiss me I’ll serve you for the rest of your life.” So, she took the frog nonchalantly and put it in a ruck sack. A few minutes later the frog jumped out of the bag, and he said, “Hey, I’m a General, I’m well decorated, and if you kiss me, I’ll serve you for the rest of your life.” The woman once again put the frog back in the ruck sack. This happened one more time and the young lady got frustrated and finally said, “Look, a talking frog is worth a lot of damn money. A talking general ain’t worth much.”

Again, thank you for inviting me here and more importantly thank you for having your convention here in New Orleans. I mentioned up front what you did as a service to help save the people here. But you have also helped save the people here by bringing work to this great city because this city relies on tourism. Thank you again for selecting New Orleans. Many of the hotel staff serving here today are survivors of Katrina and as you go around the hotel, you will run into them. Hopefully some of them have stopped to show their gratitude to you as they normally do. The staff is quick to tell people about the great help that came to them after Katrina.

## Leadership in the 21st Century

My purpose today is to talk to you about leadership in the 21st century. We are in a changing global environment. The news today is being covered by the impact of the expanding population that we face in the next 10 years, in the next 50 years, and the impact that is going to have globally.

But before we go forward, I think it is imperative that we reflect upon our past and remember how we got here. We just didn’t appear here as a nation—1.3 million Americans have died in combat, to ensure we are a free nation today.

## A Look Back—Where We Came From

As we transition here and reflect upon our past, I think it is important that we look back to see where we came from as a nation. What looking back tells us is that many people have sacrificed much for us as a nation, and each generation has an inherent responsibility to keep this nation free.

Consider George Washington with his rag-tag Army taking on the most powerful Army in the world, the British Army. When we look at George Washington’s Army and when we look at the battle of Trenton, which occurred six months after the signing of our Declaration of Independence, what did these men and these families fight for? They fought for freedom. They were not well trained. There were very few benefits for them when we look at what we talk about today in terms of what’s available to our veterans who go off to war. There was no Department of Veterans Affairs. There were no hospitals to recover once you came off the battlefield. There was no TRICARE and somebody said that’s a good thing, but in reality there was nothing. They fought for the promise of freedom that was based on a document that promised them freedom even though all of them were not free. Twenty percent of them were slaves fighting for freedom that they themselves had not known yet. But they fought this fight, fighting the most powerful Army in the world. Here is the rest of this little story about this fight that occurred over the frozen Delaware River. Washington had no boats. Where do you think they got the boats from? He got them through the old Army supply system called TOPS—Take Other People’s Stuff.

Actually, he left a little note and said, “We’re borrowing your boat, we are going to save the nation tonight. We’ll bring it back tomorrow.”

All of the soldiers did not have proper clothing or ammunition. As a matter of fact, if a battle was to happen like this today you would have retired guys like me and Wolf Blitzer and Sean Hannity on Fox, saying, “They’ll never win. What the hell are they doing? There is no way they can win it against the British.” Washington led from the front, literally. He rode on the front of his boat and not the back.

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***No sacrifice is too great to save this nation or to end tyranny, or to end the slaughter of people anywhere around the world.***

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Actions are powerful, but so are words. Words give purpose. The words in the Declaration of Independence were so powerful that King George III of England asked the people of England to pray that those words would never come to fruition. For he knew it would be the end of his form of government if they did. That's the power of purpose. When your leadership talks to you this week about being purposed, about being value driven, about being focused—remember that our soldiers in our military were focused on the purpose of freedom.

One of the reasons we won the Revolutionary War is because our soldiers focused on killing the British officers first. As a matter of fact, a note came back from the British commanding general to General Washington that said, "Ask your soldiers to stop shooting our officers. It's bad for moral."

You see the British officers came from one class of people, the upper class. No boy from Lakeland, Louisiana, off a sharecropper's farm, could grow up to be a general officer in the British Army at that time. You had to have a connection. That connected group put significant pressure on King George to end the war in America, because when British officers were shot and word got back to England, it caused a significant problem in the will power of the British people to continue to prosecute this war.

### **The Battle of Trenton**

During the battle of Trenton about 900 British soldiers were killed or captured by our American rag-tag Army. Why did we win? Because the British soldiers fought for the King, but our soldiers fought for freedom. And at the end of the day, freedom is a powerful purpose. Americans value it so highly that we will not stand by and watch tyranny. We want to help those fighting for their freedom achieve that goal. It's just part of who we are.

Ultimately George Washington's army wrote a check that every generation has to be prepared to cash. No sacrifice is too great to save this nation or to end

tyranny, or to end the slaughter of people anywhere around the world. It is that thought that drives us as a nation.

Unfortunately, many Americans today don't quite understand or appreciate that the sacrifices made by uniformed services throughout the history of this country have put an obligation on every generation to leave this country free for the next generation.

I believe we were born free by accident. We could have been born anywhere. Therefore, to live free is a privilege that has been paid for by previous generations, not only in their willingness to defend this nation, but their willingness to build this nation, in terms of infrastructure, time, talent, and treasure. We don't sit here today just because of an active military that's involved in defending the nation. It takes the combination of economy, diplomacy, infrastructure, education, and the investment by our government in advanced technology to make this nation great. That combination gives us the ability to do what we do today. So, to live free is truly a privilege.

### **Haiti Earthquake**

The last encounter I had with a reporter about freedom being a privilege happened right after the Haiti earthquake. Again, the United States Air Force showed the importance of Air Power in getting people in and out of the disaster area. I had said on CNN the day after the Haiti earthquake that the southern governors ought to send airplanes over to pick up the babies in Haiti and bring them to America for operations. The local doctors at the time were having to resort to some crude methods of amputating babies limbs, using tools out of hardware stores because there were not enough surgical instruments. The United States could help with the operations then at a given time, send the babies back to Haiti.

This reporter challenged me and he said, "Well, who is going to pay for this?" And I said, "Well, you know, we will figure it out." We are talking about saving babies. We are not talking about evacuating

the whole nation. The reporter challenged me again saying, “Well, you know General, we are laying off the college professors here in Louisiana, at Southern University and LSU, who is going to pay for this?”

By that time he just got me to that point, and I had been punching coffee all day, so I said,

Let me ask you something, Mister. Who paid for World War I when we sent almost two million men, the American Expeditionary Force, under General Black Jack Pershing to end tyranny and the slaughter of people in Europe? Who paid for the nearly half a million veterans who came back with gas in their lungs and lived miserably the rest of their lives because they had been hit by mustard gas? Who paid for those who were not recognized in that war, such as the Harlem Hell Fighters, out of New York?

### Harlem Hell Fighters

The Harlem Hell Fighters prior to World War I had been training in North Carolina and had been shipped as a part of Pershing’s expeditionary force. However, when they got to Europe, a letter arrived from the Congress of the United States that told Pershing, “Don’t let those black soldiers fight, because if they fight, they will come back and demand social justice.”

So, Pershing being the good soldier he was and the reason he got his name “Black Jack,” came from his affinity of working with black soldiers. So, his comrades called him Black Jack Pershing.

Pershing went over to the French Fourth Division and said, “Hey, I’ve got a regiment of black soldiers here. I can’t fight them, but will you take them in your formation?” The French Fourth Division Commander said, “Yes, we’ll take them.” The Harlem Hell Fighters went over to the French Fourth Division and fought the war in French uniforms. And when the war was over, these soldiers came back to a place in New York at the port called Hell’s Kitchen. And they ran into a brigade of the 1st Infantry Division, the Big Red One.

**White Soldiers:** “Where’ve you all been?”

**Black Soldiers:** “Well we’ve been in World War I.”

**White Soldiers:** “No, you weren’t there. Where did you get all of them medals from?”

**Black Soldiers:** “We were in World War I.”

And from that point, one of the damn biggest fight that ever occurred in the United States Army happened in Hell’s Kitchen. It took them about two days to break it up.



So, when people look back in time to see how hard we’ve had it and what sacrifices people have made so we could be here today, we need to put it in perspective. To live free is a privilege. Now, getting back to the reporter. I said:

Mister, when we didn’t get it right in World War I—we went back 30 some years later and fought World War II. And in one campaign, one battle of World War II, the D-Day invasion, we had 9,000 casualties—in one campaign, one battle, 9,000 casualties.

As a matter of fact, the fighting was so bad that Omar Bradley, the Commander of 1st Army at the time tried to call Eisenhower but his communications didn’t work. He wanted to tell Eisenhower, “Let’s



turn this off, too many people are dying out here on the beach.” This one good day the radio didn’t work. By the end of the day, the breakthrough had started and our troops had made their way on the beach head. Nine thousand casualties, that’s almost as many people as we’ve lost in the last 10 years in Iraq and Afghanistan. Can you imagine that? Nine thousand casualties in one battle. Do you know what that has given us? It is the longest recorded time of peace in all the history in Europe. That peace was created by the Greatest Generation. We owe a lot to our World War II Veterans.

At the end of that war, what did we ask for? We didn’t try to take their fine horses, their paintings, or the secret to how they made their champagne. We asked for one damn thing; a place to bury our dead.

So, you ask me Mister, who’s going to pay for this—we’re going to pay for it. Why? Because we are Americans and that’s how we roll.

### Fort Stewart, Georgia

We’ll take one more step back. Fort Stewart, Georgia is just south of Savannah. There is a parade ground at Fort Stewart. If you were to drive there you would see what looks like a grove of trees, an orchard. Those trees represent soldiers from Fort Stewart that have died in the last 10 years, in Afghanistan and Iraq. It looks like a small forest, now. It was an open field.

So it is good that we must remember. Go back and talk to your children about this—there is a responsibility that each generation leaves America free. And that is a commitment. To die free is a responsibility. It is a responsibility of every generation to be prepared to be committed to leave this Nation free for the next generation.

### Global Environment

The global environment is changing. Now we can look at the rest of the world as a threat, or we can look at the rest of the world as an opportunity.

Of the almost seven billion people in the world today, almost three billion of them live on less than \$4.00 a day. Now how long did it take you by the time you woke up this morning to blow through \$4.00? Some of your kids are spending that much money

on coffee on the way to class in the morning. Four bucks. While others live on less than \$4.00 a day.

Two billion of the almost seven billion people in the world today can’t clap their hands together and have the lights come on at night. That’s a significant challenge. Ten years ago, we had 4.8 billion people in the world. And as we go into the future another 10 years, we are close to eight billion people in the world, and in another 10 years...[the population will continue to grow.] But what is not growing? Land.

What’s the impact on the global environment? Military wise, we’ve got the seventh largest military in the world, even though, we’re the most powerful. We spend more money than the rest of the world on what we got, but we got good stuff. But we cannot defeat the world. So, we can either look at the world as a threat, or look at the world as an opportunity.

As this generation grows up, everybody wants a cell phone. However, we still have two billion people in the world without access to communications in their own villages. So, what can we do about it? We have disasters from droughts, tornadoes, floods, tsunamis, hurricanes, and typhoons—and thousands and thousands of people are affected. Why are so many people affected? Because the concentration of people are in large urban environments—as was the case here in New Orleans with Katrina.

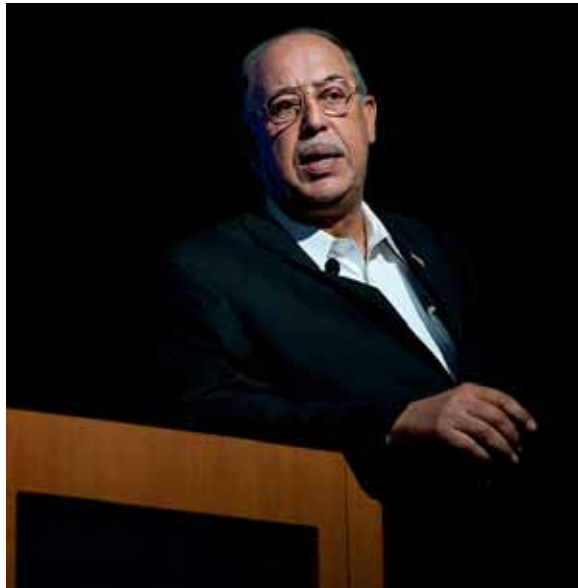
New Orleans had almost a half million people prior to Katrina. And when you have a concentration of people and you have an event, guess what is going to happen? During Hurricane Irene, just a few weeks ago, we had eight million people at one time, without power. It didn’t kill that many people. But eight million people without power is quite a lot of people to restore power to. The challenge for the next generation is that we are going to have to be innovative and solve some of these global problems.

Globalization, urbanization, and population growth, how are we going to deal with that? Some may say, “That’s not in my lane.” It is in everybody’s lane, because this is going to be a challenge not only for us, but also for the generations that follow us.

What did we do the last century? A little over 100 years ago, two old boys took some table cloths, got some damn sticks, ran off a hill and created what?

The airplane. And where are we today? We are flying people supersonic all over the world. We've also got airplanes flying globally, bombing targets, while the pilot is sitting in an air controlled cubicle somewhere in Colorado.

What does this generation looking forward in the 21st century have to do? They have to be innovative. This brings me to the point that we need to be cognizant of the environment that we live in.



### Geography

For those of you who are geographically challenged, in reference to a map of the United States of America, that big line in the middle is the Mississippi River. The American Indian's name for the Mississippi River is the *Father of the Waters*. Now, if you live next to the Father of the Waters, what can you expect to happen? It is probably going to flood. Now, look at the dots on the map that represent the major cities. Where are they? Most of them are along waterways because when our founding fathers laid out the plan for all of our great cities, they had to be near what? Water. This is because water was the major transportation route, then. It was how we ran logistics and it was how we did trade. Most of our major cities are located somewhere along a waterway. Now what happens when you tell a mega city like Washington D.C. that they need to evacuate? Hell, you can't get out of D.C. on a good day.

Thus, this is when the civilians look to us, the uniformed services for leadership and ask, "How do we do this?" Well you get some people going that way, you get a good sergeant out there, you know what I'm saying, some go that way, some go that way, some go that way, and some go that way. Now get somebody out there to enforce it. They really think this is an art. But there's just a little bit of science to leadership. Be cognizant of where you live. Ladies and gentlemen, if you cross a river or a stream on the way home, you need to be cognizant of the fact that it might flood one day. So have your family prepared. Because it is not just about flooding, it's about earthquakes too.

A few weeks ago we had the earthquake out on the East Coast. I saw people running out of federal buildings looking up.

I said, "Damn, they're dumb."

Is someone going to teach them the earthquake drill? You don't run outside and look up. However, there wasn't much said about it because a bunch of the news media people did the same thing. Ultimately we have to provide training for our children. We need to get them prepared based on the environment they live in.

### Clean Water

Now think about what we just talked about with population growth and the challenges that are going on in the world, not just as a nation. Think about the impact on clean water for one. Our ability to have access to clean water is going to be challenged as our population grows. In the 1960s we had about 250 million people. Today we've got about 312 million people in the United States of America.

When I was in high school, I majored in agriculture and we lived on a farm. If you raised 85 bushels of corn an acre, you'd go to the state and they'd give you a blue ribbon. Now we are producing 250 bushel per acre. Much of that is accomplished through the increased use of herbicides, a little work on the plants and seed improvement, but most of that has occurred through the infusion of fertilizer into those corn fields. Where do you think that water ends up when it leaves Iowa, Illinois, Nebraska,

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***The task at hand is being innovative and coming up with solutions to the challenges we have in dealing with the global population in years to come.***

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Minnesota, and Tennessee? It ends up right out here in the Mississippi River. Thus we have about an 800 square mile dead zone out there that is being created as a result of all of that protein coming in, building these large algae fields that settle to the bottom. It's a dead zone. Just as every generation has a responsibility to keep America free, every generation has a responsibility to keep our water clean for the following generations.

Now, we can solve that problem. We can teach our kids to be innovative and create a machine to clean the water. It's just that simple. Invest in science and technology from a National level and encourage innovation on how we are going to clean that water.

### **Power**

The next issue is power. What happens when you lose power? When we lose power it sets back the way we live 80 years. No television, in many cases no flushing toilets, no fresh water. So, we have to be prepared. If one of your kids was to create a little box the size of the top of a podium that you could put in your house, it's not a generator; it's a form of power, all right. And think about if it would run the house for four or five days. Wouldn't that be neat? Just go to the local big box store, pick it up, bring it home, hook it up, it's ready to go.

Ladies and gentlemen that's where we've got to go, we need that innovation. Now when that kid develops that power box, guess what other problem they are going to solve. Do you remember those two billion people I talked about that don't have power? It will solve their problem too. What is the other problem it will solve? Struggling areas around the world where the population is growing faster than the food supply. Now these people could have power to run refrigerators so they could store their food, because they live in isolated parts of the world, where the population is raising and they can't sustain themselves. We've got to live globally.

### **Innovation**

Think about if we could teach a computer how to taste and smell. If we could teach a computer how to taste and smell, we'd never have to worry about our peanut butter killing us again, because every jar could be tested. As a matter of fact, those of you that live in households, you could have an app that would tell you to throw out that spinach you cooked last week because if you eat it, it will kill you.

Think about it. One app to do this. Is it possible? Hell yeah, it is possible! It's all possible. These innovations are the types of things that we are going to have to do in order to sustain the population growth in this world in the years to come. Think about a smart airplane that would tell the pilot five hours out from landing in New Orleans that the person sitting in F-22 has a fever, and then about an hour out before landing it tells the pilot, "Hey, not only does F-22 have a fever, ten people around him have a fever." [Now the airline can be rerouted from landing at a major airport with an undiagnosed contagion, preventing a possible epidemic, or even worse, pandemic.] Air Force escort planes could also be called in if necessary.

Further, in this scenario the flight attendants come around and give everybody a little stick. Again, this hasn't been invented yet either. The passengers place the stick in their mouths. If it comes out green, you get off the plane. If it comes out red, your ass stays on the plane and we send you to Utah.

Now none of this is invented yet. It is the power of innovation I am talking about. It is these types of things we need to challenge our kids on, that they don't have to worry about fighting the British. They don't have to worry about going out and fighting the Civil War. They don't have to worry about fighting World War I or World War II, or going to Vietnam, or going to Iraq or Afghanistan—or to Libya now. They don't have to worry about that. What they

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*One of the rules I learned from Katrina, Rita and Wilma, is the first thing you have to do in a disaster is to figure out what rules you're going to break.*

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have to worry about is being prepared to meet this challenge, whether they are in uniform or they are out in the civilian world. The task at hand is being innovative and coming up with solutions to the challenges we have in dealing with the global population in years to come. Because, God knows, we can't take on the entire world. The Chinese population now is about 1.3 billion and the Indians are close behind them. Maybe by the time you have read this the Indians will have caught up with the Chinese.

That's a billion more people than we have, when you look at the Chinese population and when you look at the Indian population. That's a possibility to do what? To export a lot of things that they don't have that they could use, to what? To sustain those large populations. Such as machines that clean water. Such as machines that provide power when the power goes out. Those are the challenges we are faced with globally. How do we prepare the leaders to do it?

That's the challenge we face. And much of what we do—we have people with certain skills, in the services and in all of our disciplines in civilian life. But what we need is leaders who can make things happen. For instance, when disasters strike, the DOD has given all local commanders [leaders] an authority to act to save lives.

### **Making Things Happen**

One of the rules I learned from Katrina, Rita, and Wilma is the first thing you have to do in a disaster is to figure out what rules you're going to break. Now, I know that drives you JAG officers crazy, but those rules were made for peacetime.

I'm going to give you two examples. It took us about two and a half days to get people out of the Super Dome. The airports were closed and the roads were closed. I worked with Transportation Command, General Schwartz and his team. He put a liaison

team at my headquarters in Atlanta and sent some people to New Orleans. We got that airport open, got the NAV systems up, so now we are up to 24-hour operations. By Saturday morning, one of the most significant undertakings I've ever seen in my military career was conducted by the National Guard, right from the convention center. They coordinated buses from all over the United States and the Transportation Command out of Scott Air Force Base.

We started moving people around 6:30 a.m., from the convention center to the New Orleans Airport. We had about 16,000 people at the convention center and by 1:00 p.m. there wasn't anyone left.

Around seven o'clock that morning, I received my first phone call, a phone call from a major. He said, "Boss, the TSA stopped loading the planes because they said they don't have enough equipment." I said,

Son, you tell the TSA to go to hell, we're loading these damn planes. These people are survivors. Put these damn people on the plane.

After that call, I calmed down. I had another dose of chicory coffee and about a half hour later, a colonel called. He said, "Boss, some of the pilots won't take off because they said they don't have a manifest." I said, "You tell the pilots to go to hell. We've got guns. Tell them to take off."

Now did I staff that with that JAG officer? Hell no. I wanted to give him plausible deniability. No need in both of us going to jail.

And that is the art of your business. Because on a day-to-day basis, you pull the book out and this is what the book says, and you get into a little peer review and you come under the interpretation. Can you imagine if I tried to staff those requests that

morning? Hell no. But the guy who flies around in the big plane came in here the day before, and he told the people around the table, couple of them Secretaries and the Cabinet level—the General is running the evacuation and he makes the decisions. If there is a question you all can call me. I didn't call the big guy up. But I knew his intent. And the intent was to get the survivors out of New Orleans. Not to follow some regulation. You've got to learn and teach your junior officers the difference between a regulation and law, and intent under the conditions. Can you imagine what would have happened if we had stopped operations that morning? It would have been all over the news that they're not flying the people out of New Orleans. They're waiting on some more security wands from TSA so they can inspect old ladies that have been standing in the damn water for eight days.

I mean, you tell me—that's a whole lot of stupid. And that is the art of your business. And some times a commander will tell you, "Hey, I need you to tell me how I can do this." And that is where you got to search your soul, because it is more than you. You got peers, you got mentors—pick that phone up. Don't let your boss do something stupid. Following the letter of the law and disregarding what the intent of the operation is.

I'm proud of the fact that I can share these ideas with you. Because stupid is among us. Case in point, the generators for the hospitals here in the City of New Orleans were in the basement. This city is known to flood. Look ladies and gentlemen, the hospital is still closed. Right next to it was the VA hospital. Guess where the generator for it was? In the basement. The poor people and the poor veterans of South Louisiana didn't make that decision. Some dude riding around in a corporate jet made that decision. Those hospitals are still closed. They are being rebuilt at a cost of about 1.3 billion dollars each. And guess

whose money is that? That's your money, taxpayer's money rebuilding those two hospitals.

Stupid runs in many forms. The week after Katrina, Governor Barbour called me over from Mississippi and said, "Hey, we've got a problem here. We've got people who want to live at home, but they need gasoline. In order for them to get gasoline, the local gas stations need generators." I said, "Okay, boss." I passed that problem up to Admiral Keating and the team at NORTHCOM. The next day trucks started coming in with gasoline, generators started coming in, and we put those generators at the gas stations.

Governor Barbour also said, "We've got a problem with people who survived the storm but they can't get medication. We need you to fly them out, but we also need you to get the drug stores open, in Southern Mississippi. "Okay, Boss." We brought more generators in.

That is where you lawyers come in. You live in communities. In those communities you as citizens have the responsibility to go to those local city and county officials and have them pass a policy. If you're going to put a drug store here, it has to have a generator. Plain and simple, it adds to the resiliency of the community. If you are going to have a gas station, have a generator. You lawyers, if each one of you would influence those types of policies in the communities you live in, it would help solve a lot of the problems. Because ladies and gentlemen it comes down to resiliency in our communities, because disasters are going to happen.

It has been a great opportunity to talk with you. The military is still a great profession. I miss it dearly. People ask me what I miss most about it. It is not the travel. I travel a lot. What I miss most is the responsibility and the ability to be around great people like you who defend this great nation. 🦅

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*



**Mr. WM. (Bill) T. Robinson, III**  
President, American Bar Association



# Be an Officer of the Court

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

I'm confident as I stand here before you this morning that you must be every bit as exhilarated and impressed as I am with the presentation that we just heard from The Judge Advocate General. I can tell you without hesitation that as an American I feel very good about our country. I feel very good about the Air Force. I certainly feel very good about the lawyers in the Air Force.

I'm happy to report to you that the American Bar Association is doing exceedingly well under the leadership of your immediate past Judge Advocate General, Jack Rives, who has turned our situation around in every respect including membership which is now on the up swing. We are again approaching 400,000 members. A lot of that success has to do with Jack Rives.

It is much like the success that you are achieving. It has so much to do with The Judge Advocate General, General Harding, and the wonderful comments and ideas, and principles and core values that he outlined this morning. I first met the General at the Pentagon when I visited there earlier this year with Jack Rives. I could not have been more impressed. This program is very much a reflection of the great leadership that the JAG Corps of the Air Force demonstrates again

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***You sometimes hear people described as a born leader... But I am also convinced that leadership is a skill that has to be learned over time, and role models play an important part in that learning experience.***

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and again, and I am so pleased and proud to just be here and play a small part in this outstanding program, organized under the outstanding leadership of Colonel Sharon Shaffer and her team, the KEYSTONE 2011 Working Group.

There is academic debate, and has been throughout the years, about the significance of role models for all of us as we advance in our careers. I for one am convinced that role models are terribly important, and referring to your Judge Advocate General, we certainly have a role model that all of us can follow with admiration and enthusiasm. He is a leader in the truest sense, and the personification of "Soldier, First, Lawyer Always."

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*In the end it is experience that shapes a leader and demonstrates that she or he can in fact lead effectively. A leader is developed over time.*

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You sometimes hear people described as a born leader. That's a term with which I personally have never been particularly comfortable. Sure there are those who seem to demonstrate early on a certain charisma, a certain energy, a certain gregariousness that suits them for leadership. They have the confidence that is needed for leadership. But I am also convinced that leadership is a skill that has to be learned over time, and role models play an important part in that learning experience.

No one that I know or have ever known is born with wisdom. There is simply no way that any of us have an innate integrity, sense of fairness, understanding of others, and appreciation for mutual respect and so on. All of those characteristics so essential to our success in careers—those characteristics are learned, and they are learned from others.

Courage and loyalty can never be assumed, they must be learned through experience and the guidance of others. In the end, it is experience that shapes a leader and demonstrates that she or he can in fact lead effectively. A leader is developed over time.

When the young step forward, there must be someone ahead of them to show the way. That key person is a mentor of one kind or another. It may be a senior partner in a law firm or it may be a superior officer in the Air Force. We all need that kind of guidance. Success is usually a long process. It can take many, many years. Understandably there will be failures along the way that every one of us would rather avoid, but they are essential to our compassion and appreciation. These failures assist us in becoming effective leaders by helping us understand the challenges that others are experiencing.

For all of us here today, law school was certainly one of those experiences. I've never known anyone that went through law school with complete success every step of the way. No one I've ever known as a litigator won every case. No one I've ever seen play baseball has batted a thousand. It's more often not what we do with our success, but what we learn from our failures. That's critical to the leadership skills we must develop.

And that includes not only lawyers in the Air Force but in law firms in the private practice as well. General Harding as usual was very much on target when he emphasized that point earlier this morning. This team approach is very similar to what I hear at our firm meetings when we talk about "project management," a magic term now in the private sector. Team success requires involvement of law firm personnel at all levels.

I suspect that none of you here—I've had the privilege in the last two days of meeting a number of you—ever got ahead by sitting in the back of the room quietly. I haven't met anybody that is shy here.

I suspect that's why I sense so much leadership here. Leadership in part is about energy. It's about intensity, it's about goal orientation, it's about sacrifice, it's about less sleep, and it's about more hard work.



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***One of my primary goals this year involves our American Bar Association and our profession's commitment to diversity.***

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You wouldn't be here today if you weren't already leaders. You wouldn't have been selected to be a lawyer in the Air Force if you did not already bring with you distinguished credentials from your pre-Air Force life and from your success in law school. It is a little uncomfortable for me to stand before you talking about leadership. But I want to assure you that I stand before you today at KEYSTONE with the perspective of a peer. I have tremendous respect for you and for what you do for our country, and for those who serve our country with such dedication.

As President of the American Bar Association I work virtually everyday with two exceptional products of your ranks, Lieutenant General Jack Rives, a former TJAG, and Brigadier General Jim Swanson, who now heads up our Washington D.C. office.

These two professionals have brought a new sense of responsibility and vitality to the American Bar Association. We are increasingly characterized in our staff ranks with an unprecedented level of professionalism and dedication to responsibilities. They were exactly the professionals we were looking for when we chose each of them from large pools of candidates, and our confidence, our expectation has not been disappointed. I can assure you Jack doesn't sleep any more now than he must have slept when he was in the Air Force. I don't sleep a lot myself, but he makes me look like Rip VanWinkle.

I like every once in a while to tease him because my routine involves staying up late, going to sleep for two or three hours, getting up for a few hours, sleeping for an hour, and then going back in. It drives my wife a little crazy. But I like to send e-mails to Jack around a quarter to midnight and so far, he's answered everyone by return e-mail. And at 3:10, 3:15 when I'm up in the middle of the night when most intelligent people are sleeping, I send him little e-mails and he hasn't missed one of those either. So, he's convinced me that in fact he doesn't need a lot

of sleep. He uses the time when he doesn't sleep to our great advantage, collectively.

The ABA owes the JAG Corps a great debt of gratitude for having produced in large part these two gentlemen, who bring so much to the American Bar Association. They are a tremendous indication of the leadership qualities that characterize your great organization.

One of my primary goals this year involves our American Bar Association and our profession's commitment to diversity. I was so encouraged to hear The Judge Advocate General's remarks today about the commitment he has and this JAG group of leaders has to diversity.

One of the ABA's five core values is to eliminate bias and enhance diversity throughout our profession. There is no better way to diversify any profession than by providing opportunity to the most skilled. Before coming here I had not heard about your foundational leadership commitment and initiative with its focus on diversity, meritocracy, and inclusion. It really captures very well the commitment of the American Bar Association on this critical issue.

Back in Cincinnati, we have amongst our volunteer business leaders a former Chairman of the Board and CEO of the Proctor and Gamble company, John Pepper. John has written an autobiography about his career at Proctor and Gamble which I recommend to all of you, which is entitled, "*What Really Matters.*" In that autobiography, John talks about how he has come to understand and appreciate the importance of diversity in a world that is shrinking because of technology, shrinking because of the Internet, shrinking because of easier access from one point in the world to another. In that book he has a fascinating insight to what diversity is all about and why it really matters. He very accurately says that diversity is about what they do for us to enhance our

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***Take a look at [www.militaryprobono.org](http://www.militaryprobono.org) and you will find a network of more than 1,000 lawyers in the American Bar Association that has become a critical tool for many military families.***

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ability to be more understanding, to deal with the increasing complexities of a global economy and of international relations that are beginning to seem more like what's happening next door, instead of what's happening on the other side of the world.

Diversity simply enhances us. That's what it is all about. If we could get that message across to more of our fellow lawyers in the profession, we would make much greater progress than we've already made. We are not satisfied with the progress that we've made. The dedication of the monument to Dr. Martin Luther King Jr. yesterday has tremendous historical significance. It tells us very meaningfully that indeed we have made progress. But it also tells us very meaningfully that we haven't made nearly enough progress. And I'm so proud to know that there is leadership, dedicated leadership on that issue here in the Judge Advocate General Corps of the United States Air Force.

Knowledge of the law has no race. Advocacy has no gender. Color, sexual orientation, age—and that is an issue getting more important to me everyday, I assure you—class or region do not determine the quality, the excellence of a lawyer.

The ABA will continue to be a committed and dedicated advocate on this critical issue. We have 18 different entities in the American Bar Association working on this issue. We are committing a substantial amount of our financial resources to improving diversity and awareness.

We are also committed to the military. We have a substantial number of our sections and our entities committed to be a resource to soldiers and veterans

and to your families and to veterans' families. We are very proud of that commitment. I hope you will take the time in the December 2011 issue of the *ABA Journal* to read my President's Page as we celebrate Veterans Day. And take a look at all of the various programs and initiatives that the American Bar Association has undertaken to recognize and demonstrate our respect for what you do every day.

We are very proud of the military families award that General Rives and I were privileged to receive in Washington last year on the behalf of the American Bar Association.

Take a look at [www.militaryprobono.org](http://www.militaryprobono.org) and you will find a network of more than 1,000 lawyers in the American Bar Association that has become a critical tool for many military families. This project accepts referrals from military attorneys on behalf of junior enlisted, active duty military personnel and their families with civil problems and places them in contact with pro-bono attorneys who want to help them in their hour of need.

Just since 2008, we have helped process more than 400 cases and more than 70 percent of those cases have involved family law matters. We are not stopping with these projects. At the ABA we want to further evolve to confront the access to justice challenges that service members and their families will face in the future.

The ABA can help you with your initiatives as well. Please reach out to us. We will do our best to meet your requests in a very positive way. That's why I make a personal and professional appeal to you today, to consider joining the American Bar Association.

*To whatever position we may rise, be it President of the American Bar Association, or The Judge Advocate General, we never as lawyers achieve a more sacred, a more elevated title than “officers of the court.”*

Incrementally of course, each of us can do a lot with regard to the rule of law, with regard to advancing diversity, but together it’s astounding what we can accomplish. We are making the very best efforts to do so in the American Bar Association.



I recognize that some of you may not agree with every policy position of the American Bar Association. I assure you that I do not. We have a house of delegates of 561 members and it’s a democratic platform. Any member—and members come selected locally from all over the United States—can propose a resolution. All resolutions that are proposed are subject to open debate, and a decision is made by a majority of those 561 members. It’s unthinkable that every one of us would agree with all of the votes of the majority from issue to issue. But overall as an association the

American Bar Association is making a huge difference when it comes to the adequate funding of our courts, when it comes to the rule of law, and when it comes to fulfilling our obligations as Officers of the Court.

As I go about talking to lawyers and law students all over this country, I always try to conclude by focusing upon that term “Officers of the Court.” I was thinking to myself this morning at breakfast, as I was privileged to sit with some of your fellow officers, that nowhere have I seen the term “Officers of the Court” more meaningfully exhibited than with those of you that I’ve had the privilege to talk to. You are in an even more special and intense sense “Officers of the Court.” And I remind fellow lawyers, I remind law students, and I will remind all of us here today that to whatever position we may rise, be it President of the American Bar Association or The Judge Advocate General, we never as lawyers achieve a more sacred, a more elevated title than “Officers of the Court.” It brings with it privileges of course. It brings with it, however, responsibilities—significant responsibilities.

I’m going home to the American Bar Association to tell our members and the public that the “officers of the court” in the United States Air Force are carrying out their duties with distinction, to the credit of our great profession. Thank you all, very much. 🦋

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*

# Family Connection



**L**aissez les bons temps rouler! The good times did roll for over 100 JAGC Spouses who participated in KEYSTONE 2011 in New Orleans. Some traveled from as far away as Hawaii, Japan, Korea, and Germany to share and connect with their JAGC Family. Friendships were renewed and new friends were welcomed! The group was also honored to host spouses from France and Spain. Dominique La Roche de Roussann, spouse of the French TJAG, spent the week and was made an honorary member of the Family Connection. Maria Jesus Nyederleytner, spouse of the Spanish DJAG, was able to attend events early in the week.

The week began with the Family Connection welcome lunch in a beautiful outdoor setting and the group hosted Mrs. Hollister Petraeus as the guest speaker, spouse of the now retired General David Petraeus. Mrs. Petraeus spoke of the challenges of being a military spouse and offered insight into her work helping military members with financial challenges. She answered questions from spouses and thanked them for all they do to support military families. General Harding continued the tradition of the

TJAG Chat when he met with participating spouses. He spoke of the many changes and challenges facing the Air Force and the JAG Corps. He emphasized the importance of family and recognized all that spouses and family members do in support of the military members. General Harding answered spouses' questions on a variety of issues and presented all with the KEYSTONE 2011 coin.

The week was filled with valuable information sessions. Spouses received a JAX briefing on deployments and the assignment process from Colonel Pete Marksteiner. Major Linnette Romer briefed about new programs that are especially relevant to spouses concerning professional state to state licensing and new programs to employ military spouses. Major Romer was also the spouse liaison. She spent time planning and coordination the week's events to ensure a well run and enjoyable week.

The week continued with Lieutenant Colonel Elizabeth Schuchs-Gopaul explaining the Exceptional Family Member Program and walked everybody through the difficulties and successes of the program. Major Scott Hodges spoke about the Servicemember

and Civil Relief Act as it pertained to real estate issues. Brigadier General Dixie Morrow spoke from a personal perspective of growing up in the military and how the values she learned from her parents shaped who she is today. Major General (Ret.) Jack Clark taught about the intricacies of estate planning, living wills, and medical powers of attorney. Spouses will take this new found knowledge back to their bases to share with spouses who were not present.

The Thursday night Awards Dinner honored a dedicated JAGC spouse, Heather Weber, with the Family Service Award presented by Joy Dunlap. Heather was honored for her tireless support of JAG Corps families as well as her volunteer work on base.

A trip to New Orleans would not be complete without a visit to Café de Monde for beignettes and a trip to the French Market followed by a street car ride down St. Charles Avenue. Family members also

took a riverboat cruise down the Mississippi River complete with a Creole lunch. The finale of the week was a tour of the St. Louis Cathedral.

Many volunteers worked to ensure a wonderful week for all participants. Shelley Creasy helped us work off the wonderful New Orleans food with her water aerobics classes. Everybody visited, laughed and exercised at the same time! Amy Cordova designed tee shirts with the new Family Connection logo created by Brian Suckman from AFLOA/JAS. The bright yellow shirts helped to spot other spouses throughout the week. Kathy Lepper was also involved in the planning sessions. A special thanks to Angie Jarreau, aka "Ms. New Orleans." A Louisiana native, Angie knew all the good restaurants, led the excursions, and shared her knowledge of the history of New Orleans. She was instrumental in the planning of a week in which the good times did roll for all!





# Building Tomorrow's Leaders Today

*The following is an edited transcript from the 2011 KEYSTONE Leadership Summit.*

**T**his has been a fantastic KEYSTONE and I would like to spend a few moments reviewing what we have learned about our future as a JAG Corps. I opened this summit by outlining several initiatives. I emphasized that foundational leadership is not just about building our personnel or professional leadership skills, but it is about building tomorrow's leaders today as well. We do this through foundational leadership viewed through a lens of diversity and inclusion. We are indeed "all in" and we cannot afford for anybody to step aside. We have to find the leadership potential of each and every individual in the JAG Corps.

Our Corps is a meritocracy. You can progress as far as your potential will take you given your accomplishments and your character. But that is not enough.

Leaders must be active mentors as well. We cannot allow our Corps to blindly pursue career goals without guidance and we cannot allow anyone to unintentionally opt out.

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***Foundational leadership is not just about building our personnel or professional leadership skills, but it is about building tomorrow's leaders today as well***

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Throughout KEYSTONE we heard from many outstanding speakers including Mr. Bill Robinson from the American Bar Association who discussed two important concepts: the importance of diversity and the potential that diversity has to enhance our effectiveness as individuals and as an organization. He reminded

us that knowledge of the law has no race and that advocacy has no gender. Mr. Robinson also spoke about the role attorneys play as officers of the court and stated, "No title is more elevated nor more sacred," before giving a nod to the Air Force JAG Corps and commenting, "We fill that responsibility with distinction."



**Lt Gen Richard C. Harding**  
The Judge Advocate General

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## *Leaders are not born, they are developed over time.*

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We were honored to hear from the Secretary of the Air Force, Michael Donley, who discussed the importance of JAGs speaking the truth and giving leaders the advice they need to hear. He thanked our JAG Corps for our guidance in preparing for the repeal of 10 U.S.C. 654, the Don't Ask, Don't-Tell policy. He spoke about the importance of our institution and encouraging our Airmen in the midst of budget reductions. But most importantly, he expressed that diversity was the key to enhancing our military effectiveness.

We also heard from Major General A.J. Stewart. General Stewart highlighted that the Air Force of 2040 will look demographically different than it does today and for that reason, improving our diversity efforts is paramount. He reminded us that we need leaders to reflect the make-up of our force and asked us what we were doing today to mentor tomorrow's leaders. While we may all practice law, General Stewart reminded us that our true AFSC is leadership.

Next, Chief James Roy gave us his perspective on leadership. He discussed the joint and coalition operations and the development of AEF Next to promote continuity of command in deployments. The Chief also spoke about the deliberate development of the enlisted force through the three pillars of excellence: experience, education, and training. He highlighted the JAG-paralegal team as an excellent example of deliberate development. Chief Roy emphasized the importance of building resiliency among our Airmen and the crucial role of the first-line supervisor in acting as the first line of defense in taking care of our personnel.

The Honorable Charles Blanchard, the General Counsel of the Air Force, shared with us lessons from great leaders. He discussed four leaders he knows and personally stressed that each of those leaders had a different style but all were effective. Each imparted valuable lessons to him and he imparted those lessons to us. Recall those lessons.

The top three on my list: it is possible, even preferable, to disagree without being disagreeable; humility is a core value; and kindness yields credibility.

We had sessions on substantive legal assistance issues from Mrs. Holly Petreaus and Colonel (Ret.) John Odom. Mrs. Petreaus explained the role of the Consumer Financial Protection Bureau and her office's function in enforcing federal consumer protection laws. Colonel Odom provided insight into the housing assistance program and discussed the Servicemember's Civil Relief Act.

From the Honorable Jim Letten, the U.S. Attorney for the Eastern District of Louisiana, we learned about the federal law enforcement's response to Hurricane Katrina and were reminded to never consider abridging constitutional rights despite a crisis. It is our duty, as we are all sworn to do, to uphold and protect the Constitution.

Mr. Joe West and his team taught us how to reach every member's leadership potential. Our MAJCOMs SJAs had the opportunity to meet and discuss issues affecting their legal offices. While KEYSTONE has been a fantastic opportunity for us to learn valuable leadership lessons, our work simply is not done.

Bill Robinson reminded us that leaders are not born, they are developed over time. As we continue our journey toward building tomorrow's leaders today, I do not have to wonder what kind of leaders they will become. With confidence, I know they will be people of great character. They will have exceptional professional knowledge and superb leadership skills. They will have superior legal talent. They will come from different backgrounds and with very different talents, reflecting the Airmen they lead and the country they serve.

But what kind of organization will they lead? I am confident that with foundational leadership as their guide, they will lead a vibrant, highly effective Air Force Judge Advocate General's Corps.



And where will they lead us? In our not-too-distant future, wing commanders will attend MAJCOMs commanders' conferences and know the quality of their military justice program before they arrive. They will initiate discussions on how they can help OSI, Security Forces, and the legal office reduce the time it takes to investigate a case. They will understand that a compressed discovery to action metric benefits their wing, benefits victims, benefits an accused, and benefits good order and discipline.

In our not-too-distant future, attorneys providing legal assistance start their appointment with a sense of competence regarding the areas of law with which they will be confronted. In our not-too-distant future, paralegals routinely provide a wide range of legal assistance services with guidance from attorneys. They work on a team with those attorneys, not as separate pockets of activity.

In our not-too-distant future, a new paralegal enters her first legal office and has difficulty determining who does what. She sees attorneys and paralegals regularly conferring throughout the office. She is witnessing a flexible and productive team in action and she is quickly included as a full contributor to that team. She learns that 7-level paralegals are heavily recruited by private law firms and corporate counsel offices, which has resulted in higher levels of attrition. In order to combat that attrition, TJAG states that she will explore retention opportunities and initiatives for paralegals.

In our not-too-distant future, a new JASOC student begins his career—a career-long journey in learning. It begins with JASOC, but that is just an introduction. At his first assignment, that JAG's supervisor drafts the initial entries in the lieutenant's training plan. That plan includes an experience and learning roadmap that will carefully guide the lieutenant in reaching his full leadership potential.

At the same time, the SJA reviews their office training dashboard and evaluates everyone's training, both military and civilian. She'll see what they have accomplished and determine what training they still require. In our not-too-distant future, the Article

6 inspection system provides a dynamic evaluation, and training and feedback loop. SJAs use a comprehensive, uniformed checklist to guide their office management. They face inspections, prepared and with confidence, knowing the inspectors have walked in their shoes.



In our not-too-distant future, a junior major gives a briefing at a major command's SJA conference. After the briefing, a colonel who has never met him before gives the major tips on how to improve his briefing skills. Later that night at the conference icebreaker, a different officer sees the major standing alone and suggests he take this opportunity to meet others. He then introduces him to the MAJCOM SJA.

Ladies and gentlemen, the JAG Corps is a force of leaders. These leaders are engaged; they are mission essential. They make a difference. They strive to improve their personal leadership skills. They open doors to opportunity. They focus on passing leadership skills to others. In short, they build tomorrow's leaders today. ✎

*These remarks were made during the 2011 KEYSTONE Leadership Summit and have been edited for this publication.*

