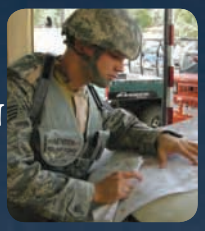
Our Contribution to the Fight



Our Corps

Keystone Leadership Summit 2008

The Reporter

2008 Volume 35, Number 4

The Judge Advocate General's Corps

the year in review

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The Reporter is published quarterly by The Judge Advocate General's School for the Office of the Judge Advocate General, United States Air Force. Contributions from all readers are invited. Items are welcome on any area of the law, legal practice, or procedure that would be of interest to members of The Judge Advocate General's Corps. Items or inquiries should be directed to The Judge Advocate General's School, AFLOA/AFJAGS (150 Chennault Circle, Maxwell AFB AL 36112-6418) (Comm (334) 953-2802/DSN 493-2802).

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Message From
The Editors

In his address to members of the JAG Corps at this year's Keystone Leadership Summit, Air Force Chief of Staff, General Norton Schwartz, observed, "We must think about how to change the way we do business, but we should never forget the enduring things, and we must remember the basics of what has made our Air Force great."

General Schwartz's guidance describes well the work and achievements of members of The Judge Advocate General's Corps in 2008. From implementation of enterprise-level change through JAG Corps 21 to dedicated service at home station and deployed legal offices around the globe, members of the JAG Corps continued to enhance our legal practice while remaining true to a long heritage of committed service to command and the warfighter.

The 2008 Year in Review is intended to capture and record this work. Building on the format and organization first developed in 2006, this year's edition seeks not only to highlight the year's accomplishments, but also to reflect the enduring character of the JAG Corps.

In this edition's first section, *Our Corps,* JAG Corps leaders provide perspectives on notable accomplishments by JAG Corps members and thoughts on the challenges before us. In addition, Brigadier General (Retired) Edward Rodriguez provides an outstanding historical record of a change that will shape the future of the JAG Corps—the statutory addition of a third star for The Judge Advocate General. Additionally, the JAG Corps' annual award winners are recognized, along with the many members of the Corps who wrote and published scholarly articles during the year.

In *Our Contribution to the Fight,* the Secretary of the Air Force and the Chief of Staff offer their perspectives on current Air Force issues and the JAG Corps' role in meeting these challenges. Also included are articles from JAG Corps organizations and people across the Air Force. From headquarters and base-level organizations to judge advocates and paralegals working in deployed locations, the section highlights the broad range of work performed by members of the JAG Corps.

The third section, *Keystone Leadership Summit 2008*, captures many of the outstanding presentations delivered at this year's Summit in Washington, D.C. You will find thought-provoking leadership perspectives from current and former military leaders, distinguished panel discussions on national and international issues, and timely perspectives on current issues for the defense community, such as military acquisition and cross-cultural negotiation.

As we continue to shape our organization for the future through JAG Corps 21, members of the JAG Corps remain committed to our bedrock principles in our legal practice today and mindful of the fundamental values established by those who came before us. We trust this 2008 edition of the *Year in Review* provides a fitting record of these efforts.

Our Corps

NEW HORI

FIVE CHANGES SHAPING OUR FUTURE

This is a momentous time to be in the JAG Corps. There are tremendous leadership opportunities for everyone in the Corps.

Step back in time for a moment and reflect on the world our predecessors knew. Think about the Air Force they were trained to enter and the type of JAG Department, later JAG Corps, they served. Whether they were trained sixty years ago or three years ago, our new judge advocates and paralegals stepped into the same basic JAG Corps organization. They did basically the same type of work, the same way, through the decades.

Then in February 2006, JAG Corps 21 initiatives were approved. These are broad, significant initiatives that changed our world. Much of what we *do* is the same, but *how* we do it has been transformed. It's now time to focus on our New Horizons. How can we best prepare ourselves and our people to meet future challenges? Our organizational structure and the ways to do the job have changed dramatically. Five key changes shape our future.

Leadership

The first major change impacting our horizons is leadership. Some leadership changes have already occurred, and others are coming. Today's national election will bring a new administration and changes in our national leadership, including new civilian leaders for the military. We're certain to see changes in national policies, and perhaps the military will have new missions.

We are extremely honored that the Secretary and the Chief of Staff of the Air Force have joined us at Keystone. The fact that they made time from their busy schedules says a lot about the value they place in what you do, throughout the Air Force. It underscores the value that the senior leaders of the Air Force at the very highest level place in the men and women of the JAG Corps.

On 15 September 2008, the Secretary and Chief of Staff jointly signed a memorandum announcing a new Air Force mission statement: "To fly, fight, and win in air, space and cyberspace." They also set out five broad priorities. When members of the JAG Corps are giving legal assistance, helping with military justice, working acquisitions issues, and performing the other thousands of duties our people do every day, we are helping to accomplish these priorities and the many missions of the Air Force.

This is truly a time of New Horizons. Consider just a few examples: A global strike command will soon stand up, along with a new numbered air force for cyber operations, and unmanned aerial systems are evolving remarkably fast. Clearly, we must do the right things today, because these efforts will determine the force Airmen of tomorrow will inherit. All of you have important leadership responsibilities today, whatever your current duties.

Our Chief of Staff, General Schwartz, emphasizes the importance of precision and reliability. He does not limit that standard to any career field. Precision and reliability are hallmarks of JAG Corps practice, and your services are valued. General Dunlap and I

Lt Gen Jack L. Rives
The Judge Advocate General

ZONS

constantly hear praise from your bosses, who uniformly tell us how very pleased they are with your work and how indispensable you are to their ability to accomplish their missions at all levels of the Air Force.

One recent leadership change that shapes our future as a Corps is The Judge Advocate General's third star. At my promotion ceremony in August, the Chief of Staff called three-star generals "the closers," and he noted that "champions of the law" should have that rank, that presence, and that stature. The third star is recognition of what all of you do and what those who came before us did to build a foundation and show the value of JAG contributions. It also acknowledges the importance of the rule of law.

I've been asked whether it really matters for TJAG to have three stars. My answer is: "Yes, it does matter -- for the JAG Corps." Just before World War II, if the Army Chief of Staff held a staff meeting, only the Chief outranked The Judge Advocate General, a major general. By the end of World War II, many more four-star and three-star positions had been created because those positions needed the enhanced rank. TJAG remained a two-star in part because he was already known and respected as a senior advisor. No one made a decision to diminish the role of TJAG or the value of legal services.

After the Air Force was created, TJAG maintained a prominent position. But over the last 60 years, the two-star TJAG gradually was moved from the elbow of decision makers. Because of lack of rank, TJAG often did not have a seat at the table, and sometimes was not even in the room. This was not because of a lack of respect for legal advice or because senior leaders decided they did not want the JAG in the room. It was because sometimes only the very senior people, those with three stars and above, were invited to meetings.

I've already seen that as a three-star, I am invited to a lot more meetings. That can be a mixed blessing [laughter], but there is value in being in meetings, even when there is not, strictly speaking, discussion of a "legal issue." That's because sometimes non-lawyers may not recognize the legal issues. But more importantly, by "being in the room" for discussions, we learn pieces of a mosaic that can be pieced together to better understand and anticipate issues for our Air Force.

This is what you know happens for the JAG at installation level. You are invited to meetings because wing leadership knows the staff judge advocate needs to be there. Now the same thing is clearly done in the Pentagon.

But it is not enough just to be in the arena. What do you do when you get there?

Alex Ovechkin was the National Hockey League's most valuable player last year. He scored 65 goals. This past summer, his team, the Washington Capitals, held a training camp for rookies. Ovechkin did not have to attend, but he did so because he is a member of the team -- and he is a leader. He did not have to participate in the rookie workout but he did. He skated with the rookies. At the end of practice, the coach blew his whistle for the rookies to come for instruction. The first player to skate over was Ovechkin, who dropped to one knee, took off his gloves, and looked up at the coach, attentive to what he had to say.

Think about that. Those rookies -- whether they play in the National Hockey League for the next 15 years, or five years, or never make it to the Big Show -- learned a lesson about the right way to conduct themselves. They learned from a leader.

Saint Francis made the observation, "Preach constantly. If necessary, use words." I ask you to make the JAG Corps corollary apply to you and your people. Your goal is to communicate the very best traits *with your actions*. Don't just say it, do it. Remember the power of a positive role model.

General MacArthur observed, "You are always on parade." Remember that people are watching you.

All of this provides a framework for what we do. The JAG Corps mission is to deliver professional, candid, independent counsel, and full spectrum legal capabilities to command and the warfighter. Our mission statement is not a "headquarters creation." We introduced the concept at Keystone a few years ago, worked on drafts for several months, gathered inputs from people all over the Corps, and then came up with our new mission statement.

How do we perform our mission? That's tied to the Guiding Principles of the JAG Corps: Wisdom, Valor, and Justice. Let's highlight what these mean.

Wisdom is not simply intelligence or cleverness. Wisdom is about knowledge tempered by experience and common sense. It is the ability to provide professional counsel.

Valor involves more than physical courage. It is strength of character and the ability to overcome fear. It features the courage of convictions and perseverance in the face of obstacles. Valor is the ability to deliver bad news and the art to prudently and skillfully disagree with the boss. It's providing candid counsel.

Justice is doing the right things for the right reasons. It is achieving results that are fair and perceived to be fair. This is where our independence is essential. This is what justice really means.

You can see how our Guiding Principles are tied to our mission statement. The linkages are intentional, and they reinforce important points. Wisdom is essential for professional counsel, Valor enables us to provide candid counsel, and Justice depends on having independent counsel.

It's time now to focus on our New Horizons. How can we best prepare ourselves and our people to meet future challenges?

Our JAG Corps Family

The JAG Corps family has changed over time. Our people, our backgrounds and experiences, our makeup, and our numbers have evolved over the decades. Right now, we are welcoming new generations who may have different perspectives. We need to be careful as we inculcate our values in them while doing our best to understand their views.

Today, we have over 4400 people in the Total Force JAG Corps. Raw numbers are one way to describe our Corps, but our true strength is found in our people, not our numbers. Every day you face the New Horizons of our Air Force and our Corps. You have led, and will continue to lead, through change.

It begins with who we recruit. Recently, I was briefed on a bi monthly direct appointee board to select new judge advocates. One of the important documents we ask applicants to submit is a personal statement describing why they would like to be in the JAG Corps. The statement of this young law student goes to the heart of what we do. He wrote, "When I look back on this chapter of my life, I want to know that I was a small part of the solution, not the problem, or worse, not a part of it at all." This is the kind of person we recruit, someone who wants to be a part of something bigger than themselves.

We are not perfect. We admit when we make mistakes. We make corrections, we apologize, and we fix things as best we can. That is why people want to become part of the JAG Corps family. Let's consider some examples of what this means.

I met Technical Sergeant Jackie Larson on a couple of occasions through the years, most recently on an Article 6 inspection at Beale Air Force Base. Last spring, another member of the Beale legal office was notified that she would deploy to Iraq. This young NCO had just gotten back from a deployment the prior year, and she was married to a sergeant in civil engineering who had deployed twice in the past 18 months. That young family had a three-year-old daughter.

Sergeant Larson volunteered to take the deployment tasking. She wasn't asked or told to do so; she did it on her own initiative. Last summer, she deployed to Iraq. She became severely ill while in Iraq. On 17 July, Sergeant Jackie Larson died. She was 37 years old.

When members of the JAG Corps family learned what had happened, there was an outpouring of grief and support. The JAG Corps family rallied around Sergeant Larson and her family. They did their best to honor her by accompanying her every step of the way to her final resting place. Jackie gave this country her last full measure of devotion. I am very proud of the way members of the JAG Corps honored Sergeant Larson -- and how we continue to honor her memory so well.

Over the past year, other members of the JAG Corps family have passed away, including a former Judge Advocate General, Major General David Morehouse. We laid General Morehouse to rest at Arlington Cemetery in October.

The JAG Corps family has a well-earned reputation for taking care of each other. Technical Sergeant Jackie Pennington, a paralegal from Grand Forks Air Force Base, was deployed to Manas Air Base in Kyrgyzstan.

TSgt John Locke (L), a paralegal deployed to Bagram AB, Afghanistan, from Eielson AFB, assisted TSgt Jackie Pennington (R), a paralegal deployed to Manas AB, Kyrgyzstan, from Grand Forks AFB, during her mission in support of a military member who needed medical attention. Knowing that fellow members of the JAG Corps will help and support one another is a key aspect of the JAG Corps family.

She was selected to escort a medical evacuation patient to Landstuhl Air Base, Germany. The aircraft stopped at Bagram Air Base, Afghanistan, and they ended up staying at Bagram a lot longer than had been planned.

Sergeant Pennington had not known they would stop at Bagram en route to Germany, and she received no orientation after the plane landed. She noticed people were armed, but she was not armed and she did not know local guidance. Sergeant Pennington was obliged to watch after the med-evac patient at all times. She took the patient to the hospital and waited several hours trying to get assistance, but people in the hospital were very busy. She ultimately was told to come back in 12 hours. At that point, Sergeant Pennington had been awake for about 20 hours; she was unsure what to do next.

She decided to call the legal office, because--she later wrote in an e-mail that reached me--she knew that whoever answered the phone would help. Technical Sergeant John Locke, who was deployed at Bagram from the legal office at Eielson Air Force Base, happened to answer the phone. Sergeant Pennington and Sergeant Locke did not know each other. But as Sergeant Pennington wrote, "That didn't matter. I identified myself as a paralegal, and he did everything possible to help us." Sergeant Locke oriented Sergeant Pennington to Bagram, and he took custody of the patient so Sergeant Pennington could get some sleep. The next day, Sergeant Pennington was on her way to Landstuhl with the patient.

That spirit forms the basis of the Warrior Liaison Program of the JAG Corps' Reserve community. It doesn't matter whether the Warrior Liaison Officer knows the individual deployed or their family. The liaison officer establishes contact with the JAG Corps member who is deployed, making sure the person has what may be needed, and knows we care about them. At least as important as that, the liaison contacts the family and ascertains whether there is anything we can do to assist them. This is especially important for the families of reservists, who tend not to have the same support mechanism as people on active duty and may be far from the nearest military installation. We do this for the families of our deployed personnel, just as we know they would do the same for us.

Of course, our JAG Corps family begins with the extraordinary service of those who came before us. Truly, we stand on the shoulders of our predecessors. At my promotion ceremony in August, more than two dozen current and retired Total Force JAG Corps general officers attended, which was the largest such group of JAG Corps senior leaders ever assembled. They came because of the pride and concern they continue to have for our Corps.

Last summer, the battle director in the Combined Air Operations Center at Al Udeid Air Base, Qatar, sent an e-mail to a retired judge advocate, Colonel Joyce Spisak. The director commented about the quality of the judge advocates and paralegals he had seen in the AOR, especially in the CAOC. He said, "These folks are indispensable to the war effort," and he thanked retired Colonel Spisak, "for raising them right." That summarizes what our predecessors did. Our success today owes a great debt to those who came before and "raised us right." Years in the future, I hope the people you are now training and the people they train will say the same things about what you did for them.

Organization

Over the last two and a half-plus years, the JAG Corps 21 initiatives have provided seismic opportunities to refine and redefine how we provide legal services to the United States Air Force. Our organization was well-respected before, but we were given a "clean sheet of paper" to recommend how we would provide legal services for the Air Force in the 21st Century. The leadership of the Air Force approved a number of changes in February 2006, and we continue to evolve.

JAG Corps 21 is dynamic. We have created a culture of innovation, and everyone in the JAG Corps is empowered to suggest and implement changes. When we were captains, junior airmen, or young civilians, there were things that bothered us, and we thought, "If I were in a leadership position, I would fix them." Well, even for those of you who are junior, my message is: You have that power now. Fix what you can and tell us of the more complex things that that need to be fixed.

There are no limits on our capacity to make things better in the JAG Corps, to provide for better opportunities or service, to better enable the missions of the United States Air Force.

Our objective is to enhance mission accomplishment, to improve the quality and speed of legal services. There is no magic way to do this. In some areas we have centralized; in some we have decentralized. Under JAG Corps 21, we look at each individual field of practice to decide the best structure. Remember that JAG Corps 21 was not a manpower cut. If we have personnel efficiencies that result in manpower savings, we will either reallocate the positions or perhaps return manpower positions to the Air Force. Again, this is a dynamic situation and we handle each situation on its merits.

As we developed JAG Corps 21, we were sensitive to another imperative. We made sure that we kept our primary focus and capability where the action is -- at the base level. JAG Corps 21 preserves the relationships between legal professionals and their commanders and clients. Our services are on-scene, personal, and direct. The traditional attorney-client bonds are not disturbed.

JAG Corps 21 is designed to make our initiatives and changes seamless; in fact, from the perspective of those outside the JAG Corps they are substantially invisible. We're building on the legacy of legal services at the local level to commanders, command chiefs, first sergeants, and all of our clients. In the past, they only knew that they were supposed to come to the legal office for legal services. That has not changed. When people at your base think about legal services, they do not think of Chief Stocks or me -- they think of you. Under JAG Corps 21, our local legal offices remain the face of the JAG Corps.

What has changed are our JAG Corps 21 initiatives. Our Field Support Centers augment legal offices with on-call reach-back. They provide the ability to perform tasks that are beyond the experience and expertise of installation legal offices. They provide an emergency crisis response. And when you call, personnel at the Field Support Centers are not doing you a favor, they are doing their job.

JAG Corps 21 is dynamic. Our initiatives have not been written in stone, and we continue to make changes to better meet our missions. For example, the Field Support Center concept began in the winter of 2006; over the past 12 months, we have added four new FSCs, bringing us to a total of nine.

One of our areas of focus concerns medical law. In 1971, the Surgeon General of the Air Force signed a memorandum of understanding with The Judge Advocate General establishing the Medical Law Consultant Program, which provided for our very effective medical law program for the next 37 years. In September 2008, the Surgeon General and I signed a dramatically updated MOU. It brings our medical law consultants into the new Medical Law Field Support Center, which is part of the Air Force Legal Operations Agency's Claims and Tort Litigation Division. Of course, the medical law consultant still works in the hospital, and our organizational changes will be transparent to the hospital commander and staff. But our medical law consultants can now be better utilized as they focus on their medical-legal mission.

Our JAG Corps family begins with the extraordinary service of those who came before us. Truly, we stand on the shoulders of our predecessors.

JAG Corps 21 successes are not limited to the Field Support Centers. More than 250 years ago, Lieutenant Colonel George Washington of the Virginia Militia observed that "discipline is the soul of an army." We must have a disciplined force, and the JAG Corps oversees the administration of military justice programs. We work with commanders and first sergeants to assure a high status of discipline. We do this well, but we can do better. We are currently evaluating our military justice programs and will be reinvigorating them throughout the Air Force.

During the opening weekend of Keystone, we held an old-fashioned general court-martial convening authority staff judge advocate session. Major command and numbered air force-level general court-martial convening authority SJAs and senior paralegals met to discuss the current state of military justice and to consider what the JAG Corps can do to better assist commanders with their disciplinary programs.

One of the things they addressed was whether we are tracking the right areas, and whether we have the right metrics. For example, we had not been systemically tracking how long it takes to process a case from the time we know about the offense until the case is resolved at the convening authority level. We carved out this area earlier this year, and we have already seen a reduction in processing times of more than 40 days for general courts and 20 days for special courts.

We also discussed area defense counsel consultation rates on nonjudicial punishment actions. Our goal is 90 percent, but we should really strive for 100 percent. ADC consultation rates for Article 15s are a team product: commanders and first sergeants, military justice staffs, and ADCs and defense paralegals all have a role in assuring informed choices by those who are offered nonjudicial punishment.

Military justice is a commander's program, but the legal office plays the critical role of administering the system. We need to train our people effectively and then hold them accountable for the highest standards in their local programs. It's of course essential to have disciplinary systems that are fair, both in practice and perception.

Another area of current concern is the Rapid Airman Discharge Program. The JAG Corps assumed responsibility to administer this program 20 years ago. Before we took charge of the program, it took more than 100 days on average to discharge an Airman after the triggering event occurred and the commander decided to pursue a discharge. Since the JAG Corps became responsible for the program, processing times dropped to an average of 15 days. This provides dramatic savings for the Air Force.

Local legal offices received an additional manpower slot from the personnel community when JA took on responsibility for the Rapid Airman Discharge Program. Two and a half years ago, personnel reductions cut those positions. I am in the midst of discussions with the Deputy Chief of Staff for Manpower and Personnel, and I also met with the Vice Chief of Staff of the Air Force about these reductions. Let me be clear: The Air Force is best served by having legal offices continue to run the Rapid Airman Discharge Program, but we cannot continue to be responsible for

it without the manpower we received decades ago to run the program. We will either assure legal offices have the manpower to continue to run their Rapid Airman Discharge Programs-- or we will return responsibility for the program back to the Personnel community.

We also recently initiated a headquarters working group to improve AFOSI investigations. Clearly, we need to get JAGs and paralegals involved at an earlier stage -- and to stay actively engaged. We're working with AFOSI to develop new guidance for the field. I expect to partner with the AFOSI leadership and sign an agreement that will help to focus investigations on the matters that are needed for disciplinary actions.

JAG Corps 21 changes are significant, and we have learned many valuable lessons by going through the process. *Leading Change* is a book written by John Kotter, one of the preeminent writers on enterprise-level change. After the JAG Corps 21 initiatives had begun, we measured our progress against Kotter's eight criteria to lead change most effectively. We did well against these criteria, and we paid special heed to two cautionary areas.

First, communicating is hard, and you can always do more. Second, transformations can lose momentum at about the 18-month point. People believe the work is done, and they move on to other things. To instill real change, there's a need to reenergize everyone. That is why we instituted our Horizons program, which we previewed at Keystone last year in Atlanta. We wanted to reinforce and reinvigorate our transformation process.

The Horizons sessions exceeded everyone's expectations. We brought together people from around the Air Force, including many from outside the JAG Corps, including our clients, civilian personnel, commanders, first sergeants, and our partners in environmental law. We had a large number of participants at each Horizons session. We encouraged grass-root inputs to all of our JAG Corps 21 initiatives. We evaluated processes and specialty areas, and we asked everyone to give their unvarnished views on JAG Corps 21 initiatives, so we could make appropriate changes. As an example of the effect of the Horizons sessions: after Staff Sergeant Greg Pfeiffer from Davis-Monthan Air Force Base attended the military justice Horizons session, he returned to home station, discussed his experience with his colleagues, then sent us a six-page single-spaced memo with additional suggestions.

Observations gathered at Horizons sessions were critically important. The sessions were a significant investment of time and money, but we received significant returns. The biggest benefit was direct communication between people in the field and the Field Support Center personnel. We identified gaps of information, clarified areas of confusion, and improved our understanding of the roles of the Field Support Center and the field. The feedback has led to plans to reconvene the Horizons sessions in about a year to reexamine our vectors. We'll likely conduct those meetings by video-teleconference.

And our Horizons sessions will continue. The next one will review the installation-level field of practice. We will discuss how legal office functions have changed and how they need to adapt with the implementation of JAG Corps 21 initiatives.

Our JAG School continues to evolve. Two years ago, it moved from Air Education and Training Command to the Air Force Legal Operations Agency. With that change, we enabled a dramatic expansion in the JAG School mission. We increased the number of courses, seminars, and conferences that can be held at the school. We enhanced military justice training. We created six positions for instructor-litigators, three as prosecutors and three as defense counsel. We educate, train, and capture lessons learned from deployments undertaken by members of the JAG Corps. We are also creating a historian position at the JAG School.

Part of the changes at the JAG School can be seen in numbers. We have increased the number of personnel assigned from 33 two years ago to 64 now. The operations and management budget has tripled in three years. These improvements enable the school to serve as the hub of our JAG Corps 21 initiatives.

Technology

Much of our evolution would not be possible without the fourth major area of change impacting the JAG Corps: Techinolocal advances Technology is clearly shaping our future. On the opening morning of this Keystone, General Chiarelli referred to Tom Friedman's book *The World is Flat,* which discusses the impact of technology on our changing world. By design, the JAG Corps is flattening. Previously, legal offices were limited by the expertise that resided in their office. Now, you are able to go directly to the experts. The Field Support Centers' job is to help you, and you do not have to go through layers of organization to reach them. Anyone at a base legal office can go directly to the experts at our Field Support Centers for tailored assistance on the complex issues they face.

Most of you probably saw the recent announcement in the Online News Service about the change from JADE, Judge Advocate Distance Education, to the new program CAPSIL -- our new online information sharing and collaboration program. CAPSIL will make it possible to do things that we have not done before, and it will also provide a better way to share information within the JAG Corps. Using simple word searches, detailed information will be available with just a few keystrokes.

We have improved tracking systems in military justice. In claims, we can do online research. We have new technology in the courtroom. All of this allows us to communicate much more effectively than just a few years ago. As one example, Colonel Rodger Drew recently presented a webcast on military justice. More than 200 people from 43 offices participated, and the recording of that webcast is available through CAPSIL on the FLITE home page.

Another way of communicating within the Corps is through video-teleconferences. Last year we bought VTCs for every installation legal office in the Air Force. All but a very few are functioning right now.

Last spring, I began holding "virtual visits" for about an hour each with legal offices around the Air Force. When General Dunlap and Chief Stocks are in town, they participate as well. We talk about the issues the participants want to discuss. The first "visit" was an experiment; we received great feedback, and we continued and refined the concept. These meetings are not the same as being there, and they are not a substitute for an Article 6 inspection, but they are an effective way to stay in touch. We've conducted more than four dozen visits so far.

Consider another incredible change enabled by our VTCs. McChord Air Force Base recently held an Article 32 hearing that involved witnesses from around the world; they were at Dover Air Force Base, Charleston Air Force Base, Maxwell Air Force Base, Incirlik Air Base, Turkey, and Kuwait. Four of the witnesses testified via VTC and the fifth was ultimately not called. Without the VTC, there would have been a tremendous cost, both in money and lost duty time, to bring these five people in for testimony.

Senior leaders of the JAG Corps routinely

use VTCs for discussions. A chief of justice at a numbered air force can meet with all subordinate office chiefs of justice and NCOs. It is often hard to travel, but it is easy to use VTCs, and the VTC is a great substitute when personal presence is not possible.

Technology is important for everyone. Several months ago, there was a sophisticated denial of service attack at the Claims Service Center that generated 5000 bogus claims documents in 48 minutes. We had technical expertise within the JAG Corps to assist with the threat response. Technical Sergeant Mike Weinrich was alert to the threat, and he acted promptly to stop the attack and keep the claims service center from being shut down. In this case, ultimately, AFLOA determined that an Air Force security red team had initiated the attack to test our system.

JAG Corps 21 is dynamic. We have created a culture of innovation, and everyone in the JAG Corps is empowered to suggest and implement changes.

Opportunities

The four change areas I have discussed--leadership, JAG Corps family, organization, and technology -- give rise to the fifth area: new opportunities. Our opportunities are grounded in our priorities and objectives, which were developed by members of the JAG Corps. These priorities and objectives are enduring, and they enable a remarkably diverse practice of law.

Our practice is not a mere slice of the law. Our practice demands broad expertise, and under JAG Corps 21, the diversity of our practice creates ever-increasing opportunities.

For example, we have new leadership opportunities in military justice. Decentralizing defense services enabled leadership opportunities that did not exist before. Three years ago, we had five lieutenant colonel leadership positions for chief circuit defense counsel. Now, we have 18 major positions for our Senior Defense Counsel.

Major Tiwana Wright currently serves as a Senior Defense Counsel at Offutt Air Force Base, where she supervises, mentors, and trains four area defense counsel and four defense paralegals. She has also personally litigated over a dozen cases in the past year, including a very high-profile murder case at Travis Air Force Base.

Similar opportunities exist for trial counsel. Captain Brett Landry is a Senior Trial Counsel co-located with the 19th Air Force legal office at Randolph Air Force Base. Because of his responsibilities and office location, Captain Landry is able to be involved early in cases and to train less-experienced counsel.

Field Support Centers have also opened doors for new civilian and military leadership opportunities. The Environmental Law Field Support Center is led by Ms. Renee Collier. Three of our Field Support Centers are civilian-led, and we will continue to use a mix of military and civilians at our FSCs to keep the flow coming from and going back to the field.

JAG Corps 21 also provides new educational opportunities for civilian attorneys. Mr. Basil Legg from Robins Air Force Base was chosen this year as the first civilian to attend the LL.M. program. After he completes his degree, he will have enhanced opportunities to serve in the JAG Corps.

JAG Corps 21 has also increased opportunities for paralegals. In October 2007, we released a new TJAG policy letter on paralegal utilization. Better utilization of paralegals is a perfect example of new horizons in action. The only limitation here is that paralegals cannot engage in the unauthorized practice of law.

Remember that traditional paralegal duties have not gone away. The Victim Witness Assistance Program and will executions are not extra duties; they are part of what we do in legal offices, and it is appropriate for paralegals to be actively involved. The challenge for our legal offices is to have the right mix of paralegal duties, depending on local capabilities and workload. Creativity, leadership, and initiative

Lt Col O'Connell at the Monument to the Unknown Soldier in Iraq

are important.

One example involves Technical Sergeant Melinda Bartlett from the Labor Law Field Support Center. She's doing things that would have been done by a supervising attorney just a few years ago. She takes in all the cases and decides how to parcel them out to the labor law specialists. She has assembled and managed very complex case files, including digitizing stacks of trial paperwork into electronic form. She has done remarkable work, and she is taking advantage of an opportunity that was not available just a few years ago for our paralegals.

New opportunities for JAG Corps work exist worldwide. Compared to just four years ago, we have three times the number of people deployed at about twice the number of locations. Over that timeframe, the number of one-year deployments has grown from three to 16. The types of missions have also expanded. In addition to deployment, expeditionary and operations law, we now have a number of new opportunities for judge advocates and paralegals in the deployed environment, such as the Law and Order Task Force, Task Force 134's work with detainee operations, and contracting. The feedback we get on JAG Corps members who deploy is overwhelmingly positive.

Lieutenant Colonel Jack O'Connell was the 2006 Harmon Award winner as the outstanding Reserve Component judge advocate of the year. I first met Lieutenant Colonel O'Connell four years ago at Guantanamo Bay, Cuba. I was there for a few hours; he was there for one year. A year and a half later, I was in Iraq for a couple of days; he was there -- again, on a one-year tour. Guess where Lieutenant Colonel O'Connell is now? He is once again serving in Iraq.

This is an example of the incredible contributions of our reserve components. Last year they gave us the equivalent of 420 full-time positions for the JAG Corps. They demonstrate our new horizons with the new opportunities that are available for the Total Force. They provide tremendous support, especially to installation level legal offices.

This brings us to an examination of the important work at our installation level legal offices, which are the front line provider of full spectrum legal services to our Airmen. The base office is the ideal first assignment for new judge advocates and paralegals. This is where our people learn how to do their jobs.

It's where we develop our people into what Tom Friedman calls a versatilist. They learn about particular areas of the law, and then apply a depth of skill to a progressively broader group of situations and experiences. The versatilist mentality is different from being a specialist or a generalist. Versatilists possess skill sets that are applicable to an ever-increasing scope of challenges. They are equally at ease with operational missions and legal issues. They effectively apply legal knowledge and experiences to the needs of the client.

Importantly, base office personnel are no longer limited by the happenstance of who happens to be in their office to train, teach, and mentor them. My challenge to you is to develop your subordinates and expand their opportunities.

Consider today's follow-on job opportunities that are available after performing installation-level legal duties. Before JAG Corps 21, the likely next step for someone was a headquarters office, the judiciary, the JAG School, or the Air Force Legal Services Agency. Under JAG Corps 21, our people have additional opportunities, such as serving in the Field Support Centers and the reorganized field judiciary.

Sometimes people ask if going to a Field Support Center will hurt their career or brand them as a specialist. My answer is no; we don't brand people. There is no formula of jobs that leads to a successful career. The key today is the same as I when I was a new judge advocate: Do the best you can in the job you are in.

After our people have expanded their horizons with these new opportunities, the Air Force benefits when they return to field legal offices. They are more senior, more savvy, and more valuable. Remember ... the installation level legal office is the focal point of JAG Corps 21.

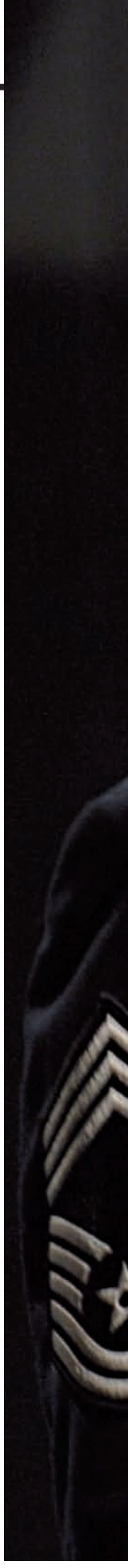
Changes in leadership, our JAG Corps family, our organization, technology, and opportunities will overlap, combine, and give rise to innovation, further expanding our new horizons.

There is a special quality about our JAG Corps that will help us meet our new horizons. I am reminded of it every day as I walk up the stairway in the Pentagon on my way to work. Just outside the offices of the Secretary of the Air Force and Chief of Staff is a large painting and a quotation from the book of Isaiah, Chapter 6, Verse 8, that says, "'Whom shall I send and who will go for us? ... Here am I, send me." Each of you represents that spirit. You've said, "Here we are, send us."

For the last 60 years, our JAG Corps has had that spirit. But the world our Airmen of yesterday entered was vastly different from the JAG Corps of today. Young members of the JAG Corps, including the JASOC and paralegal students now attending the JAG School, are coming to you trained and excited to work in the world we are creating through JAG Corps 21. They are expecting to implement change, and they are ready for you to lead them to the Corps' new horizons.

The previous remarks, which have been edited for this publication, were made by Lieutenant General Jack L. Rives at the Keystone Leadership Summit on 4 November 2008.

Paralegal Perspective



What a great time to be in the United States Air Force and in the Air Force JAG Corps. I have been doing this job for about a year, and it just gets better every day. We work with great people, and the support I have received across the board has been phenomenal. I want to thank you right at the beginning for that.

General Rives provided you the big picture view of the JAG Corps. What I want to do now is focus on the paralegal piece by reviewing the status of the career field, new developments, our efforts on paralegal utilization, the challenges before us and some of our success stories, and our future.

STATUS OF THE CAREER FIELD

What I want to touch on first is the state of the paralegal career field within the JAG Corps. Our manning is healthy, and we are currently manned at over 99 percent. I still have concerns of our grade imbalances in the middle tiers, but this is really kind of a good news story.

The reason that we are overmanned in the E-6 and E-7 level is because we have been promoting within. We have not retrained E-6s and E-7s in about five years, so the overages we have there are because they have been promoted from within the paralegal corps.

It is a good thing that our Air Force promotion system allows that. We are not bound by vacancies, so we can continue to promote. Could you imagine the morale or the state of the JAG Corps if we could not have promotions in a year because we were overmanned at the E-6 and E-7 levels? That would not be a good thing. The goal now is to continue the growth at the lower grades, from E-1 to E-5, and we are doing well there.

We have put out some exciting new developments over the past year. We added an Air Force recruiting page link to the Air Force website. We also considered trying to bring in paralegals who have associate degrees. After talking with the recruiting experts about whether this would make sense, we determined it would not given our small numbers. We were not able to build a guaranteed job program to bring in people with an associate degree already.

After reviewing our process with Basic Military Training leaders at Lackland Air Force Base, I am very happy with the quality of the non-prior service accessions that we're bringing into the paralegal career field. We do a good job of screening them and making sure that we bring in the right people. For every five seats that we have to fill at the Paralegal Apprentice Course, we screen between 10 to 15 applicants based on their scores and their desires. Our screening personnel at Randolph Air Force Base do a great job interviewing applicants before we bring them in. But it is still important to have a recruiting link out on the Air Force page so people know how to become a paralegal in the Air Force.

NEW DEVELOPMENTS

Last December, we held a utilization and training workshop (U&TW), which brought together all of the major command chiefs to review the career field education and training plan (CFETP), paralegal course curriculum, and the career development course (CDC). After the workshop, we made a lot of suggestions to the JAG School. The school got the really heavy lifting after the U&TW, because they have to develop the curriculum and the course materials. For the past year, they have been working very hard on implementing the changes that we voted on in the U&TW. They have been rewriting the CDCs, which amounts to a pretty significant rewrite.

Everything to date is on track. I know people think this type of rewrite takes too long, but there are two parts to the process: changes are made to the CFETP, and then there are all of the things that go with that. That is why it takes about a year to 15 months to get the rewrite out to the field, and the effort is on track.

Another effort where we have made great progress is training synergy at the JAG School. The original move that shifted paralegal training from Keesler Air Force Base to Maxwell Air Force Base offered great opportunities by bringing all JAG Corps

CMSgt Ann D. Stocks
Senior Paralegal Manager to
The Judge Advocate General

training in the same school, under one roof. But efforts to maximize our training synergy never really got off the ground. We tried some initiatives, but most fell by the wayside, and JAG and paralegal training mostly remained separate.

In recent courses, our students in the Paralegal Apprentice Course have begun training side-by-side with our Judge Advocate Staff Officer Course (JASOC) students. They are now doing projects that require them to work together and start to learn together from the very beginning of their training within the JAG Corps. The initiatives have worked well. We are continuing to develop more joint programs, including joint training sessions with the Paralegal Craftsman Course and JASOC and possibly working to bring all three courses together. The synergy is moving in the right direction, and the training benefits will make a difference for us.

PARALEGAL UTILIZATION

In August 2008, we held a paralegal utilization Horizon session in Kettering, Ohio. The session brought together 35 people from all backgrounds, including active duty, Guard, Reserve, attorneys, paralegals, civilians, experienced, and not-so-experienced. The meeting offered a good opportunity to focus on paralegal utilization in the career field to see how well we were doing and where we could make improvements.

We made a very critical assessment of everything that paralegals do. We looked at the career field education and training plan, training programs, and the career field's history and past initiatives over the last 15 years to move paralegal utilization forward. We found that we continue to train and do the same things over and over, but we often expect a different result.

As a result, we backed up a bit to consider how can to change our approach. It was not surprising that the two biggest factors that have limited utilization are training and expectations. Judge advocates do not necessarily know what to expect from paralegals, and paralegals do not really know what is expected of them. These are two fairly easy things to fix, and we are moving forward to do that.

The Horizon team made some great recommendations. I briefed General Rives recently on what we want to do, and he has supported most of the ideas. Now it will take a lot of work to get to the next level. The clean sheet of paper we got from JAG Corps 21 is where we need to start to look at our paralegal training. Over the years, we have tended to start with the existing CFETP and then continue to tweak the existing plan. Now may be the time to start from a clean slate to build the right foundational skills for our paralegal apprentice students.

Our training approach needs to be similar to building a house, where you focus first on building the foundation. Our approach to paralegal training has always put part of the foundation in at a later time, when we teach important skills at the Paralegal Craftsman Course. If we mix it up a little bit, we will improve the foundation for paralegals and make them more effective.

CHALLENGES

In terms of challenges ahead, we need to continue to grow our efforts at utilization. I am very happy with what I have seen as I have traveled around the JAG Corps. There are more and more success stories of how we are using our paralegals and how all members of the JAG Corps are working together as a team. The model that is always cited is the successful working relationship that exists with our defense paralegals and area defense counsel. This is our gold standard. What we need to do is capture the success in our area defense counsel offices and bring similar interaction back into the legal office. We are going to try to do that.

We also must maintain consistency. Over the years, as we have looked at paralegal utilization and enhancing the role of the paralegal, we have seen success stories where people in a particular office are doing great things. But then that person moves to a new office, and progress stops. Oftentimes, the office goes back to doing the same old things, the same old way. We need to develop a program where we can consistently use our paralegals effectively. A lot of this comes from mindset changes from both JAGs and paralegals. Paralegals must have confidence in what they can do and then have the support to do it.

I think we have the support. General Rives' letter from last year on optimum paralegal utilization set the stage. We have the authority, the approval, and his support to move forward in this initiative. The only thing paralegals cannot do is to engage in the unlicensed practice of law, but this leaves the opportunities wide open for us to do things. We must ensure we maintain consistency as we transition into that.

Education is big piece in this effort. The Air Force now has an awesome program through Air University called the Associate-to-Baccalaureate Cooperative (AU-ABC). If you have your Community College of the Air Force degree, you can enroll in the program through various colleges and become a junior on your way to your bachelor degree. In looking at the schools with which AU had partnered, none of them were ABA certified. We have already begun the process at Air Staff to try to get ABA-certified programs included in the AU-ABC program.

In terms of "certification," let me clear up an area of confusion. Our ABA certification is tied to our education programs rather than individual paralegals. Program certification does not mean that paralegals get their certificate after they finish the craftsman course. My long-term vision for paralegals is that we have certified or registered paralegals who have taken a national exam to be a certified or registered paralegal. This will increase our professional standing, and I think this is something we must aspire to. But people need to understand the certification process, so please help me spread the word.

Our training approach needs to be similar to building a house, which begins with the foundation. If we improve the foundation for paralegals, we will make them more effective.

SUCCESS STORIES

Our Field Support Centers are doing great things. Technical Sergeant Melinda Bartlett is doing wonderful work at the Labor Law Field Support Center. We have paralegals working in the Environmental Law Field Support Center. We have dedicated paralegals working with the Accident Investigation Board Field Support Center doing investigations. Our people are doing all kinds of things in the Field Support Centers.

In field offices, paralegals are also doing really good things while running all kinds of

programs. Many different bases have paralegals running the magistrate court program. At Wright-Patterson Air Force Base, we had paralegals working to gather evidence and navigating the process to manage a bid protest. Paralegals are taking part in discharge boards, doing various pieces of the process, such as cross-examination of witnesses. Paralegals are working with urinalysis program inspections and ethics programs. The biggest area of potential for our paralegals is working with the Air Force Office of Special Investigations (AFOSI). We have talked a lot about having paralegals as investigators, but we have not made enough progress. Judge advocates go to AFOSI and get case briefs, but quite often they don't bring their paralegal with them. I encourage you to work that relationship so a paralegal goes to AFOSI to meet with agents and help with the investigation.

We must be cautious that paralegals do not become part of law enforcement, but we need to hone our investigation skills and interviewing technique skills so that we can perfect the case as it goes to court. Working more closely with AFOSI is the first step to getting there, and the current effort with the JAG Corps and AFOSI will change how we interact. Our paralegals can play a vital role in this process.

We must continue to hone our team relationship. We are only limited by our creativity and our capability.

I want to thank you all for the support that you give not only to me, but to your paralegals. We are all in this together, and we must continue to hone our team relationship. We are only limited by our creativity and our capability. There are many areas where we can grow so long as we have the support of leadership and the right mindset. So thank you for what you do. And thank you in advance for all you will do.

The previous remarks, which have been edited for this publication, were made by Chief Master Sergeant Ann D. Stocks at the Keystone Leadership Summit on 4 November 2008.

Tribute to . . . Technical Sergeant Jackie L. Larsen

Technical Sergeant Jackie L. Larsen first raised her hand and swore an oath to defend this nation over 18 years ago. She wasn't a fighter pilot or an astronaut, instead she started her career as a chef in a dining facility. Jackie never sought out glamorous, high-profile jobs, but she treated every task like it was the most important job in the Air Force. During those first seven years of her career in Services she also deployed for the first time, to Southwest Asia in support of Operation DESERT STORM.

In 1997, TSgt Larsen brought the same dedicated sense of selfless service to her duties as a paralegal. As a paralegal, she also developed a reputation for excellence and pure technical mastery. Jackie started her paralegal career as most paralegals did, working in military justice and in claims. There was not a task that Jackie couldn't handle. She was proficient and punctual, and she strived for perfection.

Her skills propelled her to selection as a defense paralegal, where she earned a reputation for "laying down the law" for her clients. She helped many young Airmen get back on the right path, and she saw that those who could not be salvaged were treated fairly along the way. As an noncommissioned officer in charge, she could be relied on to set high standards and she expected everyone—officers, enlisted, and civilians—to live up to them.

And so, in a career that literally spanned the globe, the east and west coast of the United States, Europe, and the Pacific Islands, Jackie reached a level of dedication, teamwork, and technical mastery that left an indelible mark on the Air Force. It is one of the great gifts of the Air Force—true leaders of any rank never leave us, because they carry on as the Airmen they taught and the officers they mentored continue to serve. And they, in turn, pass along the lessons they learned to the next generation of Airmen.

On 17 July 2008 the American military lost its 100th female to die in support of the conflicts in Iraq and Afghanistan. That day the men and women of the JAG Family lost a friend, a co-worker, a mentor, a leader, and the epitome of an American Airman. TSgt Jackie Larsen's memory will live forever in our hearts and minds.

TSgt Jackie L. Larsen

Air Force Reserve Perspective

The United States Air Force Reserve shares a common mission with its active duty counterparts—the delivery of sovereign options for the defense of the United States of America and its global interests—to fly and fight in the air, space, and cyberspace. The Reserve is fully operational and The Judge Advocate General's Corps, both active and Reserve, is a full partner in this historic endeavor. This past year culminated in unprecedented contributions by Reserve judge advocates and paralegals—thousands of legal actions. Among them were 1680 contract actions, 3200 civil law opinions, 6600 legal assistance clients, more than 300 labor and employment cases, and much, much more.

In addition, Air Reserve Component (ARC) members filled 22 percent of JAG deployment taskings, performing duty in every theater of operation, and provided 23 members to the military commissions. While the percentage of deployed taskings filled by ARC members is slightly down, the overall number of members deploying is actually up. Longer tours now make it somewhat more difficult for many citizen soldiers to volunteer, but as an alternative they are performing home station support tours in record numbers.

This year continued to present many challenges. We also saw the opportunity to start or improve on numerous initiatives.

RECRUITING AND RETENTION

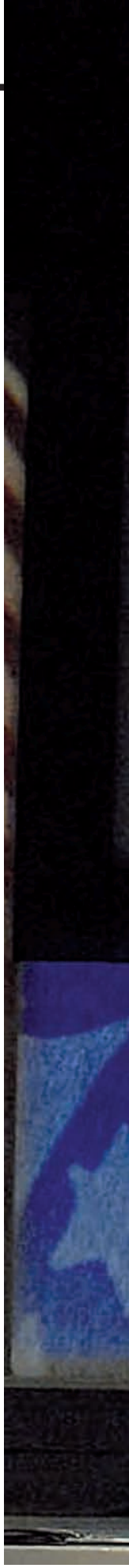
Recruiting and retention continue to be one of our greatest challenges. While we remain healthy by any standard, we have experienced a small decline in our total numbers. There are and will continue to be opportunities in our ARC programs, but even if all our positions were occupied we would still need to continue to recruit. Recruiting is the lifeblood of our organization. Every slot that is vacant translates into less support for our overworked legal offices. Recruiting is everybody's responsibility—active duty and ARC alike. It is critically important that we recruit for all components—Guard, Reserve, Category A (CAT A), and individual mobilization augmentee (IMA). We must not be parochial in the way we approach this responsibility. Filled positions, regardless of component or program, benefit the JAG Corps and the Air Force. So it is important to learn about all the programs and talk to folks who are leaving active duty. Identify them, and talk to them about transitioning into an ARC program. If you don't know about the various programs, we have resources on the web, and more importantly, we have many people who understand the programs and can help you.

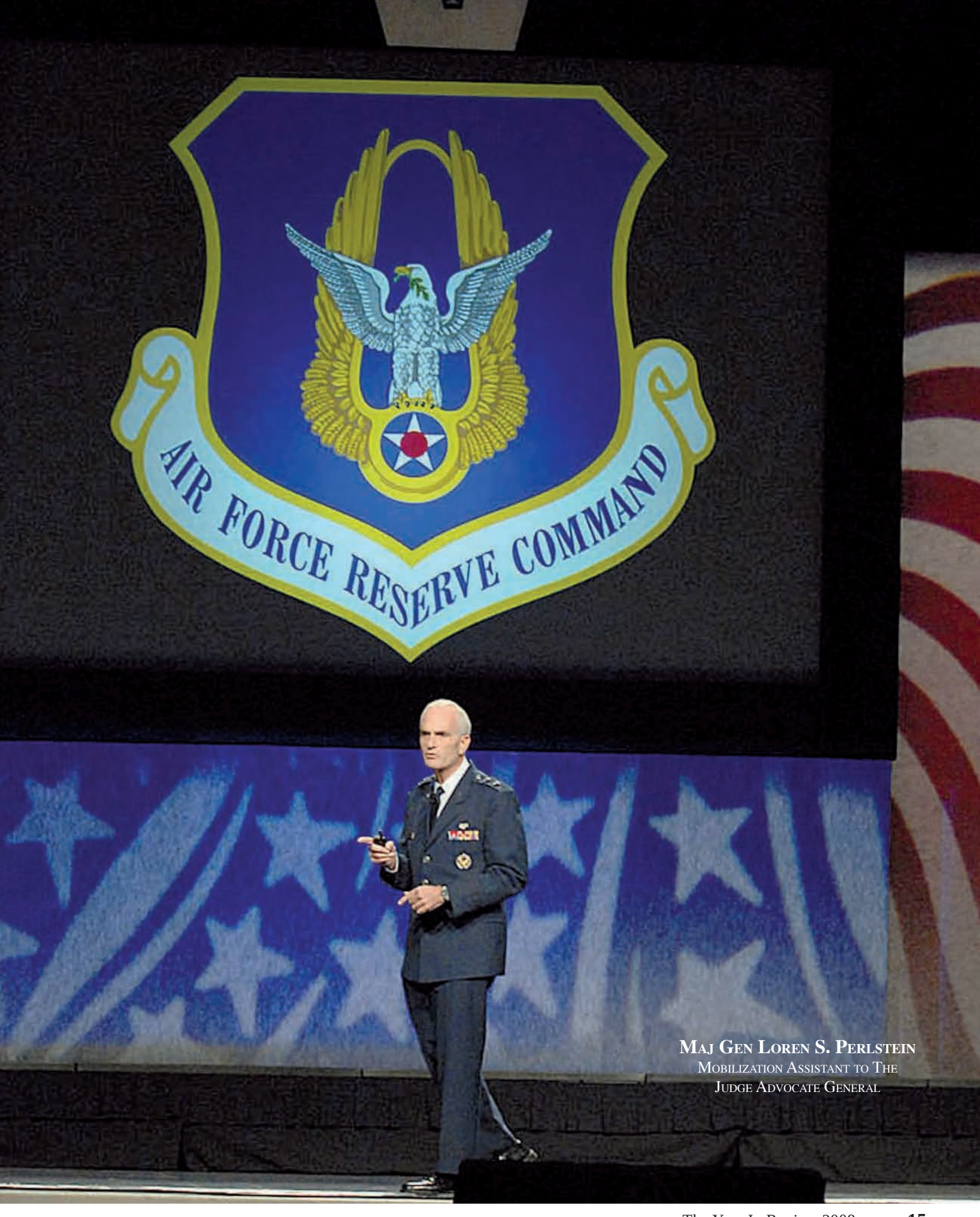
But let me say one thing about recruiting that I think is critically important. There is no right to serve in the United States Air Force. There is no right to serve in the Judge Advocate General's Corps. Nor is there a right to serve in the Reserve. It is a privilege to serve in the Air Force, just as it is a privilege to serve in the JAG Corps, whether active or Reserve. The Judge Advocate General (TJAG) maintains high standards and does not approve every application. Active duty and Reserve standards are exactly the same. If you are a staff judge advocate (SJA) who has doubts about a member leaving active duty, if you do not believe the member meets our standards, you should not be recommending them for an ARC program.

DUAL PASCODES

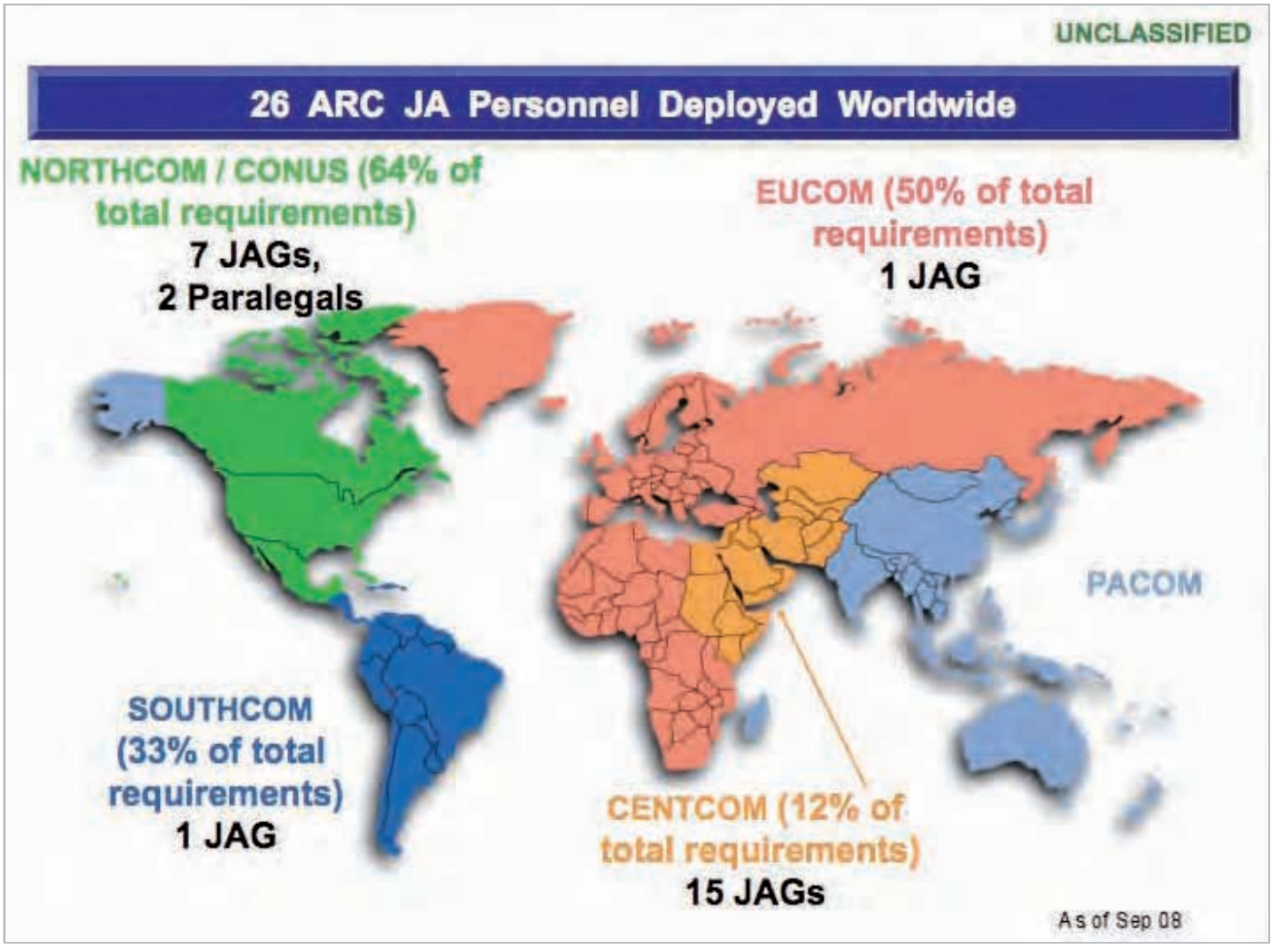
Questions regarding the need for and complications stemming from dual PASCODES, "assigned" versus "attached," for IMAs have caused quite a stir and have received much attention this past year. I am here to tell you that despite what you may have heard, dual PASCODES are a good thing for the JAG Corps. There are some technical issues that need to be solved—how we transfer information and make sure that the right people know when things are due, such as officer and enlisted performance reports (OPRs and EPRs) and promotion recommendation forms (PRFs), and we will solve those problems. Ultimately, dual PASCODES benefit every legal office and the Air Force as a whole.

Let me explain the simple reason why we have two PASCODES. We have 578 "validated," funded IMA positions in the JAG Corps Reserve program. They are "validated" based on wartime needs. The manpower community reviews all the wartime plans, the operational plans, and they determine how





Maj Gen Loren S. Perlstein
Mobilization Assistant to The
Judge Advocate General


UNCLASSIFIED
26 ARC JA Personnel Deployed Worldwide
NORTHCOM / CONUS (64% of total requirements)
7 JAGs,
2 Paralegals
EUCOM (50% of total requirements)
1 JAG
PACOM
SOUTHCOM (33% of total requirements)
1 JAG
CENTCOM (12% of total requirements)
15 JAGs
As of Sep 08


AIR FORCE RESERVE COMMAND
U.S. AIR FO

many judge advocates and paralegals it would take to carry out the legal functions in the plan. They determine whether or not enough active duty judge advocates and paralegals are assigned to the command to carry out those functions. If there are not enough, the Reserve makes up the difference—Reserve positions are "validated" in that command or organization to make up the difference. Those positions can be filled only at those locations—that's the "assigned" PASCODE.

The problem is that TJAG does not necessarily want to assign all Reserve personnel to those few locations; that would present a myriad of problems, not the least of which is that most legal offices would end up with little or no Reserve support. Training would be all but impossible as well. In addition, rather than travel great distances, often at their own expense, many of our reservists might choose not to participate.

Fortunately, because we are a centrally managed organization, TJAG has the authority to "attach" people for training across the entire spectrum of Air Force offices. They need not be attached to the same office or organization where their assigned, validated position is located. The "attached" location is identified with a PASCODE as well, the second or attached PASCODE. The authority to "attach" reservists for training results in the ability to spread JAG manpower where we really need it.

Who is responsible for those reservists? The SJA at the attached PASCODE location, or training location, is 100 percent responsible for OPRs, PRFs, awards and decorations, and other administrative requirements.

What about SJAs at the assigned PASCODE locations—what responsibilities do they have? They have zero responsibility for the reservist. That is not to say that they might not get some kind of notice requesting an OPR, PRF, or telling them a fitness test is due on someone they never heard of. They should pass on those requests. Or the military personnel flight on the attached side might say they cannot process an OPR because this person is not assigned there. These problems need to be solved—mostly through education and better communication. Regardless, dual PASCODES are a good thing for the JAG Corps, because they allow TJAG to place reservists in all Air Force legal offices to help with the mission. We need to think about dual PASCODES in a positive light.

HOME STATION SUPPORT

Home station support (HSS) remains our most important mission. The amount of support to active duty legal offices with deployed members continues to climb each year. It's quite amazing in light of the recruiting and retention challenges we face. We actually have fewer people than we did last year but the actual amount of support has risen—1396 weeks of support under the HSS program to active duty legal offices worldwide.

SJAs are encouraged to ask for support when needed. If SJAs do not ask, we cannot provide it. But I want to include one cautionary comment. It will become increasingly difficult to meet all HSS needs as the number of active duty deployment taskings increases. SJAs need to determine whether or not they really need the additional support. For example, if you have eight captains and one of them is deployed, think about whether or not you can meet mission needs with existing resources. Does an office really need Reserve support compared to the office that has two captains with one deployed? Who has the greater need? If you cannot meet your requirements internally, you are encouraged to request support.

2008 culminated in unprecedented contributions by Reserve judge advocates and paralegals—thousands of legal actions.

Home station support remains our most important mission. The amount of support to active duty legal offices with deployed members continues to climb each year. We actually have fewer people than we did last year, but the actual amount of support has risen.

RESERVE TRAINING

I want to talk about paralegals for a minute, because I don't think we pay enough attention to them. I want to encourage full-spectrum training. Paralegals are no different than their judge advocate counterparts. They are wartime validated. What does that mean? That means their slot exists for the sole purpose of deploying to some place under one of the war plans discussed previously. If they are going to go somewhere to a wing office or wherever, they need to know how to do everything. When they come into active duty offices to receive training, we need you to train them on the full spectrum of paralegal duties. Our senior reservists are asked to do the same. Learn, support, and protect our paralegals, because they are a precious resource.

For many years we have had a difficult time trying to encourage judge advocates and paralegals to volunteer to train at some of our distant bases. Typically there are not a lot of reservists residing in those communities so it has been hard to attach people there. A new initiative has been designed this past year to deal with the problem. It uses our Below-the-Zone Position Vacancy Boards to try to fill these tough - to - fill billets. Quality review panels are used to identify our best captains and majors. Once identified, they are contacted and asked if they would be willing to serve two or three years at one of these distant locations if they are nominated for the below-the-zone board. The attachment is not completed unless the member is actually selected. It is a win-win. Hopefully, the reservist is selected for promotion below-the-zone—that early promotion follows them through their entire career. The SJAs at distant bases get spectacular reservists in their offices. While it looks like this initiative will be successful, it is going to take awhile. We are not doing a huge number of these, three or four a year, but over the course of five years, we should be able to fill all the positions in those bases.

What are we asking of the active duty? Full spectrum training of our paralegals is very critical. Maintaining standards—the standards for reservists are absolutely the same as active duty. The training, the standards

TSgt Josie Shelly at JTF Guantanamo

for professional performance, dress and appearance, and fitness are all exactly the same. Please make sure attached reservists know that, and hold them to the same standards.

Staff judge advocates have an absolute obligation to provide feedback to their attached reservists. When a reservist leaves their family or their job, they want to do a good job for you; that is their goal, to be a productive force multiplier. It is not fair to give somebody a performance report at the end of the year that is not particularly good if you have never told the person you are dissatisfied. If you help people correct themselves early on, they will do good things for you. Please provide feedback, and please help with recruiting. Both are critical.

OTHER RESERVE INITIATIVES IN 2008

We have developed or refined a number of extremely important initiatives this past year. Recently we created a Common Access Card (CAC) help team to aid reservists get connected at home to our many vital websites. The Warrior Liaison Officer Program (WLO) has been a huge success and has been adopted by the entire Reserve community. In fact, the Army has also been looking very carefully at it and is also expected to adopt it. The credit for the WLO as well as the more recently created Employment Recognition Program goes to Colonel Harris Kline, our Mobilization Assistant to Air Force Material Command. The revitalized Reserve Orientation Course is running smoothly, and TJAG recently approved making it mandatory for all new reserve judge advocates. The Commanders Legal Information Course, or CLIC, remains a huge success with commanders and their staff. We continue to develop policies to provide exceptional support to the ever increasing number of Field Support Centers.

The Commanders Legal Information Course remains a huge success with commanders and their staff.

FINAL THOUGHTS

It has never been more challenging to be a reservist. There are many difficult obstacles for reservists—getting orders, receiving pay, getting connected to the computers, scheduling fitness tests and physicals. Nevertheless, reservists are asked to persevere, because it has never been more important to be a reservist, to make the contributions that they make to your organizations. As I said last year, I am very proud of every member of the Air Force Reserve that I represent in some way. Thank you very much for your service. It is a privilege to serve.

The previous remarks, which have been edited for this publication, were made by Major General Loren S. Perlstein at the Keystone Leadership Summit on 7 November 2008.

Spotlight on . . . the Warrior Liaison Officer Program

In early 2008, the Judge Advocate General's Air Reserve Component inaugurated the Warrior Liaison Officer (WLO) program, designed to offer hands-on, individualized attention to each deployed reservist and his or her family. The program is the first of its kind in the military, and in its short existence has garnered much recognition, support, and applause from JAG Corps and Air Force Reserve senior leadership—not to mention the many folks receiving direct and personalized assistance from hardworking WLOs!

The power and potential of the WLO initiative are shown in the example of Major Greg Baxley, an Air National Guard judge advocate from Ohio, deployed to Baghdad, Iraq, whose wife Jessica and two young girls with special needs remained in the Wright-Patterson Air Force Base, Ohio, area. While Maj Baxley is deployed, his family benefits from the services and care of an assigned WLO, Lieutenant Colonel Lisa Lander, an individual mobilization augmentee reservist living in the local area.

Lt Col Lander first contacted Maj Baxley prior to his deployment. Maj Baxley needed help handling certain matters before he left, particularly regarding medical insurance and benefit issues for his family, and Lt Col Lander tracked down individuals to answer the Baxleys' questions and allay their concerns. Since Maj Baxley deployed, Lt Col Lander has remained a constant source of help and support for the Baxley family. Whether coordinating child care, helping with recurring household chores, or arranging for minor car repairs, she has stepped forward to help shoulder the workload for which Maj Baxley is usually responsible.

Major Baxley raves that his WLO has been a tremendous help to him and his family. "I can say without hesitation that Lt Col Lander's persistent generosity to me and my wife has made it easier for me to concentrate on my work here in Baghdad. Lt Col Lander's willingness to help Jessica in so many ways on a continual basis has been a blessing."

Jessica Baxley expresses similar feelings about Lt Col Lander's support. "Lisa has been very helpful and supportive by answering my questions, offering to assist me and the girls at our house, and just generally as a source for me to articulate my concerns about Greg's deployment. It is very reassuring to Greg while he's in Iraq that we have Lisa to turn to if we need anything."

Through the creativity and generosity of individual liaisons, the WLO program ensures a solid, stable, and consistent link to the Air Force for both families and deployed reservists. This remarkable program puts the Air Reserve Component's "One Force, Same Fight, Unrivaled Wingman" philosophy into practice!

Lt Col
Michaelisa M.Tomasic-Lander
AFMC/JA
Wright-Patterson AFB, OH

Air National Guard Perspective

Evolution of our constitutional militia took a historic leap this year with passage of the National Guard Empowerment Act of 2008 by Congress. Among other things, the act provided for the Chief of the National Guard Bureau to increase from three-star rank to four-star rank in order to ensure the Guard has appropriate access to the most senior leaders and a seat at the decision table. General Craig McKinley, former Director of the Air National Guard (ANG), was selected to be the first four-star National Guard Chief and was sworn in as Chief at a standing-room-only Pentagon ceremony on 17 November 2008. Lieutenant General H. Steven Blum, outgoing National Guard Chief was selected to be the first Guard Deputy Commander of U.S. Northern Command, fulfilling another provision of the Empowerment Act. Major General Harry M. Wyatt III, currently the Adjutant General of Oklahoma, has been selected to receive a third star and to succeed Gen McKinley as Director of the ANG. With these momentous changes, the National Guard has been elevated to a true equal partner in the Total Force and a mainstay of our country's national security, with both state and federal responsibilities.

CONTINUING NATIONAL GUARD ENGAGEMENT

During 2008, the Guard continued to engage in its traditional state domestic missions, responding to fires in the West, hurricanes in the Gulf, floods in the heartland, and homeland security across the nation. On an average day, the ANG and the National Guard have more than 10,000 members engaged full-time in domestic operations. In addition, the ANG has stepped up to new and expanded operational reserve missions including Predator unmanned aircraft system (UAS), intelligence, and cyber operations. These missions have been performed so well that increasing demand for these ANG services has stretched the ANG to its limits. The expanding intelligence and cyber operations also have been a particular challenge to the ANG legal community, because the law and procedures in these areas are still being developed and most judge advocates do not have the security clearance necessary to discuss technical details with the operators. Finally, the Guard is still continuing to play a direct role in the conduct of military and civil-military operations in Iraq, Afghanistan, and other locations, with more than 72,000 Air and Army Guard members actively deployed on any particular day. Unfortunately, the resulting cost in lives and serious injuries continues to take its toll. From 9/11 through Thanksgiving 2008, 569 out of the 5126 courageous Americans who have died for their country in the Global War on Terror were members of the Army and ANG. There is no doubt that our citizen-Soldiers and citizen-Airmen are fully engaged.

ANG CHALLENGES

Beyond the increased operational missions that the ANG has been called upon to undertake, there are a number of other challenges that confront ANG commanders and members every day. As Base Realignment and Closure (BRAC) continues to shuffle ANG units, equipment and guardsmen from one location to another (all beyond the control of state authorities), governors and their adjutants general are faced with the significant challenge of preserving in-state equipment, personnel, facilities, and skill sets needed for state emergency support and other domestic military obligations. While these are primarily political issues, ANG JAGs have been instrumental in helping to find innovative ways to ensure our success in overcoming these critical challenges.

Further, as the nation continues to implement new constructs in the joint use of facilities and equipment, the ANG, Air Reserve Component, and active duty associate units are faced with many challenges related to ensuring a smooth Total Force integration. One of the most difficult of theses challenges is command and control of multiple Airmen on the same ramp, in the same uniforms, working on the same aircraft, but doing so in different duty statuses with different rules and different command structures. Fortunately, our ANG JAGs also have played a key role in helping work through these complex issues and training the parties involved to ensure success of this critical Total Force construct.

In Fiscal Year 2008, the ANG met its total recruiting goal for the first time in four years. It took great effort on the part of many and

Maj Gen H. Ray Starling, Jr.
Air National Guard Assistant to
The Judge Advocate General

lots of incentives, but the ANG achieved 130 percent of its goal—without lowering its standards. However, officer recruitment did fall short this year, and there are ominous signs that ANG retention, historically strong, may have reached its practical limits. And behind all of this, ANG commanders constantly live with the sobering fact that 30 percent of all guardsmen today are retirement eligible.

Member, family, and employer burnout continues to be a growing challenge as the unrelenting deployed and operational missions continue to strain our militia force. The Guard has been focused on the burnout problem for some time and has implemented and supported many comprehensive mitigation programs like Employer Support for the ANG and Reserve, the National Guard Family Program, the Wounded Warrior Program, the Warrior Care Program, and state-sponsored member and family programs in each state. However, as long as the ANG is asked to sustain this ops tempo and perform in ways it was never designed to perform, the burnout problem will likely continue to be with us.

Finally, there is the aging equipment challenge which is shared across all air components. The long delay in procurement of the KC-X tanker replacement has forced the ANG to contend with some alarming realities. The KC-135R tanker airframe—mainstay of the ANG's tanker force—is 45 years old, and yet it is being flown harder than ever before. Remarkably, although ANG aircrews are flying aircraft that are older than the crews themselves and doing so in support of combat operations around the globe every day of the year, they are meeting mission requirements very successfully—and all without fanfare. The real challenge is that we are putting greatly increased flight hours on our aging KC-135R tanker airframe—and there is no replacement aircraft in sight. And, like the recent temporary grounding of our aging F-15 fleet after a catastrophic in-flight breakup, the ANG is at constant risk of a similar grounding of its entire tanker capability without warning should we reach the as-yet-unknown useful life of the aging KC-135 airframe. Since the ANG conducts most of the Air Force's tanker missions, such a grounding of ANG tankers would have significant consequences for our nation's ongoing combat and global reach operations.

ANG LEGAL TEAM NEWS

Currently, we have 269 judge advocates and 173 paralegals on our ANG legal team. That is 99 percent and 93 percent manning respectively. While we have always had good manpower numbers, this is the best it has been in years.

By the end of 2008, a total of 43 ANG judge advocates and paralegals will have volunteered and been assigned to active duty for tours of 60 to 365 days, with 17 of those deployed to the Central Command area of responsibility. Several ANG judge advocates and paralegals are going back for multiple deployed tours, some by special request due to their unique civilian skills.

The TJAG ANG Council, comprising the senior leadership of the ANG legal team, soon will get a formal charter, the first ever since the council was informally established in the 1980s. The draft charter is in final review and is expected to be signed by both Lt Gen Rives and Gen McKinley by the end of 2008. This charter formally establishes expectations for the council from both TJAG and the ANG Director.

Our ANG JA leadership development program continues to prove itself a very effective means of developing and testing future leaders for the ANG legal team. Starting with our major command liaison program, through our national additional duty program and ANG Assistant program, we have various tiers of national level leadership opportunities available to vet our future leaders. This leadership program allows JAGs and paralegals to move up in rank through the system as they make contributions and prove themselves. By the time a judge advocate or paralegal competes for a senior leadership position, he or she has a well-known track record of capability, attitude, and leadership skills.

Our Contemporary Base Issues (CBI) Course, one of the flagship programs sponsored by the TJAG ANG Council, has won wide acclaim among ANG commanders, first sergeants, and supervisors over the years. Because of that wide acclaim and escalating high demand for the CBI Course by commanders in the field, NGB has decided to centrally fund the cadre cost for future CBI training. In the past, the cadre had to beg days and dollars from each cadre member's local unit in order to self-fund CBI training. However, central NGB funding will now ensure that the CBI Course stays viable, without continuing to place an unfair burden on the generosity of the cadre's home units. Congratulations to CBI course director, Colonel Kerry Muehlenbeck, and her cadre staff, Master Sergeant Lore Jung, Colonel Barry Maddix, Major Jed French, and the three ANG JA general officers for bringing the CBI Course to this world-class level. And thanks to the Arizona ANG and New Hampshire ANG for their extraordinary support of our CBI cadre over the years.

We are making slow but steady progress in getting the model state military justice code adopted in each state. This is necessary to provide commanders with adequate tools to handle ANG discipline in the Total Force environment. Three states have adopted the model code thus far, and more are considering it. Unfortunately, getting the model code passed in each state is a long and sometimes difficult political process. We currently have a team made up of Brigadier General Jeff Lawson (CA ANG) and Colonel Julio Barron (WI ANG) who travel the country at the invitation of interested TAGs to assist the states in moving the model code through the legislative process.

Three of our ANG judge advocates recently have been tapped to take on special active duty assignments of significant importance: Colonel Laura Stevens (TN ANG) is serving a one-year tour as Presiding Officer for the Combatant Status Review Tribunal, Colonel Pete Masciola (MA ANG) is serving a one-year tour as Chief Defense Counsel for the Office of Military Commissions, and Major Dave Houghland (AZ ANG) is serving a four-year tour as the first Chief, Air Reserve Component Training at The Judge Advocate General's School. Each of these individuals was recruited specifically to fill these important positions. We are pleased to have such sought-after special talent and mature

One of the more subtle, but significant, benefits that ANG judge advocates and paralegals bring to the nation's defense team is the wealth of knowledge each member has acquired from civilian experience, which may or may not involve the practice of law.

Lt Gen McKinley speaking to ANG members at Keystone

judgment on our ANG legal team.

Finally, a number of communications and Internet training initiatives introduced this year are increasing productivity of ANG legal team management and work accomplished in ANG legal offices. Driven by a few highly skilled technology experts in our ANG ranks, we are making significant improvements in our Internet communications capability, developing a new ANG web site with easy access to critical documents and information, creating exciting new distance learning modules, and producing just-in-time training webcasts that are eye-watering.

ANG STRATEGIC PLAN 2008

In order for the ANG to maximize its contribution to our nation's security and defense, it is important for ANG members, as well as our fellow air component wingmen, to know and understand our ANG priorities. While some of the priorities may change to reflect changing national and state needs, the ANG Strategic Plan 2008 calls for the ANG to shape our environment going forward to achieve the following priorities:

First and foremost, we must develop adaptable Airmen. This requires that we recruit and train our Airmen to have the skills and capabilities we need today, but also to have the flexibility and mental attitude to meet the ever-changing demands and missions we will face in the future. It further requires that we take care of our Airmen and their families, especially with regard to the extraordinary stresses placed on members and their families in today's citizen-Airman world. Without adaptable Airmen, we cannot sustain the ability to meet any other priorities.

Second, we must secure the home front while defending the nation. Securing the home front requires that we always meet our domestic and state militia responsibilities no matter how challenging. This is our first responder duty, a duty that General McKinley has called "our reason for being." And of course, defending the nation requires that we continue to provide trained and equipped ANG members for deployed active federal service as mission requirements dictate.

Finally, we must transform from a platform-based force to a capabilities-based force. This priority recognizes that increasingly, the ANG will be called upon to support a more complex range of missions, some with aircraft, some with shared aircraft, and some without any aircraft at all. This is due in part to the continued reduction of total airframes across all air components. But it is also because new missions that have

never existed before are now being taken by the ANG. These include intelligence, cyber, and UAS operations, most of which do not come with any "owned" airframes. As mission diversity increases and airframes continue to be reduced, ANG units must focus on their relevancy and learn to thrive in these changing environments. Units that successfully compete in this ongoing survival test will be the ones that have a flexible, smart, and capabilities-based force.

FACES OF OUR ANG WINGMEN

In conclusion, one of the more subtle, but significant benefits that traditional ANG judge advocates and paralegals bring to the nation's defense team is the wealth of knowledge each member has acquired from his or her civilian experience, which may or may not involve the practice of law.

We have a range of seasoned ANG judge advocates and paralegals who each hold leadership positions on the ANG legal team. They often have had active duty experience before coming to the ANG. Many have 15-25 years of total JAG Corps experience, as well as a wealth of diverse experience in their respective civilian endeavors. The collective civilian experience of this group is quite formidable and includes that of a college professor, energy company senior executive, Silicon Valley litigator, U.S. attorney, chief of staff to a state governor, Federal Reserve Bank senior executive, general counsel to the Administrative Office of the White House, several small businessmen, federal air marshal, senior IT manager for the U.S. Coast Guard, and Senior Assistant State Attorney General. Together, these leaders and those they lead give the ANG legal team tremendous experience, diversity, cost effectiveness, and flexibility. Finally, each of these citizen-Airmen exemplifies the finest of our militia heritage. They juggle their busy lives every day to serve in the ANG as their civic contribution because such service is vital to our local communities, our states, and our country—and because "service before self" has been a fundamental part of the militia spirit for more than 372 years.

Many thanks to these ANG leaders and those that they lead for all that they do as the ANG legal team. I am so very proud to serve with each and every one of them.

The previous remarks, which have been edited for this publication, were made by Major General H. Ray Starling, Jr. at the KEYSTONE Leadership Summit on 7 November 2008.

Spotlight on . . . the Chief of Air Reserve Component Training

Major David M. Houghland (AZ ANG) recently joined The Judge Advocate General's School (AFJAGS) for a four-year tour as the first Chief of Air Reserve Component Training. Yet, it is Major Houghland's unique combination of civilian skills and experience in both the legal and educational technology areas that will no doubt be his AFJAGS legacy. Since 1992, Major Houghland has been involved in consulting, teaching, developing, and implementing educational technology solutions for major civilian businesses. He now brings these very special capabilities full-time to the JAG Corps.

Since arriving at AFJAGS, Major Houghland already has developed and implemented a number of exciting new tools to improve training of judge advocates and paralegals, including the CAPSIL e-learning system. CAPSIL is the next evolutionary step in the JAG Corps' use of information technology (IT), providing instant access to training materials as well as an easy-to-use method for collaborating and sharing information. CAPSIL's central purpose is to harness the collective wisdom and knowledge of the JAG Corps, a truly revolutionary concept.

Creating innovative, practical IT solutions for the Air Force is nothing new for Major Houghland. As a traditional guardsman in 2004, he developed the Web-based Administrative Separation Program (WASP), which has now been implemented across the JAG Corps. WASP is currently is used by over 134 legal offices to streamline the process for managing and preparing separation packages. In addition, he has developed other enhanced web-based tools, modules, and processes currently used to track, manage, and train JAG Corps members.

After completing law school at Hamline University in 1996, Major Houghland became a member of the Arizona Air National Guard in 2002. He served as the deputy staff judge advocate and as the staff judge advocate for the 161st Air Refueling Wing in Phoenix, Arizona, before starting his current tour at AFJAGS. Major Houghland also has prior enlisted service in the Air Force.

The Air Force is fortunate to have Maj Houghland's special talents, unique skills, and knowledge at AFJAGS. His inspired work integrates the collective power of many into a single collaborative environment that builds on the knowledge, experience, and perspective of each participant. This integration is a powerful and transformational force for the JAG Corps—a force that represents a quantum leap in the JAG Corps' capabilities and an exciting future.

MAJ DAVID M. HOUGHLAND
AFLOA/AFJAGS
MAXWELL AFB, AL

The Third Star

The Story Behind 2008 Legislation that Changed the Grade of TJAG to Lieutenant General

By Brig Gen (Ret) Edward F. Rodriguez, Jr., USAFR

January 28, 2008 was an important date in judge advocate history. On that date, President Bush signed into law the National Defense Authorization Act (NDAA) for Fiscal Year 2008. Pub. L. No. 110-181, 122 Stat. 3. Section 543 of the FY08 NDAA increases the statutory grade of the judge advocates general to lieutenant general or vice admiral (three stars) from major general or rear admiral (two stars). The President's signature marked the successful conclusion of a difficult, four-year effort against significant opposition. The story of the TJAG grade increase—and the impact on the effort of concurrent national security controversies—is complex. Perhaps a military legal scholar will study the legislation—its background and circumstances—with the level of detail and analysis it deserves.

Section 543 of the FY08 NDAA amends the grade provisions of the statutes that establish the offices of the judge advocates general: 10 U.S.C. § 3037(a) (Army); § 5148(b) (Navy); and § 8037(a) (Air Force). The amendments consist of sentence substitutions. For example, the new Army and Air Force grade provisions read, "The Judge Advocate General, while so serving, has the grade of lieutenant general."

The U.S. Senate had approved a TJAG grade increase as part of the three previous National Defense Authorization Acts, those for Fiscal Years 2005, 2006, and 2007. Since the House of Representatives versions of those acts did not include the grade increase, the discrepancy was addressed in conference. Until § 543 was adopted, as part of the FY08 NDAA, with one exception, a TJAG grade increase never came through conference. The House was opposed. The obstacle was the fact that, in addition to the grade increase, the Senate had also approved exemptions to the statutory cap on the number of three-star officers authorized for each service. Without the exemption, the third stars would have to be "taken out of hide," i.e., the additional stars would come from another position in each service. The House was opposed to any net increase in the number of three-star officers. In addition, the House was not convinced that a TJAG grade increase was necessary.

A historic photo of the current and retired Total Force JAG Corps general officers who were in attendance at General Rives' promotion ceremony: Front Row, L to R: Maj Gen Perlstein, Maj Gen Dunlap, Maj Gen (ret) Sklute, Lt Gen Rives, Maj Gen (ret) Moorman, Maj Gen (ret) Egeland, and Brig Gen (ret) Danyliw. Back Row, L to R: Maj Gen (ret) Weaver (Former Dir ANG), Brig Gen(s) Burne, Brig Gen Kenny, Brig Gen Creasy, Brig Gen Harding, Brig Gen (ret) Swanson, Brig Gen (ret) Ginsburg, Brig Gen (ret) Waldrop, Brig Gen (ret) Hemingway, Maj Gen (ret) Lynch, Brig Gen Turley, Brig Gen Lepper, Maj Gen (ret) Roth, Brig Gen (ret) Rodriguez, and Brig Gen (ret) Lowry.

The House position was made clear by amendments to the TJAG statutes contained in the NDAA for FY06. This is the one exception mentioned above. In what can be seen as an attempt at compromise, the FY06 NDAA made sentence substitutions to the original grade provisions of the TJAG statutes, which called for appointment to the grade of major general for the Army and Air Force and rear admiral or major general, as appropriate, for the Navy. The FY06 NDAA repealed those original provisions and substituted new ones stipulating that TJAG would hold a grade not lower than major general in the Army and Air Force and not lower than rear admiral or major general, as appropriate, in the Navy. The House position was that, with these amendments, the services were now free to have three-star (or even four-star) TJAGs, so long as the added stars were taken from existing positions.

The TJAG grade increase mandates that each service's Judge Advocate General shall be a three-star officer.

The FY06 NDAA gave each service the option to nominate its Judge Advocate General for appointment to three-star grade, if so desired. However, since this option came with no exemption from the statutory grade cap on three-star officers, no service exercised the option during the two years that it was in effect.

The TJAG grade increase in the FY08 NDAA came with no exemption from the grade cap either. However, during the FY08 NDAA Conference, a creative compromise was reached, which permitted the Senate to achieve its goal of passing a TJAG grade increase, but, which also allowed the House

L[illegible]LY PINS ON HIS THIRD STAR

to maintain its goal of avoiding a net increase in the number of three-star officers. Instead of reporting out an exemption to the grade cap, § 543 amended it. Each service is allocated a limited number of general or flag officers: currently Army—307; Navy—216; Air Force—279; Marine Corps—81. 10 U.S.C. § 526(a). Of those numbers, half must be one-star officers. The other half may be in the higher general or flag officer grades according to a set distribution. Of that second half, before the amendment only 15.7 percent was allowable in grades above two-star. Section 543 amended that percentage by increasing it to 16.2 percent. The .05 percent increase permits one additional officer in the Army, Navy, and Air Force to serve in the grades above two-stars.

The TJAG grade increase mandates that each service's Judge Advocate General shall be a three-star officer. Since there was no exemption from the grade cap, the new third star must be taken "out of hide," but with the percentage increase, the "hide" has been "stretched" to permit one additional three-star officer position in each service. The net effect is to move one general or flag officer position in each service from the two-star allocation to the three-star allocation. However, the overall number of general and flag officers in each service remains unchanged, to the satisfaction of the House.

While the TJAG grade increase means that the successors to the incumbent TJAGs must, by law, be three-star officers, it did not automatically operate to advance the incumbent TJAGs to three-star grade. The question of how the TJAG grade increase applies to the incumbent TJAGs became the subject of a January 20, 2008, Department of Defense General Counsel request for a legal opinion from the Department of Justice Office of Legal Counsel (OLC).

On April 14, 2008, OLC issued an opinion, which concluded that an appointment to three-star grade, even when unaccompanied by an appointment to be TJAG (or to any office), nevertheless must go through the unusual Constitutional three-step process of Presidential nomination, Senate confirmation, and Presidential appointment.

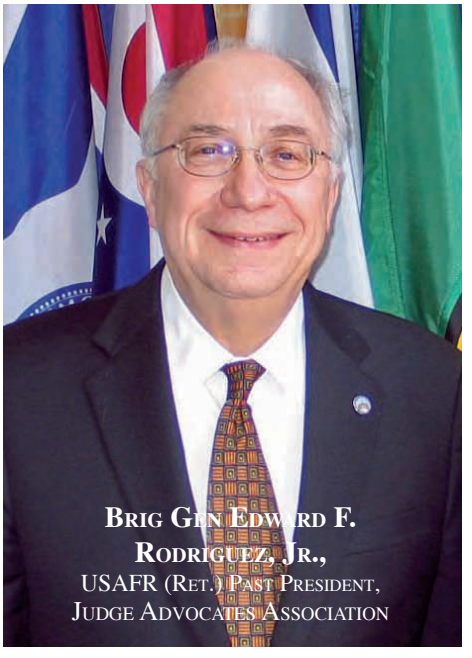
On April 25, 2008, Deputy Secretary of Defense Gordon England sent a memorandum to the secretaries of the military departments informing them that Secretary of Defense Robert Gates had approved the submission to the President of nominations of the incumbent TJAGs to three-star grade.

The President then nominated the Air Force and Navy Judge Advocates General for appointment to three-star grade. On July 23, 2008, the Senate confirmed the Air Force TJAG's nomination, and Lieutenant General Jack L. Rives' new grade became effective on that date. For reasons unrelated to his nomination, Navy Judge Advocate General Rear Admiral Bruce E. MacDonald's confirmation was delayed by a senatorial hold pending resolution of a Navy Department contracting matter. The Senate confirmed RADM MacDonald's nomination on August 1, 2008, and he was promoted to vice admiral on August 4, 2008, In September, the President nominated Army Judge Advocate General Major General Scott C. Black for appointment to lieutenant general. The Senate confirmed his nomination on December 8, 2008. LTG Black's promotion became effective on that date.

Section 543 made no provision for increasing the grade of the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC). However, the NDAA for FY09 increased the SJA to CMC's grade from brigadier general to major general. Unlike the TJAG grade increase, the SJA to CMC's second star is exempt from the cap on Marine Corps two-star positions.

The TJAG grade increase would not have been achieved without the unfailing support and commitment of its sponsor, Senator Lindsey Graham of South Carolina. Additionally, many dozens of retired judge advocates, including several former TJAGs and some former senior commanders, all helped advance the legislation by writing letters of support and meeting with members of Congress and staff.

The previous article, which has been edited and updated for this publication, originally appeared in the Fall 2008 edition of The Military Advocate, a publication of the Judge Advocates Association.



Brig Gen Edward F. Rodriguez, Jr.,
USAFR (Ret.) Past President,
Judge Advocates Association

TJAG
Annual Awards

Col
Evan L. Haberman

STUART R. REICHART AWARD

THE OUTSTANDING SENIOR ATTORNEY OF THE YEAR

Colonel Evan L. Haberman distinguished himself as Outstanding Senior Attorney of the Year as Vice Commander, Air Force Legal Operations Agency, Bolling Air Force Base, Washington, D.C. Consistently rated the best of the best, Colonel Haberman has excelled at every opportunity, from assignments as staff judge advocate at the wing and numbered air force level to Legal Counsel to the Senior Officials Directorate for the Secretary of the Air Force Inspector General, to Deputy General Counsel to both the Secretary of Defense at the Defense Mobilization Systems Planning Activity and the White House Military Office at the Office of Emergency Planning. Colonel Haberman led the Air Force Legal Operations Agency through historic AFSO/JAG Corps 21 transformations, including the stand up of five new central Field Support Centers, the reorganization of the Air Force Trial Judiciary, and the realignment of The Judge Advocate General's School under the Air Force Legal Operations Agency. The distinctive accomplishments of Colonel Haberman reflect great credit upon himself and the United States Air Force.

Maj
Ira Perkins

ALBERT M. KUHFELD AWARD

THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR

Major Ira Perkins distinguished himself as the Outstanding Judge Advocate of the Year while assigned as Deputy Staff Judge Advocate, 15th Airlift Wing, Hickam Air Force Base, Hawaii, and Legal Advisor, Combined Air and Space Operations Center, Al Udeid Air Base, Qatar. As Deputy Staff Judge Advocate, Major Perkins brought creative solutions to difficult environmental challenges. Capitalizing on his international law expertise, Major Perkins also guaranteed safe harbor for a stranded Korean ship at Wake Island with swift and succinct legal advice. A recognized rules of engagement specialist, Major Perkins developed rules of engagement solutions, explanations, and briefings while deployed that were praised throughout his chain of command, resulting in the U.S. Air Forces Central Commander selecting him as one of only four "outstanding performers" in the Combat Operations Division. The distinctive accomplishments of Major Perkins reflect great credit upon himself and the United States Air Force.

TJAG
Annual Awards

KAREN E. YATES-POPWELL AWARD

THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER OF THE YEAR

Master Sergeant Catrin C. Wiley distinguished herself as the Outstanding Paralegal Senior Noncommissioned Officer of the Year while assigned as Legal Superintendent, Joint Military Information Support Command, MacDill Air Force Base, Florida. Staffing the first Air Force paralegal billet in the only strategic psychological support organization in the Department of Defense, Sergeant Wiley's exemplary performance earned her a rating of number one out of 112 senior noncommissioned officers by the Director, Center for Special Operations, United States Southern Command. Notably, Sergeant Wiley developed and instituted an innovative contracts legal review process ensuring the protection of purchases totaling $90 million dollars. Sergeant Wiley further demonstrated her excellence when she boosted command mission capability by 60 percent by reviewing and vigilantly monitoring four critical memorandums of understanding for Department of Defense trans-regional psychological operations requirements. The distinctive accomplishments of Master Sergeant Wiley reflect great credit upon herself and the United States Air Force.

MSgt
Catrin C. Wiley

STEVE SWIGONSKI AWARD

THE OUTSTANDING JUNIOR PARALEGAL AIRMAN OF THE YEAR

Technical Sergeant Sharon L. Reeder distinguished herself as the Outstanding Paralegal Airman of the Year while assigned as Noncommissioned Officer in Charge, Civil Law, Office of the Staff Judge Advocate, Lackland Air Force Base, Texas, and Docketing NCO assigned to the Combined Review and Release Board Liaison Office, Task Force 134, Multi-National Force – Iraq, Baghdad, Iraq. With unerring attention to detail, Sergeant Reeder expertly guided a dynamic administrative discharge program, which processed 176 cases, 98 percent within the Air Force goal. Despite a consistent shortage of resources, Sergeant Reeder procured 15 computers for the wing tax center, saving her office $26,000. While deployed to Camp Victory, she carefully tracked 14,500 detainee files, ensuring a remarkable 100 percent of due process review boards took place on time. The distinctive accomplishments of Technical Sergeant Reeder reflect great credit upon herself and the United States Air Force.

TSgt
Sharon L. Reeder

TJAG
Annual Awards

Lt Col
William D. Bunch

REGINALD C. HARMON AWARD

THE OUTSTANDING RESERVE JUDGE
ADVOCATE OF THE YEAR

Lieutenant Colonel William D. Bunch distinguished himself as the Outstanding Reserve Judge Advocate of the Year while assigned as Staff Judge Advocate, 173rd Fighter Wing, Oregon Air National Guard, Kingsley Field, Klamath Falls, Oregon, and Team Chief, Law and Order Task Force, Multi-National Force – Iraq, Baghdad, Iraq. Colonel Bunch skillfully examined personnel and contracting issues to ensure flawless execution of a critical operational readiness exercise. His adept legal advice enabled Kingsley Field to conduct its first flying evaluation board in over ten years. Operating out of a prison in the Iraqi "Red Zone," Colonel Bunch worked incessantly, often under hostile fire, to bring due process to 7000 long-confined Iraqi prisoners. The distinctive accomplishments of Colonel Bunch reflect great credit upon himself and the United States Air Force.

TSgt
Michelle M. Molina

DAVID WESTBROOK AWARD

THE OUTSTANDING RESERVE
PARALEGAL OF THE YEAR

Technical Sergeant Michelle M. Molina distinguished herself as the Outstanding Reserve Paralegal of the Year while assigned as Law Office Superintendent, Office of the Staff Judge Advocate, 50th Space Wing, Schriever Air Force Base, Colorado, and Law Office Superintendent, 379th Air Expeditionary Wing, Al Udeid Air Base, Qatar. While acting as both the Shriever Air Force Base Law Office Superintendent and Noncommissioned Officer in Charge of Military Justice, Sergeant Molina developed an extensive paralegal training and instruction program that led to ratings of "excellent" at wing unit compliance and operational readiness inspections. Recognized as an astute court reporter, she was handpicked by the judiciary as well as major commands to transcribe the most demanding cases. While deployed, Sergeant Molina managed a robust legal assistance program, provided vital court reporter support, and ensured the swift and fair processing of two highly sensitive host nation claims. The distinctive accomplishments of Technical Sergeant Molina reflect great credit upon herself and the United States Air Force.

TJAG
Annual Awards

JAMES O. WRIGHTSON, JR. AWARD

THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR

Ms. Filiz de Vette distinguished herself as the Outstanding Civilian Attorney of the Year while serving as Attorney-Advisor, Office of the Staff Judge Advocate, 39th Air Base Wing, Incirlik Air Base, Turkey. Ms. de Vette's exceptional efforts epitomized the best of host-nation legal support, particularly when she exposed inconsistencies in a contractor's invoices, saving the Air Force $4 million dollars, negotiated a value-added tax exemption that saved the Air Force an additional $3.5 million, and developed the first hospital recovery program in Turkey. Ms. de Vette also averted a United States/Turkish Union treaty violation when she halted the import of pepper spray for Security Forces. The distinctive accomplishments of Ms. de Vette reflect great credit upon herself and the United States Air Force.

Ms.
Filiz de Vette

HAROLD R. VAGUE AWARD

THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR

Mr. Ruben Martinez distinguished himself as the Outstanding Legal Service Civilian of the Year while serving as Paralegal Specialist, Office of the Staff Judge Advocate, 50th Space Wing, Schriever Air Force Base, Colorado. Mr. Martinez drafted 45 spot-on environmental law legal opinions, worked closely with the United States Fish and Wildlife Service to eliminate the need for a costly natural resource plan, and developed an ingenious solution to a challenging permit issue that helped the Air Force avoid a $50,000 state fine. By applying his substantial labor law expertise, Mr. Martinez created indispensable training and quick reference tools to ease the wing's transition to the National Security Personnel System. The distinctive accomplishments of Mr. Martinez reflect great credit upon himself and the United States Air Force.

Mr.
Ruben Martinez

TJAG Annual Awards

The Olan G. Waldrop, Jr. Unsung Hero Award

The Olan G. Waldrop, Jr., Unsung Hero Award is an ad hoc 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 devotion to their duties, support to others, and dedication to the JAG Corps, with no regard for recognition.

This award is named in honor of Brigadier General (Ret.) Olan G. Waldrop, Jr. Brig Gen Waldrop 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 2008 Keystone Leadership Summit, Lieutenant General Rives and Brig Gen Waldrop presented the award to Technical Sergeant Shawn Bauer.

TSgt Bauer is assigned to the Air Force Judiciary at Travis Air Force Base, California, where he has served as an enlisted court reporter since May 2005. Since cross training into the paralegal career field in May 1997, TSgt Bauer has served at Fairchild Air Force Base, Washington, Kunsan Air Base, Korea, and Vandenberg Air Force Base, California.

TSgt Bauer has been instrumental to the JAG Corps' transition to digital court reporting and voice recognition transcription. In her nomination of TSgt Bauer for the Waldrop Award, the superintendent of the Air Force Judiciary, Senior Master Sergeant June Edwards, described TSgt Bauer's impact on the transition and his selfless dedication to the JAG Corps:

From the comprehensive instructions on proper laptop configuration he developed early on, to the hands-on training he provided to every Air Force (and many Army) court reporter, he has single-handedly transformed the way we do business. He has made himself available 24/7 to any court reporter that has a problem, and he always has a solution for every issue. He has even given his cell phone number to the court reporters (I have him on speed dial), and he never complains about the nights, weekends, and holidays when he gets the calls.

In addition to the eleven 2-week classes he taught, TSgt Bauer also continued to travel extensively to do courts and boards, transcribed cases for his fellow enlisted court reporters and the Army, and developed a new curriculum for refresher training that goes more in-depth in combining Microsoft applications with voice recognition to streamline the process even more.

TSgt Bauer has never once complained about his schedule or the projects I give him to accomplish, and he has never said no to any court reporter in need. He is a true professional who has only the interest of the JAG Corps at heart. TSgt Bauer is truly deserving of this recognition.

JAG Corps Scholarly Articles and Writings

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

Maj Gen Charles J. Dunlap, Jr., *Lawfare Today: A Perspective*, Yale J. Intl. Affairs, Winter 2008.

Maj Gen Charles J. Dunlap, Jr., *Developing Joint Counterinsurgency Doctrine: An Airman's Perspective*, Joint Force Quarterly, Issue 49, 2d Quarter 2008.

Maj Gen Charles J. Dunlap, Jr., *Making Revolutionary Change: Airpower in COIN Today*, Parameters, Summer 2008.

Brig Gen David G. Ehrhart, *Closing the Gap: The Continuing Search for Accountability of Civilians Accompanying the Force*, The Reporter, Winter 2007-2008.

Col Steven J. Ehlenbeck, *Judge-Alone Sentencing*, The Reporter, Summer 2008.

Lt Col Theodore L. Vestal & Col Albert W. Klein, *Personnel Recovery:A JAG's Perspective*, The Reporter, Fall 2008.

Lt Col Jennifer S. Smith, *Competition and Transparency: What Works for Public Procurement Reform*, 38 Pub Con. L.J. 85 (2008).

Lt Col Jeffrey S. Palmer, *Legal Impediments to USAFRICOM Operationalization*, Joint Force Quarterly, Issue 51, 4th Quarter 2008.

Lt Col Bruce D. Cox, *Simplifying Federal Wrongful Death Tort Damages*, The Reporter, Summer 2008.

Lt Col Carl L. Reed, *Unintended Consequences: The United States at War*, Joint Force Quarterly, Issue 51, 4th Quarter 2008 (book review).

Lt Col Adam Oler, *The Sunni-Shi'ite Struggle: A Brief Introduction with Six Key Points*, The Reporter, Summer 2008.

Lt Col John E. Hartsell & Maj Bryan D. Watson, *When Lies Have Value: The Admissibility of Uncharged False Exculpatory Statements in Pre-Sentencing*, The Reporter, Winter 2007-2008.

Lt Col John E. Hartsell & Maj Bryan D. Watson, *The Decay of 'Divers' and the Future of Charging 'On Divers Occasions' in Light of United States v. Walters*, 61 A.F. L. Rev. 185 (2008).

Maj Joshua E. Kastenberg & Col Steven Korns, *Georgia's Cyber Left Hook: The 2008 Georgian-Russian Conflict and New Concepts in Cyber Neutrality*, Parameters, Fall/Winter 2008.

Maj Joshua E. Kastenberg, *A Sesquicentennial Historic Analysis of Dynes v. Hoover and the Supreme Court's Bow to Military Necessity: From its Relationship to Dred Scott v. Sanford to its Contemporary Influence*, U. Mem. L. Rev. (Winter 2008).

Maj Bruce D. Page, Jr., *When Reliance Is Detrimental: Economic, Moral, and Policy Arguments for Expectation Damages in Contracts Terminated for the Convenience of the Government*, 61 A.F. L. Rev. 1 (2008).

Maj Lucy H. Carrillo, *The USA Patriot Act: Practical Tips for Investigators to Obtain Information From ISPs*, The Informant, Jan-Jun 2008, Volume 5, Number 3.

Maj Bryan D. Watson, *A Look Down the Slippery Slope: Domestic Operations, Outsourcing, and the Erosion of Military Culture*, Air & Space Power Journal, Spring 2008.

Maj John C. Johnson, *The Iraqi High Tribunal and the Regime Crimes Liaison's Office*, Army Law., Jul. 2008.

Maj Bryan D. Watson, *La Ley de la Inocencia Perdida: La Ley Internacional y la Realidad Moderna de los Niños Soldados*, Air & Space Power Journal (Spanish Edition), First Quarter 2008. Republished as *A Lei da Inocência Perdida Direito Internacional e Moderna Realidade das Crianças Soldados*, Air & Space Power Journal (Portuguese Edition), Third Quarter 2008. [English title: *The Law of Lost Innocence: International Law and the Modern Reality of Child Soldiers*].

Maj C. Brandon Halstead, Maj Brandon L. Hart & Karan Singh, *Legal Analysis of a Case Concerning Liability for Commercial Space Endeavors: Manfred Lachs Space Law Moot Court Competition 2007 – Emeralda v. Mazonia*, 33 Annals of Air & Space Law 382 (2008).

Maj Timothy J. Tuttle, *Three's a Crowd: Why Mandating Union Representation at Mediation of Federal Employees' Discrimination Complaints Is Illegal and Contrary to Legislative Intent*, 62 A.F. L. Rev. 127 (2008).

Maj Stephen J. McManus, *TRIALS: Advocacy Training for Courts-Martial*, The Reporter, Fall 2008.

Maj Thomas Dukes, *Expectation of Privacy? A Brief History, Including Long, Larson, and DOD's New Computer Use Policy*, The Reporter, Fall 2008.

Maj Joseph S. Kiefer, *Using Technology in the Courtroom*, The Reporter, Summer 2008.

Maj Charles E. Wiedie, Jr., *Rehab Potential 101: A Primer on the Use of Rehabilitative Potential Evidence in Sentencing*, 62 A.F. L. Rev. 43 (2008).

Maj David J. Western, *Islamic "Purse Strings": The Key to Amelioration of Women's Legal Rights in the Middle East*, 61 A.F. L. Rev. 79 (2008).

Maj Bradley A. Cleveland, *The Last Shall Be First: The Use of Localized Socio-Economic Policies in Contingency Contracting Operations*, 197 Mil. L. Rev. 103 (2008).

Capt Charles G. Kels, *Thinking About Thinking*, Armed Forces Journal 35, 45 (Nov. 2008).

Capt Charles G. Kels, *The Nonpartisan Military*, Armed Forces Journal 34-36 (Aug. 2008).

Capt Adam E. Frey, *Defense of U.S. Space Assets—A Legal Perspective*, Air & Space Power Journal, Winter 2008.

Capt Michael D. Carson, *Rethinking the Impact of Sales Tax on Government Procurement Practices: Unintended Consequences or Good Policy?*, 62 A.F. L. Rev. 85 (2008).

Capt Daniel P. Ridlon, *Contractors or Illegal Combatants? The Status of Armed Contractors in Iraq*, 62 A.F. L. Rev. 199 (2008).

Capt Zachary P. Augustine, *Comment: Speech Shouldn't be 'Free' at Funerals: An Analysis of the Respect for America's Fallen Heroes* Act, 28 N. Ill. L. Rev. 375 (2008).

Mr. Philip D. Donohoe, *The Butterbaugh Fallacy*, 61 A.F. L. Rev. 149 (2008).

Mr. Denny E. Matthews, Jr., *The Victim/Witness Assistance Program and JAG Corps 21*, The Reporter, Summer 2008.

Additional Papers Written in Satisfaction of Educational Requirements

Col Lisa L. Turner, *The Detainee Interrogation Debate and the Legal-Policy Process* (National War College).

Col Jeffrey P. Wilcox, *The Family Farm: Future Essential or Relic of the Past?* (Industrial College of the Armed Forces).

Col Gary M. Jackson, *Toward a Headquarters for AFRICOM: A Recommendation for the Location of AFRICOM's Headquarters* (Air War College).

Lt Col Jeffrey Palmer, *AFRICOM: Bold Vision or Pipe Dream? Legal Impediments to the Operationalization of U.S. Africa Command* (Air War College).

Lt Col Todd A. Brown, *Legal Propriety of Protecting Defense Industrial Base Information Infrastructure* (Air War College).

Lt Col Charles L. Plummer, *Homosexual Conduct in the Military: Removing Emotion from the Debate* (School of Advanced Air and Space Studies).

Lt Col Diana L. Johnson, *Capability Does Not Equal Authority: A Primer for Judge Advocates on Defense Support of Civil Authorities in a Natural Disaster Scenario* (Air Command and Staff College).

Maj Christopher A. Brown, *Guantanamo Bay: A Cost-Benefit Analysis* (Air Command and Staff College).

Maj Joseph F. Dene, *Bowling to Win: The Virtues of Social Capital Theory in the Global War on Terror* (Air Command and Staff College).

Maj Patrick W. Franzese, *China's Non-Interference Policy in Africa: Can It Survive?* (Air Command and Staff College).

Maj Corea B. Smith, *Israel's Security Fence and Its Implications on the Doctrine of Self Defense* (Air Command and Staff College).

Maj Stacey J. Vetter, *Can Air Force Judge Advocates Realistically Reach for Two Stars?* (Air Command and Staff College).

Maj Paul E. Cronin, *The Day Multiple Award ID/IQ's Died? Possible Effects of the L-3 Decision and NDAA 2008 § 843* (LL.M. program).

Maj Kathleen J. O'Rourke, *A Farewell to Armed Contractors: Reversing the Trend of Outsourcing Inherently Governmental Functions in Iraq* (LL.M. program).

Maj J. Jeremy Marsh, *Lex Lata or Lex Ferenda? Rule 45 of the ICRC Study on Customary International Humanitarian Law* (LL.M. program).

Maj Tobin C. Griffeth, *Small Business Act—Is It Meeting the Nation's Socio-Economic Goals?* (LL.M. program).

Maj Michael Dillinger, *What is the Best Way to Separate a Pit Bull and a Wolf? The Northern Rocky Mountain Gray Wolf under a Cooperative Federalism Version of the Endangered Species Act* (LL.M. program).

Maj Robert W. Jarman, *The Law of Neutrality in Outer Space* (LL.M. program).

Maj Ronald L. Spencer, Jr., *Implementing International Standards for "Continuing Supervision"* (LL.M. program).

Maj Marvin W. Tubbs, II, *Global Climate Change and NEPA: The Difficulty with Cumulative Impacts Analysis* (LL.M. program).

Maj Shannon L. Sherwin, *Evolution of the Air Campaign: Zero Casualty Warfare, Friend or Foe?* (LL.M. program).

Maj John N. Page, III, *The 2006 U.S. National Space Policy and the Weaponization of Outer Space: Is the Inevitable Legally Pursuable?* (LL.M. program).

Maj Arie J. Schaap, *Legal Aspects of Network Warfare Operations under International Law and Draft Articles for an International Convention* (LL.M. program).

Maj Christopher S. Morgan, *Multiplicity—Reconciling the Manual for Courts-Martial* (LL.M. program).

Maj Bryan O. Ramos, *Never Say Die: The Continued Existence of the Government Official's Good Faith Presumption in Federal Contracting Law and the Well-Nigh Irrefragable Proof Standard after Tecom* (LL.M. program).

Maj David E. Vercellone, *The Military Commission Act of 2006: Principle of Distinction Without Distinction: Stretching "Unlawful Combatant" from Law of War Status to Domestic Crime* (LL.M. program).

Capt Steven G. Loertscher, *Department of Defense Environmental Policy in Afghanistan During Operation ENDURING FREEDOM* (LL.M. program).


ISFORMATION
Base Boundary
Urban Area
Global Vigilance, Reach and Power!"

Perspective of the Secretary of the Air Force

RECOMMITTING TO AIR FORCE CORE VALUES

The first thing I'd like to do is to thank you for all you do for the Air Force, and to thank your families for supporting you in all the work you do.

I know that the JAG Corps is busier than ever supporting military justice programs in dozens of countries across the globe. You provide critical base-level services that contribute to the readiness of our military families, including all the front end work like powers of attorney and other legal instruments that help military families keep their households running smoothly while they're deployed.

You advise commanders and leadership, helping establish and implement fair, just, and consistent policies across the Air Force. You ensure detainee operations reflect core American values about human dignity and due process. And you support joint and interagency operations across the spectrum of conflict with your valued counsel, integrating your expertise with operational law into theater targeting processes to ensure our targeting actions are consistent with the law and our core values.

In short, you play a tremendously important role in assisting and advising not only Airmen, but also the joint, coalition, and interagency teams as well. All of these efforts help the Air Force and our joint partners operate more effectively. Thanks for choosing the United States Air Force.

In October, I had the opportunity to travel to Southwest Asia, and while I have always been impressed with the quality of America's Airmen, after that trip I am even more amazed than ever. The strength of the Air Force has always rested on the tremendous caliber of its personnel, and every day you demonstrate why so many clamor to have America's Airmen as part of their teams.

THE GLOBAL WAR ON TERROR

Today, over 33,000 American Airmen are deployed, with about 26,000 Airmen currently serving on the front lines of the Global War on Terror throughout Central Command. This includes several members of the JAG community. In fact, Air Force personnel and equipment have supported continuous rotations to Southwest Asia now for over 18 years. It started with pushing Saddam's forces out of Kuwait, and then enforcing no-fly zones over southern and northern Iraq. At every step of the way, the JAG Corps has been fully integrated into operational planning and deployment readiness.

In recent years, the weight of effort has shifted towards stabilization and reconstruction, and you have not missed a beat. You, indeed all of America's Airmen, do this by fully committing to joint and interagency partnerships. Strong joint and interagency relationships are a key aspect of today's operating environment, and they are fundamental to our strategic success in troubled areas of the world. By contributing your expertise in military justice, you are ensuring that the rule of law has guided U.S. and coalition actions. This is hard work and you have met it with determination and enthusiasm.

I know that the number of deployments and 365-day tours for members of the JAG Corps is increasing and that these deployments are often difficult on your families. Since 2004, for example, the number of deployed JAG officers and paralegals has more than tripled, and right now there are 149 JAG Corps members deployed in 48 different locations around the globe. Deployment lengths have increased to 179-day rotations, and 14 JAGs are serving one-year tours in the Central Command area of responsibility. The entire country appreciates that you and your families have accepted this mantle. Your dedication honors the Air Force's rich heritage of service and your actions set an example of selflessness for all Airmen who will follow in your footsteps.

What you are experiencing while deployed and how you're adapting to these experiences represents new territory for the U.S. military—what Admiral Mullen, the Chairman of the Joint Chiefs of Staff, recently described as "a time of significant and progressive change." As we sort through the many lessons of Iraq and Afghanistan, I am convinced that you will be considered among the

The Honorable
Michael B. Donley
Secretary of the Air Force

first of a new generation of warrior statesmen.

Those serving today are devising new ways, means, and ends to project both America's strength and its compassion. Your work with Iraqi and Afghan officials is being incorporated into new governance structures that reflect the values of freedom, dignity, and respect for universal human rights. As these governance structures take hold, your work will have an enduring effect, one that will last long past your deployments to promote democratic values worldwide. The values that you instill in your counterparts today will be the values that are passed on to new generations of Iraqi and Afghan judges, prosecutors, and defense counsel for years to come. You should be enormously proud of your contributions in these emerging democracies and should take pride in the fact that your efforts are making a difference.

For example, JAG personnel are legal mentors for the Afghan National Army, its 203d Corps military attorneys and paralegals. Alongside Afghan legal professionals, they give lectures on the Afghan UCMJ, crimes and punishments, the judicial system, basic crime scene investigation, protection of human rights, and rules of engagement. This JAG/paralegal team has also partnered with U.S. soldiers to train the Afghan military police in their responsibilities for law and order. JAGs and paralegals are deployed in a variety of locations in both Iraq and Afghanistan, and they are making tangible differences in the rule of law in those countries.

For many of you, I imagine that the nature of your work has changed considerably during the past few years. I imagine, too, that the nature of this work might be a little different than what you expected when you entered the legal profession and the Air Force. Managing this change has been one of the JAG Corps' strategic challenges. Change is not easy, but I am impressed with how the JAG Corps has responded with professionalism as you support new and emerging mission sets that characterize today's operating environment.

AIR FORCE PRIORITIES

As you probably suspect, your work in the frontlines of Iraq and Afghanistan's justice systems is representative of several changes sweeping across the Air Force and the Department of Defense as a whole. I would like to share some thoughts about how we are addressing those changes at the headquarters and how I see these changes impacting the JAG Corps as the Air Force moves forward on several different fronts.

WIN TODAY'S JOINT AND COALITION FIGHT

One of the major changes affecting the Air Force, and the entire Department of Defense, is an increased emphasis on irregular warfare (IW), counterinsurgency operations (COIN), and building partnership capacity (BPC). These missions

are proving critical to success in today's joint and coalition operations. Although you see it every day in your work with Iraqi and Afghan legal professionals, the increased emphasis on IW, COIN, and BPC is a major change for the American military and some of our interagency partners.

Of course, we must still hold ourselves accountable to be ready and capable of operating at the high end of the conflict spectrum, such as major combat operations that will involve facing near peer technology. But over the past few years, we have learned that we must also hold ourselves accountable to be ready and capable of operating at the low end of the conflict spectrum of irregular warfare and counterinsurgency ops.

what you have learned to others, you have created an important knowledge base across the JAG community.

Your work on TTPs across the AOR has been especially notable. JAGs in the AOR have assessed the nexus between narcotics traffickers in Afghanistan and Taliban forces and insurgents. Several JAGs have helped commanders understand the overlap between law enforcement and the military's role in targeting these narcotics traffickers. These efforts have highlighted where it may be appropriate and legal for us to target these insurgent forces.

The candid counsel our commanders receive in developing TTPs doesn't stop in Afghanistan. JAGs have worked hand-in-hand up to the headquarters. So institutionally, we still have quite a bit of work in front of us. To help manage this effort, we are undertaking a midterm study to better understand how the Air Force contributes to the nation's capacity to conduct irregular warfare and counterinsurgency operations. This study will also identify the institutional work that we must undertake to be fully effective in this arena, coordinating Air Force capabilities spread across multiple commands and agencies.

THE NUCLEAR ENTERPRISE

In addition to leaning forward for today's joint and coalition fight, another top priority for Air Force senior leadership has been reinvigorating the Air Force's nuclear enterprise. Again, the JAG Corps has played a key role. Of course, any time an Air Force leader considers the range of options for holding individuals and organizations accountable for their performance, members of the JAG Corps serve as trusted counsel. Our nuclear work has been no different.

As our work in Iraq and Afghanistan has progressed, we've made tremendous gains in IW, COIN, and BPC skill sets. Particularly notable are improvements in tactics, techniques, and procedures, or TTPs. JAG personnel are contributing directly to TTP development, particularly those related to building partnership capacity. For example, you have learned quite a bit about how the United States and its coalition partners can assist emerging democracies to establish fair and just legal systems. And as you have passed with operators to arm reconnaissance assets to respond to our enemies placing IEDs. All the while, our legal professionals in the CAOC have worked diligently to ensure appropriate approval is gained for strike packages and collateral damage is minimized.

Improved TTPs, however, are not the whole story. We need to ensure that we understand how the Air Force can contribute to America's capabilities for IW and COIN and BPC at every level of command, from our smallest expeditionary units, all the way

More broadly, however, our approach to reinvigorating the nuclear enterprise started with root cause analysis of several systemic issues. Through this analysis and high-level

introspection, we established consensus on the scope of the problems. We also discussed how the Air Force might address nuclear enterprise shortfalls across the spectrum of doctrine, organization, training, materiel and leadership, personnel, and facilities.

As a result, we have made several structural and procedural enhancements across the nuclear enterprise, and the JAG community has contributed by identifying the boundaries of our statutory authorities and the statutory seams that we share with others. This was especially important as we considered how to establish adequate policy and oversight for nuclear matters and developed our proposal to establish a new major command.

In addition, JAG input has been critical in defining new procedures for the handoff between nuclear sustainers within Air Force Materiel Command and operators at our proposed new Global Strike Command. Several JAGs have been instrumental in examining the seam between sustainment and operations and locking down tight procedures in defining their relationship.

Their work is ensuring that previous gaps that may have existed across the nuclear enterprise will be eliminated through our decision documents establishing new roles for AFMC and the new Global Strike Command. The combined efforts of the JAG Corps, the Inspector General, major command representatives, and others will ensure we correct issues identified in the Schlesinger report.

Legal counsel also assisted with a comprehensive review of our nuclear inspection regimes. This has helped strengthen our process for assessing compliance of units with nuclear missions. Clearly, our nuclear enterprise required several structural and procedural enhancements, and throughout, our "legal eagles" have made important contributions as we recommit ourselves to the all-important nuclear mission area.

CYBER OPERATIONS

In tandem with the nuclear work, we've also decided to establish a numbered air force to streamline our cyber operations. This will enable the Air Force to continue to develop our cyber capabilities in conjunction with our joint and interagency partners. Here, again, the JAG Corps is making fundamental contributions to joint operations, particularly as we consider how existing and emerging legal frameworks relate to operations in cyberspace.

RESTORING ACQUISITION EXCELLENCE

Another overarching priority for the Air Force has been to restore excellence in our acquisition work. Several initiatives are underway in this area. Internal to the Air Force, and with Office of the Secretary of Defense assistance, we are examining our requirements process, acquisition strategy, and analytical techniques for pricing and life cycle costs. External to the Air Force, we have asked the Center for Naval Analyses to examine Air Force acquisition processes and offer recommendations for improvement. Both studies are due before the end of the calendar year.

The Fiscal Year 2009 National Defense Authorization Act (NDAA) also enacted several changes to the federal government's acquisition enterprise. This includes changing our procedures for sourcing personnel and managing sole-source contracts during contingencies and national emergencies.

As we strengthen our acquisition processes, the JAG Corps, again, plays an important role, particularly given the changes introduced by the NDAA. For example, JAG personnel support "red teaming" our acquisition approaches. This enables acquisition professionals to identify and address weaknesses in our documentation and source selection strategies.

Part of this "red-teaming" initiative began at Hill Air Force Base where a civilian contracts attorney at the base red teamed many key local contracts. He used his expertise as part of a multi-disciplined red team that recently scrubbed the CSAR-X source selection program just last month. He and the team recommended that some key evaluation criteria needed to be clarified. We are now implementing that recommendation. Our

The strength of the Air Force has always rested on the tremendous caliber of its personnel, and every day you demonstrate why so many clamor to have America's Airmen as part of their teams.

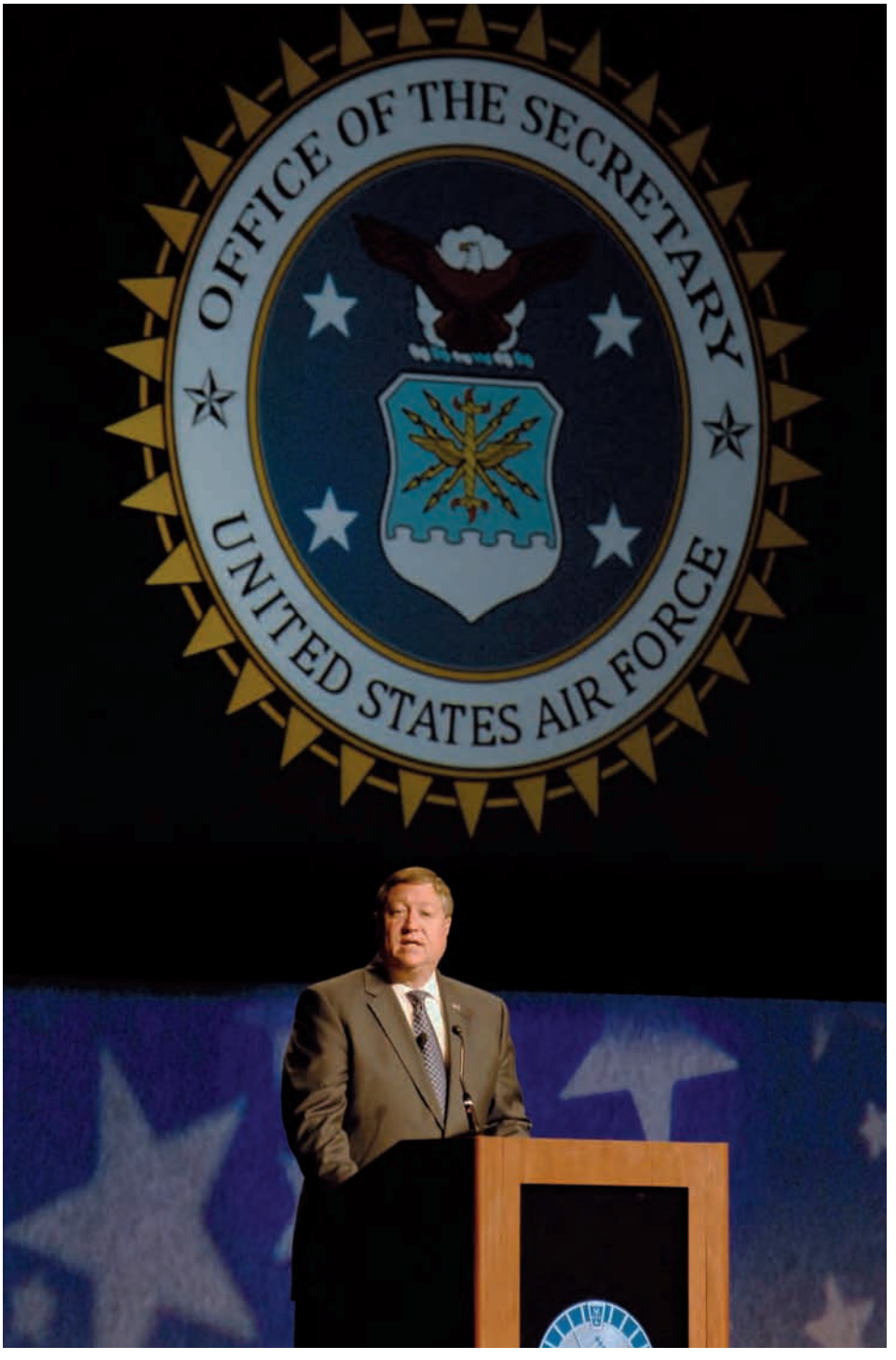
source selection for this much-needed search and rescue asset will be slightly delayed, but it is much better off because it has improved the likelihood that we can make this decision stick. Because of the work of this team, our prospects will be a lot brighter in this area.

As legal professionals, you also play an important role in educating the workforce, not only on acquisition regulations, but especially ensuring that Air Force personnel are well-versed in federal ethics regulations. One of the quickest ways to lose trust and confidence of our stakeholders, including the American people, is when Air Force personnel fail to demonstrate ethical behavior. Through your educational outreach program, you immeasurably contribute to the Air Force's reputation for integrity, service, and excellence. As you continue to move forward with JAG Corps 21 transformation, I expect that the Contract Law Field Support Center will play an increasingly important role in strengthening Air Force acquisition across the board. And I hope that pooling many of our contracting law specialists in a single center of contract law excellence will enable strong bonds to form between the JAG and the acquisition communities.

MODERNIZE OUR SYSTEMS, ORGANIZATIONS, AND PROCESSES

Through the JAG Corps 21 initiative, your community has been a leader in implementing enterprise-level transformation across the Air Force. In many ways, JAG Corps 21 embodies Air Force efforts to modernize our systems, organizations, and processes to be more agile and responsive to today's needs. JAG Corps 21 represents a cultural sea change for how the JAG Corps delivers legal services across the Air Force. It reflects a willingness by senior leaders to seek out, adopt, and then follow up on better ways of doing business, even if it means radical changes in your processes and structures. By centralizing Air Force specialty legal support into Field Support Centers, you have driven efficiencies at a time when our Air Force needs them the most.

This visionary thinking has required significant adjustments in the organizational structure for legal services. I am convinced that JAG Corps 21 is a solid approach moving forward, and I congratulate you on the success you've achieved thus far with implementation. If we need to make adjustments along the way, we will make them. General Rives, thanks for being a champion of this transformation, and



thank you all for setting the bar high in how to best deliver legal services to our Airmen.

TAKE CARE OF AIRMEN AND THEIR FAMILIES

Of course, one of the key responsibilities of the JAG Corps is assisting service members and their families with certain personal and family legal matters. This calendar year alone, you have provided direct legal support to over 213,000 Airmen and their families, and your efforts have saved them millions of dollars in what they would have spent in legal fees. But more importantly, many of you represent the "front lines" of the Air Force's overarching priority of taking care of Airmen and their families.

On our bases, the legal office remains the primary interface between Airmen and the Air Force legal system. I think it is important to maintain an on-site presence that encourages Airmen to seek legal counsel when needed, especially for functions that relate to deployment readiness.

In other areas, however, streamlining makes sense. Claims management is one of those areas, and the changes introduced through JAG Corps 21 increase timeliness and efficiency. Through organizational and IT enhancements, the Air Force Claims Service Center has streamlined processing for Airmen, providing 24-hour access to their claims via the website. By centralizing claims management, you have enabled the Air Force to gain greater leverage over carriers. As a result, the recovery of claims against carriers has increased dramatically from 82 percent in the year before the Center opened to 96 percent in the first year of the Center's operations.

CORE VALUES

I have talked a bit about the many changes affecting our Air Force, from our work to strengthen the nuclear enterprise to streamlining the delivery of Air Force legal support. As the theme of your Keystone Summit suggested, the Air Force finds itself at the cusp of several new horizons. One thing, however, is not changing. Our commitment to the Air Force Core Values of Integrity First, Service Before Self, and Excellence in All We Do remains our bedrock. These values are enduring for the Air Force, and they undergird every action, by every Airman, at all times.

Since June, I have been asking Airmen to recommit to these Core Values and to accept greater accountability—to their bosses, to their subordinates, and to each other. You will find that this will be a theme for me, regardless of rank or assignment. I expect everyone in the Air Force to live and breathe these Core Values, and for their actions to reflect them.

As legal professionals, one of the most important functions you offer is to help educate Airmen—from the most junior to the most senior ranks—on their ethical and legal responsibilities, and the relationship of these responsibilities to our Core Values. Your counsel must be absolutely unwavering in this regard.

ACCOUNTABILITY

As you know, one of the urgent tasks that General Schwartz and I have asked Airmen to take on is to recommit to individual and organizational accountability. This includes reemphasizing compliance in our routines and in our inspection processes. The Chief and I have discussed many times that recommitting to individual and organizational accountability includes returning to the fundamentals of precision and reliability in all that we do.

Importantly, I want you to understand that as we move forward, emphasis on accountability does not mean that we have adopted a "one mistake" Air Force. There is a difference from mistakes that become opportunities to learn and improve and mistakes that are simply not acceptable. When standards are not met, holding someone accountable does not automatically call for a "one size fits all" solution. The range of potential actions is extremely broad and can include counseling, retraining, fixing resource problems, changing the organization or its processes, and, sometimes, disciplinary action. The JAG Corps plays an important role in helping commanders sort through the range of options available to them to handle failures to meet standards.

Emphasis on accountability does not mean that we have adopted a "one mistake" Air Force. There is a difference from mistakes that become opportunities to learn and improve and mistakes that are simply not acceptable.

Of course, members of the JAG Corps are also accountable. You perform tremendously important functions for the Air Force. With that responsibility comes accountability—especially in your roles as advisors to service members, civilian employees, and our leadership. As military members, civilians, and leaders turn to you for trusted counsel, the advice you provide must be accurate, precise, timely, and effective.

When approached for advice, you must ensure that your clients are well aware of their rights and the range of options available to them. Through your outreach programs, you must also ensure that the military members and civilians you support are well aware of the ethical and regulatory standards to which they will be held. To your clients, you must offer the most precise and reliable legal advice available, regardless of their rank.

To commanders and their subordinates, you owe a fair and efficient military justice system—one that focuses on the right thing to do. Sometimes, indeed often, the right thing to do is not always the most expedient.

To your senior leaders, you owe honest assessments about how our adjustments to the delivery of legal services are working and suggestions for making even greater productivity gains in the future. To your senior leaders, you also owe candid reports about how we can improve on our performance. This is especially needed as Airmen support new and emerging mission sets, such as detainee operations. If there are areas that require improvement or senior leader attention, you must be forthright and persistent in expressing your views. When it comes to targeting and detainee operations, the reputation of our nation is at stake. We cannot afford to be timid in our adherence to the rule of law.

Corporately, I know you are taking a hard look at our military justice processes right now. I commend you for that and for looking at ways to improve your partnership with the Air Force Office of Special Investigations. I encourage you to be bold in your thinking as you seek ways to make that relationship work better.

I have covered a number of topics fairly briefly to provide you with a broad overview of some of the issues we have been working at the headquarters. As the Chief and I work to settle down the Air Force and posture it for existing and emerging mission sets, the JAG Corps is playing an extremely important role. Your advice is valued, and your role in educating and training Airmen is important as you reinforce the high standards of ethical behavior for which the Air Force is known.

Between transformation across the Air Force and the increasing calls for your expertise in the deployed environment, I know that the past few years have been challenging. New concepts of operations and new mission sets always require adjustments, but I am proud of how you have stood up to the many tasks that have been levied upon you, and you should be proud of your contributions across the board.

Thanks to you and your families for all you do for the United States Air Force.

The previous remarks, which have been edited for this publication, were made by The Honorable Michael B. Donley at the Keystone Leadership Summit on 3 November 2008.

Perspective of the Air Force Chief of Staff

It truly is a privilege to join members of the JAG Corps at this year's Keystone Conference. Thanks for the opportunity to share a few thoughts with you on our profession, your vocation, and why all of this is so important to our Air Force.

It inspires me to see you focusing on future horizons and to learn of your work and great initiatives like JAG Corps 21. I celebrate your successes in these enterprise level transformation efforts, and I certainly encourage you to take time to think about and discuss these larger challenges that are facing your and my profession. We must think about how we must change the way we do business, but we must never forget the enduring things, and we must remember the basics of what has made our Air Force great.

I would like to talk with you about a few of those enduring basics. The Air Force is recommitting to the principles of service that earn and keep the trust of the American people and our many partners. Each and every one of you plays a very significant role in this business of trust. The legal profession is the vanguard of our service's integrity, and that makes each and every one of you a key leader in the Air Force's stature and reputation for precision and reliability. The leadership role you play contributes to our success as uncompromising partners in the profession of arms. This begins with TJAG and carries through to every other member, military and civilian, of your Corps in your role as a professional and an individual role model.

Everyone who wears the uniform must never forget our primary profession. Though you are all dedicated professionals in the practice of law, we are all Airmen. Everyone is important to the mission, and no one's contribution is measured by their proximity to the fight. As Airmen, we are all committed to accomplishing the mission. As advisors, you are critical to the commander's ability to complete the mission effectively, efficiently, and consistent with the law. Your specialty as practitioners of the law is an adjunct to your profession as Airmen. If that was not true, one could make the argument for contracting out the whole of our legal services. But such an argument would violate the foundational notions of service and forget that Airmen who wear the uniform, like you, acknowledge that you are wholly vested in the mission and incomparably committed to mission success.

I am certainly proud to know that you are Airmen and officers, noncommissioned officers, and Department of Defense civilians first. Airmen who proudly practice with expertise in the law, but who never forget our mutual obligation to achieving the joint commander's objectives as full partners in the fight.

We can say that we are all Airmen committed to the mission, but what does that mean to us, both expressly and by implication? The advice you give to commanders is critical to the fight in the classic sense of jus in bello, which is what often comes to mind when we think of mission accomplishment. Of course, we rely on our legal professionals to advise commanders on acceptable practices and conduct during war, and the input you provide is an essential element of sound commander decisions.

But I invite you to think of your impact more broadly. As you think of JAG Corps horizons, remember that more than the law relates to armed conflict. Perhaps a greater measure of your contribution arises before the fight ever begins. Perhaps your greatest contribution to the fight is prior to the first deployment from home station.

I offer that this critical and enduring aspect of what you do now, and will continue to do, is really quite simple. But because it is simple does not mean that it is easy. I am speaking of the day to day contributions that you make to establishing and preserving good order and discipline in our Air Force organizations and units. The advice you give commanders at home station helps create a climate of fairness and justice that brings out the very best in our Airmen.

We should never underestimate the value of an organizational culture of discipline and compliance with the higher standards of our service. Recent challenges have demonstrated how fragile the

General Norton A. Schwartz
Air Force Chief of Staff

trust we work so hard to earn and keep truly is, and how tiny deviations in compliance manifest themselves over time and eventually punch a crater in a previously pristine record of performance. Good order and discipline is the first order of our Air Force organizational culture. An environment of disciplined mission execution provides the foundation from which Airmen deliver effects with precision and reliability.

The legal profession is the vanguard of our service's integrity, and that makes each and every one of you a key leader in the Air Force's stature and reputation for precision and reliability.

I am very proud of the work you do to help maintain order and discipline and adherence to the finest standards of military service. No level of technological innovation or sophistication will ever replace the basics of leadership and human behavior. I encourage you to keep this in mind as you look to the future. Do not hesitate to tell your commanders the truth as you see it. Be candid in the advice you give as experts in the law, knowing that the law is not the end. Rather, it is a means to the end—the simple end of a healthy culture of discipline within an organizational climate of fairness and focus on the mission.

This is a simple notion, but it is not easy in any sense of the word, which is why the results of your service are so remarkable and why we need you day in and day out. You often make it look easy, but, trust me, none of us take your work for granted. We recognize that these results require top-notch professional performance of the legal advisors around the world, advisors who provide commanders with legal options for getting the job done in a lawful fashion and who live by the standards that they enforce.

You should be very proud of all that you do. Recall in your quiet moments that one of your previous leaders lost his way. One of General Rives' predecessors forgot his obligations to his profession, his family - both his immediate family and his Air Force family - and to his vocation. Even those who serve in the most sensitive positions of trust must remain vigilant and centered to avoid temptation and disreputable conduct - yours truly included. I am proud to see each of you committed to these principles as you shape the future of the JAG Corps.

One of the great coaches in college football provides a relevant example for this discussion. Coach Woody Hayes, from The Ohio State University, served in the Navy during World War II, and he learned many life lessons that served him well in coaching. He believed in doing more than simply teaching folks to play the game of football. He believed in making intellectual investments in young men entrusted to him during their years as athletes. He held special weekend vocabulary classes for younger athletes, and he inspired his players to achieve a rigorous work ethic for a life beyond the gridiron.

At the same time, he was a notorious disciplinarian who held his players to the highest standards, both on and off the field. He

helped to make those kids better human beings for the rest of their lives. Many of them still speak caringly and with reverence of Coach Hayes' leadership even today. His rigorous standards, coupled with a commitment to taking care of his flock, inspired a huge wave of desire for all things excellent. His players proved themselves as champions both on and off the field.

Coach Hayes once said, "The height of human desire is what wins, whether it's on Normandy Beach or in Ohio Stadium." I ask you to think carefully about his observation and the effect that it had on his players. This is exactly what you, together with commanders and senior enlisted leadership, help do for our Airmen through enforcing the highest standards of military performance and taking care of our Airmen and their families. Air Force leaders can inspire the height of human desire in our Airmen to do great things, and I would support Coach Hayes's conclusion when it comes to winning today's fight. It is the spirit of caring, the desire for excellence, and the commitment to performance that makes us who we are as Airmen—ready to fly, fight, and win when called upon, no matter what the challenge. Never forget these enduring aspects of your profession. We need them now as much as ever before, and we will certainly need them well into the future, to our new horizons and beyond.

It is the spirit of caring, the desire for excellence, and the commitment to performance that makes us who we are as Airmen—ready to fly, fight, and win when called upon, no matter what the challenge.

Please think about this larger context of your work. Remember how central it is to our achieving excellence in our Air Force and for keeping the team centered despite the temptations that come our way each and every day.

Let me leave you with two quick points. Not every best practice is in the United States Air Force. We do lots of things extraordinarily well, but it is important to keep our aperture open for good things that are happening in other places. For example, by necessity, the Army and the Marine Corps have, in some respects, surpassed us in terms of family support. Why? Some of that has to do with the demands on the wounded and of the wounded, and some has to do with resources invested. But the larger point is that our teammates do good things, and we should not be too parochial about caring where good ideas come from, but taking advantage of them nonetheless.

Lastly, this is a team sport. The nation is at war. The truth is, you all with your spouses are in this together. This is a family business. I want you to know that we very much value the contributions spouses make to maintaining the vitality and excellence of our Air Force.

The previous remarks, which have been edited for this publication, were made by General Norton A. Schwartz at the Keystone Leadership Summit on 6 November 2008.

The Office of The Judge Advocate General

HQ USAF/JA

Lt Gen Jack L. Rives
The Judge Advocate General

Maj Gen
Charles J. Dunlap, Jr.
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 4400 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 Division (JAA), the Policy and Project Integration Division (JAG), the Operations and International Law Division (JAO), the Air Reserve Component Advisor to TJAG (JAR), the Air Force Trial Judiciary (JAT), the Professional Responsibility Division (JAU), the Professional Development Division (JAX), the Senior Paralegal Manager to TJAG (JAY), and the Plans and Programs Division (JAZ).

The Office of the Judge Advocate General oversees JAG Corps 21, the JAG Corps' enterprise-level efficiency program. JAG Corps 21 has established a network of nine specialized Field Support Centers (FSCs), which augment legal offices worldwide with on-call reachback support, the capability to perform tasks that are beyond the experience and expertise of installation legal offices, and emergency/crisis response resources. Four of these FSCs were established in the last year.

JAG Corps 21 has also created a new combination of centralized and dispersed military justice capabilities, including instructor-litigators at The Judge Advocate General's School, geographically-dispersed prosecutors and military judges, a regionalized defense counsel organization, and an ongoing reinvigoration of military justice processes. Additionally, The Judge Advocate General's School has substantially expanded, resulting in improved education, training, research, professional writing, and legal assistance resources.

This year, JAG Corps 21 included new Horizons sessions, which brought people together from around the Air Force, including clients, civilian personnel, commanders, and first sergeants, in order to incorporate their inputs into future initiatives. In the next year, JAG Corps 21 will focus on the installation level field of practice in terms of its readiness and working relationships with Field Support Centers. Through JAG Corps 21, the entire Air Force JAG Corps continues to advance as a lean, agile, and effective force prepared for the modern legal environment.

The Judge Advocate General is responsible for the professional oversight of more than 4400 members of the Total Force JAG Corps worldwide.

JAA

Mr. Conrad M. Von Wald
Division Chief

The Administrative Law Division (HQ USAF/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. JAA is staffed by 15 active duty and civilian attorneys, a civilian paralegal, a military administrator, and a civilian administrator.

The division oversees the administration of the policy on homosexual conduct Air Force-wide. It reviews 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. The division reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice, and issues reviews on actions by the Board for Correction of Military Records.

During 2008, JAA was involved in a number of significant efforts, including:

DISCIPLINE FOR NUCLEAR INCIDENTS

A JAA attorney served as the legal advisor to the Secretary of the Air Force (SecAF) panel chartered to review Admiral Donald's report on the ICBM enterprise following the discovery of the erroneous shipment of sensitive missile components to Taiwan. The panel reviewed more than 10,000 pages of documents and provided the Acting Secretary of the Air Force and the Chief of Staff with recommended disciplinary actions on six general officers and nine colonels. A few days after completion of the recommended actions, the Senate voted to confirm the nomination of the Acting Secretary and the new Vice Chief of Staff.

AIR FORCE NUCLEAR ENTERPRISE

Following its advice to senior leadership on Air Force-wide reorganization for nuclear surety, JAA was indispensable in development of Global Strike Command. The division advised Nuclear Operations, Plans, and Requirements (AF/A3/5-N, to become AF/A10) on creation of the nuclear roadmap, and co-authored the program action directive to create the new command. JAA also advised AF/A3/5 and AF/A10 on the myriad issues associated with nuclear command and control, nuclear sustainment, inspection and oversight regimes, and other administrative actions associated with creation of a major command.

CYBER ORGANIZATION

JAA advised the SecAF and the Chief of Staff concerning creation of 24th Air Force. During planning phases, JAA honed SecAF's vision for AFCYBER and guided discussion of statutory and doctrinal regimes governing Air Force action in cyberspace. Working closely with Operations, Plans, and Requirements (AF/A3/5), Warfighting Integration & Chief Information Officer (SAF/XC) and Air Combat Command, JAA resolved combatant commander concerns and overcame numerous potential obstacles to creation of the new component numbered air force.

TOTAL FORCE INTEGRATION (TFI)

The integration of active, Guard and Reserve forces presented a variety of legal challenges. JAA provided frequent guidance to Strategic Plans and Programs (AF/A8) and numerous major commands regarding dozens of TFI initiatives involving difficult cases of first impression and ever-complicated Guard and Reserve statutory restrictions. JAA's advice allowed senior leaders to implement the Chief of Staff's vision for a robust, DOD-leading TFI program that maximizes Guard and Reserve contributions to the total fight.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act (FOIA) was amended at the end of 2007, allowing greater access to contractor records by FOIA requestors and greater liability to agencies who are sued under the FOIA. In 2008, JAA teamed with HQ USAF/IMII (FOIA) to provide comprehensive FOIA training to all headquarters functional FOIA monitors and personnel in the field on FOIA processing. JAA built a robust FOIA process database on its website for use by legal offices in processing requests for their own records and providing legal advice to FOIA professionals and functional offices of primary responsibility.

TRI-SERVICE RECOUPMENT OF HPSP/FAP STIPENDS

Medical students and residents participating in DOD's Health Professions Scholarship Program and Financial Assistance Program receive substantial stipends that were generally not subject to recoupment prior to a change in the law by the 2006 National Defense Authorization Act. Discovering that, despite the change in the law, stipends were still going unrecouped across the services, JAA worked with the Defense Finance and Accounting Service (DFAS) and DOD legal counsel to successfully implement stipend recoupment by all three services.

OFFICER ADVERSE ACTIONS

To streamline officer discharge actions, JAA persuaded DOD to lower the grade eligibility for officers eligible to sit as members on discharge boards from Colonel to Lieutenant Colonel. DOD will implement the change in

the near future upon reissuance of the governing Department of Defense instruction. Additionally, DOD approved a joint JAA-Air Force General Counsel National Security and Military Affairs Division legislative initiative to automatically remove from the promotion list active duty officers separated for cause following their selection for promotion, but prior to pin-on.

RECRUITMENT OF FOREIGN CITIZENS TO WIN THE GLOBAL WAR ON TERROR

Along with AF/A1, the Surgeon General (AF/SG), and the Chaplain Service (AF/HC), JAA assisted policy makers in incorporating the requirements of various statutes, regulations, and policies into new programs to recruit and enlist or commission foreign citizens (specifically, legal non-immigrant aliens) with special skills and language abilities determined vital to prevailing in the Global War on Terror.

CONGRESSIONAL INVESTIGATION INTO DETAINEE INTERROGATION TECHNIQUES

JAA served as the focal point for the Air Force on all matters relating to the Senate Armed Service Committee's inquiry into DOD's policy concerning detainee interrogation techniques. JAA not only provided key policy advice, but also facilitated appointment of three counsel from the division to represent Air Force personnel providing evidence before the committee.

JAG

The Policy and Project Implementation Division (HQ USAF/JAG or JAG), also known as The Judge Advocate General (TJAG) Action Group (TAG), has responsibility for policy and special projects, strategic communication, and executive services. It includes three active duty judge advocates, two civilian attorneys, two paralegals, and one civilian administrator.

POLICY AND SPECIAL PROJECTS BRANCH

Policy and Special Projects Branch personnel serve as principal policy advisors to TJAG. During 2008, branch personnel focused on the continued implementation of JAG Corps 21. Among many other projects, the branch developed and executed "JAG Corps 21 Horizons." This program brought teams of JAG Corps personnel together from across the Air Force, in an effort to refine how installation and higher-headquarters legal offices will work together with field support centers and other elements of JAG Corps 21. These teams were augmented by several non-JAG Corps personnel, in an effort to further develop and define how members of the JAG Corps can better serve their clients. The JAG Corps 21 Horizons sessions were extremely effective in guiding the future direction of our Corps' enterprise-level change programs. Branch personnel also manage TJAG policy memoranda and develop the agenda for large JAG Corps events (e.g., Keystone and executive conferences).

STRATEGIC COMMUNICATIONS BRANCH

The Strategic Communications Branch identifies, develops, and implements communication strategies, policies, plans, standards, and procedures for The Judge Advocate General. The branch 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. Additionally, the branch is responsible for the JAG Corps weekly Online News Service and the JAG Corps Family News, both of which provide direct communication between senior JAG leaders and other members of our Corps.

Col Daniel B. Fincher
Division Chief

During 2008, the Strategic Communications Branch published and distributed a new media guide for use by JAG Corps members, as well as a variety of other publications related to ongoing JAG Corps 21 initiatives. The Strategic Communications Branch also prepared numerous briefings and presentations on behalf of senior JAG Corps leaders, coordinated and executed speaker presentations during the 2008 Keystone Leadership Summit, and prepared unique graphics that presented Keystone messages in a highly effective manner.

EXECUTIVE SERVICES BRANCH

The Executive Services Branch serves as the focal point for the planning and execution of many key JAG Corps events, including Keystone Leadership Summits, executive conferences, and other ceremonies hosted by The Judge Advocate General or the Deputy Judge Advocate General.

During 2008, the Executive Services Branch managed the ceremony marking The Judge Advocate General's promotion to the grade of lieutenant general, numerous promotion and retirement ceremonies, wingman day, and visits to the Pentagon by Judge Advocate Staff Officer Course students from The Judge Advocate General's School. During the 2008 Keystone Leadership Summit, the Executive Services Branch coordinated all DV arrangements, including visits by the Chief of Staff of the Air Force and the Secretary of the Air Force.

2008 Keystone LEADERSHIP SUMMIT

The TAG is the lead office for the planning and execution of the annual Keystone Leadership Summit. This year, Keystone was held in Washington, D.C., from 3-7 November. The Summit was a resounding success, with more than 700 judge advocates, civilian attorneys, paralegals, and distinguished guests participating.

JAH

The Air Force Court of Criminal Appeals' statutory duties, pursuant to Article 66(b) of the Uniform Code of Military Justice (UCMJ), include reviewing all court-martial convictions with an approved sentence extending to death, punitive discharge, or confinement for 12 months or longer. Additionally, The Judge Advocate General may, pursuant to Article 69(b), UCMJ, refer cases to the Court for review regardless of whether the referred case meets Article 66(b) requirements. The Court also hears appeals of orders from trial judges that terminate proceedings with regard to a charge or specification and certain other rulings adverse to the government pursuant to Article 62(a), UCMJ. The Court hears petitions for new trials, pursuant to Article 73, UCMJ, filed by an appellant within two years after receiving an approved sentence if appellant's appeal pursuant to other statutory provisions is still with the Court for review. The final avenue for appellate review by the Court is via the All Writs Act, 28 U.S.C. § 1651, which permits the Court to grant extraordinary relief in appropriate cases.

Occasionally, the appellant or appellee will request an order for oral argument in a case before the Court. The Court also has authority to order oral argument sua sponte. Arguments normally take place in the appellate courtroom at Bolling Air Force Base, Washington, D.C. Periodically, the Court moves the location of the 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 their military justice system. In 2008, the Court heard arguments before law school audiences at Michigan State University, University of Louisville, Syracuse University, Texas Southern University, and North Carolina Central University. Argument was also heard at the continental United States Trial Advocacy Course at Lackland Air Force Base, Texas. These arguments were very well received at all locations as evidenced by four of the law schools inviting the Court back for arguments next year. Perhaps the law school arguments also provided the serendipitous benefit of recruitment for the Air Force Judge Advocate General Corps.

In addition to performing their statutory responsibilities during 2008, members of the Court used their judicial experience to assist the Air Force and Department of Defense in areas beyond the Court itself. Three judges from the Court continue to serve on the United States Court of Military Commission Review (USCMCR). The USCMCR hears appeals of cases convened under the Military Commission Act of 2006. The Court not only hears cases for those Guantanamo defendants convicted before the tribunals but hears appeals of issues taken prior to and during trial. Those judges on the Court with trial-level judicial experience provided back-up support for JAT when trial judges became scarce due to attendance at conferences, such as Keystone. Appellate judges served as trial judges at Ramstein Air Base, Germany; Patrick Air Force Base, Florida; Shaw Air Force Base, South Carolina; and Hurlburt Field, Florida. As of this writing, judges are scheduled to try cases at Yokota Air Base, Japan; Sheppard Air Force Base, Texas; and Elmendorf Air Force Base, Alaska. Appellate judges continued to conduct Environmental Impact Hearings in accordance with the National Environmental Policy Act for Air Force installations located in Florida, Nevada, and Utah. Finally, one of our judges participated in the State Department's "Open World Program—Rule of Law." The judge educated Russian judges about our military justice system and the appeals process.

Col James R. Wise
Chief Judge

In 2008, The Air Force Court of Criminal Appeals became the first and only military Court of Criminal Appeals permitting the e-mail filing of pleadings. Military appellate counsel, civilian appellate counsel, and appellants can file pleadings in this manner. This process was designed and implemented at no additional financial cost, harnessing technology already possessed by all Air Force JAG Corps organizations, most civilian attorneys, and appellants. Hard copy filing is still permitted for those who do not possess or wish to use e-mail filing.

The 2007 "telework" initiative implemented at the Court by The Judge Advocate General bore significant benefits for the military justice system. Appellate judges work from their homes on Tuesdays and Thursdays, eliminating wasted commuting time and other interruptions. As a result, the Court reviewed far more cases than it received this year, significantly reducing the backlog of cases. The Court's pace of review is especially noteworthy since the Court's composition in 2008 was reduced from nine to seven active duty judges, from two Reserve judges to one, and because of the deployment of our honors clerks. Our quantitative and qualitative success this year simply could not have been accomplished without the outstanding support from the following superb Reserve and Guard personnel—two assigned to the Court and three serving special tours: Major Michael Spargo (two tours), Major Karen Hennigan (two tours), Major Dianna Lee, Technical Sergeant Sarah Rhodes, and Technical Sergeant Elaine Tabernilla.

JAO

During 2008, the Air Force Operations and International Law Division (HQ USAF/JAO or JAO) assisted The Judge Advocate General in responding to issues across the full spectrum of Air Force operations. A few highlights follow:

WEAPONS REVIEWS

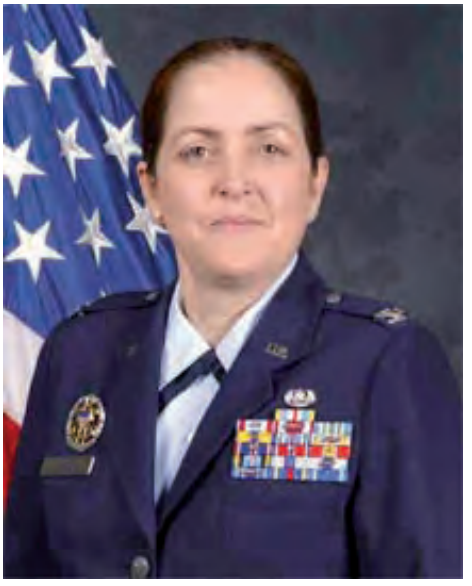
JAO served as The Judge Advocate General's office of primary responsibility for all areas related to the law of armed conflict. JAO reviewed 17 lethal and non-lethal weapons systems to ensure compliance with U.S. treaty obligations, domestic law, and customary international law. JAO was the legal subject matter expert for several public, distinguished visitor, and media demonstrations of the Active Denial System.

DOCTRINE AND PUBLICATIONS

As the legal focal point for the development and review of joint, allied, multi-service, and Air Force doctrine and publications, JAO reviewed more than 80 doctrine documents and similar publications relating to all aspects of air and space forces. JAO also revised and updated JA publications on civil litigation, the law of armed conflict, and foreign tax relief. JAO participated in conferences preparing a draft manual on Air and Missile Warfare being produced under the auspices of Harvard University's program on Humanitarian Policy and Conflict Research. JAO played an active role in contributing to a proposed Department of Defense Manual on the Law of War, taking the lead on chapters discussing the law governing air and space warfare, and information operations. The Royal Air Force and the Royal Australian Air Force exchange officers assigned to JAO are drafting a manual to assist Air Force judge advocates in understanding the various foreign laws, rules, and regulations that impact multi-national or coalition operations.

AIR AND SPACE LAW

JAO represented the DOD on the U.S. delegation to the 47th Session of the Legal Subcommittee to the U.N. Committee on the Peaceful Uses of Outer Space held in Vienna, Austria. JAO monitored the engagement of satellite USA-193 during Operation BURNT FROST and coordinated with the legal staffs at Air Force Space Command and Strategic Command on the potential U.S. liability for any reentry debris claims. JAO also advised on the legal aspects of air interdiction as it relates to counter proliferation of weapons of mass destruction and the Proliferation Security Initiative. Finally, JAO participated in the rules of engagement working group for the Air Force Space Command-sponsored Schriever V Space War Games.



Col Mary V. Perry
Division Chief

DOD LAW OF WAR WORKING GROUP (LOWWG)

JAO represented the Air Force on the DOD Law of War Working Group on several initiatives. These included the development and implementation of a more effective law of armed conflict violation reporting system and the development of joint methodology for estimating collateral damage to ensure compliance with the law of armed conflict. JAO also provided comments on a draft paper prepared by the International Committee of the Red Cross entitled "Interpretive Guidance on the Notion of Direct Participation in Hostilities." JAO similarly commented on a Swiss initiative regarding private military and security companies.

NUCLEAR ENTERPRISE

JAO served as legal advisor to the HQ USAF/A3-0 Nuclear Tiger Team and Air Force Blue Ribbon Review. These groups examined policies and procedures pertaining to all aspects of nuclear weapons. JAO reviewed and commented on draft reports responding to the Secretary of Defense's direction for an inventory of all nuclear weapons and nuclear weapons related material as well as an evaluation of all policies and procedures in place to maintain positive control of such items. JAO also reviewed proposals on the development and acquisition of a ballistic missile defense system as well as Department of Justice-initiated draft legislation that would add new offenses for nuclear terrorism to Title 18 of the U.S. Code.

IRREGULAR WARFARE

JAO participated in an Air Force-chaired multi-service working group on irregular warfare and, in particular, in identifying competencies that can contribute to building partnership capacity. Part of this effort necessitated a JAO review of the legal status of Air National Guard members who perform duties overseas in state active duty or in Title 32 status for immediate life-saving disaster assistance or in connection with the State Partnership Program.

LAW OF ARMED CONFLICT

JAO published an opinion addressing whether the law of armed conflict permits Air Force reservists to perform duties and serve as crew members in the Air Force Distributed Common Ground System in their civilian status during an international armed conflict. JAO published an opinion on the propriety of using chaplains in non-traditional roles, such as religious advisors on civil affairs teams. JAO provided guidance to the Air Force Surgeon General on the meaning of "exclusively engaged" in Article 24 of the Geneva Convention of 1949 concerning the wounded and sick with respect to medical personnel filling combatant roles and then returning to medical duties. JAO also provided an opinion to the Air Force Personnel Council to assist in its determination of the status and financial entitlements of former Vietnamese citizens who had served under contract with the U.S. Armed Forces during the Vietnam conflict on reconnaissance teams and exploitation forces.

STATUS OF FORCES AGREEMENTS (SOFA)

JAO provided guidance on the interpretation

of SOFAs, including the SOFA implications of foreign exchange officers. JAO also routinely briefed all Air Force members being assigned to U.S. embassies worldwide on their status in those assignments.

ROE BRIEFINGS AND LOAC TRAINING

JAO presented regular theater-specific briefings at the Combined Force Air Component Commander Course at Maxwell Air Force Base, Alabama, and the Combat Skills Training Course at Fort Dix, New Jersey.

JAT

The Air Force Trial Judiciary has 16 active duty trial judges, eight Reserve trial judges, three noncommissioned officers, and one civilian employee assigned worldwide. The Chief Trial Judge, the Deputy Chief Trial Judge, and one non-commissioned officer are assigned to the United States Air Force Trial Judiciary, Bolling Air Force Base, District of Columbia.

In 2008, military judges presided over 576 general and special courts-martial. They also served as investigating officers in complex and high profile Article 32 investigations, as legal advisors for officer discharge and other administrative boards, as hearing officers in parole violation hearings, and presided at public hearings held to consider draft environmental impact statements.

Colonel Dawn Eflein, the Chief Trial Judge of the Air Force, presided over the first Air Force court-martial in Afghanistan, serving as the trial judge at Bagram Air Base. Additionally, Major Chuck Wiedie presided over a court-martial at Balad Air Base, Iraq, and Colonel Steve Woody presided over a case at Ali Al Salem Air Base, Kuwait. Air Force judges also presided over cases in Qatar and in the United Arab Emirates. Currently, four trial judges have been detailed to the military commissions in Guantanamo Bay, Cuba.

Col Dawn R. Eflein
Chief Trial Judge of the Air Force

Air Force military judges shared their specialized knowledge and expertise by publishing articles in various journals. Major Bryan Watson published two articles in the Air and Space Power Journal, and Lieutenant Colonel John Hartsell and Major Bryan Watson published articles in The Reporter and the Air Force Law Review. Colonel Steven J. Ehlenbeck, and Major Joseph S. Kiefer both published articles in The Reporter, and Lieutenant Colonel Carl L. Reed, a reserve military judge in the Western Region, published a book review in Joint Force Quarterly.

Members of the Trial Judiciary have continued to receive recognition from a variety of professional organizations. Colonel Bruce Ambrose, Individual Mobilization Augmentee to the Chief Trial Judge, was awarded the Judge Advocates Association "Outstanding Career Armed Services Attorney Award", and Lieutenant Colonel John Hartsell was awarded the American Bar Association's "Outstanding Military Service Career Judge Advocate Award," both for outstanding contributions to the practice of military law over the course of their careers. Major Kate Oler, the Deputy Chief Trial Judge, was named the top graduate of the 51st Military Judge's Course. Lieutenant Colonel Douglas Cox, a reserve military judge in the Atlantic Region won the Air Force Association 2008 Citizen Airman of the Year Award. Major Bryan Watson and Lieutenant Colonel Christopher Santoro were selected for promotion one year below the zone.

Military judges and staff from JAT

JAU

Lt Col Alan S. Liu
Division Chief

Lieutenant Colonel Alan S. Liu is the Director of the Office of Professional Responsibility (HQ USAF/JAU or JAU) and The Judge Advocate General's Professional Responsibility Administrator (TPRA). JAU processes cases involving alleged professional responsibility violations, provides advice and counsel through informal and formal advisory opinions, publishes new developments in the area of professional ethics and standards, and conducts professional responsibility training. Lt Col Liu also serves as an advisor to TJAG's Advisory Committee on Professional Responsibility and Standards. The committee includes as permanent members the heads of the General Law Division (JAA), the Civil Law and Litigation Directorate (JAC) and the Military Justice Directorate (JAJ). JAU is also staffed by Lt Col Lee Gronikowski, a Reserve individual mobilization augmentee (IMA) who in his civilian capacity is the Deputy Ethics Counsel for the Supreme Court of New Jersey, Office of Attorney Ethics. In the fall, JAU welcomed another Reserve IMA, Lt Col Rima Šilėnas, to the professional responsibility team. Lt Col Šilėnas brought a wealth of knowledge and experience to JAU, as she is in her civilian capacity the Chief of the General Law Division, 11th Wing Legal Office, Bolling Air Force Base, District of Columbia.

During 2008, JAU provided continuing legal education training to hundreds of members of the JAG Corps—active duty, Reserve, and Guard—as well as to sister service attorneys and other federal civilian attorneys. JAU continued to implement innovative training in 2008, to include the use of webcasts, live music, and movies. JAU also provided training support to various JAG Corps conferences and to The Judge Advocate General's School. JAU published two practice-related articles in The Reporter and several items in the weekly TJAG Online News Service. As a member of the Attorney Qualification Committee, JAU worked towards standardizing and simplifying licensing requirements for JAG Corps attorneys. JAU helped formulate guidance to the Corps for resolving ambiguities on one's ability to practice law based on licensing status, and assisted TJAG in arriving at licensing status decisions for a number of state bar jurisdictions. JAU provided informal counsel to dozens of attorneys around the world, helping to avoid ethical problems before they become complaints, and helped coordinate responses on three requests for formal opinions. JAU closed nine professional responsibility cases while continuing to coordinate on three open inquiries. Finally, in conjunction with JAU's summer move to Bolling Air Force Base, archived disciplinary files were converted to electronic format and consolidated into a searchable electronic storage system.

In the future, JAU will rewrite the Professional Responsibility Program to clarify various aspects of the complaint process and the advisory opinion request process. JAU will also revise the Air Force Rules of Professional Conduct and Standards of Civility to conform to the revised American Bar Association Model Rules. JAU will continue to strengthen its working relationship with the military services' offices of professional responsibility through frequent collaboration and robust information exchange on current ethics issues. JAU will also seek to further leverage its ties with state and territorial attorney licensing authorities through the National Organization of Bar Counsel by participation in its membership events and daily discussion forum.

JAX

When judge advocates think about the Professional Development Division (HQ USAF/JAX or JAX), they think about assignments. But JAX does much more. JAX manages all phases of more than 1200 judge advocates' professional development, including recruiting, accessions, professional education, personnel manpower, deployments, and assignments. JAX also establishes policy, standards, procedures, and guidelines related to the professional development of JAG Corps civilian attorneys, paralegals, and civilian administrators.

JAX truly is a cradle-to-grave resource for judge advocates. Through its management of the base legal offices' recruiting efforts, JAX affects young men and women even before they become judge advocates. In 2008, judge advocate recruiters visited more than 180 American Bar Association-approved law schools and interviewed more than 2500 prospective applicants, yielding almost 700 applications for 120 available positions. JAX conducted selection boards and then worked with selectees to ensure a smooth transition from lawyer/law student to Air Force officer and judge advocate. Judge advocate recruiting efforts also garnered a record 301 applicants for the 50 paid summer intern positions in legal offices across the country.

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 and the competitively selected LL.M. and developmental education programs. In 2008, more than 90 applications were submitted for twenty-four LL.M., eight intermediate developmental education, and four senior

Col Roberta Moro
Division Chief

developmental education positions. The LL.M. positions include six new government procurement positions, which were funded by the Air Force acquisition community to satisfy the increased need for experienced contract lawyers.

JAX also manages Total Force sourcing solutions to ensure all deployment requirements are met throughout the Air Force. In 2008, more than three hundred JAG Corps members deployed to more than 45 locations around the world. The Air Force is transitioning from the 20-month Air Expeditionary Force (AEF) cycle to the global AEF tempo band construct. This shift allows each functional area within the Air Force to be placed on a rotation schedule more in line with the demands on that particular career field. The JAG Corps was aligned against Tempo Band B, a 30-month calendar divided into five 6-month blocks. With the full implementation of Tempo Band B, judge advocates and paralegals, on average, should expect to deploy for six months and then have two years at home station for reconstitution, training, and mission support. By centralizing deployments and assignments at JAX, the JAG Corps is better able to manage its critical resources.

Spotlight on . . . an Expeditionary Judge Advocate

Lieutenant Colonel Chris Supernor is the deployed staff judge advocate (SJA) for the 332d Air Expeditionary Wing (AEW), Joint Base Balad, Iraq. Although deploying can bring many surprises, Lt Col Supernor was more prepared than most on what to expect. In addition to specialized training, education, and experience in international law, Lt Col Supernor spent three years as the Chief of Expeditionary Law at Air Combat Command (ACC) and then Chief of the Expeditionary Branch at the Office of Professional Development (HQ USAF/JAX) immediately prior to current deployment. In fact, Lt Col Supernor was responsible for transitioning the management of JA deployment taskings from ACC to JAX.

In 2007, the JAG Corps reorganized and revised its existing force management guidance to improve the Corps' ability to execute worldwide deployment taskings. Part of this restructuring included moving the mission of managing all judge advocate and paralegal deployment taskings from the ACC legal office to JAX. Lt Col Supernor oversaw and successfully managed the transition, which increased the Corps' ability to avoid conflicts between judge advocate deployment and assignment processes.

After having coordinated the deployment of hundreds of judge advocates and paralegals, Lt Col Supernor was very familiar with the different types of missions JAG Corps members tackle while deployed. Armed with this knowledge, he volunteered for one of the most challenging and rewarding deployments—a one-year deployment as the SJA for the 332d AEW. Air expeditionary wing legal offices provide the same full spectrum of legal services as other base legal offices, and they do so while constantly managing the unique challenges of the deployed environment. Lt Col Supernor's office provides legal services for more than 8800 Airmen located at four geographically separated units and more than 60 forward operating bases throughout Iraq. He advises the command on all civil, international, operational, military justice, and contracting legal issues.

Lt Col Supernor has trained and worked across the full range of deployed legal operations, from studying expeditionary law, working with foreign government officials, coordinating deployments, and now fulfilling one of the JAG Corps' most demanding deployment taskings. Lt Col Supernor serves as an outstanding example of today's expeditionary judge advocate.

Lt Col
Christopher M. Supernor
332 AEW/JA
Joint Base Balad, Iraq

JAY

CMSgt Ann D. Stocks
Senior Paralegal Manager to
The Judge Advocate General

The Office of the Senior Paralegal Manager (HQ USAF/JAY or JAY) is the primary advisor to The Judge Advocate General (TJAG) on all JAG Corps enlisted matters and also serves as the career field manager for paralegals. The Senior Paralegal Manager accompanies TJAG to legal offices around the world for visits under Article 6, Uniform Code of Military Justice, and exercises management responsibility and establishes policy and training requirements for 900 active duty and 400 Air Reserve Component paralegals. Additionally, JAY organizes training and manning levels for paralegals, works with and advises various agencies on programs affecting paralegals worldwide, and coordinates with sister-service paralegal training managers on inter-service training for professional continuing education programs. JAY also serves as the program coordinator for the Annual Worldwide Senior Paralegal and Executive Workshop, TJAG enlisted awards, and other recognition programs.

JAG Corps 21 Horizons Event—Paralegal Utilization

JAG Corps 21 continues to shape the future of the JAG Corps through its signature Horizons events. The most recent event looked at ways to improve paralegal utilization. The group of more than 30 Total Force paralegals, attorneys, and civilians met in Kettering, Ohio. TJAG and CMSgt Stocks kicked off the week with motivational video teleconference addresses to the group. Their remarks were followed by presentations and working sessions, where the group considered different challenges facing the JAG Corps in reaching optimal paralegal utilization. The group made creative recommendations to continue the growth seen in recent years and take the JAG Corps to the next level of effectiveness.

JAG Corps 21's objectives are not limited to large Horizon events. A theme repeated throughout the session was the idea that one person can make a difference. The collective work of the Horizons group may have a long term impact on the JAG Corps. All individual members of the JAG Corps should remember that they can make their mark on the JAG Corps through hard work, creativity, and good ideas.

National Federation of Paralegals Association

After working closely with the senior paralegals from the other services, the collective decision was made not to form an Armed Services Chapter of Paralegals as reported last year. Instead, a proposal was made to the National Federation of Paralegal Associations (NFPA) (www.paralegals.org) to allow active duty paralegals to be sustaining members directly with the NFPA. NFPA enthusiastically supported the proposal, and because of the transient nature of active duty members, NFPA now offers membership for active duty personnel at a reduced rate of $45 a year. The NFPA is a non-profit federation of local and regional paralegal associations united to promote education and development of the paralegal profession.

Electronic Career Field and Education Plan

As the Air Force continues to study which program to use for electronic training records, JAY opted into the Training Business Area (TBA) system. The new, electronic Career Field Education and Training Plan will be available for use in the spring of 2009.

Enlisted Grade Reviews

The Air Force conducted a major chief master sergeant grade review this year, and the JAG Corps lost five positions, taking the JAG Corp from 18 to 13 chief master sergeants. The Air Force also conducted an enlisted manpower grade allocation review, also known as the Career Progression Group (CPG), to realign and adjust grade structures across the Air Force to sustain the career progression of Air Force specialties.

Air Force Recruiting Website

The paralegal career field is now included on the Air Force Recruiting web page to give individuals who are interested in an Air Force career information about being a paralegal. While classification as a paralegal is not guaranteed for new members, the site provides general information about the career field.

Paralegal Horizons meeting in August

First Sergeants Return to Career Field

The first group of paralegals selected for first sergeant special duty assignments in 2004 returned to the career field this year. All were extremely successful and represented the JAG

Corps well. Undoubtedly, the Air Force will benefit by them sharing their first sergeant perspectives as they return to legal positions.

CHANGE TO LAW OFFICE MANAGERS COURSE (LOMC)

In 2008, the curriculum for LOMC was adjusted to have four senior master sergeants serve as flight leaders for the first week of the course and then four chief master sergeants for the second week. In the past, the same four chief master sergeants serve, all command paralegal managers from different major commands, led the LOMC flights during both weeks. This year's change exposed LOMC students to more diverse leadership styles, and the senior master sergeants appointed as flight leaders gained valuable senior-level leadership experience. The experience was well received and proved to be an extremely positive change to the course.

JAZ

Mr. David E. Sprowls
Division Chief

The Plans and Programs Division (HQ USAF/JAZ or JAZ) is responsible for planning, programming, and budgeting for The Judge Advocate General's Corps and the Air Force Legal Operations Agency (AFLOA). JAZ 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. JAZ analyzes programming decisions and develops JA and AFLOA requirements included in the Air Force submission to the Department of Defense Program Objective Memorandum (POM) that supports the President's annual budget submission to Congress.

JAZ develops the annual financial plan and administers the operational and management resources of the Office of TJAG and AFLOA, a budget of almost $50 million, including $8 million in annual transformation initiatives. JAZ manages more than 3000 JAG Corps Total Force manpower positions worldwide. The division develops JAG Corps strategic plans and executes them across the Corps. Significant JAZ projects during fiscal year 2008 included:

JAG CORPS 21

JAZ continued to execute manpower actions to realign authorizations from legal offices throughout the Air Force into Field Support Centers (FSCs), continuing the transformation of the Corps under JAG Corps 21. FSCs now exist for virtually every legal specialty. Additional FSCs that stood up this year included the Environmental Law FSC in San Antonio, the Medical Cost Reimbursement Program at multiple sites across the Air Force, and the Medical Law FSC. The FSCs provide significant reachback capability for legal offices across the Air Force by consolidating legal expertise, consulting on the full spectrum of specialty issues, and centralizing complex legal processes and caseload.

JAZ also funded the JAG Corps 21 Horizons initiative to review progress to date and orient future transformational efforts.

JAG CORPS RESOURCES

JAZ developed a business case to support the placement of video teleconference (VTC) capability in each Air Force legal office and acquired $3 million for this effort at the end of Fiscal Year 2007. During Fiscal Year 2008, the VTCs were installed and resulted in significant savings across the Air Force as they were adopted for use in training, depositions, and witness testimony. These systems are expected to yield a $15 million return on investment during the next six years.

JAZ acquired and executed an additional $2 million to support legal assistance enhancements. These funds were used to purchase will-drafting software for every legal office, including Reserve and Air National Guard units. The funds were also used for additional training and to procure equipment and furniture for the re-opening of a joint legal assistance office in the Pentagon.

JAZ was a key member of the team that worked an agreement with the TRICARE Management Agency (TMA) and Surgeon General's office (AF/SG) for the Medical Cost Reimbursement Program to regionalize the recovery of medical treatment costs in certain cases. Pursuant to the agreement, JAZ worked the transfer of TMA and AF/SG funds to pay the salaries of adjudicators to pursue third party liability claims against insurance carriers of individuals responsible for causing injuries to Air Force personnel who are treated in military treatment facilities. The recovered funds will be returned to military treatment facilities and to TMA.

JAZ successfully added a requirement into the Air Force Fiscal Year 2010 POM submission that funded 14 civilian authorizations to support the installation acquisition transformation. This will enhance legal advice to the Assistant Secretary of the Air Force for Acquisition and consolidate specialized procurement and acquisition legal resources into FSCs co-located with installation acquisition, which will centralize installation contracting into regions.

PERSONNEL INITIATIVES

JAZ led the HQ USAF/JA initiative to reimburse Air Force civilian attorneys for their bar fees, and JAZ is working a proposal to reimburse the bar fees of judge advocates.

JOINT BASING

JAZ was instrumental in drafting legal support guidance to supplement the DOD Joint Base Implementation Guidance, facilitated the redraft of the Command Authorities Supplemental Guidance, conducted six joint-service tabletop exercises for legal support, and assisted Air Force installations in planning the transfer of legal support responsibilities to the supporting military service.

Field Operating Agency

Air Force Legal Operations Agency

AFLOA

Brig Gen Richard C. Harding
Commander

CMSgt Beverly A. Miller
Command Paralegal Manager

The Air Force Legal Operations Agency (AFLOA) is a field operating agency under the command of Brigadier General Richard C. Harding. The Vice Commander is Colonel Evan Haberman. The AFLOA Commander is the only commander billet in the JAG Corps and exercises command authority over 750 military and civilian attorneys, paralegals, and support personnel stationed in more than 80 locations throughout the world. AFLOA consists of four directorates, including the Judiciary (JAJ) and Civil Law and Litigation (JAC) Directorates. These two directorates have the critical responsibility of assisting The Judge Advocate General in the administration of military justice throughout the Air Force and responsibility 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.

In 2008, AFLOA continued its development as the central source of legal reachback services within the JAG Corps, providing precision legal expertise to installation, numbered air force (NAF), and major command (MAJCOM) legal offices. Throughout the year, AFLOA continued to activate new Field Support Centers (FSCs), designed to augment and improve legal services to the field. This year saw the activation of the Aircraft Accident Board FSC, the Environmental Law FSC (ELFSC), the Contract Law FSC, the Medical Law FSC, and the Medical Cost Reimbursement Program (MCRP). The MCRP opened three of its eight regional offices at Eglin, Lackland, and Wright-Patterson Air Force Bases and will continue to open regional offices throughout 2009. These new FSCs join the previously activated Commercial Litigation FSC, Labor Law FSC (LLFSC), Tort Claims FSC (TCFSC), and the Air Force Claims Service Center (AFCSC), bringing AFLOA to a total of nine FSCs providing reachback support to wing, numbered air force, center, and major command legal offices. AFLOA's FSCs will reach full operating capability in 2009.

During 2008, each of the directorates within AFLOA played a major role in the next phase of The Judge Advocate General's Corps for the 21st century (JAG Corps 21) transformation—JAG Corps 21 Horizons. During Horizons, AFLOA FSC representatives met with field judge advocates, civilian attorneys, civilian support staff, military and civilian paralegals, Reserve judge advocates and paralegals, and Air Force clients in a series of week-long meetings to refine initiatives and provide new ideas to improve FSCs and JAG Corps business processes. Horizons teams met to analyze and improve the AFCSC, the TCFSC, the MCRP, the ELFSC, the LLFSC, and military justice and operations law processes. Additionally, AFLOA hosted a two-day Legal Assistance Brainstorming Session (LABS) in its facilities at Kettering, Ohio, to explore how to improve legal assistance services in the Air Force. Ideas from the LABS meeting resulted in four week-long legal assistance training courses in Montgomery, Alabama, and Dayton, Ohio, which trained approximately 600 JAG Corps attorneys and paralegals, and the purchase of new legal assistance software, currently in production. These sessions produced a wealth of great ideas. Representatives from the JAS and AFJAG were in attendance at each Horizons session and the LABS meeting to support the teams' initiatives with the latest communications and training ideas. Hundreds of proposals generated during these meetings are

now being tracked through analysis and, in many cases, implementation.

In sum, AFLOA continued its exciting journey of transformation to assist the JAG Corps in maintaining its claim as the model 21st century law firm, streamlined to take advantage of 21st century technology, and with processes designed to provide legal expertise throughout the Air Force wherever the need arises ... anywhere, any time. Recognizing its achievements in attaining JAG Corps 21 goals, the Secretary of the Air Force awarded AFLOA the Air Force Organizational Excellence Award in 2008 for its achievements in 2006 and 2007.

While we are very proud of our storied past, we are even more excited about our future. With JAG Corps 21 as our guide, the future looks very bright indeed and promises even more exciting advancements reaching across the United States Air Force and to Airmen everywhere!

AFJAGS

Col Tonya Hagmaier
Commandant

In the summer of 2008, Colonel Tonya Hagmaier became the 16th Commandant of The Judge Advocate General's School, assuming the position from Colonel David Wesley. Although under new leadership, the JAG School continues to perform one of the key roles described by the Secretary of the Air Force at Keystone 2006—to be the hub of all JAG Corps 21 initiatives and transformation efforts.

The School has added 12 new judge advocate and paralegal instructor billets, and is working to upgrade all paralegal positions to 7-level to comply with Community College of the Air Force requirements for the award of a paralegal degree. The School will soon add an academic director, a distance education program manager, a historian, and a graphic illustrator to the staff. The increase in JAG School manning makes the proposed addition of a school annex, which was included in the Fiscal Year 2009 Program Objective Memorandum as a military construction project for Fiscal Year 2013, critical in meeting the School's new roles and missions in JAG Corps 21.

In 2008, AFJAGS created Field Support Center (FSC) Liaisons, which offer expert guidance to FSCs and judge advocates practicing in contracts, labor, and environmental law. The School also developed and completed four off-campus estate planning and family law courses this year, which offered focused, specialized training and up-to-date legal assistance information for JAG Corps members.

AFJAGS faculty developed new operations and international courses in 2008 to provide vital training to members of the JAG Corps before they deploy. Additionally, the School assumed responsibility for managing deployment after action reports and lessons learned, enhancing our ability to shape deployment training for JAG Corps members. AFJAGS also worked closely with Air University to develop and host the week-long Air Force Cyberspace Symposium, which gathered more than 250 professional civilian and military information experts to discuss the implications of cyberspace, especially with regard to the Air Force and national defense.

Other initiatives reached beyond traditional residence courses to enhance JAG Corps training. Military justice faculty spearheaded the implementation of trial advocacy conferences in Europe and the Pacific with a commitment to "focused advocacy" for trial and defense counsel, and TRIALS training teams were also expanded. The School produced 16 live webcasts, which offered continuing legal education credit to attendees participating in the sessions from offices around the world. AFJAGS also developed three new e-learning division chief training courses that enhance the School's library of training materials designed specifically for base personnel.

In October, the School debuted CAPSIL, a new platform for e-learning that provides a user-friendly interface, better search capabilities, and efficient user tracking for e-learning resources. In addition, the School also distributed more than 30,000 hard copies of educational and training resources that included the Air Force Law Review, The Military Commander and the Law, and The Reporter.

The JAG School is settling into its new roles and missions in JAG Corps 21, and staff and instructors are excited about the ways the School is able to flex to bring to the JAG Corps the education and training needed to operate in today's legal environment. As always, feedback from the field on courses and initiatives are an essential part of the School's continued success.

JASOC students help clean up after Prattville tornado

JAC

Col James C. Sinwell
Director

The Civil Law and Litigation Directorate (AFLOA/JAC or JAC) administers all civil litigation involving the Air Force in federal district courts, the U.S. Court of Federal Claims, federal appellate courts, and the Supreme Court, as well as before local, state, and federal administrative bodies. JAC also oversees the Air Force Claims Program. The Directorate is led by Colonel James Sinwell, who supervises more than 300 judge advocates, civilian and Reserve attorneys, paralegals, and administrative personnel at twelve locations across the United States. JAC includes four divisions: Claims and Tort Litigation (JACC), Environmental Law and Litigation (JACE), General Litigation (JACL), and Commercial Litigation Divisions (JACQ). Embedded within the four divisions are nine Field Support Centers (FSCs), four of which opened in the last year. They are: the Air Force Claims Service Center, the Tort Claims FSC, the Medical Cost Reimbursement Program, the Accident Investigation Board FSC, the Medical Law FSC, Environmental Law FSC, the Labor Law FSC, the Commercial Litigation FSC, and the Contract Law FSC.

Paralegals from AFCSC

CLAIMS AND TORT LITIGATION DIVISION

The Claims and Tort Litigation Division has responsibility for personnel claims; tort claims and litigation; aviation law; pro-government claims; medical legal issues; and legal guidance, training, and support for accident investigations. The division contains the Air Force Claims Service Center (AFCSC) and the Tort Claims Field Support Center (TCFSC).

Air Force Claims Service Center

The AFCSC paid out approximately $12 million this year to compensate its own claimants as well as those receiving tort settlements from either a field office or JACC. The AFCSC collected $4.8 million in carrier recovery claims with an unprecedented 95.3 percent collected-to-asserted ratio. Having only achieved full operational capability in March 2007, the AFCSC already finds itself in a state of transformation. With the advent of Families First legislation and full replacement value, the AFCSC worked hard to answer both claimant and carrier questions on a brand new system that has the claimants taking their claims directly to their carrier. In order to meet a declining workload, the CSC has supported additional AFLOA deployment taskings as well as manning assists to the Medical Cost Reimbursement Program, the Environmental Law Field Support Center, and paralegal recorders for Aircraft Accident Investigation Boards. All the while, innovation continues. The AFCSC introduced the capability for its website to take DD form 1840Rs (pink forms) directly from claimants electronically. This takes the workload off base legal offices and provides an efficient means for claimants to give proper notice to preserve full replacement value obligations from the carriers. The AFCSC dispatched more than 2700 of the forms between May and September. Finally, the AFCSC expects to field Web AFCIMS, a web-based claims processing system in early 2009. This will be the largest information technology project in the history of the JAG Corps.

Tort Claims Field Support Center

The mission of the TCFSC is to apply specialized knowledge and legal services to the investigation, settlement, and litigation of tort claims for and against the Air Force in aviation, medical, international, and general tort areas and to provide reachback expertise to base legal offices to assist them in resolving small-dollar tort claims remaining at their jurisdictional level. The TCFSC also provides trained legal advisors for the investigation of aircraft and ground accidents. The work of the TCFSC is divided among five branches: Aviation and Admiralty Law, General Torts, International Torts, Medical Law, and Pro-Government Claims.

Aviation and Admiralty Law Branch

The Aviation and Admiralty Law Branch adjudicates tort claims and supports the defense of litigation arising from Air Force aviation and admiralty activities. The majority of claims are in the aviation arena, seeking damages for death and personal injury as well as property damage arising from overflights,

sonic booms, and aircraft crashes. Through 30 September 2008, the branch negotiated settlement of $60.8 million in claims for a total of $5.8 million. These included $1.6 million claimed for property damage arising from wildfires generated by bombing range activities in New Mexico and New Jersey, which the branch settled for a total of $993,000. The branch also provides Air Force-wide policy and guidance on the accident investigation board (AIB) and ground accident investigation board (GAIB) processes and teaches AIB and GAIB procedures at board president courses presented at the Air Force Safety Center, Air University, and bases throughout the world.

Accident Investigation Board Field Support Center (AIB FSC)

The AIB FSC is part of the Aviation and Admiralty Law Branch. This FSC manages the mission of providing legal advisors Air Force-wide for AIBs and GAIBs. Last year, the AIB FSC provided legal advisors for most AIBs and GAIBs worldwide using JAG resources from the FSC. In July 2008, the AIB FSC trained and began to supply paralegals to serve in the function of recorder on AIBs and GAIBs. The AIB FSC also provides consistent guidance for preparing high quality AIB and GAIB reports.

General Torts Branch

The General Torts Branch adjudicates and provides litigation support for tort claims that are not within the scope of one of the other branches. While many of the claims involve vehicle accidents, others arise from a variety of activities, including security and law enforcement, premises liability, contractors and their employees, and nonappropriated fund instrumentalities, such as the base exchange, clubs, child development centers, and recreational activities.

International Torts Branch

The International Torts Branch adjudicates high-value claims arising overseas and coordinates with foreign government offices to resolve third party claims falling under international cost-sharing agreements. It also assists in the resolution of claims arising in the United States in connection with foreign military sales (FMS) agreements. The new TCFSC structure does not change the procedures for processing and adjudicating foreign and international tort claims or other tort claims, such as Military Claims Act claims, filed at bases located in countries where the Air Force has single service claims responsibility. In 2008, the branch primarily focused on claims involving Ecuador, New Zealand, Singapore, and Canada. In addition, in concert with The Air Force Judge Advocate General School (AFJAGS), the branch produced an "Introduction to International and Foreign Claims" judge advocate distance education training module for use by judge advocates and paralegals—anytime, anyplace.

Medical Law Branch

The Medical Law Branch (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. Starting in January 2008, the MLB took responsibility for investigating and settling all continental United States (CONUS) medical malpractice claims. CONUS base legal offices assist MLB attorneys with the investigation, but the MLB works these claims from "cradle to grave." The base legal offices still conduct investigations for claims that arise overseas, but instead of forwarding the claim files to a medical law consultant (MLC) for the expert level reviews, the files are transferred to the TCFSC. The MLB attorney takes over, obtains the expert reviews, and completes the investigation for final adjudication.

Medical Law Field Support Center (MLFSC)

The MLFSC is a part of the Medical Law Branch. On 17 September 2008, the Surgeon General of the Air Force and The Judge Advocate General established the MLFSC, which now provides reachback medical law support and counsel to MLCs, who remain the "face of the JAG Corps" for medical treatment facility (MTF) commanders and their staffs seeking medical law advice and counsel. The MLFSC provides its reach-back medical law expertise to MLCs through the MLFSC's subject matter experts who are familiar with medical legal issues arising in healthcare operations, such as the Health Insurance Portability and Accountability Act, adverse privilege actions, informed consent, training affiliation agreements, and medical malpractice litigation. Additionally, while MLCs will remain co-located at MTFs to provide medical law advice to MTF commanders and their staffs, MLCs will be reassigned to the MLFSC. Thus, for the first time since the MLC program began in 1971, MLCs will become members of AFLOA/JACC.

Pro-Government Claims

In 2008, JACC continued the process of transforming the Hospital Recovery (HR) program into the new, regional Medical Cost Reimbursement Program (MCRP). Three regional offices were opened at Lackland Air Force Base, Texas, Eglin Air Force Base, Florida, and Wright-Patterson Air Force Base, Ohio, taking over recovery efforts in 15 states and removing this responsibility from 24 wings. Annual collections improved versus the prior year, showing promise for this new program. Additional transformation is scheduled 2009.

ENVIRONMENTAL LAW AND LITIGATION DIVISION

JACE is actively engaged in efforts to preserve and protect air, land, and other precious resources central to the successful performance of the Air Force mission. JACE provides assistance to Air Force clients on complying with environmental laws, seeking legislative and regulatory resolutions to environmental issues impacting the mission, and defending the Air Force against legal challenges that threaten mission accomplishment.

JACE has undergone extensive reorganization this year pursuant to JAG Corps 21 initiatives. Issues previously addressed by environmental attorneys at the major commands (MAJCOMs) will be handled by the new Environmental Law Field Support Center (ELFSC) and the regional counsel offices (RCOs). This consolidation of support was completed in July 2008 and provides direct reach-back support that improves consistency of advice, reduces redundancy of effort, and provides our installations and major commands with an unparalleled cadre of environmental law expertise.

Environmental Law Field Support Center

The ELFSC opened on 1 July 2008 to provide unprecedented reachback for all Air Force environmental law practitioners. When the ELFSC, which is located in San Antonio, Texas, reaches final operating capability, it will be staffed with 27 subject matter experts. In addition, the ELFSC has geographically separated environmental liaison officers (ELO) embedded at six MAJCOMs and one satellite office in Alaska. Environmental law matters that were previously directed to MAJCOMs

Spotlight on . . . an FSC Paralegal

TSgt Mary M. Bartlett
AFLOA/JACL
Arlington, VA

As a paralegal assigned to the Labor Law Field Support Center (LLFSC), Technical Sergeant Mary "Melinda" Bartlett serves as a great example of the JAG Corps' commitment to maximizing paralegal utilization across the Air Force.

TSgt Bartlett serves as the noncommissioned officer in charge of the two Administrative Litigation Branches of the LLFSC, where she supports 20 litigation attorneys who practice in front of the Merit Systems Protection Board (MSPB) and the Equal Employment Opportunity (EEO) Commission. She constantly seeks to identify and implement better ways for the recently created LLFSC to accomplish its mission. As an example, she employed a case tracking database and mail merge program that standardized EEO and MSPB litigation documents. These tools give her attorneys great situational awareness regarding impending deadlines and guarantee the delivery of uniform and quality products from the LLFSC.

In addition to her forward-thinking approach to managing processes within her division, TSgt Bartlett has taken on a variety of projects that have enhanced her experience and capability as a paralegal. She was appointed the case paralegal on two of the highest-profile cases handled by the General Litigation Division (JACL) this year. In a complex case that received significant media attention, she tirelessly organized and cataloged thousands of pages of discovery. Because she developed a deep understanding of the case and its background, senior JA leadership and the settlement authority, a 2-star commander, regularly sought out TSgt Bartlett for her perspectives and insight on the case. No matter who asked the questions, TSgt Bartlett's answers were precise and accurate, and her work garnered enthusiastic praise from two 2-star generals. In the second case, her calm and practical approach when responding to a discovery request from a plaintiff's high-powered law firm in a multi-million dollar class action suit involving National Guard pay saved JACL thousands of dollars and untold work hours on the case.

A consummate professional with a work ethic that is eclipsed only by her desire to learn, TSgt Bartlett's abilities have opened many doors to professional opportunities for her. In addition to her growth as a paralegal, TSgt Bartlett's dedication has greatly contributed to the success and efficient operation of the LLFSC.

and AFLOA/JACE in Washington, D.C., are now handled directly by the ELFSC. These issues include restoration, environmental compliance, air space and ranges, natural and cultural resources, pollution prevention, National Environmental Policy Act (NEPA) and other environmental planning issues, affirmative cost recovery, energy, and hazardous and solid waste issues. Accordingly, MAJCOM responsibilities are now handled by the ELFSC, which primarily relies on its ELOs collocated with MAJCOM legal offices. Importantly, base level and MAJCOM staff judge advocates (SJAs) remain "the face of the JAG Corps" to their commanders and staffs, with the ELFSC providing reach-back expertise and performing much of the heavy lifting. Base SJAs should still appoint a judge advocate as the office's chief of environmental law to serve as the base's environmental attorney, but that judge advocate may rely on the reach-back expertise of very experienced environmental law attorneys assigned to the ELFSC.

Environmental Liaison Officers

The ELO positions are entirely new this year and were a product of the JAG Corps 21 processes and feedback from MAJCOM SJAs. Military ELOs are embedded at six MAJCOMs and provide environmental legal advice to bases, MAJCOM SJAs and MAJCOM A7 staffs. The liaisons have had impacts worldwide since stand-up of the ELFSC.

Air and Water Branch

The Air and Water Branch provides guidance to assist the Air Force in meeting the complex requirements of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. The branch further protects the Air Force's interests in the area of surface and groundwater rights and allocation. During 2008 they provided expert support on Clean Air Act conformity analysis during new fighter bed downs and assisted in water rights issues critical to installation sustainment. In addition, the branch also monitors and tracks compliance with environmental laws and minimizes potential cost impacts to the Air Force mission.

Cultural and Natural Resources Branch

The Air Force is steward to hundreds of historic buildings, archeological sites, and Native American sacred sites. Further, scores of threatened and endangered species call Air Force installations home. The branch provides specialized legal counsel to help Air Force organizations comply with laws protecting these valuable resources. This advice preserves flying and training flexibility while protecting operations from legal challenges.

Hazardous Materials Management Branch

The Hazardous Materials Management Branch provides legal advice and support to attorneys and command staff throughout the Air Force

on matters related to solid waste, hazardous and toxic materials, and hazardous waste. The branch's efforts in this area include advising the field of upcoming changes in hazardous materials management requirements, working with installation and AFCEE personnel (attorneys and engineers) to defend and promote Air Force interests with regulatory agencies, and providing training and posting information on the AFLOA/JACE web site. Their efforts directly help minimize operational impacts and prevent mission failure at installations located throughout the United States and its territories.

Planning and Sustainment Branch

The Planning and Sustainment Branch unites several functions previously managed by MAJCOM environmental attorneys along with the duties of the former Airspace, Ranges, and Sustainment Branch within AFLOA/JACE. The branch provides proactive guidance to Air Staff as well as to MAJCOM and installation attorneys to assist in meeting all environmental planning requirements. Ensuring compliance with NEPA and other critical planning requirements reduces potential risks to the Air Force mission. Failures in this process can result in time consuming litigation, and may halt mission activities until the deficiency has been corrected. Branch members advise on the legal aspects of new energy programs intended to support the Air Force's energy requirements. The branch helps safeguard the Air Force against threats to our flying and training missions, prevent encroachment on our operations, and promote sustainable use of our installations and resources to ensure maximum future operational flexibility.

Restoration Branch

With the creation of the ELFSC, the Restoration Branch now provides direct legal support to the Air Force Center for Engineering and the Environment (AFCEE) and, in conjunction with ELOs, to MAJCOMs and bases on all environmental restoration matters. The branch also provides significant input to the Air Force General Counsel's Environment and Installations Division in the formulation and implementation of Air Force and DOD environmental restoration policy and guidance.

Environmental Litigation Center

The Environmental Litigation Center stood up at Bolling Air Force Base, Washington, D.C., on 1 July 2008. The Litigation Center replaces and consolidates personnel and functions performed by the old Environmental Litigation and Torts Branch of AFLOA/JACE. The Litigation Center pursues Air Force interests in approximately 35 litigated cases at any given time. A recent estimate places the United States' potential liability in these actively defended cases at $504 million. In addition, the Center aggressively pursues affirmative cost recovery (ACR) cases, with the potential to return scarce remediation funds to Air Force coffers. Also, Center attorneys, in cooperation with attorneys in the regional offices, negotiate alleged Air Force liability for contamination at more than 100 sites that are located outside installation boundaries. Recent estimates placed the potential liability that these efforts seek to avert at $395 million. The Center also adjudicates environmental tort claims currently worth $95 million. With preservation of limited resources being a significant issue of concern particularly at installations in western states, the Center pursues and defends Air Force water rights.

The Litigation Center pursues Air Force interests in approximately 35 litigated cases at any given time. A recent estimate places the United States' potential liability in these actively defended cases at $504 million.

Regional Counsel Offices

The three RCOs located in Atlanta, Dallas, and San Francisco remain unchanged under the JAG Corps 21 reorganization. They continue to play an integral role in the overall Air Force practice of environmental law. The RCOs report directly to AFLOA/JACE, but work closely with the new ELFSC and its ELOs. The RCOs work closely with state and federal regulators and often work with state legislators in the geographic area of their regions. The RCOs are co-located with regional AFCEE offices, and the synergy of the engineers and environmental attorneys routinely pays dividends for the Air Force. The RCOs also actively support the Environmental Litigation Center's affirmative cost recovery program and administer a third party site program that seeks to limit or avoid Air Force liability for potential contamination at sites not owned or operated by the Air Force.

GENERAL LITIGATION DIVISION

The General Litigation 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 rates. Other responsibilities include reviewing all Freedom of Information Act (FOIA) appeals, accepting service of process on behalf of the Secretary of the Air Force in all civil cases, managing the Air Force witness program for civil litigation, advising field and higher headquarters staffs on civilian labor law issues affecting the Air Force's 143,000 civilian employees, and teaching labor law courses at AFJAGS. JACL is composed of four branches: The Labor Law Field Support Center (LLFSC), the Military Personnel Litigation Branch, the Information Litigation Branch, and the Utility Litigation Team.

Labor Law Field Support Center

The LLFSC provides reach-back expertise to base legal offices by representing the Air Force in all employment-related litigation in federal courts and before the Federal Labor Relations Authority (FLRA). It also represents most Air Force installations in litigation before the Equal Employment Opportunity Commission (EEOC) and the Merit Systems Protection Board (MSPB). The LLFSC has established a successful track record of defending the Air Force in administrative and court litigation worldwide. In Fiscal Year 2008, the LLFSC closed 54 federal court cases, 179 FLRA cases, 61 EEOC cases, and 59 MSPB cases. The cases represented more than $34 million in potential risk to the Air Force, but LLFSC attorneys closed them with only $992,700 in liability, due to settlements and favorable judgments. Base SJAs should still appoint a judge advocate as the office's chief of labor law to serve as the base's labor

law attorney, but that judge advocate may rely on the reach-back expertise of experienced labor law attorneys assigned to the LLFSC, who will serve as "first chair" counsel with base labor attorneys in defending EEOC and MSPB actions at their bases.

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. Staffed with five attorneys and one paralegal, the branch defends claims for military pay and benefits in the United States Court of Federal Claims. The branch also defends Air Force personnel decisions challenged in the various federal district courts under the Constitution, Administrative Procedure Act, and other statutes.

Many military personnel claims are based on adverse personnel actions that resulted in the early termination of military careers and requests for Air Force personnel to appear as witnesses concerning official matters in litigation and requests for the release of official Air Force information outside the FOIA. This year the branch engaged in a new initiative by developing a frequently asked question and answer bank on the branch's website to better assist the field with witness requests, subpoenas, and FOIA appeals and litigation.

Utility Litigation Team

The Utility Litigation Team (ULT), comprised of three judge advocates and one civilian attorney, represents the Air Force and other federal executive agencies before state and local regulatory bodies in matters involving electric, gas, water, and sewage rates and service. Members of the ULT also serve as the Air Force's utility law experts. The ULT provides support to installations and major commands with questions relating to the provision of utility services as well as legal issues regarding payment of fees and taxes on applications for relief that were denied by the Air Force Board for Correction of Military Records. While many of the complaints handled by the Military Personnel Branch involve individual personnel actions, several recent cases have challenged entire programs. In 2008, the branch defended several cases alleging equal protection violations in promotion and mandatory early retirement boards. The Military Personnel Branch responded to all habeas corpus petitions filed by former and current Air Force members serving court-martial sentences.

The ULT is the legal half of the joint judge advocate/civil engineer Utility Rate Management Team (URMT) that provides advice and contract negotiation support for the same commodities.

Information Litigation Branch

The Information Litigation Branch represents Air Force interests in federal court in cases involving information litigation, taxes impermissibly assessed against the United States, and constitutional torts against Air Force officials. The branch reviews and processes all FOIA administrative appeals from Air Force and advises the Secretary of the Air Force designee on final action on these appeals. Branch attorneys also provide advice throughout the Air Force regarding relating to utility service. A unique attribute of the ULT is its function as the federal executive "lead agent" in those regions where the General Services Administration (GSA) has delegated responsibility to the Air Force to represent all federal utility customers (currently 16 states) in rate-making cases.

The ULT is the legal half of the joint judge advocate/civil engineer Utility Rate Management Team (URMT) that provides advice and contract negotiation support for the same commodities. In that role, ULT attorneys advise installations and major commands on legal issues related to purchases of renewable energy and development of renewable power projects on Air Force installations and assist installations in negotiations with local utility companies for the provision of utility services. The renewable energy projects include wind power, urban waste, biomass and landfill gas projects, as well as photovoltaic and geo-thermal energy projects. The team also provides regular legal support to the Air Force's Energy Saving Performance Contracts and Utility Energy Service Contracts programs. Total savings and cost avoidance from ULT/UTRM activities in Fiscal Year 2008 was approximately $50 million.

COMMERCIAL LITIGATION DIVISION

Created in January 2007, the Commercial Litigation Division (JACQ) completed the arduous transfer of the Armed Services Board of Contracts (ASBCA) appeals mission from Wright Patterson Air Force Base, Ohio, to Rosslyn, Virginia, in 2008. JACQ also added four civilian paralegals and six civilian attorneys to its ranks and opened its Contract Law Field Support Center (KLFSC) for business.

Commercial Litigation Field Support Center

In 2008, the Commercial Litigation Field Support Center (CLFSC) averaged more than 120 open cases with more than $4 billion at risk. In addition to ASBCA appeals, the CLFSC litigated protests to the Government Accountability Office (GAO), lawsuits in the U.S. Court of Federal Claims (COFC) and other courts, and appeals to the U.S. Court of Appeals for the Federal Circuit (CAFC). Counsel in the CLFSC also represent the Air Force in matters relating to intellectual property, bankruptcy and surety, and housing privatization.

Federal Courts Branch

The Federal Courts Branch defends Air Force interests in disputes before COFC, CAFC, and other federal courts. Among its 2008 wins was *Harper/Nielsen-Dillingham Builders, Inc. v. United States.* COFC held the terms of an Air Force contract were not subject to state limitations on enforceability in this $500,000 claim filed by a housing contractor on behalf of its landscape subcontractor. The court ruled the claim was barred because the subcontractor had released the prime contractor from liability.

The branch also prevailed in the CAFC case of *Northrop Grumman Information Technology v. United States.* On 5 August 2008, the court affirmed COFC's decision that Northrop Grumman was not entitled to the $570,000 they sought based on an alleged warranty by the Air Force that it would exercise the final option year of a contract for computer software for the Army Battle Command System.

GAO Bid Protests

Bid protests drew unprecedented attention in

Spotlight on . . . an Accident Investigation Board Legal Advisor

Capt Alexandra C. Halchak
AFLOA/JACC
Arlington, VA

Captain Alexandra Halchak was called into the action quickly when she joined the Accident Investigation Board (AIB) Field Support Center (FSC) following her first tour of duty in the base legal office at Hickam Air Force Base, Hawaii. Approximately two weeks after completing the AIB Legal Advisor Certification Course, Captain Halchak was the first AIB FSC legal advisor deployed to investigate a Predator crash which occurred near Joint Base Balad, Iraq. Within three weeks of returning from the Predator AIB held at March Air Reserve Base, California, she was sent to Missouri to assist with the investigation of a high-profile F-15 crash, which resulted in a temporary grounding of the entire F-15 fleet.

The AIB FSC is a newly established FSC located in Arlington, Virginia, within the Claims and Tort Litigation Division (JACC) of the Air Force Legal Operations Agency (AFLOA). Captain Halchak is one of four company grade officers assigned to the AIB FSC who deploy worldwide for up to 30 days as legal advisors to investigate accidents and draft publicly releasable reports. "Serving as a legal advisor on an AIB merges law and aviation," said Capt Halchak. "We have the opportunity to learn more about our client, the Air Force, while participating in a hands-on, high-tempo experience"

The AIB legal advisor provides legal advice and assistance to the AIB president throughout the investigation regarding release of information, preservation of evidence, and rights advisements as required during witness interviews. "During my first AIB, I met with the mishap crew to dispel misconceptions about the purpose of the AIB, to explain the JAG's role in the investigation, and to encourage their cooperation," Capt Halchak explained. "It was an opportunity to educate the pilot community of the AIB process and demonstrate the JAG Corps' commitment to safeguarding the safety privilege."

While drafting the AIB report, the legal advisor reviews the releasability of information contained in the report and obtains release authority for technical orders included in the report. The AIB legal advisor also serves as the liaison between the AIB and the major command legal office, providing periodic updates of the AIB's progress as well as coordinating AIB report edits.

Additionally, members of the AIB FSC instruct at the three-day Aircraft Accident Investigation Course, which is held annually for the purpose of certifying AIB legal advisors. In September 2008, Capt Halchak instructed 50 JAGs and paralegals attending the course.

TDY assignments for AIB legal advisors often mean long, yet rewarding, days working with experts from many fields to determine the causes of Air Force mishaps. "The unique issues I've encountered as a legal advisor range from securing crash site evidence and interviewing witnesses to neutralizing personality conflicts between board members and planning morale events for AIB members," Captain Halchak said. "It's routinely a high-stress environment requiring a diplomatic and dynamic personality to keep the AIB on task and in good spirits."

2008 due to the KC-X tanker protest. On 29 February 2008, the Air Force awarded the $35 billion KC-X tanker recapitalization contract to Northrop Grumman. On 11 March 2008, Boeing protested the award, ultimately challenging the award on more than 100 grounds. The Air Force assembled a team of 19 attorneys from JACQ, the Air Force Materiel Command Law Office, and the Air Force General Counsel's office to respond. The team worked with the program office to produce the agency record consisting of thousands of pages of documents and provide it to the other parties. The team also authored a motion to dismiss and several extensive memoranda of law. The GAO conducted a five-day hearing to augment the written record regarding a variety of specific issues. On 18 June 2008, the GAO issued its decision. Though it denied the overwhelming bulk of Boeing's challenges, it sustained the protest on eight grounds. After the GAO decision, the Secretary of Defense deferred the new KC-X competition to the next Presidential administration.

In addition to litigation issues, because of the political and popular interest in this acquisition, JACQ frequently advised senior leaders on issues including strategic communications, media releases, testimony to Congress, and possible corrective action in light of the GAO decision. Contrary to the mistaken perception of some that the Air Force acquisition system was in dire need of a fix to combat a flood of sustained protests, as of 1 October 2008, though 124 GAO protests had been filed in the calendar year, KC-X was the only Air Force procurement for which a protest was sustained.

Armed Services Board of Contract Appeals Branch

The ASBCA branch continued to take on cases that could have a significant impact on the Air Force's operations, including a new appeal by Lockheed Martin regarding a contract to provide modular mission computers for the F-16. Lockheed failed to disclose to the Air Force certain required cost and pricing data pertaining to one of its suppliers. The Defense Contract Audit Agency (DCAA) discovered the omission during a post-award audit, and recommended a price adjustment to the contract of more than $14.5 million. The contracting officer concurred with the DCAA findings, and issued a final decision to that effect in May 2008, which Lockheed appealed.

A significant ongoing case involved an appeal known as the Redlands case. The claim seeks $228 million for anticipated cleanup costs and tort defense costs for groundwater contamination at the rocket motor production site from 1966 to 1973. This case is important not only because of the dollar amount involved, but also because it may set a precedent and create an incentive for other contractors with similar claims to seek billions in damages from the Air Force and DOD. The parties spent 2008 completing discovery and crafting motions. In the process, JACQ attorneys took or defended more than 60 depositions. The ASBCA trial is set for November 2009.

Bankruptcy and Surety Branch

The Bankruptcy and Surety Branch 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 the debtor or other creditors. It also protects Air Force interests in federal litigation arising from performance and payment bonds. Such litigation most often arises when an Air Force contractor defaults. In 2008, the branch recovered more than $1.5 million for the Air Force.

Intellectual Property

The Intellectual Property Branch imparts expertise to field offices, other Air Force members, and organizations around the world in subject areas including patents, trademarks, copyrights, and idea protection. The branch also defends the Air Force against administrative claims alleging patent and copyright infringement, and defends the Air Force in litigation resulting from such claims.

One of the biggest cases in 2008 was *Honeywell Inc. v. United States.* Honeywell filed a complaint in COFC seeking compensation for infringement of two patents related to night vision goggles and cockpit displays. Had the plaintiff prevailed on all claims, total government liability could have exceeded $600 million. The case was tried in February and March 2007. In April 2008, COFC invalidated one of the patents and held

Spotlight on . . . a Bankruptcy Attorney

Mr. Christopher S. Cole
AFLOA/JACQ
Arlington, VA

During 2008, bankruptcy made an enormous splash in the headlines as huge multinational corporations and individuals alike sought shelter from the financial fallout of investments gone wrong. However, regardless of the year, when contractors file Chapter 11 or Chapter 7 bankruptcy, their work may grind to a halt, taxpayer dollars may vanish into limbo, and a vital Air Force program may suffer significantly.

Fortunately, the Air Force has a Bankruptcy and Surety Branch within AFLOA's Commercial Litigation Division (JACQ). Mr. Chris Cole, who leads the branch, works with the Department of Justice (DOJ) and Assistant United States Attorneys (AUSAs) around the nation to defend the Air Force or assert claims on its behalf in bankruptcy court. Mr. Cole occasionally appears in court, but more often he files proofs of claim for funds owed to the Air Force and drafts motions and briefs for DOJ attorneys and AUSAs. Also, since many Air Force legal offices do not have attorneys familiar with bankruptcy, Mr. Cole helps offices to successfully lift bankruptcy stays, allowing a contracting officer to terminate a contract for default and to file claims for excess reprocurement costs, which allow the government to obtain its share of funds from a bankrupt contractor. As a result, the Bankruptcy and Surety Branch is one of the few organizations in the JAG Corps that actually generates income for the government.

In addition, Mr. Cole counsels commanders and judge advocates around the world on bankruptcy issues in general. Potential failure of a construction contractor, for example, can send shivers of fear through a base commander—especially when that contractor is working on a critical facility already behind schedule. Sometimes, even the seemingly mundane may create panic, such as when a contracting officer calls the legal office for guidance because the contractor providing garbage removal failed to show, and there is no answer at their office. Fortunately, legal offices who encounter bankruptcy issues are able to tap into Mr. Cole's expertise via the AFLOA/JACQ website. Numerous primers are posted there addressing recurring bankruptcy issues. Making resources readily accessible allows base-level Air Force attorneys to deal with pressing issues regardless of where or when they arise.

the plaintiff should not be compensated for a major portion of the infringement damages it sought due to lack of standing and other issues. The plaintiff appealed this decision to CAFC in September 2008.

Housing Privatization Branch

Through October 2008, the Air Force has closed 30 projects at 44 installations in the calendar year, totaling almost 38,000 privatized housing units. The Housing Privatization Branch fielded various legal issues during the year, including potential conflicts of interest in providing legal assistance to tenants involved in disputes with the developer and the scope of commanders' authorities in privatized housing. Five projects at 10 installations totaling more than 5500 privatized housing units are in acquisition, and are scheduled to be awarded in Fiscal Year 2009.

TSSAM Branch

The Tri-Service Standoff Attack Missile Team works with the Department of Justice in defending this classified litigation, which was filed in December 1996. The complaint seeks costs, lost profit, and interest. In 2008, the U.S. successfully defended a motion to compel production of certain documents. However, it continues to provide others in discovery, and to date approximately 20 million documents have been exchanged.

Contract Law Field Support Center

The KLFSC moved from the drawing board to the real world in 2008. Under the current installation acquisition transformation plan, non-systems and logistics contracting activities in the United States will be consolidated at five regional centers in San Antonio, Texas, Saint Louis, Missouri, Colorado Springs, Colorado, Warner-Robins, Georgia, and Hampton Roads, Virginia. This reduction from more than 70 buying organizations to only five regional centers will increase standardization, strategic sourcing opportunities, efficiencies of scale, and decrease redundancy.

Base-level counsel will still need to know contract law, however, because certain functions (government purchase card management, administration of certain contracts, task orders awards, etc.) will remain at base level. As such, a major responsibility of the KLFSC will be to share contracting expertise with base legal offices. In addition to providing worldwide reach back, the KLFSC will provide "reach forward" capability for the Air Force with a deployable repository of trained and experienced JAGs for deployments requiring contracting or fiscal law expertise.

JAJ

Col Scott R. Martin
Director

The Judiciary Directorate (AFLOA/JAJ or JAJ) is responsible for the administration of military justice across the Air Force from initial pretrial case development to post-trial appellate review potentially ending at the United States Supreme Court. Additionally, JAJ furnishes military justice policy advice and guidance to The Judge Advocate General (TJAG) and the Secretary of the Air Force (SecAF), and develops and promotes Air Force viewpoints on military justice legislation and executive orders. JAJ is led by Colonel Scott Martin, who took over from Colonel Morris Davis in May 2008. Colonel Martin supervises more than 250 Total Force personnel assigned to locations around the world.

JAJ performs its varied worldwide mission through five divisions: the Appellate Defense Division; the Trial Defense Division; the Government Trial and Appellate Division; the Military Justice Division; and the Clemency, Corrections and Officer Review Division.

APPELLATE DEFENSE DIVISION

The Appellate Defense Division (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 United States Court of Appeals for the Armed Forces (USCAAF), and the United States Supreme Court.

In addition to representing appellants before the various appellate courts, detailed counsel also work closely with trial defense counsel and clients in preparation of strategy and development of tactics in cases tried throughout the Judiciary. Additionally, counsel assist the Trial Defense Division by providing mentorship and expertise to trial defense counsel. There are currently nine active duty judge advocates, nine Reserve judge advocates, one civilian attorney, two active duty paralegals, and one civilian paralegal assigned to assist appellants.

Appellate defense counsel also contribute to Project Outreach, sponsored by USCAAF and AFCCA, by conducting oral arguments before various audiences, to include this past year: Lackland Air Force Base, Texas; Michigan State University, Michigan; University of Louisville, Kentucky; Syracuse University, New York; Texas Southern University, Texas; North Carolina Central University, North Carolina; and Washburn University, Kansas. The Project Outreach program highlights the fairness and professionalism of the military justice system to the public and service members alike.

Appellate defense counsel training remains one of the division's highest priorities. This training includes attending military law courses the Army's Judge Advocate General's Legal Center and School and appellate advocacy seminars sponsored by the Judge Advocates Association and USCAAF, in addition to a vigorous in-house training program. Attorneys also attended appellate advocacy seminars sponsored by the National Legal Aid and Defender Association, NAACP Legal Defense & Education Fund, Defense Research Institute, and Law Rose, Inc.

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

In *U.S. v. Custis*, 65 M.J. 366 (2007), a special court-martial composed of officer and enlisted members convicted the appellant, contrary to his pleas, of conspiracy to obstruct justice, drunken operation of a vehicle, soliciting obstruction of justice, disorderly conduct, and obstruction of justice, in violation of Articles 81, 111, and 134, Uniform Code of Military Justice (UCMJ). AFCCA affirmed the findings and sentence, holding that a common law exception to the marital privilege not contained within the exceptions listed in Military Rule of Evidence (MRE) 504(c) could nonetheless be applied to negate the codified marital communications privilege contained in MRE 504(b). USCAAF determined a military judge may not admit marital communications otherwise privileged under MRE 504(b) by reference to a common law exception generally recognized in the United States federal courts but not listed within the exceptions specifically enumerated under MRE 504(c). USCAAF ordered that the specification of the charge pertaining to the martial communication (solicitation to obstruct justice) be dismissed.

In *U.S. v. Witt,* ACM 36785, the appellant was found guilty of two specifications of violating Article 118, premeditated murder, and one specification of violating Article 80, attempted premeditated murder, in a general court-martial composed of officer members. Appellant was sentenced to be put to death, and the convening authority approved the sentence as adjudged in July 2006. Upon appellate review it was discovered that there were numerous inaccuracies and errors contained in the record of trial—more than 5000 errors and omissions as identified by the Government. In January 2008, the appellant made a motion to AFCCA to remand his case for preparation of a substantially verbatim transcript, in accordance with Rules for Courts-Martial (RCM) 1103 and case law. In March, AFCCA remanded the case to the convening authority, citing agreement with the rationale in *U.S. v. Johnston,* 57 MJ 227 (1999), which held that "when records of trial come to the Court of Criminal Appeals with defective staff work, as was the case here, they simply are not ready for review." AFCCA held that the remedy for such errors is to return the record of trial to the convening authority. The court went on to hold that whether or not a new recommendation and action will be required will turn on the "nature of the omission and whether the defects raise a "reasonable possibility" that the defect

affected the convening authority's decision or the [staff judge advocate] recommendation."

TRIAL DEFENSE DIVISION

The Trial Defense Division (JAJD) is responsible for the provision of comprehensive legal defense services to all Air Force members. Military defense counsel assigned to JAJD represent military members in interrogation situations; 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, physical evaluation, and medical credentials boards; and various other adverse personnel actions. Overseas-assigned counsel also act as military legal advisors in foreign jurisdiction cases.

This year saw full implementation of the reformation envisioned by the JAG Corps 21 initiative. Namely, eighteen geographic regions each led by a Senior Defense Counsel (SDC), and three instructor litigators (I/Ls) assigned to The Judge Advocate General's School (AFJAGS) transformed how defense services were provided across the Air Force.

These senior captain and junior major SDCs mentored, supervised, rated, and trained each installation-level area defense counsel (ADC) and defense paralegal (DP) within the region. Just as important, these experienced litigator SDCs represented military members in top-priority cases, both inside and outside their individually assigned regions.

I/Ls have proven to be an extremely valuable asset to the defense community. When serving in their instructor role, they provided hands-on curriculum planning and execution oversight of the ADC/DP Orientation Courses, Trial Advocacy Workshops across the globe, and advocacy courses at AFJAGS. This liaison worked perfectly from the JAJD perspective—in that active defense practitioners were instrumental in shaping the AFJAGS curriculum for the defense community. Additionally, each of the three I/Ls were detailed to try cases all over the globe, based on real-time docketing needs. This "quick reaction force" element of the division serves both the ends of justice and the stability of the regionalized SDC construct.

While the division's structure and position titles have changed, the enduring mission of JAJD remains—to provide vigorous, comprehensive, and world-class legal defense services to Air Force members.

JAJD includes 109 judge advocates and 75 paralegals stationed at 69 bases worldwide.

Spotlight on . . . the Chief of the Joint Service Policy and Legislation Branch

Lt Col Thomas E. Wand
AFLOA/JAJM
Bolling AFB, DC

If you've ever wondered how the Manual for Courts-Martial (MCM) gets amended or what the Joint Service Committee (JSC) on Military Justice is, Lieutenant Colonel Tom Wand is the person to talk to. Assigned to the Military Justice Division (JAJM), Lt Col Wand is the Chief of the Joint Service Policy and Legislation Branch and is "Mr. JSC" for the Air Force.

The JSC exists to assist the President in fulfilling his responsibilities under the Uniform Code of Military Justice (UCMJ) by reviewing the MCM annually and prosing legislation to amend the UCMJ so that the UCMJ and the MCM "fulfill their fundamental purpose as a comprehensive body of military criminal law and procedure." The JSC is chartered by Department of Defense (DOD) Directive 5500.17 and has representatives from each of the military services and the Coast Guard. Also represented in a non-voting capacity are the DOD General Counsel, Chairman of the Joint Chiefs of Staff Legal Counsel, and the U.S. Court of Appeals for the Armed Forces. The voting group is composed of the heads of the criminal law divisions and the working group, who actually does the heavy lifting, of non-voting members from the services.

The JSC chair position rotates biennially among the services, and the Air Force held it in 2007 and 2008. That means the chief of JAJM, Colonel Steven Thompson, chaired the JSC voting group and Lt Col Wand was the executive secretary and headed the working group. "We take proposals from the services and the public, review appellate decisions from all over the country, react to Congressional amendments to the UCMJ, and also propose legislation when appropriate," explained Lt Col Wand.

The JSC proposed and the President signed Executive Order 13468 in July 2008 making administrative and technical corrections to the MCM. The JSC just completed the 2008 annual review and proposed changes concerning the Rules for Courts-Martial, Military Rules of Evidence, and changes required by the amendment to Article 2, UCMJ, expanding jurisdiction over certain civilians. The JSC is currently discussing the addition of a model child pornography specification to the MCM and potential changes to the UCMJ involving subpoena duces tecum power at Article 32 investigations, addressing concerns with the revised Article 120, and strengthening the contempt powers for military judges. Lt Col Wand's fingerprints can be found on all of these activities.

"This is a fascinating job, because everything we do hopefully makes the UCMJ and MCM better," said Lt Col Wand. "If you like making sausage, this is the best factory in the JAG Corps."

Of the judge advocates, 83 are ADCs, 18 are SDCs, and 3 are I/Ls. Of the paralegals, 71 are DPs. ADCs, DPs, SDCs, and I/Ls are supported by an experienced headquarters staff of five judge advocates and four paralegals, led by Colonel Karen Mayberry, Chief, Trial Defense Division. The singular aim of the headquarters staff is to ensure mission accomplishment while facilitating the professional and personal well-being of all personnel assigned to JAJD.

During Fiscal Year 2008, military defense counsel participated in a total of 622 courts-martial, including 189 general courts-martial, 332 special courts-martial, and 101 summary courts-martial. Military defense counsel also represented Airmen in approximately 7287 Article 15 actions. For FY 2008, the dedication and hard work of the defense community garnered 53 full acquittals.

Since opening in 2006, the ADC office at Al Udeid Air Base, Qatar, has generated sufficient business for the division to warrant assignment of a second ADC. Captain Scott Jansen filled the new position in February, and Capt Clayton O'Connor rotated into the existing position in summer 2007. Both continued the strong defense presence in the Central Command area of responsibility (AOR), and the Al Udeid office handled more than 400 Article 15 actions, more than any other defense office, and tried 11 courts-martial during FY 2008.

Area Defense Electronic Reporting (ADER) is in use across the defense community. JAJD is working with the Legal Information Services Directorate (AFLOA/JAS) to enhance the report function of the program to allow the division leadership to have real time access to the workload of all defense counsel.

Considering the diversity of issues faced and gravity of each representation, it is no wonder the SDC, I/L, ADC and DP jobs are considered among the most challenging in the JAG Corps. With the opportunity to defend those who defend America, it is also no wonder that these jobs are considered among the best in the Air Force!

Spotlight on . . . a Senior Trial Counsel

Capt Brett A. Landry
AFLOA/JAJG
Bolling AFB, DC

It is the day of trial. The prosecution team is in the courtroom and begins to set up their counsel table when "the commander" arrives. However, this trial is unique in that "the commander" has not just come to watch the trial—the commander is the accused!

This very scenario happened twice this year for Senior Trial Counsel (STC) Captain Brett Landry, who led trial teams that prosecuted both a group commander and a squadron commander for misconduct. Both were convicted and dismissed from the Air Force. One of these trials included extensive press coverage from the local media. Each day of the trial local reporters pressed Capt Landry for a statement on the case, but Capt Landry refused to comment on the case while the trial was pending. "Sometimes JAGs think we practice law in a bubble," said Capt Landry, "but there are times when the civilian press is very much interested in what the Air Force is doing."

An STC since September 2007, Capt Landry quickly found himself at the forefront of prosecuting the Air Force's most serious offenders. "I am still humbled at the level of responsibility and trust you are given in this position." He came to the STC program after serving as the area defense counsel at Cannon Air Force Base, New Mexico. Capt Landry believes his time as a defense counsel was perfect training for his current role as an STC. "When I was a base trial counsel, I often did not understand some of the actions of a defense counsel. Now I do, and I better appreciate the role they have in the justice system. What's more, now I start preparing to prosecute a case by thinking about the case from a defense counsel's perspective—what are the holes in the government's evidence, and what are other factors in the case the defense might try to capitalize on? Identifying up front the weaknesses along with the strengths of a case helps me focus the prosecution's time and efforts more efficiently."

Reflecting on the one-year-old STC program, Capt Landry believes there have been positive changes from the old circuit counsel program. "STCs operate in a closer geographical area than our old circuit counterparts, which allows us to develop even stronger relationships with the base offices we serve."

Of course, just as with the circuit trial counsel program, the STC program also involves significant travel away from home station, which Capt Landry, his wife, and two twin daughters take in stride. "Travel definitely occurs in this assignment," remarked Capt Landry, "but you can be a successful STC and still maintain a strong family life at home. The key is organization—by staying informed and current on your pending cases prior to leaving home for trial, you can maximize the time you spend with family in between courts. If you properly budget your time, you can do both. This is a great job for someone who loves to litigate and mentor junior counsel."

GOVERNMENT TRIAL AND APPELLATE COUNSEL DIVISION

The Government Trial and Appellate Counsel Division (JAJG) provides the United States with trial and appellate services, thereby promoting and preserving good order and discipline in the Air Force. The division is led by Colonel Roger Bruce. While emphasizing a "one team, one fight" approach between trial and appellate functions, JAJG judge advocates have distinct trial counsel (prosecutors) and appellate counsel responsibilities.

July 2008 marked the first anniversary of the standup of the Senior Trial Counsel (STC) program, the new program that replaced the prior circuit trial counsel program. Unlike the former circuit program, STCs are no longer hampered by artificial geographical circuit barriers. Rather, STCs are strategically stationed at locations throughout the Air Force to maximize efficiency. This year one of the two STCs stationed at Yokota Air Base was moved to Osan Air Base, thereby increasing to 13 the number of locations hosting STCs and further improving prosecution services to the Pacific region.

In 2008, STCs supported 173 court-martial, including 64.7% of all general courts-martial in the Air Force. Some of the cases included courts-martial in the AOR, and several involved navigating through the complex nuances of the new Article 120, UCMJ, on rape and sexual assault. STCs also supported 68 Article 32 hearings, 47 other proceedings, and two discharge boards.

The STC program serves as a two-fold asset to base legal offices: force multiplier and reachback. As a force multiplier, STCs serve as lead counsel and mentor to junior counsel on the Air Force's most serious criminal courts-martial. STCs are also available to serve as government representatives in administrative discharge boards and other proceedings, as resources allow. As a reachback resource, STCs are also available to base legal offices for consultation at any time on military justice and trial advocacy issues, regardless of whether they are detailed to a particular case.

Appellate government counsel zealously represent the United States in appeals of the Air Force's most serious court-martial convictions, ensuring that such convictions are upheld on appeal. In this capacity, appellate government counsel act as the defenders of the military justice process, arguing to uphold actions by investigators, trial counsel, trial defense counsel, military judges, staff judge advocates, convening authorities, appellate courts, and nearly every other party involved in the military justice process. Appellate counsel also provide expertise to trial practice and military justice administration by answering questions from Senior Trial Counsel and base legal offices.

Appellate government counsel research and write persuasive and thorough legal briefs and present oral arguments at AFCCA and USCAAF, and, in conjunction with the Solicitor General, before the United States Supreme Court. Appellate government counsel were engaged with representatives from the other services in persuading the Solicitor General to petition the Supreme Court for a writ of certiorari in the Navy-Marine Corps case of *Denedo v. United States,* which, if granted, would represent the first Supreme Court review of a military court's decision in nearly ten years. In *Denedo,* USCAAF allowed a service court of criminal appeals to entertain a writ of error coram nobis from a former Sailor who had been discharged for several years and who alleged his 1998 court-martial was tainted by ineffective assistance of counsel. The case raises an important question about the jurisdictional limit of military appellate courts.

Among the 38 cases argued before appellate courts during 2008, JAJG counsel conducted oral arguments before USCAAF in 16 cases. Counsel defended the United States on the full range of issues, including admissibility of confessions, requirements for granting defense requests for expert consultants, post-trial processing errors, exceptions to the hearsay rule, court member challenges, jurisdiction, legal sufficiency of charges, probable cause for search and seizure, denial of defense requests for sanity boards, ineffective assistance of counsel, and many other matters. In addition, appellate counsel continued a recent trend of defending the government against claims of post-trial due process violations concerning the time taken to process post-trial matters and provide appellate review.

In *U.S. v. Larson,* 66 M.J. 212 (2008), appellate government counsel successfully argued to uphold a conviction for numerous offenses against a challenge that the evidence was unlawfully seized from the appellant's government computer. USCAAF agreed with the government's position that under the facts of the case, the appellant did not possess a reasonable expectation of privacy in his government computer and thus search authorization was not needed. Additionally, appellate government counsel have continued to educate JA personnel and commanders about their view that obtaining search authorization is still advisable before searching government computers.

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 on to USCAAF, as necessary. In addition, appellate government counsel educate Senior Trial Counsel and field JAGs on the process for pursuing interlocutory appeals and coordinate closely in cases where such appeals are considered.

Trial and appellate government counsel continue to be intensely involved in advocacy training and field support. Division counsel participate in other training activities, to include the annual Senior Trial Counsel Conference and CONUS Trial Advocacy Conference, as well as publishing training materials. Recently, appellate counsel published a major revision to the Trial Counsel Deskbook and distributed it worldwide, receiving much praise for its thoroughness and organization. Appellate counsel also publish a highly-regarded electronic newsletter containing appellate updates along with timely and relevant articles for military justice practitioners at all levels. Trial counsel regularly provide trial advocacy and military justice training at base legal offices when they travel to prosecute courts-martial.

MILITARY JUSTICE DIVISION

The Military Justice Division (JAJM), which is divided into eight branches, supports the field in military justice matters and drafts and implements Air Force military justice policy. JAJM is led by Colonel Steve Thompson with Master Sergeant Julie Steele serving as the law office superintendent. Mr. Loren Perlstein, the longest-serving associate division chief, retired this year after 18 years with the division. Mr. Jim Russell assumed the position of associate chief.

JAJM is responsible for disseminating changes in military justice practice and procedure resulting from legislation, court decisions, and/or policy decisions. It represents the Air Force on the Joint Service Committee (JSC) on military justice and its working groups that 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

Spotlight on . . . an Appellate Government Counsel

Captain Ryan N. Hoback
AFLOA/JAJG
Bolling AFB, DC

When Captain Ryan Hoback received word he was being reassigned from his position as area defense counsel at Scott Air Force Base, Illinois, and would be joining the Appellate Government Division, he had no idea his defense duties would actually increase. Capt Hoback soon learned that his new role would mean defending every aspect of the military justice system—from investigators, commanders, and convening authorities to trial counsel, defense counsel, and military judges—against appeals by convicted Airmen.

"We are in a unique position in that we make the best arguments possible on behalf of the government, which includes every person and entity that touches the military justice system," said Colonel Gerald R. Bruce, Chief, Government Trial and Appellate Counsel Division. "Captain Hoback has certainly learned this well through his outstanding work at JAJG."

Indeed, one of Capt Hoback's first assignments has been as lead appellate government counsel in the death penalty appeal of *United States v. Senior Airman Andrew Witt*, the Air Force's first death penalty case in ten years. Through the considerable ongoing motion practice in the case, Captain Hoback has been responsible for culling through thousands of pages of documents and defending the actions of the military judge, court reporters, trial counsel, and many others as the case works its way through the appellate process.

"I have had the opportunity to be on the cutting edge of the law," Capt Hoback said. "Most people I went to law school with never get to touch a death penalty case. I spoke with an experienced attorney in my hometown recently, and he was very impressed that such cases would be given to someone at my level."

One particularly unnerving part of the job can be arguing before the U.S. Court of Appeals for the Armed Forces (USCAAF) or the Air Force Court of Criminal Appeals and answering a barrage of questions in oral argument. For Capt Hoback, this is a duty he does not take lightly. "Initially it was very intimidating, because the judges know your case inside and out," he said. "I remember a USCAAF judge asked me in one case if my view was the position of the entire U.S. Government. It impressed upon me that when we stand up and say, 'I represent the United States in this matter,' that is really what we are doing—representing the position of the United States Government."

Capt Hoback pours through thick records of trial and reads massive amounts of case law, and he recognizes that sharing this information and knowledge is important. To that end, he edits the highly-praised JAJG electronic newsletter, which contains articles on case law development and trial practice. He also oversaw the overhaul of a favorite field resource, the Trial Counsel Deskbook, containing thousands of case summaries on more than 500 military justice topics.

Additionally, like all the attorneys in the Appellate Government Division, Capt Hoback spends much of his time answering questions from installation level JAGs and Senior Trial Counsel about ongoing cases. He finds this part of his job particularly worthwhile.

facilitates designation for the exercise of military justice, preparing SecAF documents and Department of the Air Force special orders designating convening authorities. The division makes recommendations to the judiciary and TJAG for changes in military justice policy and completes staff taskings as requested.

JAJM also answers high-level inquiries from the White House, members of Congress, and SecAF after gathering and assimilating all necessary data. JAJM action officers review applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After careful reviewing the applicable records and researching the issues, the division provides the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The division performs post-trial review for TJAG under Article 69(a), UCMJ, and reviews applications for relief under Article 69(b). JAJM also prepares memorandum opinions and actions for consideration by TJAG on Article 73, UCMJ, applications for new trial.

The division monitors officer and other special interest cases, preparing a monthly consolidated report for the Chief of Staff and TJAG. JAJM reviews officer resignations in lieu of court-martial and prepares advisory opinions for SecAF. Action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process request 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, and participate in the Drug Abuse Screening Coordinating

Committee.

Division personnel manage the web-based Air Force Centralized Witness Funding program and furnish fund citations and procedural instructions. They also oversee the Automated Military Justice Analysis and Management System (AMJAMS), which includes consolidating data, preparing statistical analysis reports, preparing the final TJAG inputs to all records of trial, and providing statistical data in response to special inquiries.

JAJM maintains the file repository for all courts-martial records of trial. The Appellate Records Branch processes all records of trial undergoing appellate review, distributing necessary copies, and preparing correspondence directing actions taken by appellate courts.

This year, the Air Force, represented by JAJM, served as the Chair of the JSC on Military Justice. The recently signed Executive Order 13468 made administrative and technical corrections to the MCM. The JSC completed the 2008 annual review and proposed procedural and evidentiary changes and adding a specified offense to Article 134. These included creating a model child pornography specification and changes required by an amendment to Article 2, UCMJ, establishing jurisdiction over civilians in specific situations. Current discussions include potential changes to the UCMJ involving subpoena power at Article 32 investigations, addressing concerns regarding the revised Article 120, and strengthening the military judge's contempt powers.

JAJM continued its involvement in establishing policies on sexual assault and domestic violence. JAJM was responsible for providing training on military justice and policy issues to the Air Force's new sexual assault response coordinators and has participated in DOD and Air Force working groups advising the Secretary of Defense and SecAF on the issue.

JAJM also participated in the Military Justice Horizons initiative, serving as advisors to the group and working to review and implement proposed changes.

CLEMENCY, CORRECTIONS, AND OFFICER REVIEW DIVISION

The Clemency, Corrections, and Officer Review Division (JAJR) is responsible for reviewing court-martial cases to make independent recommendations to TJAG and SecAF on clemency for convicted members. JAJR, which is composed of three civilian employees, is headed by Mr. Thomas Markiewicz, his deputy, Ms. Paula McCarron, and their paralegal, Mr. Brian Hummel.

At the completion of appellate review, JAJR examines each case of an officer or Air Force Academy cadet with an approved sentence to a dismissal and prepares a recommendation to SecAF on the issue of whether the dismissal should be approved and ordered executed or clemency should be extended. As would be expected, SecAF approves most dismissals, but this year clemency was granted in two cases—in one, SecAF permitted the retirement of an officer with a previously outstanding record after commuting the dismissal to a $100,000 fine; and, in the other, he commuted the dismissal to three years of service as an enlisted member (an authority granted in times of national emergency, but heretofore never exercised).

SecAF has the power to substitute an administrative discharge for a punitive discharge when "good cause" to do so is determined. JAJR, which reviews the cases of enlisted members at the completion of appellate review, recommended Secretarial action in two cases. SecAF substituted general discharges for adjudged bad conduct discharges in the case of an Airman found guilty of drug abuse where extenuating circumstances showed he became addicted to pain medication while under a doctor's care, and in the case of an Airman whose right to speedy post-trial review had been found on appeal to have been violated.

JAJR attorneys serve as TJAG's representative on the Air Force Clemency and Parole Board. The board reviews the 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 the applications of members for entry into the Return to Duty Program (RTDP), and approves those who have completed the RTDP for return to duty. The board took more than 1000 actions in the last year, including 150 parole decisions. At a slightly better than 50 percent parole rate, the Air Force has the highest parole rate of the services, and at around 10 percent, its parole revocation rate is extremely low.

Mr. Markiewicz just completed his fourth year as chairman of the Air Force Board for Correction of Military Records, located in the Air Force Review Boards Agency (SAF/MRB). The Board reviews the applications of members and former members who seek the correction of a military record because of an alleged error or injustice. No case decided by the board resulted in reversal by federal courts. The board had a successful conference in the spring, attended by more than 100 board members, staff, and guests, including the Assistant Secretary of Manpower and Reserve Affairs.

The President of the United States is given the authority by the U.S. Constitution to grant pardons to offenders, including those convicted by court-martial. In the past year, JAJR advised dozens of former members of the procedure to apply for a Presidential pardon, and in a half dozen cases prepared case analyses for the United States Justice Department's pardon attorney, at his request, on Air Force offenders.

JAJR is counsel to Air Force Security Forces (AFSFC) on corrections matters, providing legal advice on numerous issues related to the confinement of Air Force members. In this regard, JAJR assisted its client in the preparation of a report to the Vice Chief of Staff regarding future management of Air Force corrections, specifically regarding pretrial and short-term confinement. JAJR also reviewed AFSFC operating instructions for legal sufficiency and provided advice for memorandums of understanding with civilian facilities housing Air Force inmates so as to avoid issues under Articles 12 and 13, UCMJ.

JAJR was active with the DOD Corrections Council. Dr. David Chu, Under Secretary of Defense for Personnel and Readiness, implemented the final recommendation of the council's structures working group chaired by Mr. Markiewicz. The council also adopted a recommendation to facilitate DNA processing and is considering a proposal to limit access to confinement facility treatment records, both advanced by JAJR.

JAJR educates counsel and the field through a variety of resources, including TJAG Online News Service pieces and briefings at AFJAGS and at Keystone. In addition, Ms. McCarron authored an article on the Military Extraterritorial Jurisdiction Act which will appear in the American Correctional Association publication, Corrections Today. JAJR also produced distance learning materials on its mission areas that were presented and distributed at Keystone 2008.

JAS

Col Peter R. Marksteiner
Director

Located at Maxwell Air Force Base, Alabama, the Legal Information Services Directorate (AFLOA/JAS or JAS) is led by Colonel Peter R. Marksteiner. The staff of forty highly-skilled and creative professional military and civilian personnel works in collaborative teams to provide a cutting edge technical capability unparalleled in the Air Force. JAS continues to be The Judge Advocate General's Corps' center of excellence for innovation and initiatives in the legal information technology (IT) field.

JAS provides a broad range of computer and software products to Air Force and Department of Defense (DOD) legal communities. JAS is responsible for the JAG Corps IT program. This initiative provides legal research technology and facilitates web site hosting. JAS also provides expertise in procuring Air Force-specific hardware and software. It also produces deployment products and develops justice and claims management programs. JAS continues to automate and standardize routine processes to make the JAG Corps more efficient.

THE JAS LIFECYCLE MANAGEMENT PROCESS

JAS recognizes the quality of a system is highly influenced by the quality of the process used to acquire, develop, and maintain it. For this reason, JAS has focused efforts on improving its processes as well as its products. JAS's implementation of a formalized life-cycle management process for the development and sustainment of IT is applied to all JAS programs and projects regardless of the project type or the current life-cycle phase.

The systems engineering process (SEP) is a technical and management framework that incorporates and integrates DOD and Air Force regulations and includes the best practices of the Software Engineering Institute's (SEI) Capability Maturity Model® Integration (CMMI) in addition to industry standard software life-cycle process standards. During 2008, JAS has been involved in a number of notable projects, including:

FINANCIAL INFORMATION NETWORK SYSTEM (FINS)

FINS is a management application designed to provide JAG Corps leaders, at all levels, enhanced visibility of available funding for training. By improving the understanding of the availability of resources at the local level, the JAG Corps will be better able to leverage centrally available training resources in a way that maximizes benefits to the JAG Corps. FINS includes a variety of useful tools within the system, including tracking total office training funding, tracking training funding by person, and several report features.

LEGAL ASSISTANCE WEBSITE

JAS is working with a contractor to provide an improved legal assistance capability. This initiative will include a web-based customer satisfaction survey and will provide clients the ability to fill out wills and power of attorney worksheets and submit them electronically to legal offices in advance of their appointments.

CIVILIAN ATTORNEY BAR LICENSE REIMBURSEMENT SYSTEM (CABLRS)

CABLRS is a web-based application that JAG Corps civilian attorneys use to process annual bar dues reimbursement requests. Requestors apply for reimbursement by simply filling out a short online form. CABLRS provides not only the workflow backbone that routes requests, approvals, and payment authorizations, it also generates a collection of reporting features that can later be used by program administrators to build a business case to ensure the program's continued vitality and potential for expansion well in the future.

FIELD SUPPORT CENTER CERTIFICATION

The Field Support Center (FSC) Certification tool provides Civil Law and Litigation Directorate leadership and the entire Corps a way to identify Air Reserve Component (ARC) practitioners with demonstrated expertise in the FSC specialty practice areas. The new capability will provide additional ARC support above that already contributed by reservists attached to the FSCs for training. This new talent locator capability is intended to increase support to the FSCs without reducing support to other traditional legal offices and missions.

PROFESSIONAL RESPONSIBILITY CERTIFICATION SYSTEM

All JAG Corps attorneys are responsible for knowing and complying with professional rules and standards of both the Judge Advocate General's Corps and their licensing authorities. For the last few years, JAG Corps members used Roster to certify compliance with professional responsibility (PR) requirements and the accuracy of personal data in the Roster system. Responding to the direction of a TJAG-chartered study team, JAS developed the Professional Responsibility Certification System (PR Cert). Tracking reports for PR Cert will be available to the Office of Professional Responsibility and senior JAG Corps leadership.

COMPUTER-ASSISTED LEGAL RESEARCH

For the first time, JAG Corps users have access to two commercial computer-assisted legal research services. In conjunction with the Army, JAS negotiated contracts with both WestLaw and Lexis. The paired services will provide users an unprecedented level of computer-assisted legal research support as well as a valuable opportunity to evaluate those services and make decisions about how to provide CALR service in the future.

AREA DEFENSE ELECTRONIC REPORTING

Working closely with the Trial Defense Division (AFLOA/JAJD), JAS is making several improvements to the defense community's version of AMJAMS, the Area Defense Electronic Reporting program.

Included in these improvements are several workload overview reports. In these reports, defense community leaders will be able to view the workload by base, Senior Defense Counsel office, or region. Once completed, this capability will bring the same synchronization efficiencies to defense operations that the Judicial Docketing System provides to the judiciary.

FUTURE OF JAS

JAS continues to be at the forefront of new IT developments for the JAG Corps. While the products produced by JAS are utilized by the JAG Corps, they are also used beyond the Air Force component and are relied upon throughout DOD. With continued advances and support from the field, JAS remains focused on the future to ensure the JAG Corps' knowledge management tools remain second to none in support of the Air Force mission.

Spotlight on . . . an IT Specialist

Mr. Michael A. Taylor
AFLOA/JAS
Maxwell AFB, AL

Most civilian attorneys and judge advocates have little knowledge of computer programming code, but most will quickly recognize the work of Mr. Mike Taylor, a computer specialist in the Application Development Division of the Legal Information Services Directorate (JAS). Mr. Taylor provided the "code behind the concept" for two of the latest JAS projects to hit the field, the Civilian Attorney Bar License Reimbursement System (CABLRS) and the Professional Responsibility Certification System (PR Cert), and his exceptional programming ability was instrumental to each program's success.

As lead programmer on the CABLRS project, Mr. Taylor took stock of the JAG Corps' needs, translating broad concepts communicated by the customer into a time- and labor-saving information technology (IT) solution. CABLRS facilitates the process by which JAG Corps and Air Force General Counsel civilian attorneys are reimbursed for annual bar dues, resulting in a huge benefit for the Air Force's 400 civilian attorney workforce. Like his JAS teammates, Mr. Taylor brought to bear an extraordinary ability to turn a concept into a tangible, highly useful capability, and his consistent focus on the ultimate objective enabled him to design a product that not only meets today's need, but one that can be adjusted, with minimal delay, to meet tomorrow's—or next year's—as well. His forward-looking design set a new benchmark for JAS project development.

PR Cert was the initiative of a tiger team tasked with crafting a better process by which to track and provide JAG Corps leadership a top-down view of JAG Corps members' compliance with professional responsibility requirements. Working with tiger team members every step of the way, Mr. Taylor made dozens of adjustments to the beta test version of the program, completing the "concept to delivery" cycle for PR Cert faster than any other comparatively complex program in JAS history. His uncanny ability to find and fix code problems and his close interaction with the tiger team ensured record time delivery of a product that will benefit the JAG Corps for years.

With more than 20 years experience in computer programming, Mr. Taylor has spent more than 11 years serving the IT needs of the JAG Corps. Outside of work, Mr. Taylor enjoys spending time with his family, his wife Annette and his three daughters Blake, Jamie, and Lauren.

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 Center for Engineering and the Environment, the Air Force Inspection Agency, the Air Force Personnel Center, and the Air Force Safety Center.

AIR FORCE CENTER FOR ENGINEERING AND THE ENVIRONMENT

Brooks City-Base, TX

Before the Air Force Center for Engineering and the Environment (AFCEE) was formed, there was not a centralized Air Force office for commanders to seek assistance with their installation's environmental and construction programs. That changed in 1991, when AFCEE was approved and created as a FOA of the Air Force Civil Engineer as the Air Force Center for Environmental Excellence, a name that held until June 2007, when it took on its current name.

In October 2007, AFCEE officially assumed management of the Air Force's military construction (MILCON), family housing MILCON and Environmental Restoration Account (ERA) programs. As part of that transformation, AFCEE underwent a major reorganization that included changing all directorates into divisions and establishing new organizations to manage AFCEE's enhanced mission. Additionally, the center gained more than 130 new personnel from the various major commands as work that was done there transitioned to AFCEE.

This transformation has required ample support from a team of expert attorneys. The AFCEE legal staff includes three (soon to be four) contract attorneys, two environmental attorneys, a staff judge advocate, and a paralegal. This past year, they advised on thousands of actions totaling $2.1 billion, provided excellent advice to the Environmental, Construction Operations, and Services 2009 contract source selection and Worldwide Environmental Restoration and Construction Services 2009 source selection. They also trained all AFCEE personnel on ethics and worked with AFCEE's Project Management Execution and Contracting Divisions were central to develop a requirement vetting process for contract types. The center's director has relied on the team's advice on a wide range of issues, from multi-million dollar contract claims to the Air Force's continued participation in the interagency process to resolve hundreds of millions of dollars in natural resource damage claims of arising from the Massachusetts Military Reservation.

AFCEE's next change will be a physical move as it prepares to leave Brooks City-Base, Texas, in the near future. Brooks was selected for closure by Base Realignment and Closure officials.

AIR FORCE INSPECTION AGENCY

Kirtland AFB, NM

The Air Force Inspection Agency (AFIA) is a FOA that reports to the Secretary of the Air Force (SecAF) Inspector General. AFIA is the primary action arm of the SecAF inspection system. Headquartered at Kirtland Air Force Base, New Mexico, AFIA has five primary missions.

The Inspection and Oversight Directorate (IO) conducts compliance inspections of three direct reporting units (DRUs), 22 FOAs and other units as directed. IO also provides oversight for nuclear surety inspections (NSIs) conducted by Air Force major commands. Additionally, AFIA/IO NSI oversight teams accompany the Defense Threat Reduction Agency as the Air Force representative during Department of Defense NSIs.

The Medical Operations Directorate (SG) conducts health services inspections (HSIs) of Air Force military treatment facilities (MTFs) to assess the proper functioning and execution of the Air Force Medical Service's peacetime and wartime missions, programs and processes. Additionally, by agreement with the Nuclear Regulatory Commission, SG inspects radioactive material permits held by the Air Force. The directorate also provides comprehensive consultation services to MTFs as requested by Air Force senior leadership.

For many years, the Eagle Look Directorate (EL) conducted independent management assessments of key Air Force-wide programs and processes that were intended to improve Air Force operational readiness. Over the past year, EL's mission has transformed into active involvement in the Air Force-wide implementation of Air Force Smart Operations for the 21st Century (AFSO21). EL's certified trainers assists Headquarters Air Force, major command, and Wing AFSO21 process owners in training personnel on applying "lean" techniques to facilitate continuous process improvement and promote Air Force efficiencies and effectiveness.

AFIA also conducts Inspector General-directed investigations, which are high-priority investigations directed by The Inspector General. These investigations are usually time sensitive with findings and recommendations that are of significant interest to the Air Force, members of Congress, or the general public.

Lastly, AFIA publishes TIG Brief, the Air Force's oldest publication. TIG Brief provides authoritative guidance and information to commanders, inspectors general, inspectors, and Air Force supervisors and leaders at all levels of command. TIG Brief articles address anticipated or actual problems, recommendations to improve management, safety, security, inspection or operational techniques, cross-tell of lessons learned, best practices, and contemporary issues of interest to the Air Force.

The AFIA Office of the Staff Judge Advocate functions as AFIA's general counsel with a focus on compliance with AFI 90-201, Inspector General Activities, ethics and standards of conduct, the Freedom of Information Act, and a variety of administrative and civil law matters. AFIA/JA also participates in HSIs of military treatment facilities that have medical law consultants and compliance inspections of direct reporting units and certain FOAs.

AIR FORCE PERSONNEL CENTER

Randolph AFB, TX

The Air Force Personnel Center (AFPC) mission is to provide quality service in worldwide personnel operations with integrity, responsiveness, and sensitivity to commanders, Air Force civilians and military members, families, retirees, and other customers. The Headquarters Air Force Personnel Center legal office (AFPC/JA) advises the AFPC Commander and staff, Secretariat, Air Staff, and JAG Corps personnel worldwide on legal issues involving accession, assignment, promotion, disability, discharge, retirement, records correction, duty status determinations, Freedom of Information Act issues, and central selection board procedures. AFPC/JA also provides counseling for judge advocates who were not selected for promotion. Specialists in officer and enlisted personnel law, AFPC/JA facilitates complex personnel actions between JAG Corps personnel in the field and AFPC personnel subject matter experts. Additionally, AFPC/JA provides counsel to service members who are going through the Formal Physical Evaluation Board (FPEB) component of the Disability Evaluation System (DES).

AFPC/JA was involved in a number of important issues in 2008. To help guarantee the Air Force is a fit and vital force, AFPC/JA laid the groundwork for the implementation of the January 2008 Wounded Warrior Legislation as it applies to the DES. In its continuing effort to improve the processing of service-connected disability cases, AFPC/JA was instrumental in the future expansion of the DOD's DES pilot program. Additionally, the office provided specialized knowledge to the Air Force General Counsel and HQ USAF/JA to ensure members being processed through the DES will be provided access to legal counsel at the appropriate time in the process.

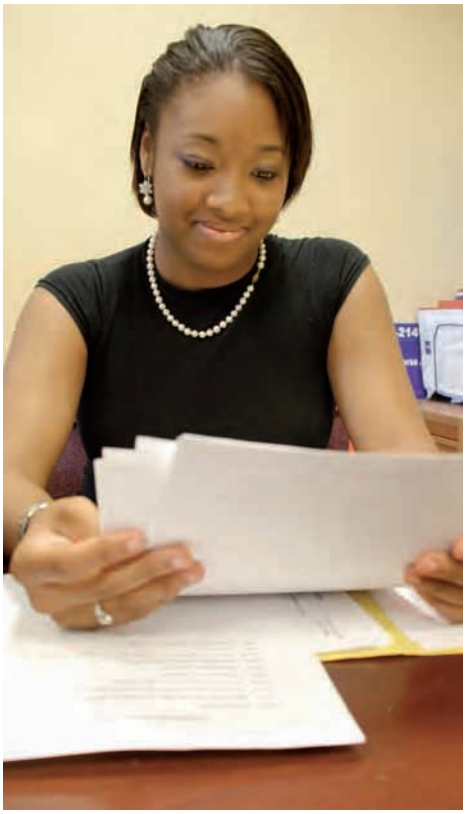
AFPC/JA is actively supporting various AFPC initiatives to transform information flow to make the Air Force more efficient and effective. With the planned roll out of the DIMHRS system in 2009, AFPC/JA continues to work with HQ USAF/JA and AFPC Future Operations Division in order to resolve issues key to its successful implementation. AFPC/JA was also pivotal in the development of plans to streamline the flow of information from MTFs to the Department of Veterans Affairs (DVA) to better serve servicemen submitting claims with the DVA.

Subject matter experts from AFPC/JA were called upon by Headquarters Air Force to provide inputs for improvements in the enlisted discharge process. AFPC/JA provided legal input to help shape the future of the separations program.

As the office of primary responsibility for AFI 36-2910, Line of Duty (Misconduct) Determination, AFPC/JA worked with offices in the field to ensure procedural correctness and timeliness of line of duty investigations. The office was called upon by the Air Force Audit Agency to provide technical experts to assist in completion of a high visibility audit of the Guard and Reserve line of duty process.

In 2008, the office reviewed 606 petitions and 31 formal legal advisories concerning the disposition of applications to the Air Force Board for Correction of Military Records.

Finally, FPEB counsel assisted 699 service members in the DES process.



AIR FORCE SAFETY CENTER
KIRTLAND AFB, NM

The Air Force Safety Center legal office (AFSC/JA) advises the Air Force Chief of Safety, stationed at the Pentagon, and the Executive Director and staff of the Safety Center at Kirtland Air Force Base, 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, and ground safety, and nuclear surety policy. 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.

The AFSC legal office provides advice and general counsel to AFSC officials so they can establish and execute mishap prevention programs to enhance Air Force mission capability, consistent with the law. The staff judge advocate 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 2008, AFSC attorneys taught 35 classes on the DOD safety privilege and were instrumental in assisting allied air forces to establish robust safety programs. The office led a team of Air Force safety professionals assisting the United Kingdom's Nimrod Review team, a mishap investigation directed by Prime Minister Brown. AFSC/JA identified and interpreted the regulatory framework governing aircraft airworthiness and held a joint and combined conference on Air Force best practices on safety and airworthiness. The Nimrod Review report will transform aviation safety in the Royal Air Force. AFSC/JA also drafted a revised DOD Instruction 6055.07 to address Congressional requests for DOD safety-privileged information. In addition, the office negotiates international agreements on the sharing of mishap prevention information and maintains the AFSC mishap report library.

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. A DRU is also different from Headquarters U.S. Air Force, the Secretary of the Air Force and the Secretary's principal staff, and the Air Staff headed by CSAF. 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 U.S. Air Force Academy.

AIR FORCE DISTRICT OF WASHINGTON
ANDREWS AFB, MD

The Air Force District of Washington (AFDW), Andrews Air Force Base, Maryland, is a direct reporting unit with MAJCOM and numbered air force responsibilities. Activated in July 2005, AFDW provides headquarters support to the 11th Wing located at Bolling Air Force Base, District of Columbia, and to the 316th Wing, 79th Medical Wing, and 844th Communications Group at Andrews Air Force Base, Maryland. The AFDW mission is to provide superior service always, military support to civil authorities when asked, and effective contingency response when needed.

The AFDW commander serves as the general court-martial convening authority (GCMCA) for all Air Force military members assigned to Bolling Air Force Base, Andrews Air Force Base, Fort Meade, Maryland, 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 commander authorized to exercise general or special court-martial convening authority.

In addition to its worldwide military

justice responsibility, AFDW/JA also fills a unique role in providing legal support to the Air Force Corrections Program and the Air Force Security Forces Center (AFSFC). The roughly 800 Air Force members who are in confinement at any given time fall under AFSFC and AFDW. AFDW/JA prepares all final and supplemental court-martial orders for clemency and the return to duty program for all Air Force members within the Air Force Corrections Program or on appellate leave.

The AFDW Operations Law Division was instrumental this year in the initial stand up of the 320th Air Expeditionary Wing (AEW). The 320th AEW is the organizational construct by which the Air Force presents forces to support a myriad of joint operations in the National Capital Region (NCR). Air Force personnel assigned to the 320th AEW worked to prepare for the 2009 Presidential Inauguration. Day-to-day, AFDW works in a planning and coordination role with Joint Force Headquarters-NCR (JFHQ-NCR). When JFHQ-NCR transitions to Joint Task Force-NCR, the 320th AEW is the Air Force component prepared to answer any challenge in the NCR. AFDW's Operations Law Division supported a wide range of operations throughout 2008, to include the State of the Union Address, the 2008 Papal Visit, and the Pentagon Memorial Dedication.

AFDW/JA's Contracts Law Division provides all legal support for procurement actions at a headquarters and installation level. Primary clients include: the AFDW Acquisitions Branch (AFDW/A7K), which supports the AFDW headquarters and the Air Staff; the 11th Contracting Squadron at Bolling Air Force Base; and, the 316th Contracting Squadron at Andrews Air Force Base. AFDW supports all Headquarters Air Force procurement in the NCR, including purchases by Headquarters, Air Force Office of Special Investigations for equipment and services to support their warfighters in the U.S. Central Command area of responsibility. Also, this year, AFDW/A7K, in conjunction with the Air Force Surgeon General's office, established a contracting office at Brooks City-Base, Texas, and expanded the work of their Medical Commodities Council at Wright-Patterson Air Force Base, Ohio, extending the geographic and fiscal scope of AFDW's legal oversight.

DEPARTMENT OF LAW

United States
Air Force Academy, CO

The mission of the United States Air Force Academy (USAFA) is 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. In pursuit of this goal, the faculty of the Department of Law (DFL) teams up with colleagues in more than 30 other academic specialties to help the Academy develop leaders who are committed to social, professional, and individual responsibilities, empowered by intellectual and warrior skills, and grounded in essential knowledge of the profession of arms and the human and physical worlds. The members of DFL advance this goal through a range of activities, both inside and outside the classroom, that consistently challenge cadets to be better students and leaders.

With a major encompassing more than 15 law courses, including USAFA's core course in the study of law, Law for Air Force Officers, the faculty focuses its efforts to meet the Academy's mission through expansive student writing, oral advocacy, and critical thinking. This focus has led cadets to consistently rank DFL's core course in the top 10 percent of all core courses taught at the Academy, including "Number 1" in course relevance, amount learned, instructor effectiveness, and course text (a DFL publication). These rankings are due in no small part to the dedication and skill of every military and civilian faculty member in DFL.

DFL's educational influence on the cadets extends beyond the traditional Legal Studies class. During the summer, DFL provided "in the field" use of force and rules of engagement briefings to more than 1200 cadets participating in the Academy's global engagement program, and planned and executed Secretary of the Air Force-directed Uniform Code of Military Justice (UCMJ) training for more than 2600 cadets. DFL also expanded the cadets' understanding and appreciation for the law by hosting an evening lecture by Supreme Court Justice Stephen Breyer, which was attended by more than 900 cadets.

Although teaching is the primary duty for DFL faculty, it is just one of many ways in which the faculty strives to accomplish the Academy's mission. For example, DFL plays a critical role in the cadet-run Honor System. In any given academic year, DFL faculty members provide primary legal advice in more than 95 percent of all cadet honor investigations and cadet wing honor boards. By guiding cadets through these processes, DFL helps to ensure fairness, respect for laws and regulations, and that future Air Force officers understand how best to interact with attorneys. DFL faculty members also hold positions as squadron professional ethics advisors, associate air officer commanders for academics, and officers-in-charge for several cadet clubs and intercollegiate athletic teams. Finally, DFL continues to share the expertise of its members in support of the Global War on Terror with deployments to Afghanistan and Iraq.

DFL has also worked hard to provide cadets with several diverse educational and leadership opportunities beyond the gates of the Academy. For example, the DFL-sponsored mock trial program allows cadets from numerous academic backgrounds to expand their advocacy and critical thinking skills by competing against some of the top undergraduate programs from across the country. The cadets finished in first place at two invitational and one regional tournaments, propelling them to receive two national competition bids with one cadet team going all the way to national championships, finishing ninth in their conference.

The competitions do not end with mock trial, as DFL led cadets to two different international law competitions this past spring. Three cadets participated in the week-long seventh annual LOAC Competition for Military Academies held in San Remo, Italy. The competition was attended by 87 cadets,

representing five continents, 18 countries, and 25 military academies, with one USAFA cadet taking first place on the "best mixed team," the competition's highest award. Three USAFA cadets also participated in the Concours Jean-Pictet International Humanitarian Law Competition held in Bern, Switzerland. Out of 56 teams competing, USAFA and West Point were the only U.S. undergraduate institutions represented. The USAFA cadets performed superbly against the competition composed almost entirely of students from graduate law programs.

In these and many other ways, DFL continues to facilitate the development of cadets into officers of character and the members of DFL are honored to be key players in the Air Force Academy's mission of educating, training, and inspiring tomorrow's Air Force leaders.

Justice and Mrs. Breyer with DFL staff

Spotlight on . . . an Air Force Academy Law Professor

For Major Shawn McKelvy, every day he goes to work at the Air Force Academy (USAFA) is a dream come true. As he explained, "I work with some of the finest JAGs in the Corps, in one of the most beautiful locations in the country, teaching interesting and relevant subjects, contributing daily to the development of future officers. What more could one ask for?"

After serving two base-level assignments, Maj McKelvy considered the prospect of teaching law at the Academy both exciting and a bit daunting, having never before taught a college course. But the challenge also proved to be extremely rewarding. In the classroom, Maj McKelvy directs and teaches five law courses that range from a survey course to focused courses on national security law and the law of armed conflict (LOAC). In conjunction with his LOAC courses, Maj McKelvy has led the cadet team that competes in the annual LOAC Competition for military academies, hosted by the International Institute of Humanitarian Law (IIHL) in San Remo, Italy. "After serving as the team coach my first two years at USAFA, last year the IIHL asked me to co-direct the competition and author the scenarios, providing a great opportunity for professional growth," he said. "I will be serving in that capacity again in spring 2009."

Maj Shawn D. McKelvy
USAFA/DFL
Air Force Academy, CO

Outside the classroom, Maj McKelvy has been involved with a wide range of cadet activities. He served as the primary legal advisor for cadet honor cases, and he's been an officer representative for the NCAA Division I men's soccer team. This past summer he teamed up with Professor Chad Austin to develop a cadet cultural immersion trip through Poland and Russia for six cadets, where the group visited Auschwitz and the U.S. Embassy in Moscow. "It is said that the Academy is a 'leadership laboratory' for the cadets," said Maj McKelvy. "But DFLers will tell you that by immersing yourself in cadet activities, you become a better leader yourself."

Maj McKelvy is quick to point out that all DFLers describe similar experiences from their assignment at USAFA. "I have probably not worked harder in any other job I've had, but I feel lucky every day I come to work. Confucius said, Find a job that you love and you'll never work a day in your life.' These sentiments ring true about teaching at the Air Force Academy."

Major Command Legal Offices

Staffed with anywhere from twelve to thirty legal professionals representing active duty, civilian, and reserve members, the nine major command (MAJCOM) legal offices provide full-spectrum legal services to the MAJCOM commanders and headquarters staff, including unique command issues, to ensure operational success. In addition, the 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 and space law, acquisition law, and ethics.

Air Combat Command

Brig Gen Christopher F. Burne
Staff Judge Advocate

CMSgt James C. Hobza
Command Paralegal Manager

Air Combat Command, headquartered at Langley Air Force Base, Virginia, organizes, trains, and equips combat-ready air forces for rapid world-wide deployment and employment. ACC forces are ready to meet both the challenges of peacetime air sovereignty and to rapidly transition into wartime operations. ACC provides nuclear-capable forces to the U.S. Strategic Command, air defense forces to the North American Aerospace Defense Command (NORAD), and theater air forces to the six geographic unified commands. Four numbered air forces—First Air Force, Eighth Air Force, Ninth Air Force, and Twelfth Air Force—and the U.S. Air Force Warfare Center comprise ACC.

ACC/JA serves as general counsel to the ACC commander and his staff on all legal matters associated with accomplishing the ACC mission. In addition, ACC/JA provides professional supervision to some 400 ACC judge advocates, civilian attorneys, paralegals, and other civilians serving in 25 ACC wings, located at 16 ACC bases as well as several other non-ACC installations.

Air Combat Command confronted a broad array of operational and organizational challenges in 2008, to include establishing the service-wide Combat Air Force Strategic Plan and serving as a focal point for reenergizing the U.S. nuclear enterprise. With regard to the latter, ACC/JA efforts in response to the well publicized nuclear incident at Minot Air Force Base not only ensured the leveling of appropriate individual accountability, but helped identify structural problems warranting command action as part of the larger effort to ensure nuclear surety. In short, ACC/JA helped point the way to needed corrective actions and thus supported national efforts to reinvigorate the nuclear enterprise.

The Aviation Division handled 20 accident investigation boards (AIBs)—more than half the Air Force total—ensuring commanders, next of kin, and the public received accurate information regarding accident cause. Among the AIBs were the February loss of a B-2—at $1.4 billion, the costliest accident in aviation history, and the July crash of a B-52 that tragically claimed the lives of all six crewmembers. Of note, both mishaps occurred on or near

Guam.

In proactive form, the Aviation and Civil Law Divisions led ACC's creation of a cross-functional team to provide consolidated Open House guidance. To that end, ACC/JA produced a wealth of training materials along with a detailed brief to guide wing legal offices and commanders through the sometimes thorny funding and ethics rules governing open houses. On 28 October 2008, the ACC vice commander formally launched this effort in a command-wide video teleconference (VTC). This guidance was greatly appreciated and well received by commanders and action officers.

In 2008, ACC legal teams deployed 74 of their own; of note, there were no reclamas to the taskings—a testament to ACC/JA's vigorous training regimen and emphasis on readiness. On the home front, the ACC judge advocate/paralegal legal team worked 24/7 in the operations center in tandem with Total Force partners to help national authorities and local commanders provide relief and safeguard lives and property in response to Hurricanes Gustav, Hanna, and Ike—all of which hit the U.S. during the first 13 days of September.

Confronted by command-wide inexperience stemming from diminishing numbers of actions and extended timelines, ACC's Military Law Division maximized VTC capabilities to enhance command-wide discussion, sharing of ideas, and adoption of best practices. As dedicated inspector general team members, ACC JAGs used unit compliance inspections as springboards to evaluate, educate, and motivate wing legal offices on successful legal operations.

In accordance with JAG Corps 21, two members of the ACC/JA staff joined the Environmental Law Field Support Center at Lackland Air Force Base and one remained the ACC liaison. In combination with wing legal offices, this network ensured seamless and consistent environmental guidance to commanders on a broad array of issues.

ACC's Total Force Integration (TFI) Law Division worked hand-in-glove with ACC/A5 and JA counterparts at Air Force Reserve Command and the National Guard Bureau to move more than 70 Air Force Chief of Staff integration initiatives closer to full operational status; of note, 15 are pending final approval.

Including the ACC-unique Acquisition Management and Integration Center (AMIC), the ACC Commercial Law Division advised on a contract portfolio of more than $5 billion dollars, with $500 million in obligations executed in Fiscal Year 2008. This included two high-profile program executive office programs awarded in FY08—the Tethered Aerostat Radar System (TARS), providing surveillance capability to our drug interdiction program, and the War Reserve Materiel (WRM) Program, ensuring timely delivery of arms and materiel to deployed warfighters. Two basic approaches paved the way to contract success. These included a stand-down to reaffirm a "back to basics" approach on contract processes and integrity—which, in tandem with ACC/A7, involved training senior leaders and more than 1000 functional experts. A second focus area emphasized JAG involvement at the earliest stages of contract formation—with the goal of minimizing the need for post-award defensive actions.

Air Education and Training Command

Col David C. Wesley
Staff Judge Advocate

CMSgt Angela M. Dodd
Command Paralegal Manager

Headquartered on Randolph Air Force Base, Texas, Air Education and Training Command's (AETC) mission is to develop America's Airmen today . . . for tomorrow. The command focuses on providing world-class education and training through Basic Military Training, advanced technical training, initial flying training, premiere air and space education, and professional military education. Many unique challenges arose this year and led to the development of several new programs that will have valuable effects for years to come!

During 2008, the Civil Law Division assisted in a number of operations throughout

the Command, including the transition of Little Rock Air Force Base from AETC to Air Mobility Command, providing guidance on issues related to legal assistance and search and seizure procedures in privatized housing, the AETC Symposium, and eight operational readiness inspections across the command. Because of new legislation, civil law attorneys convinced the commander of AETC to delegate initial denial authority in Freedom of Information Act requests to wing commanders, eliminating a duplicative major command legal review.

The Administrative Law Division increased oversight of and involvement in military justice actions at the wings, while fostering regular dialog with chief of military justice at AETC's numbered air force and Air University. A series of tools for trial practitioners was developed and shared with trial counsel throughout the command, and AETC worked with the command surgeon general to ensure Air Force medical experts were made available to assist trial and defense counsel whenever possible.

AETC's elite acquisition attorneys provided extensive acquisition law support on a host of issues, including aircraft maintenance, base operating support, the Air Force National Advertising and Marketing Contract, utilities privatization, and the Air Force Security Guard Contract. In addition to the AETC command workload, the office provided legal support to the Air Force Civil Engineer Support Agency's Air Force Contract Augmentation Program (AFCAP) and the Sustainment/Restoration and Modernization Acquisition Task Order Contract (SATOC). AETC's legal support allowed AFCESA to successfully award 987 contracting actions valued at more than $740 million. These actions included critical contingency support services to the warfighters in Iraq and Afghanistan; humanitarian relief supplies to Georgia following the Russian invasion; and sustainment, restoration, and modernization projects for Air Force facilities worldwide.

The command suffered six aircraft accidents that resulted in accident investigation boards during 2008. AETC/JA provided support to the boards, advice to the command, and preparation of the board presidents for next-of-kin briefings to the pilots' families. These complex matters were ably supported by members of the Operations Law Division, as well as AETC's superb civilian and military paralegals. Their work helped explain the accidents to the commander, the public, and the families who lost loved ones in these tragedies.

AETC also worked extensively with the Air Force Legal Operations Agency's Environmental Law and Litigation Division and Environmental Field Support Center to support efforts to bed down the F-35 Joint Strike Fighter at Eglin Air Force Base. Though

Spotlight on . . . a Court Reporter

Madonna Fell is the court reporter for the 325th Fighter Wing, Tyndall Air Force Base, Florida. A former active duty legal services technician, Mrs. Fell combines paralegal "know how" with tremendous experience—she has more than 25 years of court reporter experience, inside and outside the Air Force. In 2008, Mrs. Fell was integral in the development and implementation of the Air Force Court Reporter webpage on WebFLITE, and she added the finishing touches to the web-based Court Reporter Community of Practice (CoP) on Air Force Knowledge Now.

This virtual meeting place within the Court Reporter CoP, which is part of the Air Force Trial Judiciary's ongoing initiative to transform how court reporters record and transcribe courts-martial, allows Air Force court reporters to answer common questions, share templates of required documents, and cross feed information within their functional community. In a joint effort, a court reporter at one base is now able to upload digital audio files of a court-martial, and a second court reporter at another base can download the file, transcribe it, and then upload the transcribed record back to the original base. This leveraging of technology has enabled Mrs. Fell to transcribe audio files from Elmendorf Air Force Base, Alaska; McChord Air Force Base, Washington; Travis Air Force Base, California; and Ali Al Salem Air Base, Kuwait—all without leaving home. But when the mission has required travel, Mrs. Fell has volunteered to travel to bases in Georgia and Florida to serve as the court reporter.

Mrs. Madonna Fell
325 FW/JA
Tyndall AFB, FL

Mrs. Fell has been recognized many times at Tyndall Air Force Base for her devotion to duty and excellence, and she was central to the 325th Fighter Wing legal office's rating of "Excellent" in the base's 2008 operational readiness inspection. Ms. Fell was the driving force behind two of the legal office's listed strengths. Her ability to rapidly transcribe courts-martial proceedings directly led to the Wing's 100 percent on-time processing for special courts-martial in 2007 and 2008. Additionally, Mrs. Fell developed a detailed Staff Judge Advocate Recommendation Handbook that enhanced the legal office's ability to provide commanders with the proper course of action in all courts-martial.

Through her outstanding contributions to Tyndall and the JAG Corps' court reporter community, Mrs. Fell demonstrated once again her commitment to the Core Values of the Air Force and the Guiding Principles of the JAG Corps.

the solution is not yet clear, AETC's operations law team and environmental law liaison officer continue to ensure the command's interests are expressed and that this important new weapon system is properly placed for future training and introduction into operational squadrons. Finally, AETC continues to work with JAG Corps leaders and the Army to implement Base Realignment and Closure requirements that will ultimately lead to the creation of Joint Base San Antonio. Just another busy year for AETC!

Air Force Materiel Command

Brig Gen Dwight D. Creasy
Staff Judge Advocate

CMSgt Jack L. Craft
Command Paralegal Manager

Headquarters Air Force Materiel Command (HQ AFMC/JA), located at Wright-Patterson Air Force Base, Ohio, saw the retirement of Brig Gen David G. Ehrhart and the arrival of Brig Gen Dwight D. Creasy as Staff Judge Advocate in August 2008. AFMC/JA aggressively and successfully sought to preserve command prerogatives, executed HAF-directed transformation directives, and implemented JAG Corps 21 specialized reach-back initiatives. AFMC center and base legal offices at AFMC, test, acquisition, and logistics centers were consolidated into single base offices, thus ensuring the effective provision of legal services while enabling AFMC core missions.

The Administrative and General Law Division (AFMC/JAA) implemented new military justice policies and initiatives that resulted in a dramatic improvement in court-martial processing times and transformed the disciplinary culture of the command, thus ensuring efficient justice, swift deterrence, and good order and discipline. JAA also restructured the HQ AFMC government ethics program to provide unmatched support to the commander, staff, and AFMC center and installation commanders. HQ AFMC provided hundreds of legal opinions and published guidance that furthered the Air Force's most critical acquisition programs and enabled command-sponsored events such as the AFMC Tattoo and Air Force Marathon, greatly enhancing community relations, promoting a culture of ethics based on the Air Force Core Values, and furthering the Air Force mission. These efforts culminated in the receipt of the Air Force General Counsel's Excellence in Ethics Program Award for 2007.

The Acquisition Law Division (AFMC/JA) supervised the legal analysis of contractor and government claims, as well as fiscal legal issues associated with the successful $30 million settlement and close out of two highly complex 25-year-old F-16 production contracts. The result was compliance with fiscal law constraints, proper allocation of costs, overcoming practical difficulties associated with physically degraded documentation, and the rebuttal of Air Force Audit Agency critiques on legal precedent. JAQ led a multifunctional headquarter team in successful resolution of an issue critical to the new 711th Human Performance Wing mission: whether base realignment and closure funds could be combined with other funds to purchase a new centrifuge with enhanced features versus moving the old centrifuge from Kirtland Air Force Base to Wright-Patterson Air Force Base. Following a near violation by the Air Force of the depot 50 percent law for contracted-out workload, JAQ provided inputs that led the AFMC Commander to approve an AFMC Business Integration Office to shape AFMC's best business practices and to review all existing and planned partnering agreements (PA) and all non-Federal Acquisition Regulation memorandums of understanding and memorandums of agreement related to partnering.

AFMC Reserve members are proud to be part of the total force and were involved in every facet of AFMC's legal practice. Home station support remains the most important Reserve mission. This year reservists supported an unprecedented 98 percent of all such requests—more than 300 weeks of duty in active duty offices, easing the load as active duty personnel deployed. This was made possible through individual mobility augmentee (IMA) contributions beyond their regular duty obligation. IMAs played a key role in AFMC military justice programs. Reserve judge advocates served as Article 32 investi-

gating officers, trial counsel in courts-martial, and military magistrates. Paralegals provided military justice support by serving as defense paralegals and by preparing administrative and other related justice matters. Our IMAs also served in civil law and environmental law, such as reviewing National Environmental Policy Act compliance documents for a Tennessee Air National Guard Readiness Center at Arnold Air Force Base, and the Common Battlefield Airmen Training Program. AFMC Reservists helped with the timely investigation of 56 tort claims, including medical malpractice claims. In legal assistance, judge advocate IMAs provided support to more than 460 clients, preparing more than 440 wills and other legal documents. Paralegals were key players in this endeavor, performing 300 notaries and assisting in the preparation of 40 wills. Among the myriad IMA contributions to the acquisition mission, reservists helped finalize acquisition of a system to allow battlefield airmen to look for enemy targets beyond their line of sight.

AFMC LAW OFFICE

The Air Force Materiel Command Law Office (AFMCLO), located at Wright-Patterson Air Force Base, Ohio, is a multifaceted field operating agency of HQ AFMC. Mr. John J. Thrasher, a member of the Senior Executive Service, is the director. AFMCLO has four divisions performing a highly sophisticated commercial law mission in support of a diversified field of clients such as Aeronautical Systems Center, the Air Force Research Laboratory, and the Air Force Security Assistance Center, among other Wright-Patterson clients.

The Acquisition Law Division (AFMCLO/JAN) assumed a critical role in the much publicized F-15 longeron case. When an F-15 broke up in mid-air and crashed, a resulting aircraft investigation board determined the cause was the result of a defective longeron. A detailed and incisive legal analysis pointed the way forward for senior Air Force leaders, providing guidance on pursuing a negotiated settlement. Program counsel supported a wide range of programs including the Secretary of the Air Force's top two acquisition priorities: KC-X and CSAR-X. Lt Col Thomas F. Doyon, Chief, Acquisition Law Division, was recognized by the Air Force General Counsel, the Honorable Mary L. Walker, with the General Counsel's Procurement Law Award for demonstrating exceptional excellence in advancing acquisition law.

The Ethics and Fraud Remedies Division (AFMCLO/JAF) spearheaded a banner year with nine settlements resulting in $156 million in recoveries for the Department of Defense, of which $125 million was apportioned to the Air Force and $94 million was credited to AFMC accounts through direct contract or working capital fund reimbursement, replacement, or in-kind work. Warfighters were well-served through proactive measures to debar contractors that sold defective body armor and defective illumination flares. This division was the catalyst to creating installation-level fraud working groups. These highly successful working groups bring a team approach to prioritizing cases and resources, training and educating the procurement workforce, and uncovering and developing new procurement cases. The Air Force General Counsel recognized this division and HQ AFMC/JA with the inaugural General Counsel's Excellence in Ethics Award for exceptional contributions in promoting an Air Force culture of ethics.

The Intellectual Property Law Division (AFMCLO/JAZ) was restructured with a new emphasis placed on its two core missions: patenting inventions and supporting technology transfer. This division drafted a new model Cooperative Research and Development Agreement (CRADA). This model CRADA allows Air Force Research Laboratory scientists and engineers to quickly and safely exchange sensitive proprietary information with industry partners, and to facilitate relationships that promote beneficial technical collaborations. The Intellectual Property Law Division supported a robust docket that included, among other things, the review of nearly 10,000 patent applications under the Invention Secrecy Act.

The Industrial Facilities Division (AFMCLO/JAK) provided a full range of real property expertise and contracting support to the successful real estate closing of the Air Mobility Command West Military Family Housing Privatization Project. This multi-million dollar project involved three bases (Tinker Air Force Base, Oklahoma; Fairchild Air Force Base, Washington; and Travis Air Force Base, California) spanning two different commands. JAK was closely involved in supporting all phases of one the Air Force's first and largest enhanced use leases at Hill Air Force Base. Cutting-edge counsel on many novel issues ensured a successful outcome. These included applicability of anti-terrorism force protection standards to construction both beyond the fence line but still on Air Force property and within the fence line, jurisdictional changes, and reimbursement for police and fire protection provided by the Air Force that substantially reduced costs.

On 1 July 2008, AFMCLO deactivated its Environmental Law Division (AFMCLO/JAV) and transferred those manpower authorizations to the newly created Environmental Field Support Center in San Antonio, Texas.

Air Force Reserve Command

Colonel Sharon A. Shaffer
Staff Judge Advocate

CMSgt Ann Parker
Command Paralegal Manager

Air Force Reserve Command (AFRC), located at Robins Air Force Base, Georgia, is the second largest major command (MAJCOM) in the Air Force. AFRC is an active duty, fully operational MAJCOM with responsibility for 34 unit-equipped wings, three numbered air forces, ten groups, five air reserve bases, four air reserve stations, 52 tenant units, the Readiness Management Group (RMG) and the Air Reserve Personnel Center (ARPC).

AFRC is the primary force provider to the eight other MAJCOMs across the full spectrum of active duty missions. This past year culminated in unparalleled contributions by reserve judge advocates and paralegals. Approximately 20 percent of JAG Corps global deployments sourced from the Air Reserve Component (ARC) and 59 percent of those came from the Reserve.

During 2008, AFRC/JA guided the command through numerous changes and challenges, notably, the tumultuous changes in Air Force leadership and nearly 30 cutting-edge base realignment and closure (BRAC) actions and approximately 40 Total Force initiatives (TFIs). In addition, AFRC experienced its own exciting change of leadership when Lieutenant General John Bradley retired and Lieutenant General Charles E. Stenner, Jr. took command. Finally, AFRC/JA changed leadership when Col Sharon A. Shaffer replaced Col William A. Druschel as the staff judge advocate in July.

With its focus on a manpower shortage identified in 2007 and despite the continuing dwindling manpower from the residual of Program Budget Decision 720, AFRC/JA received and filled four additional permanent active duty attorney positions. AFRC also aggressively pursued a manpower study for increased paralegal support and AFRC/A1 validated the need for two additional full-time paralegals and one full-time civilian information technician for the Reserve Programs Division (AFRC/JAR).

AFRC/JAR and the RMG Detachment 14 centrally manage all aspects of the JA program. In addition to the dramatic changes in personnel, the mission has expanded considerably. AFRC/JAR processed approximately 121 accessions, attachments, and reattachments. In addition, since some of the functions performed by ARPC have moved to the RMG, AFRC/JAR has been able to considerably streamline the process, significantly decreasing average processing times.

AFRC/JAR managed and distributed an unprecedented 19,498 military personnel appropriation days, a significant increase from 2007, and 3052 reserve personnel appropriation (RPA) days. The RPA days represent active duty for special work (ADSW) and active duty for training (ADT) days and are exclusive of annual tour (AT) and inactive duty for training (IDT) days. In addition, when the Secretary of Defense forwarded tasking for immediate support to the Office of Military Commissions (OMC), 23 ARC members quickly stepped up to serve extended tours with OMC.

An astounding 30 BRAC actions have raised a number of unique issues for our Strategic Plans and Programs Division. At Niagara Falls Air Reserve Station, New York, AFRC reviewed issues regarding integration of a new associate Air National Guard unit into the existing base operating support (BOS) services. This issue is complicated by the long-standing existence of a BOS contract that was awarded under the privatization competition provisions of Office of Management and Budget Circular A-76. Among the questions are what, if any, re-competition requirements are necessary and whether the determination that an Air National Guard member requires full-time mission training supersedes previous determinations to privatize individual job descriptions.

At Dobbins Air Reserve Base, Georgia, BRAC transition of an active duty Navy installation adjacent to the base to Dobbins,

which is a state-operated Guard base, raised challenging support issues, including the legal authority for an Air Force Reserve unit to provide security and law enforcement services beyond the physical limits of an Air Force installation. Given that the installations are contiguous, the expansion of security functions would greatly enhance the ability of the installation commander to execute his mission and protect the real property, persons, and physical assets under his command.

At Pope Air Force Base, North Carolina, work continues with the Army host to delineate responsibilities for airfield operations and administrative support. Funding requirements, space allocation issues, and strict limitations on the use of reserve funding for active duty support have contributed to complications in the BRAC closure directive.

TFIs require careful application of fiscal law rules to ensure that RPA dollars are properly applied. Unlike appropriations to the regular components, reserve appropriations are normally limited to reserve purposes. Most TFIs also require careful scrutiny of full-time air reserve technician (ART) support and active Guard/Reserve (AGR) support to ensure statutory mandates are obeyed.

Pending TFIs involve classic and active associations. Classic associations are with regular Air Force hosts and AFRC tenants that provide manning. Active associations are with AFRC hosts and regular Air Force tenants that provide manning. All associations require the participants to work towards a common mission and usually require application of operational direction, as defined in Air Force Instruction 90-1001. TFIs involve nearly every air frame in the Air Force inventory and most MAJCOMs, with Air Combat Command and Air Mobility Command being the largest partners.

Unlike any other MAJCOM, AFRC's Military Justice Division (AFRC/JAM) oversees a centralized discharge program. All administrative discharge boards are held at AFRC. A chief of defense services is assigned to AFRC and is dedicated solely to representing reservists who are facing administrative action. This year, defense counsel saw her caseload skyrocket to more than 350 active cases. AFRC/JA conducted more than 50 boards and received 60 board requests, a significant increase from 2007.

In addition to conducting the day-to-day business of the command, AFRC/JA hosted the Annual Survey of the Law Course, two Commanders' Legal Issues Courses, three Reserve Officer Orientation Courses, a paralegal workshop, and two JAG Corps Reserve Executive Council Meetings. In addition, AFRC/JA convened and conducted two quality review panels.

AFRC/JA takes pride in being the premier legal team for the MAJCOM that is an Air Force within the Air Force.

Air Force Space Command

Colonel John A. Dyer
Staff Judge Advocate

CMSgt John P. Vassallo
Command Paralegal Manager

The Air Force Space Command legal office (AFSPC/JA), located at Peterson Air Force Base, Colorado, advises the Air Force Space Command commander, staff, and subordinate commanders on high-interest policy matters and concerns while overseeing a $20 billion command acquisition program, including space and missile systems procurement, source selection actions, and short suspense Government Accountability Office protest litigation. Unique to the Air Force, the office advises high-altitude operations and outer space issues affecting Air Force relationships with international communities and oversees criminal jurisdiction matters involving Canada for all Department of Defense (DOD) members. The office also provides legal oversight on use of Air National Guard and Reserve forces in federal space operations missions.

AFSPC is currently preparing for significant organizational changes that will take place next year. The Air Force recently announced plans to establish a nuclear focused major command to concentrate Air Force support for the nuclear strike and deterrence missions. This means that 20th Air Force and two nuclear enterprise wings will transition from AFSPC to the new command. The Air Force is also establishing a numbered air force (NAF) for cyber operations within Air Force Space Command. This new cyber NAF and two or more cyber wings will transition into AFSPC.

The Space Law Division is continually engaged in developing strategic partnerships with allies around the globe on space-related topics. For example, the division has been actively involved in the discussions with the Czech Republic that resulted in a bilateral agreement authorizing the U.S. to put a missile defense radar in Czech territory. Our attorneys ensured that AFSPC personnel and contractors operating the radar will have adequate authority to perform their mission. The division has also been leading a team of attorneys from the U.S., Australia, Canada, and the United Kingdom in developing the rules of engagement for the Schriever V Wargame. This wargame is a ten-day, space-focused event that will be held at Nellis Air Force Base, Nevada, in March 2009. AFSPC attorneys also continued to develop the legal curriculum at the National Security Space Institute (NSSI), a DOD-sponsored school for space education and training. A judge advocate assigned to the NSSI taught dozens of classes to hundreds of DOD, other U.S. government, and foreign national personnel on various space law topics, homeland and missile defense, and intelligence law.

The Administrative Law Division, which includes ethics, civil, contract, environmental, real property, and fiscal law, experienced challenging new legal issues this year. HQ AFSPC/JA attorneys collaborated with the Air Force General Counsel in analyzing the Air Force's interests and potential mission impact flowing from a proposal by a commercial joint venture to perform offshore slant drilling at one of the command's installations. On the housing privatization front, the office continued to assist installation legal offices in tackling the legal issues arising from the transfer of military family housing to private developers. At one AFSPC installation where some homes have significant construction defects, legal personnel addressed the challenge in transferring the homes for privatization while maintaining the claim against the original contractor for the defects.

The Administrative Law Division has also been very active in the commercial space arena. AFSPC has sought to increase the support it provides commercial space launch entities and enhance the interface with these entities. In order to achieve these objectives, AFSPC/JA worked with the AFSPC Operations Directorate and the Federal Aviation Administration to lay the groundwork for this increased support. Also, as a result of the 2008 National Defense Authorization Act, the number of public versus private competitions under Office of Management and Budget Circular A-76 has been reduced throughout the Department of Defense. AFSPC attorneys

are working closely with installation legal offices to determine which competitions and studies should be cancelled and which ones should continue.

The Environmental Law Division underwent a transformation with the establishment of the Environmental Law Field Support Center (ELFSC) in San Antonio, Texas. The ELFSC placed an environmental liaison officer at Peterson Air Force Base. This judge advocate is assigned to the ELFSC but is physically located in the AFSPC legal office. She performed a critical analysis of environmental baseline standards for the new missile defense mission and bed down at the Czech Republic. The Environmental Law Division also provided crucial comments on a number of environmental assessments to ensure AFSPC, National Aeronautics and Space Administration, and Missile Defense Agency initiatives move forward while complying with federal planning, endangered species, and historic preservation laws. The environmental liaison judge advocate also continued to provide advice to Vandenberg Air Force Base to protect Air Force missions from potential encroachment from proposals to conduct oil and gas mining at the installation.

Air Force Special Operations Command

Col William A. Druschel
Staff Judge Advocate

CMSgt Michael T. Farley
Command Paralegal Manager

Air Force Special Operations Command (AFSOC), America's specialized air power, stays a step ahead in a changing world, delivering special operations power anytime, anywhere. AFSOC provides Air Force special operations forces (SOF), or Air Commandos, for worldwide deployment and assignment to regional unified commands. Our missions include precision application of firepower, infiltration, exfiltration, resupply, and refueling of SOF operational elements. AFSOC/JA's mission echoes our Corps' mission—delivering professional, candid, independent counsel and full-spectrum legal capabilities to SOF commanders worldwide.

AFSOC's top priority remains ongoing combat operations in Iraq and Afghanistan and, above all else, support to our deployed forces and their families here at home. Special operations forces are among the most effective and lethal on the battlefield, and the enemy fears and dreads the arrival and employment of them. Every day, air commandos make a difference as part of this joint team.

In addition to ongoing combat operations in Iraq and Afghanistan, AFSOC sent the CV-22 on its inaugural deployment in October. Other major taskings included: building a plan for the first MC-130Js; divesting the MH-53; adding Predators; preparing for Reapers; ramping up processing, exploitation, and dissemination; prototyping and fielding an AC-27; continuing the AC-130U and Talon II avionics modernization programs; replacing MC-130Es and Shadows; tripling the U-28 force; fielding three types of small aircraft supporting theater mobility; and developing Cannon Air Force Base, New Mexico.

Air Commando judge advocates and paralegals provide full-spectrum legal support of AFSOC initiatives, from providing operational reachback capability to contract and general law support. AFSOC judge advocates are currently deployed to the Combined Joint Special Operations Air Component (CJSOAC) and the Joint Special Operations Task Force – Arabian Peninsula (CJSOTF-AP) along with one judge advocate deployed to Special Operations Command – Europe. JAGs from AFSOC will also soon deploy to fill new specialized air expeditionary force taskings for U.S. Special Operations Command – Central Command and Joint Task Force 134/Central Criminal Court of Iraq.

AFSOC/JA has provided foundational support for the newly established Air Force Special Operations Training Center (AFSOTC). Prior to AFSOTC's establishment, SOF-specific training was

conducted within operational units resulting in fragmented, unsynchronized, and, in some cases, incomplete or duplicative efforts. AFSOTC's stand-up provides a single organization focused on these efforts across the spectrum of training requirements, and it will pay dividends now and in the future. Key to AFSOTC's success will be the embedded judge advocate providing complimentary legal instruction as well as review and development of country studies, ensuring Air Commando cross-cultural awareness and assimilation.

Like all AFSOC Air Commandos, the command's judge advocates and paralegals remain ready "Anytime, Anywhere."

Spotlight on . . . a Deployment with the Combined Joint Special Operations Task Force – Arabian Peninsula

On 24 February 2008, Capt Shelly McNulty deployed from Hurlburt Field, Florida, to serve as the deputy staff judge advocate (DSJA) for the Combined Joint Special Operations Task Force – Arabian Peninsula (CJSOTF-AP) in Balad, Iraq. Capt McNulty's deployment to CJSOTF-AP marked the sixth consecutive rotation that a member of the 1st Special Operations Wing legal office has filled the position.

As the DSJA for CJSOTF-AP, Capt McNulty guided four attorneys and six paralegals providing counsel and advocacy for special operations forces throughout Iraq. She worked with Army Special Forces, Naval Special Warfare Units, and other special forces embedded with the task force units. Working closely with units engaged in combat operations across Iraq, Capt McNulty reviewed operations daily for compliance with applicable rules of engagement and laws of armed conflict, and she advised special forces teams on escalation of force procedures.

Capt McNulty also reviewed more than $10 million in contingency contracts and $4 million in projects funded by Commander Emergency Response Program, projects that always proved to be hot topics because of their effect on the task force's mission. She also reviewed more than 150 humanitarian and reconstruction projects in Iraqi communities. Capt McNulty noted, "These projects had enormous impacts on the local people and communities, and, in turn, on our mission and forces in the field."

In addition, as the DSJA, Capt McNulty served as the detention operations officer for CJSOTF-AP, and she managed the task force's detainee files. She authored and implemented updated standard operating procedures for CJSOTF-AP detention operations, and she traveled periodically to the CJSOTF-AP detention facility to inspect the facility to ensure compliance with Multi-National Corps – Iraq policies and international laws.

Deploying in a joint billet provided an exciting opportunity to work with our sister services. Capt McNulty said, "I felt that this deployment truly highlighted the strength of the Air Force JAG, in that we are multi-faceted and prepared for so many different roles and responsibilities; we have all the tools necessary to rise to the challenge in a deployed setting and to meet the needs of the situation at hand."

During her deployment, Capt McNulty worked almost 200 days straight in a challenging and fast-paced job and, at times, while under extremely tense conditions. But when she reflected on her experience, Capt McNulty focused instead on the opportunity to serve. She said, "This deployment was really rewarding for me. I was doing the job that the Air Force and the JAG Corps prepared me to do."

Capt Shelly S. McNulty
1 SOW/JA
Hurlburt Field, FL

Air Mobility Command

Brig Gen Steven J. Lepper
Staff Judge Advocate

CMSgt Janice E. Maupin-Anderson
Command Paralegal Manager

The Air Mobility Command (AMC) mission is to provide airlift, air refueling, special air missions, and aeromedical evacuation for U.S. forces. AMC also supplies forces to theater commands to support wartime taskings. As the Air Force component of U.S. Transportation Command, AMC is the single manager for air mobility.

AMC underwent significant changes in 2008. Three AMC bases—McGuire Air Force Base, New Jersey; Charleston Air Force Base, South Carolina; and McChord Air Force Base, Washington—are transitioning to the joint base construct, with McGuire leading the way. The Air Force and AMC will be the new hosts for Joint Base McGuire-Dix-Lakehurst, which will encompass McGuire Air Force Base, Fort Dix, and Naval Air Engineering Station Lakehurst. AMC will also support Joint Base Charleston, which will encompass Charleston Air Force Base and Naval Weapons Station Charleston. As the lead service and major command for these two bases, the Air Force and AMC will assume responsibility for 48 previously identified core installation support functions, to include legal services. Mission execution responsibilities of tenant units will remain with the respective services. McChord Air Force Base, unlike other AMC installations, will be the supported component when it joins with Fort Lewis to become Joint Base Lewis-McChord. AMC's joint basing efforts are steadily moving toward fruition. Joint Base McGuire-Dix-Lakehurst is expected to achieve full operational capability on 1 October 2009, while Joint Bases Charleston and Lewis-McChord are anticipated to achieve full operational capability on 1 October 2010.

As a result of joint basing and its unique role as a regional civilian transportation hub, Charleston has become ripe for commercial development, rendering previously under-utilized Air Force property valuable for potential business opportunities. This has created some unique real estate opportunities for the base. Base representatives are working with AMC and the Air Force Center for Engineering and the Environment to develop an enhanced use lease with a competitively secured commercial interest, which could reap a significant financial benefit for the Air Force. A joint use agreement negotiated between Charleston Air Force Base and local civil airport authorities enabling joint use of runways, while contributing to the area's commercial viability, has also created a number of challenges for AMC and the Air Force.

Pope Air Force Base is also preparing for a major change, namely its demise. As a result of the 2005 Base Realignment and Closure decision to transfer real property accountability for Pope to the Army, the base is in the final stages of its transition to tenant status on what will become Pope Army Airfield. This transition has generated its share of issues, not the least of which is the exact meaning of "transfer real property accountability." The Air Force and the Army, and their attorneys, continue to work together to amicably resolve the various issues slowing the timely implementation of the Congressional mandate. While AMC loses Pope as an AMC base in 2010, the command welcomed Little Rock Air Force Base, Arkansas, to the AMC family on 1 October 2008. Formerly an Air Education and Training Command (AETC) installation, Little Rock is now home to the new AMC 19th Airlift Wing, the C-130 Center of Excellence, the U.S. Air Force Mobility Weapons School, and the largest fleet of C-130s in the world.

AMC legal professionals coordinated an accident investigation board in Southwest Asia as the result of a mishap involving a C-130H that was forced to make an emergency landing in an Iraqi field shortly after takeoff from Baghdad International Airport. Miraculously, although the aircraft was a total loss, no serious injuries resulted.

AMC acquisitions attorneys were fully engaged working a number of high profile

issues. In the National Defense Authorization Act for Fiscal Year 2008, Congress directed but did not fund an Air Force pilot program to investigate the long-term feasibility of using civilian contractors to provide aerial refueling on a fee for service basis. The Acquisition and Fiscal Law Division (AMC/JAQ) worked with other agencies to support the creation of a draft concept of employment and, with AMC taking the lead, will continue to advise AMC leadership as the program develops. AMC/JAQ was integral to the Air Force's award and Boeing's subsequent protest of the KC-X next-generation tanker contract. Although the Secretary of Defense opted to start the process of selecting a new aerial refueling tanker anew, AMC's attorneys remain actively involved in the process.

Lastly, AMC/JA is continuing to build its global mobility operations law practice at all levels within AMC. The Operations and International Law Division (AMC/JAO) has focused its full attention on supporting the AMC commander by addressing domestic and international legal issues relating to AMC's various missions and developing and overseeing global mobility operations law training programs for the command's 49,000 active duty military personnel. AMC legal professionals played a vital role in facilitating the redeployment of Georgian troops from Iraq to their homeland following Russia's invasion of Georgia. AMC also proudly supported 175 AMC judge advocates and paralegals that have deployed since January 2008 in support of Operations IRAQI FREEDOM and ENDURING FREEDOM. AMC/JAO oversaw the office's participation in command operational readiness inspections of 24 active duty, Reserve, and Air National Guard wings at 11 different locations and managed training allocations for all Air Force judge advocates and paralegals to the Advanced Combat Skills Training course at the U.S. Air Force Expeditionary Center and AETC's Common Battlefield Airman Training.

Pacific Air Forces

Col Dawn E.B. Scholz
Staff Judge Advocate

CMSgt Maureen A. Lowe
Command Paralegal Manager

The Pacific Air Forces legal office (PACAF/JA), located at Hickam Air Force Base, Hawaii, provides general counsel and advice to the Commander, Pacific Air Forces, 18 headquarters staff directors, and 14 subordinate numbered air force (NAF) and wing legal offices. Each of the four NAFs in PACAF has a vital mission unique to the country or U.S. region in which it operates. The Pacific theater, the largest and most diverse in the world, contains 105 million square miles, 16 time zones, and 60 percent of the world's population with 43 countries and more than 1000 languages and dialects. The region includes China, a rising military superpower, and North Korea, an unpredictable regional threat. The PACAF mission is to provide Pacific Command (PACOM) integrated expeditionary Air Force capabilities to defend the homeland, promote stability, dissuade or deter aggression, and swiftly defeat enemies.

During 2008, the International and Operations Law Division oversaw the successful deployment of 25 judge advocates and paralegals to Iraq, Afghanistan, Guantanamo Bay, Cuba, and the Office for the Administrative Review of the Detention of Enemy Combatants in Washington, D.C. The division also oversaw the deployment or temporary duty assignment of 14 judge advocates and paralegals in support of several Chairman, Joint Chiefs of Staff-directed exercises within the PACOM area of responsibility to locations such as the Philippines, Thailand, South Korea, and Japan. These exercises promoted regional stability, increased interoperability, and enhanced security relations within the Pacific theater.

To ensure the PACAF/JA community is ready to meet these deployments and exercise challenges, PACAF hosts the Pacific Joint Operations Law Exercise (PACJOLE) at the Army's Pohakuloa Training Area on the island of Hawaii. PACJOLE's objective is

to provide judge advocates and paralegals realistic deployment training and experience in an austere environment. To date, more than 150 active, Guard, and Reserve Air Force JAGs and paralegals have attended PACJOLE. PACAF/JA has hosted students from the U.S. Army, U.S. Marine Corps, and personnel from countries such as Australia, Bangladesh, Brunei, Canada, Japan, India, Indonesia, Mongolia, Nepal, the Philippines, and Thailand.

In 2008, the Office of the Secretary of Defense issued the Joint Basing Implementation Guidance to establish Joint Region Marianas (JRM). Under the plan, Andersen Air Force Base, Guam, installation management was transferred to the Navy, with the Commander of the 36th Wing also serving as the Andersen Air Force Base commanding officer, and Deputy Commander JRM. As all guidance was written for the traditional joint base construct, much of it did not work for the unique command and control issues facing JRM. PACAF attorneys, active and Reserve, were extensively involved in negotiating and crafting a memorandum of agreement to guide the transition. Some legal support areas transferred to the Navy as installation management functions, but the Air Force retained military justice, military personnel actions, and claims functions.

Captain Michelle Kasperek-Said, PACAF's first environmental liaison officer, superbly guided the command through fiscal law issues and secured funding for a $750,000 cooperative project between multiple federal agencies and the Territory of Guam to construct a brown tree snake habitat barrier as part of the future threatened and endangered species recovery efforts on Andersen Air Force Base. She has been involved in securing the continuation of the Pacific Command's Koa Lightning exercises and has overseen the environmental impact analysis of numerous ongoing and proposed military training activities in Alaska, Hawaii, and the Mariana Islands.

With the common objective of promoting peace and stability within the Asia-Pacific region, PACAF hosted the inaugural Global Hawk Capabilities Forum in 2008. The informal forum promoted multilateral information-sharing and provided 12 Asia-Pacific nations an opportunity to leverage the capabilities of the Global Hawk Unmanned Aerial System as a means of avoiding and responding to regional crises and contingencies. PACAF attorneys provided advice and counsel regarding the contractor's, Northrop Grumman, involvement in the capabilities forum on issues ranging from foreign military sales to ethics issues, and on operational and international law issues concerning the use of Title 10 funds, ditching and divert bases, and intelligence oversight. PACAF attorneys were recognized for their detailed knowledge of policy and guidance, which led to the overwhelming success of the forum.

United States Air Forces in Europe

Col Jeffrey A. Rockwell
Staff Judge Advocate

CMSgt Ronnell A. Horner
Command Paralegal Manager

For 66 years, U.S. Air Forces in Europe (USAFE) has provided responsive forward presence, humanitarian and peacekeeping support, and decisive air power for America and our allies. During 2008, USAFE delivered full-spectrum options to U.S. European Command (EUCOM) and U.S. Africa Command (AFRICOM) throughout a 92-country area of operations. USAFE continues to lead and support joint, coalition, NATO, and warfighting headquarters operations and promote regional stability through focused theater engagement. From the strategic involvement of headquarters staff attorneys to the daily relationships maintained by base legal offices, USAFE legal professionals played a vital role in enhancing that cooperation and promoting regional security.

The legal professionals at USAFE, Third Air Force (3 AF), the 603d Air Operations Command (AOC), and the newly-established Seventeenth Air Force, with the benefit of co-location and a commitment to teamwork, daily

realize the Air Force's commitment to smart operations and JAG Corps 21 principles. The USAFE and 3 AF organization structures, driven by Program Action Directive 07-13, require it. USAFE's civil law and military justice functions reside within 3 AF/JA. The civil law section is lean, forcing base reliance on Field Support Centers (FSCs). Operations and international law responsibilities are functionally divided between USAFE/JA and 3 AF/JA. Legal counsel on matters of strategic importance, such as treaty negotiations and status of forces, is provided by the USAFE's Operations and International Law Division (USAFE/JAO) staff, while legal counsel on the application of existing international agreements, with a focus on operations and exercises, is provided by 3 AF's Operations Law Division (3 AF/JAO) and the 603 AOC legal advisor. USAFE continues to seek new opportunities to put smart operations into practice, such as the use of video teleconferencing (VTC) across the spectrum of JA operations. Reserve judge advocates and paralegals provided invaluable support across USAFE, performing approximately 2400 man-days of home station support tours to backfill for deployed active duty personnel.

USAFE/JAO mapped strategy and managed legal issues central to the USAFE mission. They substantially influenced agreements creating an unprecedented 12-nation consortium jointly owning three C-17s based at Papa Air Base, Hungary, effective September 2008. This creative arrangement gives our partners cutting-edge airlift capacity by breaking down cost barriers. They also negotiated successful basing agreements with Romania, Bulgaria, and the Czech Republic. These agreements will significantly enhance USAFE's future deployment, training and sustainment capabilities. In Italy, USAFE lawyers developed and negotiated critical agreements for both the Global Hawk beddown at Sigonella Naval Air Station and for continued Air Force operations at Aviano Air Base. They also helped Canada build global reach through the Canadian Forces European Airhead at Spangdahlem Air Base, Germany.

During Fiscal Year 2008, USAFE supported 339 theater security cooperation events in Europe and 119 events in Africa, and 3 AF/JAO and the 603 AOC legal advisor played key roles in planning and executing these operations and exercises. Some of the supported actions include NATO Baltic air policing; space shuttle support missions;

Spotlight on . . . a Host Nation Liaison

Ms. Andrea Clark, an employee of the United Kingdom Ministry of Defence, works with the 421st Air Base Group legal office (421 ABG/JA) at RAF Menwith Hill to daily resolve a myriad of issues that impact U.S. Forces, both collectively and individually. A cornerstone of the office, Ms. Clark has worked at RAF Menwith Hill since 1997, assisting in the initial transfer of installation command from the US Army to Air Force.

"Ms. Clark's guidance and unique perspective on matters ranging from foreign criminal jurisdiction to the proper use of tax-free benefits greatly enhances our standing in the local community and ability to accomplish our mission," stated Major Ryan Oakley, 421 ABG staff judge advocate. "Andrea not only builds bridges with U.K. agencies, including local law enforcement, immigration, customs, and the courts, she also looks for ways to improve the quality of life of everyone stationed overseas. For example, our office receives household goods claims from all uniformed services, and Ms. Clark created information packages specifically tailored to the guidelines of each service, which eased the burden on our customers."

Host nation liaisons primarily serve the local base to which they are assigned, but the host nation liaisons assigned to United States Air Forces in Europe (USAFE) bases also maintain a close network with each other. In addition to regular telephone and e-mail contact throughout the year, the liaisons meet once per year along with members of USAFE's International Law Division to cross feed information and share ideas about serving their local bases. Ms. Clark greatly enhanced this effort in 2008 when she authored the first ever Host Nation Liaison Handbook, which includes a template for country-specific handbooks that can be used by other host nation liaisons throughout USAFE.

At RAF Menwith Hill, Ms. Clark's impact is clearly evident in her diverse efforts to educate base personnel and foster their interaction with the local community. During 2008, she counseled base personnel facing prosecution for off-base traffic offenses, and she managed the education effort for a new U.K.-wide off-base fuel program. She worked closely with the Ministry of Defence Police and base motor pool to ensure completion of periodic and post-motor vehicle accident vehicle safety inspections. Ms. Clark saved two military families the equivalent of $4000 in overbilling errors from a local gas utility. Additionally, she has worked diligently with other base agencies to educate personnel on numerous issues, such as a popular briefing on "Buying a Home in the United Kingdom" hosted by the Airman and Family Readiness Center.

Taken together, Ms. Clark has led legal office efforts to educate members of the RAF Menwith Hill community on claims, legal assistance, and host nation law and procedures. Through their wealth of experience and dedication to serving the Air Force and its Airmen, Ms. Clark and her fellow host nation liaisons serve as a vital link between USAFE installations and local European communities and governments.

Ms. Andrea Clark
421 ABG/JA
RAF Menwith Hill, UK

Georgia sustainment and stability operations and humanitarian relief. 3 AF/JAO's legal advice during Joint Task Force NOMAD FIRE assisted in the prepositioning of response forces in eight different nations to support the President during his historic African visit in 2008. During Operation NOBLE ENDEAVOR, 3 AF/JAO helped develop and coordinate vital NATO/U.S. rules of engagement to provide 24-hour combat air patrol necessary to protect summit leaders at the G8 Summit in Bucharest, Romania, and then provided similar support to the President's E.U. Summit visit in Slovenia.

USAFE and 3 AF operations lawyers played a key role in FLEXIBLE RESPONSE 2008, training EUCOM and service component staffs on foreign consequence management; AUSTERE CHALLENGE 2008, an exercise that certified 3 AF as a joint task force-ready headquarters; and UNIFIED ENGAGEMENT 2008, a war-game exploring future joint war fighting concepts and capabilities in 2018. Attorneys and paralegals supported SILVER FLAG contingency training designed to test the rapid global mobility core competency. 3 AF/JAO sent the first ever Air Force legal advisor to participate in the NATO GAMMEL DANSK air warfare exercise in 2008, and led EUCOM theater security cooperation events, instructing the Azerbaijan 877th Brigade staff on U.S. military legal issues involved in peacekeeping operations and the Moldovan military directorates on defense planning legal framework.

The legal staff at Third Air Force-United Kingdom (3 AF-UK), as legal counsel to EUCOM's senior military representative to the British government, advised on countless issues of international impact and practical importance to U.S. military forces in the United Kingdom. They crafted arguments highlighting reduced administrative costs and burdens to eliminate the U.K. requirement for approximately 4200 arriving dependents and U.S. members of the civilian component to provide fingerprints for visas before they can be stationed in the U.K.

Along with constantly evolving international legal issues and steady operations in theater engagement, the vital baseline work of a component major command and NAF continued. In support of the 3 AF Commander, general court-martial (GCM) convening authority for USAFE, the 3 AF Military Justice Division (3 AF/JAJ) led USAFE bases to new records. The command's GCM processing rate, at 78 percent, was the second best in the Air Force, the special court-martial processing rate, at 91 percent, was third best, while the Article 15 processing rate, at 94 percent, was the best of all Air Force major commands. After seeing an increase in pre-preferral case-processing times, 3 AF/JA, in coordination with Air Force Office of Special Investigations (AFOSI) Region 5, developed a new approach that changed existing policies that artificially split case investigation and trial preparation. AFOSI and JA now integrate resources across all phases of the case process, using procedures that foster mutual cooperation and teamwork. JA now works closely with AFOSI during the report of investigation (ROI) phase, and AFOSI supports the JA trial team post ROI, accelerating and improving case preparation and ensuring the availability of the right witnesses and evidence at trial.

Attorneys from USAFE/JA and 3 AF's Civil Law Division (3 AF/JAA) provided critical support to USAFE's and 3 AF's general officers and other personnel to ensure understanding of and compliance with ethics issues, most of which double in complexity due to the need to be sensitive to U.S. gains from foreign engagements. 3 AF/JAA worked closely with the Aviano Air Base legal office and legal staff at U.S. Army Europe to protect the privacy interests of Air Force next of kin to the Airmen who perished in Aviano's Blackhawk crash. 3 AF/JAA also advised the source selection authority for a major military family housing build-to-lease project in the U.K., which will provide several hundred new family quarters near the main operating bases.

For nearly seven decades, USAFE legal professionals have worked with America's closest allies to build trust and teamwork through respect and clear communications. USAFE/JA and 3 AF/JA are postured for making these alliances stronger while deepening ties with America's newer partners in Eastern Europe and continuing to support U.S. interests in Africa.

Numbered Air Force Legal Offices

With a staff of experienced and capable 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.

Numbered Air Force Leadership

First Air Force/AFNORTH) (ACC)
Tyndall AFB, FL
Lt Col Robin P. Kimmelman
MSgt Barbara E. Terry

Second Air Force (AETC)
Keesler AFB, MS
Col Felix A. Losco
MSgt Tracy A. Reagan-Ogas

Third Air Force (USAFE)
Ramstein AB, Germany
Col William W. Pischnotte
SMSgt Christine M. Treat

Third Air Force - UK (USAFE)
RAF Mildenhall, United Kingdom
Col Dean C. Rodgers
TSgt Aimee J. Schlenker

Fourth Air Force (AFRC)
March ARB, CA
Col Samuel C. Mullin
CMSgt Magda V. Morrison

Fifth Air Force (PACAF)
Yokota AB, Japan
Col Daniel E. Rogers
SMSgt Sandra L. Pfeffer

Seventh Air Force (PACAF)
Osan AB, Korea
Col Thomas J. Hasty
MSgt Veronica S. McQueen

Eighth Air Force (ACC)
Barksdale AFB, LA
Col Gary F. Spencer
SMSgt Lee A. Upright

Ninth Air Force/USAFCENT (ACC)
Shaw AFB, SC
Col Larry D. Youngner
SMSgt Robert J. Hudson

Tenth Air Force (AFRC)
NAS Forth Worth Joint
Reserve Base, TX
Col James C. Caine
CMSgt Evelyn A. Mickles

Eleventh Air Force (PACAF),
Elmendorf AFB, AK
Col Eric N. Eklund
SMSgt Anita F. Easter

Twelfth Air Force/AFSOUTH (ACC)
Davis-Monthan AFB, AZ
Col Amy M. Bechtold
CMSgt Mary E. Gowin

Thirteenth Air Force (PACAF)
Hickam AFB, HI
Col Albert W. Klein
SMSgt Lori A. Vrooman

Fourteenth Air Force (AFSPC)
Vandenberg AFB, CA
Col Jodi A. Evans
SMSgt Steven J. Fitzgerald

Seventeenth Air Force (USAFE)
Ramstein AB, Germany
Col Christopher C. Lozo
MSgt Dwayne J. Lowes

Eighteenth Air Force (AMC)
Scott AFB, IL
Col Holly M. Stone
SMSgt Jose A. Mercado, Jr.

Nineteenth Air Force (AETC)
Randolph AFB, TX
Col Sharon K. Sughru
SMSgt David C. Denson

Twentieth Air Force (AFSPC)
F.E. Warren AFB, WY
Col Timothy M. Domek
MSgt Michele L. Reynolds

Twenty-second Air Force (AFRC)
Dobbins ARB, GA
Col Theresa A. Negron
CMSgt Howard C. Lee

A sample of the important 2008 accomplishments from representative NAF legal offices includes:

1 AF (AFNORTH)/JA (ACC)
Tyndall AFB, FL

At First Air Force (1 AF), regular Air Force, Reserve, statutory Title 10 guardsmen, active Guard and Reserve, Canadians, Army, Navy, Marines, civilians, and contractors work side-by-side to ensure the peace, safety, and tranquility of the nation. As the continental United States (CONUS) regional command, 1 AF has responsibility for ensuring the air sovereignty and air defense of the CONUS, Virgin Islands, and Puerto Rico, and is also responsible for providing support to local, state, regional, and federal emergency service agencies in response to both manmade and natural disasters.

This year, 1 AF/JA emphasized training for both the air defense mission and defense support to civil authorities mission. They developed a rigorous training program for the air operations center (AOC) which met the strict requirements defined in Air Force Instruction 13-1. They trained 15 new AOC-qualified judge advocates. Additionally, 1 AF/JA sponsored a training conference to create a ready force of judge advocates capable of supporting domestic operations at a moment's notice. Eleventh, Twelfth, and Thirteenth Air Forces participated in the three day event. The office also hosted Major General Charles J. Dunlap, Jr., who gave a presentation on the future of domestic operations in The Judge Advocate General's Corps. Finally, they participated in two national level exercises, numerous regional exercises and their first Virtual Flag exercise.

The year also offered many opportunities to put training to use in real world operations. 1 AF/JA supported many national events including the Super Bowl, four space shuttle launches, the Republican and Democratic National Conventions, and thousands of Operation NOBLE EAGLE sorties. Mother Nature also tested 1 AF/JA abilities with flooding in the Midwest, California wildfires, and tropical weather events, culminating in operations in support of relief efforts for Hurricanes Gustav and Ike. As a result of the lesson learned in these operations, 1 AF/JA is working with the Federal Aviation Administration, Department of State, the Federal Communications Commission, the Government of Mexico, and the Commonwealth of Puerto Rico, among others, to ensure the command's ability to effectively execute any of its missions at a moment's notice.

Finally, 2008 was a year of accomplishments and milestones for 1 AF. North American Aerospace Defense Command (NORAD) turned 50 and our bilateral air defense operations with Canada are stronger than ever. In May, the 121st Fighter Squadron from the D.C. Air National Guard responded to the 2000th air scramble since 9/11. In June, 1 AF/JA received an "outstanding" on a NORAD evaluation and was commended for several best practices. The organization received the Air Force Outstanding Unit Award. In July, 20th Fighter Wing F-16s from Shaw Air Force Base flew the 50,000th Operation NOBLE EAGLE sortie. Finally, the command's Joint Personnel Recovery Center and Air Force Rescue Coordination Center combined to save more than 800 lives this year.

2 AF/JA (AETC)
Keesler AFB, MS

Second Air Force (2 AF) is responsible for conducting basic military and non-flying technical training for Air Force, joint, and coalition enlisted members and support officers. 2 AF also provides oversight of Airmen completing Army training prior to "in lieu of" (ILO) taskings. The command oversees approximately 225,000 graduates annually and hosts 2500 courses.

Headquarters (HQ) 2 AF reorganization took place to reflect new operational emphasis. With the approval of Headquarters Air Force, HQ 2 AF organized around a Technical Training Operations Center (TTOC) which contains four divisions: strategy, plans, operations, and analysis. The JA function remained a staff function reporting directly to the commander. 2 AF/JA assisted in the organizational planning for the new structure.

The office continued to provide legal support to ILO Airmen and their leadership through the 602d Training Group (Provisional). Approximately 7300 Airmen were trained at numerous power-projection platforms around the country preparing for "outside the wire" deployments in accordance with combatant commander training requirements. 2 AF/JA supported this effort by drafting language for the execution order and contingency exercise deployment orders. 2 AF/JA also provided legal support to our ILO Airmen (while in training) and their on-site leadership through the TTOC.

During 2008, 2 AF wings completed 79 courts-martial and processed 885 Article 15 actions—both accounting for 12 percent of the Air Force total. The command's witness funding budget skyrocketed due to some high profile and unique cases. Funding increased 366 percent, from $89,652 in Fiscal Year 2007 to $327,935 in Fiscal Year 2008.

8 AF/JA (ACC)
Barksdale AFB, LA

Eighth Air Force (8 AF) will undergo significant change with Air Force restructuring that will create a nuclear-focused major command combing nuclear bomber and missile forces, moving cyber operations into Air Force Space Command, and directly impact the mission and organization of 8 AF. Throughout this time of change, 8 AF/JA has delivered and continues to deliver full-spectrum legal capabilities for all facets of 8 AF operations, flying, fighting, and winning in air and cyberspace.

8 AF/JA provided a judge advocate for the Air Force's first-ever component NAF operational readiness inspection team. At home station, five judge advocates served in the United States Strategic Command (STRATCOM) global strike air operations center (AOC). From the AOC, they advised senior flag officers commanding a combatant command (COCOM), task forces, air components, and Air Force forces conducting worldwide operations for multiple COCOM exercises and real-world planning events.

Supporting a general court martial convening authority and special court martial convening authorities at five main operating bases, 8 AF completed 44 courts-martial, approximately seven percent of the Air Force total, and processed more than 600 Article 15 actions, approximately nine percent of the Air Force total, in 2008. 8 AF/JA hosted the 24th Annual Article 32 Investigating Officer Workshop for active duty and Reserve judge advocates as well as an Article 6 visit with The Judge Advocate General (TJAG), the Senior Paralegal Manager to TJAG, the Air Combat Command (ACC) staff judge advocate, and the ACC command paralegal manager. The 8 AF staff judge advocate and 8 AF paralegal manager conducted numerous staff assistance visits, in-person and, for the first time, virtually. The military justice judge advocates and paralegals continued to offer the educational opportunity of the military justice workshop, with NAF personnel traveling to the wing to maximize training audience and value.

9 AF/JA (ACC)
Shaw AFB, SC

Ninth Air Force (9 AF) controls ACC fighter forces based on the east coast of the United States and serves as U.S. Air Forces Central, the air component for a 27-nation area within the U.S. Central Command (CENTCOM) area of responsibility. 9 AF is responsible for overseeing the management of five flying wings and four direct reporting units, as well as ensuring the operational readiness of 18 designated units of the Air National Guard and Air Force Reserve. 9 AF/JA oversees and provides counsel to the military justice programs at four flying wings and assists with military justice issues at a number of detachments and direct reporting units.

During 2008, the 9 AF staff judge advocate, Colonel Larry D. Youngner, and law office superintendent, Senior Master Sergeant Robert J. Hudson, visited 4 FW/JA, 20 FW/JA and 23 WG/JA on staff assistance visits. Additionally, a 9 AF Reserve member, Lt Col Rachel Mercer, participated in the training by reservists in advocacy and litigation skills (TRIALS) program, which was held at the office of the 20 FW/JA. This program is administered by three reserve instructors, one active duty judge and one Air Force JAG school faculty advisor. The two-day, mock trial format offered the opportunity to hone trial advocacy skills for attendees from Shaw, Seymour Johnson, Charleston, and Pope Air Force Bases.

In 2008 the office provided its uniquely experienced and knowledgeable senior leadership to the JAG FLAG program and provided regular educational support to the advanced contingency skills training at the Air Force Expeditionary Center, Fort Dix, New Jersey. 9 AF/JA was also requested to attend the JAG Corps 21 Horizons conferences to address the Air Force's evolving military justice, environmental law, and claims programs.

Finally, of note in 2008 was the command's outstanding improvement in Article 15 actions. Of 418 Article 15 actions administered by the 9 AF legal offices, 91 percent were completed in 20 days or less, a 24 percent improvement in processing times from 2007.

11 AF/JA (PACAF)
Elmendorf AFB, AK

The Eleventh Air Force (11 AF) legal office continued to provide legal support to 11 AF, Alaska North American Aerospace Defense Command (NORAD) Region (ANR), Alaskan Command (ALCOM) and Northern Command (NORTHCOM) Joint Task Force Alaska (JTF-AK), despite experiencing significant personnel changes in 2008.

Working with ALCOM, 11 AF/JA provided legal guidance and oversight on innumerable issues including the activation of Joint Task Force – Alaska (JTF-AK) as a standing (vice provisional) joint task force. The year was filled with issues addressing the Tanana River Railroad Bridge, a dual-use rail/vehicle bridge planned to provide ground access to the Tanana Flats and Donnelly Training Areas within the Pacific Alaska Range Complex. ALCOM also served as the executive agent for Exercise NORTHERN EDGE 2009, Pacific Command's premier joint training exercise designed to practice operations and enhance interoperability among the 6500 participants from all services.

Due to a significant increase in Russian flying activity in 2008, military members of 11 AF/JA supported training and real-world northern sovereignty operations and Operation NOBLE EAGLE

TJAG arrives in Chile

events. 11 AF/JA provided training to air operations center personnel on rules of engagement and manned more than a dozen real-world missions. Russian aircraft filed their first ever flight plan in August.

The command's high operations tempo increased in 2008 as a result of exercise participation and real-world events. 11 AF/JA supported several joint and combined exercises: AMALGAM ARROW, FENCING SABER, AMALGAM MUTE, ARDENT SENTRY, and FENCING GAIN.

11 AF/JA also addressed numerous environmental law issues. Mr. Jim Klasen helped resolve a dispute involving contamination at Camp Lonely between a group of federal entities (Air Force, Navy, and the Department of the Interior) and a group of private parties including ITT Corporation and Husky Oil. The negotiations led to substantial progress toward settlement, and environmental cleanup of Camp Lonely should begin in 2010. Throughout 2008, Mr. Klasen reviewed numerous proposed plans and records of decision for the Air Force Environmental Restoration Program in Alaska.

12 AF (AFSOUTH)/JA (ACC)
Davis-Monthan AFB, AZ

On 29 February 2008, Twelfth Air Force (12 AF) (Air Forces Southern) was recognized as a component NAF. In this role, 12 AF serves as the air component to U.S. Southern Command (SOUTHCOM), in addition to performing its traditional NAF functions for seven active duty wings and three direct reporting units.

The 12 AF operations law team occupies dedicated positions in both the AFSOUTH Combined Air Operations Center and Air Force Forces (AFFOR) current operations divisions. They provide both legal and operational advice on various issues including ROE, law of war, compliance with international obligations, command relationships and diplomatic protections. The operations law team played an active planning role in major operations, Presidential visit support, counter-drug deployments, intelligence and surveillance, and special missions. Recent examples include support to the President's attendance at the 2008 Asian Pacific Economic Conference and operations that secured the release of three SOUTHCOM contractors who were held hostage by the Revolutionary Armed Forces of Colombia (FARC) for more than five years.

Judge advocates and paralegals from 12 AF also regularly participate in deployments and exercises. Of particular note, 12 AF/JA provided legal support to NEW HORIZONS 2008, a three-month, combined field-training exercise in Peru aimed at improving the readiness and interoperability of U.S. forces. The assigned Air Force JAG and paralegal provided guidance to the task force commander on all legal matters pertaining to task force operations.

In 2008, 12 AF/JA led subject matter expert exchanges (SMEE) in Brazil, Chile, and Ecuador. During the SMEE in Chile in July 2008, Lieutenant General Jack L. Rives, The Judge Advocate General, visited Santiago, Chile, and met with General Renato Nuño Luco, Judge Advocate General of the Chilean Air Force. General Rives and General Nuño discussed legal issues of importance to the U.S. and Chile. General Rives made two key presentations on the role of the judge advocates in twenty-first century military operations to a group of Chilean judge advocates and at the National Academy of Political and Strategic Studies. General Rives also visited the Chief of Staff and Inspector General of the Chilean Air Force (FACH), the Chairman of the Joint Staff, the Deputy Secretary of Aviation, the U.S. Embassy and Military Group, the Chilean Joint Center for Peace Operations, and the FACH Air War College.

12 AF/JA hit the road to provide military justice training to each of its five base legal offices. Members of the 12 AF military justice team also conducted site visits at: Manta Air Base, Ecuador; Curacao, Netherlands Antilles; Guantanamo Bay Naval Station, Cuba; Muniz Air Base, Puerto Rico; and, Soto Cano Air Base, Honduras. Finally, 12 AF/JA hosted the Major Crimes Investigation Workshop in March. This first-ever workshop, conducted with the outstanding support of Air Force Office of Special Investigations (AFOSI), provided 21 judge advocates, four paralegals, and 19 AFOSI agents in-depth information concerning the investigation of major crimes and fostered teamwork among AFOSI agents and judge advocates.

14 AF/JA (AFSPC)
Vandenberg AFB, CA

Fourteenth Air Force (14 AF) is responsible for the organization, training, equipping, command and control, and employment of Air Force space forces to support operational plans and missions for U.S. combatant commanders and their subordinate components and is the Air Force Component to U.S. Strategic Command for space operations (JFCC-Space). As the sole NAF for space, they are responsible for providing missile warning, space superiority, space situational awareness, satellite operations, space launch, and range operations. The commander of 14 AF is the general court-martial convening authority for five Air Force Space Command (AFSPC) bases.

In February 2008, 14 AF/JA participated in Operation BURNT FROST. They played a vital role as part of the 54-person global

Spotlight on . . . the Activation of Seventeenth Air Force

On 1 April 2008, Headquarters United States Air Forces in Europe (HQ USAFE) Detachment 5 was established as a transition organization to provide support to U.S. Africa Command (AFRICOM) until the reactivation of Seventeenth Air Force (17 AF) / Air Forces Africa, on 1 October 2008. The reactivated 17 AF is the Air Force's newest numbered air force and air component to the Defense Department's newest combatant command. 17 AF, in support of AFRICOM, commands and controls air forces to conduct sustained security engagement and operations as directed to promote air safety, security, and development throughout Africa.

In May 2008, HQ USAFE Detachment 5 began the heavy lifting to rebuild 17 AF. Colonel Christopher C. Lozo became the new command's first staff judge advocate and Master Sergeant Dwayne J. Lowes the first law office superintendent. Early challenges included building the command's basic infrastructure, such as office space, computers, and furniture. Over time, the organization grew and took shape, and 17 AF had approximately 125 people assigned upon activation and initial operating capability (IOC) designation in October 2008.

The command's legal office focused on building and ensuring 17 AF's ability to perform its new missions. A comprehensive memorandum of agreement was drafted to detail the necessary support that would be required from 3D Air Force and HQ USAFE as the command takes shape. Complicated issues concerning combatant command authorities, air operations centers, and other operational issues occupied the legal office's time and efforts. Additionally, 17 AF worked with the AFRICOM Office of Legal Counsel, which includes JAG Corps members Lieutenant Colonel Paul E. Jeter and Master Sergeant Donna Davies, to resolve unique command relationships between 17 AF, USAFE, and AFRICOM.

The next year promises to be busy and challenging as 17 AF moves to full operational capability (FOC) by 1 October 2009. Having no assigned forces means that Air Forces Africa will have to file "requests for forces" to meet its operational needs. Similarly, the Guard and Reserve have already provided excellent support to 17 AF, but more will be required to achieve FOC status.

The mission in Africa promises to be challenging and fascinating, and AFRICOM and 17 AF efforts will grow in importance as the region becomes better understood. The command's challenge is to work with African leadership to find African solutions to African issues. AFRICOM has an important mission, one that is vital to the security of the U.S. and to peace and stability in the world.

consequence management team for containment and mitigation of hazardous debris resulting from reentry of a non-operational U.S. satellite with a full load of fuel. They also ensured planning for potential claims and that the U.S. military had taken all actions required of a responsible user of the space environment. The efforts culminated in a successful satellite intercept.

During the year, the office resolved issues on foreign disclosure of information, commercial and foreign entity (CFE) support, and live fire exercises (LFE). They supported STRATCOM Plans and Policy and the Joint Space Operations Center (JSPOC) by working to identify and resolve STRATCOM and Air Force Space Command (AFSPC) foreign disclosure issues necessary to fully integrate U.S. allies (the United Kingdom, Australia, and Canada) into the JSPOC. A significant effort was undertaken to document and improve the current CFE process (a process that provides data products from surveillance of space to non-government users) conducted under the authority of the Air Force. Input was provided on new legislation that would transfer this responsibility to STRATCOM. Supporting Air Force research and development testing and operational training, 14 AF/JA unraveled the differing authorities necessary to conduct LFE.

Overall, 14 AF/JA's advice ensured all space operations fully complied with applicable international and domestic laws and contributed to numerous service, joint, and combatant command exercises involving space systems and capabilities. Members of 14 AF/JA served as key legal advisors on special technical operations, analyzed execution orders, aided in drafting rules of engagement, and counseled on the creation of an expeditionary squadrons for missions directly supporting the warfighting commanders of STRATCOM and CENTCOM.

For the third year, 14 AF/JA successfully created, produced, and conducted its Military Justice Post Trial Processing Workshop. The staff, along with several guest lecturers, including a military judge from the Air Force Court of Criminal Appeals, briefed more than 50 judge advocates and paralegals from Air Force bases across the United States on procedures to eliminate errors in post-trial processing of courts-martial. A 400-page course notebook and a comprehensive 250-slide PowerPoint presentation gave attendees the tools necessary to virtually eliminate post-trial processing errors. The phenomenal effort to develop and deliver this course of instruction reached across the JAG Corps to enable Air Force commanders to better provide fairness and accountability.

14 AF/JA worked with AFSPC, Buckley Air Force Base, and NORTHCOM legal offices to work through authorities delineated in the NORTHCOM execution order for DOD support to the 2008 Democratic National Convention, which was held in Denver, Colorado, in August. This resulted in successful support by 14 AF bases, primarily Buckley Air Force Base, to the week-long convention.

18 AF/JA (AMC)
Scott AFB, IL

Eighteenth Air Force (18 AF) is the Air Force's largest NAF. The 18 AF area of responsibility is huge—the entire globe! 18 AF is Air Mobility Command's sole NAF and, in peace and war, commands its assigned forces and provides air mobility forces (cargo/personnel airlift, air refueling and aeromedical evacuation) forces to combatant commanders as Air Forces Transportation (AFTRANS), the air component of United States Transportation Command.

A lean and agile legal staff of 13 hard-working professionals at 18 AF/JA, led by Colonel Holly Stone and Senior Master Sergeant Jose Mercado, provides oversight to the staffs of 12 base legal offices across the country. During 2008, 18 AF/JA military justice attorneys and paralegals oversaw the administration of justice in all 12 AMC installations. This included the completion of more than 55 general courts martial and 85 special courts martial. 18 AF/JA staff also processed nearly 50 expert witness requests costing almost $400,000. They conducted the Third Annual NAF Chiefs of Military Justice Conference, where attendees from NAFs across the Air Force cross-fed ideas, concerns and best practices. 18 AF/JA further organized and conducted the fourth annual Base Chief/NCOIC of Military Justice Workshop, a hands-on, practical teaching event in which attendees from twelve 18AF legal offices were instructed on critical military justice processes.

18 AF/JA advised their commander on several Article 138 claims in 2008, with legal and policy issues from across the globe. Additionally, 18 AF/JA processed 17 involuntary discharges of officers.

In the operations law arena, 18 AF/JA provided significant support to the mobility warfighter command and control, the 618th Tanker Airlift Control Center (the Air Force's largest air operations center). Additionally, 18 AF/JA is the sole legal representative for the AMC Threat Working Group (which oversees daily real-world threat analysis of mobility aircraft throughout the globe). From 18 AF/JA direct legal guidance to the AMC Raven deployed aircraft security program to an 18 AF/JA field-grade judge advocate deployed for six months to Baghdad, Iraq as part of the Joint Contracting Command - Iraq/Afghanistan, 18 AF/JA remains fully engaged in the CENTCOM operational theater.

19 AF/JA (AETC)
Randolph AFB, TX

Nineteenth Air Force (19 AF) conducts or oversees all introductory and undergraduate, as well as significant portions of graduate level flying training for the Air Force, a mission that encompasses more than 26,000 students. The command has more than 38,000 personnel and more than 1700 aircraft of 29 different types.

19 AF/JA is an integral team member in all aspects of this unique mission from training, aviation service and aeronautical ratings, and mishap investigations. During 2008, 19 AF/JA continued work to improve review processes for flying evaluations to ensure streamlining did not adversely impact individuals or the mission. Additionally, 19 AF/JA and the base legal offices of 19 AF provided significant support to five Class-A aircraft accident investigations involving 19 AF assets.

Beginning in January, 19 AF/JA instituted quarterly training for all 19 AF/JA legal offices. The training takes advantage of video teleconference capability to not only connect with the base legal offices, but to present military justice experts from JAJM as guest

speakers. 19 AF/JA also established checklists for Article 15s, court-martial orders, staff judge advocate recommendations, and general court martial processing to standardize the process and ensure actions are executed appropriately. Automated standard templates were developed for witness funding requests and for court member worksheets to assist in trial preparation. They continued to update and improve their "community of practice" webpage with these and other useful tools.

A significant event for 19 AF occurred in October when Little Rock Air Force Base became part of AMC and 18 AF. 19 AF will continue to have a strong presence at the base as a tenant through our training wing, the 314th Airlift Wing.

20 AF/JA (AFSPC)
F.E. Warren AFB, WY

Twentieth Air Force (20 AF) headquarters is unique in that it has dual responsibilities to AFSPC and STRATCOM. As the missile NAF for AFSPC, 20 AF maintains and operates 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 Triad, bombers and submarines, STRATCOM forces protect the United States with an umbrella of deterrence. The command is comprised of 9500 personnel at three wings and covers nearly 46,000 square miles in five states.

During this past year, 20 AF remained one of the busiest NAFs in the Air Force for military justice actions. It also became a focal point for activities concerning the nuclear enterprise, to include administrative and disciplinary actions and has been subject of a great deal of media attention. 20 AF/JA conducted military justice training workshops at Malmstrom Air Force Base, Montana, and F.E. Warren Air Force Base, Wyoming, to ensure attorneys and paralegals at 20 AF bases have the latest military justice information and receive technical training necessary for effective and efficient military justice.

SMC (AFSPC)
Los Angeles AFB, CA

The Space and Missile Systems Center (SMC), a NAF equivalent with an annual budget exceeding $10 billion and a staff of 6300 (including active duty, civilians, and contractors), is the Air Force's product center for the development and acquisition of space and missile systems. SMC is responsible for the research, development, procurement, launch, and on-orbit checkout of U.S. national security satellite systems in support of global military operations.

In procurement, the hard work of the legal staff in the Contract Law Division, in concert with SMC's Global Positioning Systems (GPS) Wing, paid off with the successful completion of the source selection for the next generation of GPS satellites, dubbed "GPS III." The source selection took nearly a year, culminating in the decision by the Air Force to award the contract on 15 May 2008. The contract includes two developmental satellites and options for ten additional spacecraft, with a total value of approximately $3.6 billion. One of SMC/JA's program attorneys, Mr. Jim Haag, was a key player throughout the process, from the initial formulation of the request for proposals, through the evaluation process, and the debriefing of the unsuccessful offeror, who did not protest the decision.

Always flexible, SMC's Labor Law Division worked directly with the co-located west coast regional Labor Law Field Support Center (FSC), making possible a seamless transition when the FSC's labor attorney deployed. The division was also heavily involved in shaping policies designed to help attract critically needed civilian employees with science, mathematics, and technical skills to SMC and government service.

Along with the ever-increasing demands of a product center, SMC/JA continued to provide the "routine" services normally associated with an installation-level legal office. Our legal mission included advising the installation commander in providing base support and quality of life services to 84 units and more than 204,000 active duty, civilian, and retired personnel in the Los Angeles area.

Base Legal Offices

JAG Corps personnel assigned to base legal offices across the globe engage in a diverse practice of law, providing legal services and advice to military members of all ranks, be that the newest Airman or the base commander.

The base legal office is directed by the staff judge advocate (SJA), a seasoned judge advocate who acts as the primary 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 in the office, who maintains significant leadership responsibility for the paralegals in the office. Additional personnel in a base legal office include assistant staff judges advocates (ASJA), who can hold such positions as the chief of military justice, adverse actions, labor law, civil law, international law, environmental law, and preventive law and legal assistance. Most ASJAs, regardless of their primary duties, also serve as government trial counsel for courts-martial, often soon after arriving at the base office. Many ASJAs also rely heavily upon the skill of a noncommissioned officer in charge (NCOIC) of each section and their cadre of paralegals. In some offices, civilian attorneys provide necessary expertise and continuity for specialized local needs, such as labor law or environmental law. Finally, most base legal offices rely on a dedicated civilian court reporter responsible for records of trial.

Documenting all of the accomplishments, significant events, and varied legal issues addressed by base legal offices during 2008 would be nearly impossible, but the following is a representative sample from legal offices across the Air Force.

MSgt Caroline Deal
60 AMW/JA
Travis AFB, CA

ACQUISITION AND FISCAL LAW

The **Arnold Engineering Development Center** legal office, Arnold Air Force Base, Tennessee, has been instrumental in providing acquisition legal guidance for the Space Threat Assessment Testbed (STAT) procurement during the last year. The primary mission of the STAT is to provide a ground test capability at Arnold Air Force Base to test satellite subsystems and microsatellite systems in real time in a realistic environment against simulated enemy threats.

The acquisition team at the **Air Armament Center**, Eglin Air Force Base, Florida, facilitated negotiations to resolve numerous contractual issues on the Joint Air-to-Surface Standoff Missile program without litigation, which enabled DOD to certify to Congress that the multi-billion dollar program was back on track. They simultaneously provided dedicated legal support to four separate highly-competitive source selections, leading to the awarding of six multi-million dollar contracts with no bid protests.

Kaena Point Satellite Tracking Station (KPSTS), a Schriever Air Force Base geographically separated unit located in Hawaii, proposed a contract with Hawaii Electric Company (HECO). The contract called for HECO to reimburse KPSTS for "peak" usage periods during which HECO would not provide continuous power and KPSTS would be forced to rely on back-up generators. The **50th Space Wing** legal office identified an Anti-Deficiency Act issue related to an "early termination charge." After extensive negotiations, the language at issue was eliminated and HECO signed the contract in 2008. Under the agreement, HECO will pay KPSTS up to $45,000 per year for power provided by KPSTS generators.

The **337th Air Support Flight** legal office at the U.S. Embassy in Canberra, Australia, provided advice that ensured continued mail service to DOD personnel throughout Australia. The Air Force postal detachment's sublease had expired, and the new sublease contained indemnity language that would have violated the Anti-Deficiency Act (ADA). Lieutenant Colonel Ricou Heaton drafted new indemnity language and educated the airport and the airline about the ADA, averting a halt in mail service and saving a renovation project worth tens of thousands of dollars.

In January 2008, **Electronic Systems Center** attorneys at Hanscom Air Force Base, Massachusetts, began advising all acquisition strategy panels to consider more simplified acquisition approaches as an alternative to complex best value bases of award in view of the difficulty in sustaining complex award decisions and in light of the new protest jurisdiction granted on large dollar value delivery order awards by the Fiscal Year 2008 National Defense Authorization Act. ESC/JA finalized a revision to the ESC policy and process on organizational conflicts of interest (OCI) which has been a four-year success story for avoiding successful protests on source selections at ESC on OCI issues.


28 BW/JA, Ellsworth AFB, SD

Personnel at the **55th Wing** legal office, Offutt Air Force Base, Nebraska, invested hundreds of man-hours to ensure the legality of $25,000 in gifts and donations, $25,000 in commercial sponsorship, and expenditure of over $500,000 in appropriated and nonappropriated funds on more than 50 events during Air Force Week and Offutt's air show. The combined events brought the Air Force message to over 380,000 spectators.

The **Air Force Research Lab**, Rome Research Site, New York, provided counsel to more than 1400 scientists, engineers and support personnel on 2246 in-process contracts worth $4.3 billion. Additionally, the legal team drafted and negotiated 53 technology transfer agreements securing Air Force intellectual property rights. One of the patent applications filed on behalf of the Air Force was for the first-ever carbon composite man-portable satellite terminal developed by AFRL. This invention was successfully field tested in June 2008 over the DOD XTAR satellite for Special Operations Command at Fort Bragg, North Carolina. AFRL/RIJ is concurrently negotiating a patent license for manufacturing rights.

The legal team at **Oklahoma City Air Logistics Center**, Tinker Air Force Base, Oklahoma, provided counsel on $6.7 billion worth of contract actions. The staff also played a leading role in helping the air logistics center obtain the use of an adjacent General Motors manufacturing plant and its 3.8 million square feet of industrial floor space by advising on lease documents, environmental hazards and insurance, and fiscal considerations.

The legal office at **Air Force Research Lab** (AFRL/JA), Wright-Patterson Air Force Base, Ohio, has continued to provide support for the Air Force Small Business Innovative Research program, which has awarded over $1 billion in contracts to small businesses. AFRL/JA provided expert advice to the AFRL commander on a variety of issues and carefully reviewed more than $1 billion in acquisition strategy panel actions on programs throughout AFRL's directorates.

ADMINISTRATIVE LAW

The **Air Force Recruiting Service** legal office, Randolph Air Force Base, Texas, worked with the legal offices at Second Air Force and the Air Force Personnel Center to change the Guaranteed Enlistment Program contract so that unsuccessful graduates of Basic Military Training may be reclassified into different jobs. The change will save training dollars and provide a more efficient process for filling critical Air Force jobs.

The **421st Air Base Group** legal office, RAF Menwith Hill, United Kingdom, processed an under other than honorable conditions discharge of a staff sergeant convicted in 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 was sentenced to 12 years imprisonment. JA carefully coordinated to serve the notification package and secured private telephonic consultation with the member's area defense counsel. The convening authority approved the recommended discharge which will be executed upon the member's release from foreign confinement.

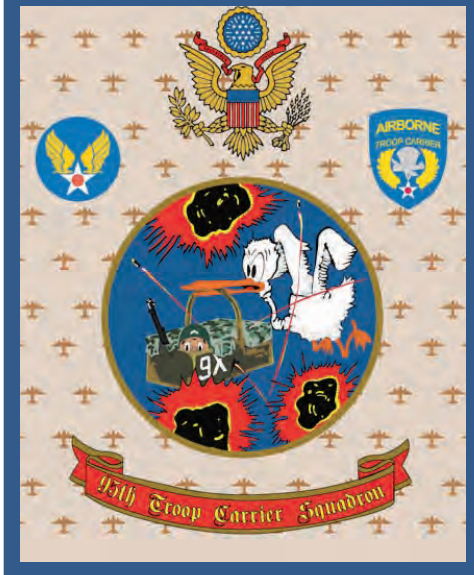
EDUCATION AND TRAINING

The **28th Bomb Wing** legal office, Ellsworth Air Force Base, South Dakota, organized and hosted TRIALS team training for five northern-tier bases. Judge advocates from Grand Forks, Minot, F.E. Warren, and Malmstrom Air Force Bases all converged on Ellsworth to receive hands-on training in trial advocacy. This regional consolidation made it possible for trial attorneys from all five bases to receive this outstanding litigation training.

Spotlight on . . . Recapturing Unit History

Major J.T. Trumbo, active duty staff judge advocate for the 440th Airlift Wing (440 AW), Pope Air Force Base, North Carolina, had the good fortune to be tapped for a unique opportunity to assist the wing in recapturing part of its World War II heritage.

During a June 2008 trip to Normandy, France, the 440 AW commander, Colonel Merle Hart, discovered a piece of artwork that appeared to be a long-forgotten patch



from one of the 440th's predecessor squadrons designed by Richard Rockwell. Mr. Rockwell, who passed in 2006, served as a pilot in the 95th Troop Carrier Squadron and was the nephew of famed artist Norman Rockwell. Besides his heroic Army Air Corps service, Mr. Rockwell was himself an accomplished comic book artist.

In order to determine whether the patch was genuine, Col Hart asked Maj Trumbo to find and interview any living World War II veterans from the 95th. After some diligent research and more good luck, Maj Trumbo located two members who recognized the patch. Amazingly, one gentleman was Mr. Rockwell's roommate during the war, and he recalled the artwork being prominently displayed above the squadron operations building. Moreover, after discussing this find with the Rockwell family, Maj Trumbo discovered Mr. Rockwell had donated the artwork to the Air Force Art Collection in 2004. Now that the history of the patch has been verified, the unit intends to seek Headquarters Air Force approval to reinstate the World War II-era design.

"This was an amazing experience," said Major Trumbo. "It was definitely not a run-of-the-mill legal project, but it was a very rewarding experience applying core JAG skills to assist the unit in honoring one of its heroes."

Major Justin H. Trumbo
440 AW/JA
Pope AFB, NC

Members of the **12th Flying Training Wing** legal office, Randolph Air Force Base, Texas, repeatedly reached out to the local community to share awareness of the law with the leaders of the future. On Constitution Day, members of the legal office visited Randolph High School for an exciting and stimulating discussion of the Fourth Amendment with 84 ninth graders. As the initial groans faded, the students loosely debated their rights with respect to closed lockers and purses. Students left with a better understanding of their rights, and the presenters were rewarded with a standing ovation.

For Law Day 2008, the **Aeronautical Systems Center** legal office, Wright-Patterson Air Force Base, Ohio, held an essay contest for third graders on "rule of law," with the base paper publishing the winning entries and members of the legal office visiting the winners' schools to personally present awards.

In July, the **18th Wing** legal office at Kadena Air Base, Japan, hosted law students and faculty members from the University of the Ryukyus Law School for a presentation on military law and the U.S. jury system. The office provided an overview of the Uniform Code of Military Justice and how the U.S. jury system functions in the United States. The visitors were particularly interested in the nuances of jury trials, because Japan will institute its own version of the jury system in early 2009.

ENVIRONMENTAL LAW

The **30th Space Wing** legal office (30 SW/JA), Vandenberg Air Force Base, California remains involved in many environmental and real property issues. They were particularly involved with attempts by major national companies to establish a presence on the base. Recently, ExxonMobil and partners seeking to drill for oil from the base into off-coast state waters received press coverage from the Washington Times and Fox News. Additionally, 30 SW/JA was instrumental in successfully finding common ground on a high-visibility dispute over public hiking access over base land while preserving safety of hikers and security of the installation.

The **Arnold Engineering Development Center** legal office was the lead facilitator in the closure of Morris Ferry Dock, an on-base rustic campground that over the course of more than fifty years had become a rundown

trailer and camper park. Following discussions with local politicians and citizens, the Morris Ferry Dock area is being cleared, and discussions are underway with the Tennessee Wildlife Resources Agency to open the area to local fisherman.

The environmental division from the **Air Armament Center** legal office drafted a "programmatic" agreement for the housing privatization initiative, paving the way for the developer to take possession of homes in compliance with the National Historic Preservation Act. The division also shepherded the environmental impact statement for Eglin's Base Realignment and Closure implementation of the Army 7th Special Forces Group and the Joint Strike Fighter bed down.

Spotlight on . . . "Pipeline" And BTZ Senior Airmen

Senior Airman Ashley Ortiz and Senior Airman Kendra Kampstra hail from different sides of the country. SrA Ortiz is from West Palm Beach, Florida and SrA Kampstra is from Salem, Oregon. However, both have found something in common at Mountain Home Air Force Base, Idaho. They both entered the Air Force in 2006, and upon graduation from basic training, they both headed to Maxwell Air Force Base to become Air Force paralegals. Although an exciting endeavor, they both admitted that technical school was a challenge coming straight out of basic training. "It was so much information and not enough time to learn all of it," said SrA Kampstra. SrA Ortiz remarked, "Learning to be a paralegal and figuring out what the Air Force was at the same time was hard."

When they arrived at Mountain Home Air Force Base, these young Airmen immediately involved themselves in organizations such as the Air Force Sergeant's Association and Airman Committed to Excellence. They had to do something to stay busy in sleepy Mountain Home, Idaho, so why not make a difference while doing it? Both Airmen have spent numerous hours performing community service, to include manning the "lost child" booth at the base's air show, feeding the homeless, running a booth downtown for Mountain Home's annual Air Force Appreciation Day, and raising money for breast cancer research during the annual Race for the Cure. During their "spare" time, SrA Kampstra and SrA Ortiz continue their personal and professional development by taking Community College of the Air Force classes for their associate degrees. It did not take long to realize that these Airmen are top-notch.

Besides setting the example in the military and off-base communities, they also quickly stepped up to the challenge of being a paralegal. SrA Ortiz began her career in the claims division, and SrA Kampstra started out in military justice. When asked about the most rewarding part of their jobs, they both replied putting really bad people in jail and helping those who are deploying.

SrA Ortiz and SrA Kampstra were both selected for senior airman below-the-zone this year. The Gunfighters of the Mountain Home Air Force Base legal office are very proud of their "pipeliner" paralegals!

SrA Ashley Ortiz
and
SrA Kendra N. Kampstra
366 FW/JA
Mountain Home AFB, ID

Members of the **377th Air Base Wing** legal office were instrumental in concluding negotiations with Mesa Del Sol regarding planned development bordering the southwest corner of Kirtland Air Force Base, New Mexico. The agreements reached include a noise easement and right-of-entry, ensuring much needed economic development for Albuquerque will peacefully coexist with the mission of the base.

The civil law section from the **20th Fighter Wing** legal office at Shaw Air Force Base, South Carolina, coordinated with the Environmental Law Field Support Center to develop a remediation plan for trichloroethylene (TCE) concentrations near the base. The office worked closely with state environmental officials to inform landowners of possible contamination, and the combined response by civilian and military officials was praised by state officials.

The 62d **Airlift Wing** legal office at McChord Air Force Base, Washington, led the way in helping the base obtain more than $1 million in DOD readiness and environmental protection initiative funding to purchase private land located within the runway clear zone, thereby protecting the base's flying mission from encroachment.

GENERAL LAW

The legal office at **Civil Air Patrol (CAP)-United States Air Force** developed the legal framework for the Volunteer Support to the Air Force (VSAF) trial program. VSAF was established at Randolph, Wright-Patterson, and Luke Air Force Bases to alleviate recent manning strains from personnel cuts and deployed operations. Volunteers filled gaps in everything from flightline operations to office manning, and Lieutenant Colonel Derek Sherrill ensured CAP volunteers would receive Federal Employee Compensation Act benefits and could legally access the base and base networks.

On 23 February 2008, a B-2A aircraft crashed at Andersen Air Force Base, Guam. The mishap loss totaled $1.4 billion. Fortunately, both the pilot and commander ejected safely. Although the mishap occurred more than 7000 miles from Whiteman Air Force Base, the accident investigation board (AIB) took place in Missouri. The **509th Bomb Wing** legal office provided administrative support as well as a recorder to the AIB. The Whiteman

Columbus AFB Retiree Appreciation Day

claims office also extended special attention to support the claims needs of the two pilots.

The **Air Force Recruiting Service** legal office assisted the Air Force Chaplain Corps in establishing criteria to access chaplains into the Air Force. These criteria will ensure that the Chaplain Corps provides the maximum opportunity for Air Force members to exercise their Constitutional right to the free exercise of religion without violating the Establishment Clause.

One of the biggest challenges faced in 2008 by the **316th Wing** legal office at

Spotlight on . . . a USCAAF Project Outreach Hearing

In April 2008, Malmstrom Air Force Base, Montana, had the rare privilege of hosting a United States Court of Appeals for the Armed Forces (USCAAF) Project Outreach hearing. The Project Outreach program promotes public awareness of the federal appellate court and military justice systems by holding hearings, usually twice a year, at military installations and law schools across the country. In support of this program, both the public and base communities were invited to the Malmstrom Air Force Base auditorium to attend the hearing in the case of United States v. Private First Class Wilcox. Private Wilcox had been convicted at a general court-martial for various crimes, including activities related to racist ideology.

The event was extremely well attended by the base and local communities. Prior to the hearing, Lieutenant Colonel Sean Sabin, the base's staff judge advocate, presented a briefing on the military's judicial system and the due process rights of military members to promote civilian and military awareness of the military justice system. After the hearing, the participants held a Q&A session where audience members could ask the judges or counsel questions regarding anything other than matters related to the case. All three local television stations and the Great Falls Tribune newspaper provided extensive positive coverage of the event.

During the visit, the base also provided mission briefings and tours of various nuclear enterprise facilities to the USCAAF delegation, including a helicopter flight to a nuclear missile alert facility where the base's wing commander, Colonel Sandra Finan, provided a tour. The Malmstrom legal office also organized a dinner attended by the CAAF delegation, base leaders, and the Great Falls' military and civilian legal communities and a banquet where base and community leaders thanked the court for choosing Malmstrom Air Force Base to host the hearing.

In July 2008, the USCAAF held in a 27-page majority opinion, with a 30-page dissent, that the evidence of racially offensive online messages was not legally sufficient to support a finding of service discrediting behavior or conduct prejudicial to good order and discipline. U.S. v. Wilcox, 66 M.J. 442 (2008).

Andrews Air Force Base, Maryland, was the DOD 2008 Joint Service Open House (JSOH), one of DOD's largest air shows. The legal office started planning one year out and worked closely with Washington Metro Area Transit Authority to charter approximately 270 buses in order to provide adequate public shuttle services for over 700,000 visitors. The proactive approach and advance planning made this year's JSOH a resounding success.

In July, special assistant U.S. attorneys (SAUSAs) from the **42d Air Base Wing** legal office at Maxwell Air Force Base, Alabama, completed the sentencing hearing in a case that carried them through the full measure of their magistrate court prosecution authority. In October 2006, a senior master sergeant on terminal leave was caught shoplifting at the base exchange. The member was inadvertently allowed to retire, so he was prosecuted as a civilian under the magistrate court program in the Middle District of Alabama. After a mistrial due to a hung jury and a defense delay after jury selection on the second attempt, SAUSAs from the 42 ABW legal office, without the assistance of a U.S. Attorney, secured a conviction before a third jury. The defendant received a fine almost seven times what the probation office recommended. Under an active mentorship program through the U.S. Attorney's office, 42 ABW legal office SAUSAs routinely litigate jury trials in

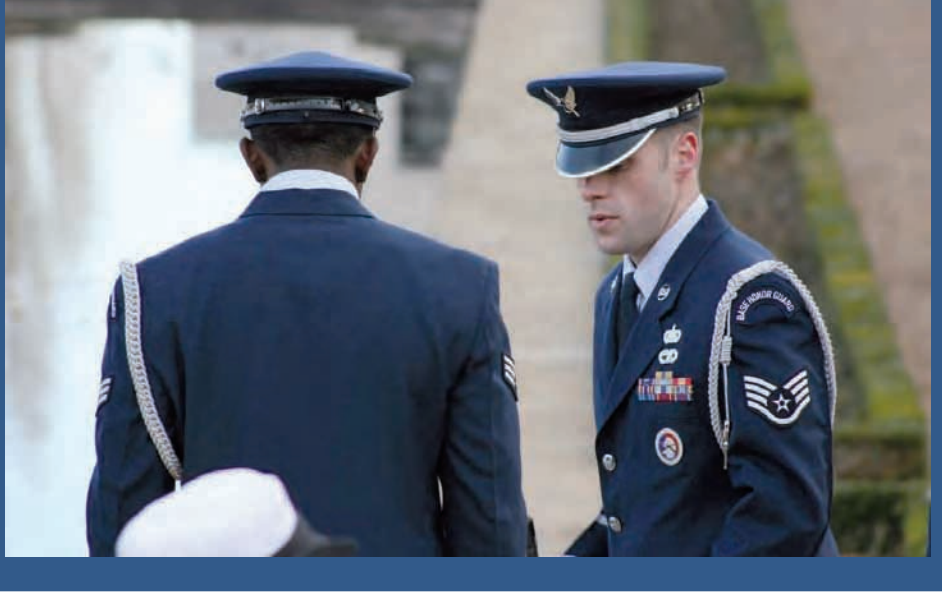
Spotlight on . . . a Paralegal and Honor Guard NCOIC

SSgt Richard Brown is the noncommissioned officer in charge (NCOIC) of the 501st Combat Support Wing (501 CSW) legal office at RAF Alconbury, United Kingdom. In addition to his paralegal duties, SSgt Brown also serves as the NCOIC of the RAF Alconbury Tri-base Honor Guard, where he recruits team members, coordinates weekly training sessions, and manages honor guard details.

SSgt Brown has organized more than 30 honor guard details this year alone. He has performed a wide range of roles while serving on details, including posting of the colors, flag ceremonies, change of command ceremonies, POW/MIA ceremonies, reading of citations, and many more. During a Tops in Blue event earlier this year, SSgt Brown took center stage with his honor guard team to present the colors before the hugely entertaining event. He has earned great respect for his devotion to the team, and he was recognized as the 501 CSW Honor Guardsman of the Quarter for the fourth quarter of 2007 and third quarter of 2008.

Being stationed in Europe has offered SSgt Brown incredible opportunities to lead the honor guard in paying tribute to important events in our nation's history. Wing leadership recognized him for his efforts in organizing the honor guard's participation in the Remembrance Day Ceremonies at Madingley American Cemetery in Cambridge. The annual event is highly attended by Americans and British alike, many of whom are World War II veterans. He also led his honor guard team in a parade through Peterborough to commemorate the 60th anniversary of the start of the Berlin Airlift. SSgt Brown was a by-name selection to represent the Air Force at the 90th Anniversary of the Meuse-Argonne Offensive from World War I, commemorating the final Allied offensive of the war and recognizing the achievements of Sergeant Alvin York, the famous Congressional Medal of Honor recipient. As such, he participated in five ceremonies in the Argonne Forest region of France, performing proudly before thousands of grateful spectators.

As both a paralegal and an honor guardsman, SSgt Brown has served as a proud ambassador of the JAG Corps, the Air Force, and the United States of America.



SSgt Richard M. Brown
501 CSW/JA
RAF Alconbury, UK

magistrate court, where local custom favors the use of juries even in misdemeanor cases.

As required by the 1993 Base Realignment and Closure law, the **Air Force Research Lab** legal team, Rome Research Site, New York, worked to clearly establish the lines of demarcation and title to all of the unit's utilities systems. The office is engaged in a proposed real estate transaction that will result in an economic boon for the local community while providing for all of the Air Force's current and foreseeable energy needs.

Within hours after a transport-erector carrying a rocket booster rolled over in a ditch near a missile launch facility in rural North Dakota, a judge advocate-paralegal team from the **5th Bomb Wing** legal office, Minot Air Force Base, North Dakota, flew by helicopter to the scene of the mishap. Once there, they were able to meet with three concerned farmers in the surrounding area. They provided information to the farmers about potential claims and successfully avoided the need to establish a National Defense Area for the wreckage to be recovered.

In June, Whiteman Air Force Base and surrounding communities experienced regionalized flooding. The flooding damaged base housing units and a local apartment complex that houses a number of military members. The **509th Bomb Wing** claims office served as a liaison between the members and the Air Force Claims Service Center for military claims. They also assisted members filing for aid with the Federal Emergency Management Agency. The claims office played a significant role helping members get compensated quickly.

LEGAL ASSISTANCE

Leaning heavily on their Reserve component, the **325th Fighter Wing** legal office, Tyndall Air Force Base, Florida, went the extra mile to provide stellar legal service to deploying service members. Over the course of three weekends, judge advocates and paralegals traveled 130 miles to Tallahassee to provide wills and legal assistance to a group of approximately 75 deploying Navy and Marine reservists, ensuring they and their families had the peace of mind that comes from being legally ready to deploy.

The **14th Flying Training Wing** legal office provided superb support to the Columbus Air Force Base, Mississippi, community. In particular, the tax office prepared and filed more than 800 federal and state income tax returns, saving military families more than $115,000 in filing fees. The legal team also served more than 1000 clients and drafted and executed more than 250 wills. The office also participated in wing-sponsored Retiree Appreciation Day events and boasted a strong preventive law program, including monthly newspaper articles and more than 30 handouts.

Capt Mitchell Howie
43 AW/JA
Pope AFB, NC

The **Air University** legal office at Maxwell Air Force Base, Alabama, orchestrated the second consecutive year of estate planning training and counseling for Air Force members with large estates. More than 40 senior officers and noncommissioned officers received three days of advice from an Air National Guard judge advocate who is recognized as the Air Force's foremost large estate planner. This initiative was so popular that the legal offices of two major command headquarters used this judge advocate to provide similar services for their personnel.

The **377th Air Base Wing** legal office manned a booth at the Kirtland Air Force Base Retiree Appreciation Day, providing information on available services to more than 145 retirees, and same-day wills and durable powers of attorney to retirees who had come in from outside the local area.

Mr. Hitoshi Yamauchi, Host-Nation Legal Advisor for the **35th Fighter Wing** legal office (35 FW/JA) at Misawa Air Base, Japan, helped more than 71 Misawa members marry. 35 FW/JA provides this unique service to legal assistance clients to help Americans navigate the regulatory requirements for Japanese marriages and avoid the expense of travel to the embassy in Tokyo or Consular Office in Sapporo.

In 2008, the **375th Airlift Wing** legal office at Scott Air Force Base, Illinois, celebrated a record year, once again leading Air Mobility Command's largest tax program. The office trained 120 volunteer income tax assistance (VITA) representatives who assisted 1280 clients in filing their income tax returns. VITA volunteers secured more than $2.4 million in refunds and saved clients $313,000 in filing fees.

At Eielson Air Force Base, Alaska, the **354th Fighter Wing** legal office's innovative walk-in EZ tax clinic won praise from the Internal Revenue Service, which cited them as a benchmark program and chose them to beta test new tax software.

The **2d Bomb Wing** legal office, Barksdale Air Force Base, Louisiana, created a preventive law seminar to address the booming oil and gas exploration business in northwest Louisiana. The seminar provided military beneficiaries entitled to legal assistance services with the basic principles of oil and gas law in Louisiana and a general overview of the terms commonly included in residential oil and gas leases.

The **4th Fighter Wing** legal team from Seymour Johnson Air Force Base hosted the North Carolina State Bar Association's 2007/2008 Annual Continuing Legal Education for Military Legal Assistance Providers in January 2008. The event featured nine preeminent military legal assistance experts providing instruction to more than thirty legal assistance attorneys from all five branches of the service. A retired admiral who

formerly served as the Coast Guard's senior military lawyer noted, "I've been to twenty-two of these events, and this one was the tops."

Within hours of a local U.S. Marine Corps Reserve unit being called to deploy on short notice, the **7th Bomb Wing** legal team from Dyess Air Force Base, Texas, prepared more than 80 wills and 200 powers of attorney (POAs) for the deploying warriors. An attorney/paralegal team also volunteered to provide pre-deployment legal assistance to over 200 deploying members of the Texas National Guard. Traveling more than two hours to Dallas on the weekend before the unit deployment, the team provided wills and POAs to the deploying members and gave numerous briefings regarding the legal challenges associated with deployment.

The **366th Fighter Wing** legal office, Mountain Home Air Force Base, Idaho, initiated several outreach programs to the retiree communities in Mountain Home and Boise and to the spouses of deployed Airmen. As part of the outreach initiative, judge advocates and paralegals traveled to the Veterans Administration hospital in Boise to provide wills, powers of attorney, and healthcare powers of attorney to bedridden clients.

Serving a Total Force population of approximately 25,000, the **18th Wing** legal office at Kadena Air Base, Japan, had a record year in providing legal assistance services. The office provided tailored services to nearly 10,000 clients, encompassing almost 11,000 notarizations and more than 7500 powers of attorney, resulting in over $2 million in client savings to Team Kadena members.

MILITARY JUSTICE

The **21st Space Wing** and **50th Space Wing** legal offices from Peterson Air Force Base and Schriever Air Force Base, Colorado, co-facilitated a Colorado Springs "team justice" meeting. The wing commanders and JAG Corps participants zealously advocated for the Air Force to take lead in all criminal investigations and prosecutions regarding Air Force members. While the meeting did not result in the Air Force gaining jurisdiction in all cases, it did open the lines of communication to an unprecedented cooperation between all parties.

In the midst of media coverage, judge advocates and paralegals from the **5th Bomb Wing** legal office at Minot Air Force Base, North Dakota, successfully conducted a secret-level Article 32 hearing against an officer charged with wrongful appropriation of a classified item and false official statement. The office ensured the investigating officer's ability to conduct a thorough review of the facts in the case while safeguarding national security interests.

The **20th Fighter Wing** legal office at Shaw Air Force Base, South Carolina, conducted the first fully litigated court-martial using the new Article 120, UCMJ. Even more significant, the same accused was alleged to have committed offenses prior to 1 October 2007, when sexual assault allegations would be charged under the new Article 120. Thus, the office was required to pursue charges in the same case under the old Article120 as well. The member received four years confinement and a dishonorable discharge.

The **355th Fighter Wing** has the busiest docket and Article 15 program in Twelfth Air Force, but the legal office still manages to meet with local prosecutors and community leaders to educate them about the military justice system. The office hosted a Law Day luncheon for the county prosecutor's office to facilitate better communication, and the legal office staff met with the city prosecutors at their offices. These interactions helped develop a strong rapport with the local civilian community, which has benefited the Air Force

1 FW/JA, Langley AFB, VA

SSgt Joy Hollonquest and SSgt Angela Hardy
355 FW/JA,
Davis-Monthan AFB, AZ

when jurisdiction and immunity issues arise.

The **437th Airlift Wing** legal office at Charleston Air Force Base, South Carolina, developed 6-part folders for the Victim Witness Assistance Program that are kept as long as the case record of trial is maintained. The office also created a handout of local resources to provide along with the DOD-mandated handouts, including on-base and local community resources. The office works closely with the local victim assistance coordinators to ensure victims and witnesses always have a point of contact and receive the support they need.

At Dover Air Force Base, Delaware, the **436th Airlift Wing** legal office successfully prosecuted a general court-martial for an accused who had given victims alcohol and cold medicine before sexually assaulting them. The accused was sentenced to a dishonorable discharge and 40 years confinement.

Attorneys from the **319th Air Refueling Wing** legal office at Grand Forks Air Force Base, North Dakota, along with other key agencies, developed a program aimed at DUI education, prevention, and deterrence. As a result, the base reduced the number of DUIs from 27 in 2007 to just five in 2008.

The **52d Fighter Wing** legal office at Spangdahlem Air Base, Germany, created a "trials team" where JAGs are appointed to a case as soon as the offense is discovered. Each case attorney works with the chief of justice and AFOSI and Security Forces investigators to ensure weekly case progression. The ultimate goal of this more efficient process is to ensure a seamless transition from the investigation phase to the trial stage of the criminal process.

The **435th Air Base Wing** legal office at Ramstein Air Base, Germany, successfully prosecuted an Airman for involuntary manslaughter for his participation in a gang-related homicide which occurred during a gang member initiation ritual. The Airman was also convinced to cooperate in the court-martial of others involved in the beating. Two companion Army cases tried just prior to the Ramstein case resulted in an acquittal and dismissal of charges. Ramstein's successful prosecution set the stage for subsequent Air Force prosecutions of other gang members involved in the beating death of the Soldier. It also set the stage for the Army to retry its dismissed case.

MISSION TRANSFORMATION

The **49th Fighter Wing** at Holloman Air Force Base, New Mexico is immersed in a dramatic mission transformation. The Holloman legal team (49 FW/JA) smoothed the transition from the F-117 Nighthawk to the F-22 Raptor and the MQ-9 Reaper unmanned aerial vehicle. From mission planning to wheels down on the base's first F-22, 49 FW/JA has had a stakeholder's commitment in the success of this program. In all, 49 FW/JA reviewed more than 40 transformation-related contracts and coordinated on several environmental issues related to the F-22 beddown. Additionally, with the F-22 replacing the relatively quiet, subsonic F-117, sonic booms have increased dramatically. The claims section leaned forward to develop a rapid response plan for the anticipated surge in noise complaints and property damage claims.

The **27th Special Operations Wing** brought new aircraft and new combat capability to the western home of America's Air Commandos—Cannon Air Force Base, New Mexico. The legal office assisted with the beddown of the 3d Special Operations Squadron, flying the MQ-9 Predator, and the 318th Special Operations Squadron, flying the non-standard aviation PC-12 and Q-200. The multi-faceted beddown, aided by 27 SOW/JA's ten-day, in-house, end-of-year review of more than $40 million in procurement contracts, transitioned Cannon "from BRAC to brilliant," bringing the best trained, best equipped, and most lethal warriors in the world to the fight.

OFFICE LEADERSHIP MANAGEMENT

After two years and seven months of working in interim facilities due to Hurricane Katrina's destruction, the **81st Training Wing** legal office, Keesler Air Force Base, Mississippi, relocated back to their offices in Sablich Center in March 2008. This reunited all of the legal office staff and courtroom back into one cohesive office environment. The move was also long awaited by customers in the Keesler community, because the legal office is now centrally located and easily accessible.

Edwards Air Force Base, California, is a favorite filming location for Hollywood. Studios value the base's wide open spaces, vast variety of aircraft, close proximity to Hollywood, and 360 days of sunshine each year. Recent films shot at Edwards include the first Transformers movie and Iron Man. In July 2008, three **Air Force Flight Test Center** JAGs took leave in order to play extras in Transformers II, which was filming on the base. Captains Seth Deam, Jeremy Harris, and Brian Hurey joined approximately 100 Edwards Airmen who donned military uniforms of each branch of the U.S. and U.K. military for their roles. Transformers II is scheduled for release in the summer of 2009.

The **Warner-Robins Air Logistics Center** legal office at Robins Air Force Base, Georgia, collaborated with Mercer Law School to create the first Law Graduate Intern Program

Capt. Michael Torres, 355 FW/JA, Davis-Monthan AFB, AZ, prepares for an upcoming court-martial

in the Air Force. Mr. Basil Legg was the first civilian attorney ever selected for the Air Force LL.M. program.

Personnel from the **1st Fighter Wing** legal office at Langley Air Force Base, Virginia, played key roles during operational readiness exercises (OREs) in the run up to the base's operational readiness inspection (ORI). The staff judge advocate served as the "deployed commander" over virtually all medical group and mission support group personnel and equipment in the deployed tent city over the course of 5 OREs and the ORI. Legal office personnel "deployed" to the tent city in support of ground operations and to the installation command center in support of the air mission. They also managed ability to survive and operate and procedural compliance for players at exercise entry points. Their collective efforts helped the wing earn unprecedented "excellent" ratings in all three main categories, along with the specific JA-graded area.

Team building has focused on Air Force heritage for the **7th Bomb Wing** legal office from Dyess Air Force Base, Texas. When the call went out for groups to "adopt" heritage aircraft at the Dyess Air Park, the legal office took up the challenge, and they were awarded custody of an A-26 Invader. The office holds regular team building events centered on care and routine maintenance of the warbird.

In September, the **65th Air Base Wing** legal office, Lajes Field, Azores, Portugal, earned an excellent rating during a unit compliance inspection (UCI). The office garnered 16 strengths and was awarded a "Pat on the Back" by the UCI inspectors for its strong bilateral relations with the Portuguese, outstanding teamwork, and great services provided to the local community.

At Incirlik Air Base, Turkey, the **39th Air Base Wing** legal office increased paralegal involvement in every area of legal practice. Paralegals drafted civil law legal reviews on civil law questions, Article 15s, and administrative discharges. They organized and facilitated the monthly Family Member Misconduct Board, which is normally a Force Support Squadron function. Paralegals used their investigative and analytical skills as teams conducting commander directed investigations (CDIs). Paralegals researched Turkish laws and worked with the Turkish government to arrange all logistical support for the annual Defense Economic Cooperation Agreement inspection, which reviews Turkish and U.S. compliance with the agreement.

The legal office at the **422d Air Base Group**, RAF Croughton, United Kingdom, reached out to assist a deployed member's family who had all of their official documents stolen while on holiday in Europe. The staff judge advocate and legal office staff helped ease the deployed member's mind by quickly contacting the U.S. Embassy to gather the necessary family documents. Through their efforts, all necessary replacement passports and visas were "fast-tracked," allowing the family to return to the U.K. with minimal delay.

Since the **501st Combat Support Wing** (501 CSW) moved to RAF Alconbury, United Kingdom, last year, the 423d Air Base Group and 501 CSW legal offices officially combined in summer 2008. Legal office responsibilities expanded beyond direct support to RAFs Alconbury, Molesworth, and Upwood to providing oversight and assistance to the other legal offices in the 501 CSW. Other organizational changes included

Capt Laura Hopkins [illegible] AFB, NM

the continued growth and relocation of the NATO Intelligence Fusion Centre and U.S. Africa Command's intelligence unit commencing operations at RAF Molesworth.

OPERATIONS AND INTERNATIONAL LAW

During 2008, the **67th Network Warfare Wing** legal office (67 NWW/JA) at Lackland Air Force Base, Texas, briefed new operators at the Undergraduate Network Warfare Training course and participated in an Air Force Information Operations Center cyber law panel. As part of the Air Force's only network warfare wing, attorneys for 67 NWW/JA advised commanders on their authorities for real world offensive missions in cyberspace while defending and upholding the legality of network defense actions on the Air Force network. Additionally, 67 NWW/JA campaigned for and won sensitive compartmented information facility space for classified legal operations. This new satellite office improved timeliness of legal reviews by putting the JAGs shoulder-to-shoulder with operators.

Attorneys from the **5th Bomb Wing** legal office at Minot Air Force Base, North Dakota, participated in a week-long tabletop exercise with members of AFOSI, Security Forces, U.S. Northern Command, the U.S. Department of State, the Federal Bureau of Investigation, and local law enforcement. The focus of the exercise was to identify and explore existing and potential issues involved with maintaining security in the missile field and during movement of priority level one assets.

The legal office at the **31st Fighter Wing**, Aviano Air Base, Italy, helped craft a new F-16 flight departure plan for the base, increasing take-off safety and efficiency. Recognizing Italian opposition to the plan without costly Federal Aviation Administration (FAA) flight testing, the legal office's air-tight opinion addressed host-nation concerns and avoided the expense of an entire FAA 747 flight crew.

Legal office personnel from the **426th Air Base Squadron** at Stavanger, Norway, traveled to Oslo to meet with key host-nation government agencies and personnel, including U.S. Embassy, Norwegian Ministry of Defense, and other Norwegian military leaders. Legal office briefings on foreign criminal jurisdiction, the Uniform Code of Military Justice, courts-martial procedures, and suggestions for reforms to laws and regulations impacting the status of U.S. forces in Norway were well received. The meetings enhanced host-nation relations and strengthened the confidence of Norwegian officials in the U.S. military justice system and the appropriate handling of cases where jurisdiction is relinquished to the Air Force.

In January 2008, a criminal case for involvement in black marketing was opened against an Air Force member assigned to NATO by the Turkish public prosecutor. The charges exposed the member to one to two years of imprisonment. Immediately, the **425th Air Base Group** legal office at Izmir, Turkey, requested waiver of jurisdiction over the case through the Turkish Ministry of Justice. After months of correspondence, Turkey granted the waiver in September 2008. This case sets important foreign criminal jurisdiction precedent for future cases involving U.S. Forces in Turkey.

Following new legislation imposing fixed penalty fines for speeding and minor traffic offenses in the United Kingdom, Mrs. Tracey Cooper, the **100th Air Refueling Wing** legal office's British liaison officer at RAF Mildenhall, United Kingdom, worked closely with the Central Ticket Office to convince the British government to accept military licenses under the new fixed penalty scheme. Processing times for tickets will be reduced from six months to 28 days, and in most cases, fines imposed on military members will be reduced by more than 50 pounds per ticket.

The law office superintendent at the **52d Fighter Wing** (52 FW), Spangdahlem Air Base, Germany, leads the base's treaty compliance office. In this position, Senior Master Sergeant Darrell Hixon ensures the base is postured for conducting real world Conventional Forces in Europe (CFE), Vienna Document 1999, Open Skies, and Chemical Weapons Convention treaty inspections. SMSgt Hixon trained all base CFE escorts, and his leadership was the driving force behind the 52 FW's passing a Ukrainian bilateral CFE inspection.

At the **470th Air Base Squadron**, Geilenkirchen, NATO Air Base, Germany, paralegals operate a one-of-a-kind service that has put $75,000 back in the pockets of Airmen and their families since 2006. They administer the Border-Crossing Value Added Tax (VAT) program. Geilenkirchen Airmen can receive relief from Europe's VAT for goods purchased in foreign countries that are brought into Germany. In coordination with NATO and the German Zollamt (customs agents), paralegals assist Airmen and their families with verifying foreign purchases and filing forms for tax relief. Since 2006, paralegals have validated about $400,000 in qualifying purchases.

Area Defense Counsel Program

The Air Force JAG Corps has 83 area defense counsel (ADCs) and 71 defense paralegals (DPs) serving at 69 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 interrogation situations; 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. Overseas-assigned counsel act as military legal advisors in foreign jurisdiction cases as well.

Since the ADC program started in 1974, each TJAG has made clear that ADC vacancies are to be filled from among the most highly qualified judge advocates available. ADCs are normally selected from among judge advocates stationed at the base where an ADC vacancy occurs, which ensures ADCs have considerable knowledge of local base personnel, policies, and concerns. Defense counsel report to the Trial Defense Division (AFLOA/JAJD), thereby guaranteeing independence and an unfettered ability to represent their clients.

The placement process for DPs is also very selective. Typically noncommissioned officers with significant base legal office experience, DPs are responsible for all paralegal and office 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 statements and other documents, and obtaining investigation reports. DPs are normally selected from the best available candidates at the local legal office. In addition to possessing military and paralegal knowledge, a DP candidate must be mature, professional, and enthusiastic. A DP's organizational skills become the bedrock of every ADC office and make certain the office functions as a team. At bases where Senior Defense Counsel (SDCs) are assigned, there is an effort underway to upgrade the base's DPs positions to 7-level slots.

Capt Sherri Ohr, ADC,
Seymour Johnson AFB, NC

In Fiscal Year 2008, ADC teams ensured Air Force personnel around the globe received representation in a wide variety of forums encompassing an extremely broad array of issues. They participated in a total of 622 courts-martial, including 189 general courts-martial, 332 special courts-martial, and 101 summary courts. ADC teams also represented Airmen in nearly 7300 Article 15 proceedings.

In the spring of 2008, the Air Force tried a very contentious non-capital premeditated murder case at Cannon Air Force Base. Initially, in early 2006, the client was charged with premeditated murder of his wife (2004) and child neglect (2005). For more than three years, the defense team of Major Shawn Vandenberg, Captain Sterling Pendleton, and Captain Jeffrey Palomino, aided by numerous DPs, worked tirelessly on the case. They successfully severed the charges, and two separate trials were held. The child neglect charge was tried first, resulting in a conviction. With regard to the murder charge, the defense team interviewed more than 80 witnesses, examined dozens of items of real evidence, and reviewed more than 20,000 pages of discovery. Through in-depth interviews, critical analysis of the evidence, and consultation with numerous experts, the defense team uncovered a potential cause of death previously undetected by the government's investigators and experts. The team used this information, as well as the client's demonstrated character for peacefulness, to develop the defense's case theory and trial strategy. In the end, the client was acquitted of the murder charge.

In another high-profile case, the defense team of Major Mark Etheridge, Major Tiwana Wright and Captain Jason Largey zealously defended a non-commissioned officer charged with unpremeditated murder. The client's pregnant wife was found dead on the side of the road in January 1994. Subsequently, the client bought a one-way ticket to Thailand, and he was apprehended there in November 2006. After nearly two years of negotiation, the client was extradited to the United States on the condition that the case not be referred as capital and that no military offenses be charged. Although the charge was preferred as

premeditated murder, evidence at the Article 32 established that the client hit his wife in the head with a hammer after she divulged to him that she was pregnant with another man's child. The charge that was referred alleged unpremeditated murder. Following fierce pretrial negotiations, the client pled guilty to manslaughter and the government put on a case to establish unpremeditated murder. The military judge found the client guilty of manslaughter and sentenced him to the statutory maximum of 10 years.

Another case involved the representation of a client in a general court-martial for attempted premeditated murder, larceny, and perjury. The client shot his estranged wife four times with a shotgun, in the presence of his daughter, then took his wife's vehicle upon leaving the scene. The client was originally tried in state court, with that trial ending in a hung jury. The Air Force subsequently obtained jurisdiction and added a perjury charge based on the client's testimony during his civilian trial. Defense counsel pointed out numerous inconsistencies in the wife's account and gathered evidence in order to show the court the client's actions were carried out in self defense. The client was convicted of wrongful appropriation of his wife's vehicle and perjury. He was sentenced to a two stripe reduction and a reprimand.

In addition to these high-profile partial acquittals, ADC teams participated in courts-martial resulting in 53 full acquittals during FY 2008. One acquittal involved an officer charged with using cocaine. The client learned of a unit urinalysis sweep while he was outprocessing for a remote tour. The client called his commander to see how early he could provide a sample so he could continue to outprocess. The sample came back positive. The ADC and civilian counsel presented evidence that the wife had used cocaine and poured it in a wine glass the night before the sweep. Neither the client nor his wife testified that he actually drank from her wine glass, but they said it was possible that he did. Members acquitted the client.

In another case, a client faced a special court-martial for assault with an unloaded firearm. At a birthday party in base housing involving squadron members and their wives, alcohol was consumed in large quantities. At some point in the evening the host of the party removed his loaded firearm from his car in the driveway. He removed the magazine in front of numerous witnesses, and a number of people, including the client, handled the weapon. The client was accused of pointing the weapon at a pregnant guest and dry firing it. Eyewitness accounts varied dramatically, and the client indicated he did not know anyone was standing in the area where he pointed the weapon. The client was ultimately found not guilty.

ADC teams were also successful in reducing clients' exposure to charges or altogether halting a number of imminent courts-martial through motion practice. In one case, after court-martial charges alleging indecent liberties were referred against a staff sergeant with ten years service, the defense team filed a motion in limine to exclude hearsay statements of the child victim made to a social worker when the child's in-court testimony did not include critical statements. Although the government relied on the medical treatment exception, the military judge excluded the testimony. After taking nearly two and a half years to get to trial, with multiple requests to the convening authority to withdraw the charges, the case ended in an acquittal.

In another case, Captain Heather Lengel and Captain Michael Kerr represented a client faced a general court-martial for three charges and nine specifications of recruiter misconduct. The defense team tackled a number of evidentiary and discovery issues, filing a total of eight motions. These motions included disqualifying the assistant trial counsel, compelling discovery of witnesses and mental health records, and prohibiting the government from impeaching the good military character witnesses by using evidence associated with the second complaining witness. All eight motions were granted, and ultimately, five specifications were dismissed. The defense team then successfully moved to sever two of the remaining specifications. In the end, two specifications went to the members and client was found not guilty.

In a third case, Captain Brian Young worked with a civilian attorney to represent a senior non-commissioned officer charged with communicating indecent language to a co-worker during a meeting at which a third co-worker was present. The client twice turned down Article 15 proceedings for this alleged offense. The ADC and civilian counsel filed motions in limine and motions to the government from calling character witnesses to bolster the credibility of the complaining witness. The military judge granted the motions. After deliberating twenty minutes, the enlisted/officer panel returned a finding of not guilty.

ADC teams also represented a number of clients whose cases were returned to a convening authority by the appellate courts, often years after their original convictions. One such case involved a noncommissioned officer with more than 15 years of service who was convicted by a general court-martial at Hickam Air Force Base, Hawaii, in 2002 of two specifications of indecent liberties with a child. In January 2007, The United States Court of Appeals for the Armed Forces set aside the findings based on the improper admission of expert testimony regarding

ADC Capt Jason Largey and DP SrA Shaun Bustillos
Vandenberg AFB, CA

Spotlight on . . . an Expeditionary Area Defense Counsel

The expeditionary area defense counsel (EADC) office ensures Airmen stationed throughout the U.S. Air Forces Central (AFCENT) area of responsibility (AOR) receive zealous and independent representation any time, any place. "We are headquartered at Al Udeid Air Base, but our mission is the AFCENT AOR, so we are on the road constantly," says Captain Scott Jansen, one of the two EADCs currently serving in the region. During the year-long assignment, each EADC typically travels more than 100 days, whether it is for a litigated court-martial, an Article 15 presentation, an accident investigation board, a friendly fire investigation board, or to meet with clients, commanders, or first sergeants.

The EADC office is one of the busiest ADC offices in the Air Force, with approximately 80 clients represented each month—from the most senior officers to the most junior enlisted personnel. This year, the EADC office represented more than 400 Article 15 clients—from the most junior to most senior AF members. Approximately 90 to 95 percent of the clients who call the AEDC office receive AOR-based defense counsel. In years past, deployed Airman were referred to ADC offices in Europe, but Airmen are now able to work with defense counsel who are stationed in the same region and who can travel without limitation throughout the AOR. "We can travel any time, to any location, and on any military transport, whether it be an Blackhawk helicopter, Army Sherpa, C-130, C-17, or HMMWV convoy," said Capt Jansen. With an expeditionary mindset and a backpack, an EADC often hits the road each week, often to multiple bases and countries, with one goal in mind—to ensure Airmen receive the representation they need at a time and location most needed.

Capt Scott C. Jansen
AFLOA/ADC
Al Udeid AB, Qatar

"The most rewarding experiences have not been court-martial victories, although those are certainly good," Capt Jansen observed. "It's the time you can help a young Airman who is deployed to a forward operating base in a remote part of Afghanistan with little or no Air Force support structure available." A base legal office is stationary, but the EADC office is wherever an EADC is working, whether it is a cement bunker in Kuwait, a wooden B-Hut in Afghanistan or a borrowed chapel office in Iraq. "To get travel and office space, we do a lot of begging and borrowing," says Capt Jansen. Capt Jansen and his fellow EADCs serve each day wherever their duty and mission call. If you e-mail them, don't be surprised if their out-of-office response indicates they are "down range."

the percentage of children who make false claims of sexual abuse. Neither member of the 2008 trial defense team where involved in the original trial, but both worked incredibly hard to prepare for retrial at Bolling Air Force Base on the case that was now more than six years old. After litigating the facts and putting their client on the stand, members returned a not guilty verdict after just two hours of deliberation.

ADC teams displayed the same vigorous representation in all facets of the law, and defense successes were not limited to courts-martial results. Below are but a few of the hundreds of examples from 2008 where ADC teams produced positive results for their clients:

A noncommissioned officer with 16 years of service faced an administrative discharge board for a pattern of misconduct including driving under the influence and multiple unprofessional relationships. The ADC reviewed the stellar military record of the client, which included a Stripes for Exceptional Performers promotion, two annual awards for his career field, a Bronze Star, and an Air Force Combat Action Medal. The ADC also encouraged the client to seek mental health treatment for what seemed to be obvious symptoms of post traumatic stress disorder. By the board date, the client was "his old self" again—the Airman who had earned all of his prior accolades. Although the ADC was not successful in getting the client retained, he received a general discharge and was able to leave the military with a positive mental health prognosis.

An ADC represented a client who was convicted at a court-martial but did not receive a punitive discharge. While awaiting the inevitable discharge board, the client violated an order restricting him to base and went AWOL. After turning himself in, he was placed in pretrial confinement. The ADC approached the convening authority with an offer to accept an Article 15 and waive his discharge board for an under other than honorable conditions characterization rather than sending the member to a second court-martial. All parties agreed to the action, and the member was expeditiously processed out of the Air Force.

An ADC represented a client facing administrative discharge for drug abuse after testing positive for marijuana and making a statement to his commander that he used marijuana and several other drugs. After reviewing the Article 15 offered to the client, the ADC determined the client made the statement voluntarily with the intent to receive help from the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program. The ADC contacted the legal office about the voluntary statement exemption in the ADAPT instruction, and the Article 15 was dropped. The client still faced administrative separation, but he received an honorable characterization since his statement could not be used for purposes of

Spotlight on . . . a Defense Paralegal

When Technical Sergeant Carni Farve was offered the chance to serve as the defense paralegal (DP) for the area defense counsel (ADC) office at Kirtland Air Force Base, New Mexico, she jumped immediately at the opportunity. Now, having been in the position since February 2008, she thinks serving as a DP is not only the best job a paralegal can have, it is also one of the most critical for the JAG Corps and the Air Force.

TSgt Farve said the first lesson she learned when she moved into her two-person shop was time management. "Things can get hectic fast tending to the needs of the client, supporting your attorney, and running the office," she said. "A DP is constantly juggling everyone's needs. Clients need explanations for what is happening to them, and often due to confidentiality, you are the only person they can talk to. Your attorney relies on you to screen clients for conflicts, explain the justice process as it relates to them, accomplish additional duties, and run the office."

"My favorite part of this job is networking. No matter where I go on base, someone recognizes me. I build new relationships and meet new people every day. Whether that relationship is with a client or someone else on base, courtesy and professionalism provide the credibility necessary to get the job done."

TSgt Carnita Jo Farve
AFLOA/ADC
Kirtland AFB, NM

A paralegal since cross training from supply in 2004, TSgt Farve reflected on her current service as a DP. "I have grown so much as a paralegal, NCO, and individual. A new and unique situation pops up in the ADC office every day. Each Airman and situation requires individualized care, and each requires me to rely on my training and professional military education. Never before have I left at the end of the day and felt so fulfilled."

"I have been asked many times how I can defend criminals. To that, I patiently explain that the question misses the point. Our mission is to ensure the rights of all Air Force members are preserved and protected—irrespective of guilt or innocence. At the end of each day, I leave knowing that I made a difference in an Airman's life and career; what a wonderful feeling!"

Pacific Trial Advocacy Conference, Yokota AB, Japan

characterization.

Every year presents numerous opportunities for ADCs and DPs to grow 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 the opportunities. 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. The best and the brightest of our Corps ensure that the legal rights of the members of the Air Force are protected each and every day. They have the best jobs in the Air Force!

JAG Corps Personnel in the Operational Setting

2008 was a year of increased deployments for both judge advocates and paralegals alike. During the three aerospace expeditionary force (AEF) rotations in 2008, the JAG Corps deployed a total of 319 attorneys and paralegals to legal organizations around the globe. These JAG Corps members directly supported Operations IRAQI FREEDOM, ENDURING FREEDOM, NOBLE EAGLE, and various missions directed by the Department of Defense's (DOD) combatant commands.

JAG Corps deployment requirements have been on a steady rise for four years. In 2004, the JAG Corps supported on average 35 deployment taskings during each AEF rotation. By the end of 2006 that number had increased to an average of 115 deployments per rotation. While the exact number of deployed JAG Corps personnel fluctuates on a monthly basis, the JAG Corps had a total of 144 deployed attorneys and paralegals in December 2008.

Not only has the quantity of JAG Corps deployment requirements increased, the average length of deployment tours has increased as well. In 2008, the standard tour length for AEF deployments expanded to 179 days, up from 120-day tours. The number of 365-day extended requirements also increased. At the end of 2008, 14 judge advocates were serving year-long tours in the U.S. Central Command (CENTCOM) area of responsibility (AOR).

SUPPORTING AIR EXPEDITIONARY WINGS (AEWs)

In 2008, deployed staff judge advocates (SJAs) and law office superintendents served expeditionary wings and groups located at Joint Base Balad, Iraq; Ali Al Salem Air Base, Kuwait; Al Udeid Air Base, Qatar; Al Dhafra Air Base, United Arab Emirates; Bagram Air Base, Afghanistan; and Manas Air Base, Kyrgyzstan. These AEW legal offices provided the same range of legal services that would be expected of a garrison legal office in the United States or abroad. To maintain the continuity of legal services at two of the more demanding AEW legal offices, the SJAs at Balad and Al Udeid served on 365-day tours. Also, due to an increased number of supported Air Force personnel throughout the Iraq theater of operations, a third judge advocate and a second paralegal were added to the Balad AEW legal office in 2008.

Capt Moe Sium and TSgt Amanda Smith deployed to Multi-National Force - Iraq

DEPLOYED AREA DEFENSE COUNSEL (ADC)

In the spring of 2008, the JAG Corps added a second ADC position at Al Udeid Air Base, Qatar. This manning increase came in response to the expanding Air Force population throughout the entire CENTCOM AOR. The team of two ADCs and a defense paralegal provided defense services to Airmen facing nonjudicial punishment actions, courts-martial, and other adverse administrative actions. Defense counsel often forward-deployed to operating locations in Iraq and Afghanistan to represent clients. Each ADC now serves a 365-day tour in the CENTCOM AOR; the defense paralegal position rotates twice a year.

AIR OPERATIONS CENTERS (AOCs)

Judge advocates with specialized training continually staff the Combined Air Operations Center (CAOC) at Al Udeid Air Base, Qatar and the AOC at Tyndall Air Force Base, Florida. These operations attorneys provide targeting advice and serve as liaisons between the DOD services, allies, and coalition partners. During 2008, 22 judge advocates deployed to the AOCs in support of operations throughout the CENTCOM AOR and in support of Operation NOBLE EAGLE.

JOINT/SISTER-SERVICE OPERATIONS

More than 80 percent of JAG Corps deployment taskings fulfill non-Air Force operational requirements. These joint and sister-service taskings often require a specialized focus, such as contracting, administrative/civil law, fiscal law, international law, environmental law, domestic operations, claims, or operations law. In 2008, the JAG Corps deployed judge advocates and paralegals to numerous joint task forces, combined commands, and joint service legal offices in Iraq, Afghanistan, Djibouti, Cuba, Colombia, and throughout

the combatant command AORs.

The majority of joint deployment requirements still focus on support for detainee operations, including Joint Task Force 134 (JTF-134). JAG Corps personnel who deploy in support of JTF-134 advise the deployed commander and staff on laws and policies that apply to detainee operations. At the end of 2008, JTF-134 units were physically located at five geographically separated locations throughout Iraq: Camp Victory, Camp Liberty, Camp Cropper, Camp Bucca, and within the International Zone (IZ) in Baghdad.

The JTF-134 Magistrate's Cell reviewed detainee files to determine whether security detainees in U.S. custody should be released, continue in U.S. detention, or be turned over for criminal prosecution. The Combined Review and Release Board Liaison Office presented detainee files to a joint board of representatives of the Iraqi Ministries of Justice, Human Rights and the Interior, and the United States, to determine whether detainees should remain interned in accordance with United Nations Security Resolution 1546.

In 2008, JTF-134 expanded detainee

Spotlight on . . . a Legal Mentor to the Afghan National Army

On 15 January 2008, Colonel Alisa James, departed from her home in Panama City, Florida, to complete the eight-week Combat Skills Training Course at Fort Riley, Kansas. This was the first step in learning important skills Col James would need to support the U.S. Army's mentoring mission in Afghanistan. "While the training was a bit of a culture shock, learning how to man a machine gun, use the radio, call for a medical evacuation, travel in a convoy, or tend to wounded personnel proved absolutely essential in theater for my well-being and for those counting on my skills for our survival in a combat environment."

Col James left Fort Riley for Afghanistan in March 2008. After first receiving additional training at Camp Eggers in Kabul, she moved to her assignment at Forward Operating Base (FOB) Lightning in Gardez. Col James serves as the legal mentor for the Afghan National Army (ANA) 203d Corps, where she works closely with the staff judge advocate (SJA), noncommissioned officers, prosecutors, defense attorneys, judges, and Army Criminal Investigation Division investigators. Her job also includes assisting in the Rule of Law development for the Afghan National Police. Speaking of the Afghans she now mentors, Col James observed, "ANA legal office personnel are very eager to learn. We are lucky in that we have more trained lawyers than most of the Corps."

Col James also focused attention on putting the ANA's assigned military police (MPs) to use. "They received no training, guidance, or purpose. This was an asset we needed to exploit, because the most troublesome part of the military justice system dealt with crime scene investigation, security, evidence collection, and basic forensic skills." Col James partnered with U.S. Soldiers from Task Force Ripcord, 503d Military Police Battalion (Airborne) to train the MP soldiers in their law and order duties. The ANA legal office and Col James participate in the training by giving lectures on the Afghan Uniform Code of Military Justice (AUCMJ), crimes and punishments, the judicial system, basic crime scene investigation, protection of human rights, and rules of engagement (ROE) and rules for the use of force (RUF). "We are building a courthouse and jail. This will be the first judicial complex in the ANA with an integrated MP Corps and legal office."

Col James' observations of the development of the Afghan system have been positive. "Once the case is set for trial, I am impressed with Afghan Army trial practice. Theirs is a civil court system. The judges are educated and they are able to integrate tribal laws and customs into the cases without jeopardizing the rules of law and evidence in the AUCMJ and legislation. Their questions are poignant, and I have always seen justice prevail."

Along with mentoring duties, Col James is also the command SJA for the Afghan Regional Security Integration Command – East (ARSIC-E). In this role, Col James deals with military justice and administrative actions for all three services, and she also handles day-to-day FOB issues including contracts, funding problems, operational ROE and RUF with sister services and NATO soldiers,

COL ALISA W. JAMES
2 AF/JA
FOB LIGHTNING, GARDEZ, AFGHANISTAN

engineering problems, and local national issues. Technical Sergeant Alana Vollmer from MacDill Air Force Base, Florida, joined Col James at FOB Lightning in October, and Col James noted, "TSgt Vollmer is the first paralegal sent here. In addition to her legal office duties, she will mentor the ANA legal office NCOs and help put an information technology system in place for the new courthouse."

About her deployment, Col James observed, "My job is exciting and dynamic. I travel with ANA investigators all over the region, and I facilitate access for them to interview suspects and witnesses in their cases. I have no doubt that we are making a difference in the lives of the Afghan people."

assistance centers (DACs) at Camp Bucca and Camp Cropper. Personnel assigned to DACs explain to detainees the various effects of JTF-134 legal processes upon their liberty interests and contribute to due process by serving timely notice of hearings and delivery of board results.

The Central Criminal Court of Iraq (CCCI) Liaison Office, currently located in the IZ, assisted the CCCI in securing the evidence and witness access needed from coalition forces to ensure successful prosecution of detainees who committed criminal acts. At CCCI investigative hearings, deployed judge advocates guided coalition witnesses through their testimony and submitted all available physical evidence to an Iraqi investigative judge. In addition, judge advocates observed defendant testimony and conducted appropriate cross-examination. Deployed judge advocates routinely used video teleconference witness testimony for witnesses who had redeployed to the United States. When an Iraqi Investigative Judge refers a case to the CCCI Trial Court, deployed judge advocates monitor its progress.

Additionally, judge advocates deployed to Multi-National Force – Iraq, Multi-National Corps – Iraq, Multi-National Security Transition Command – Iraq, Joint Special Operations Task Force – Arabian Peninsula, and Combined Security Transition Command – Afghanistan provided crucial advice to coalition command elements on the rule of law, law of war, fiscal law, and international training exchange programs.

Six JAG Corps members support Joint Contracting Command – Iraq/Afghanistan (JCC-I/A) by providing advice on all acquisition and fiscal law issues while reviewing all contracts with a dollar value in excess of $1 million for both the Iraq and Afghanistan theaters of operations. In 2008, two additional judge advocate positions were added to assist with the ever-increasing workload of the command. One of the additional attorneys is assigned to the JCC-I/A office in Baghdad, Iraq; the second attorney is deployed to Bagram Air Base, Afghanistan. The JAG Corps also deployed a judge advocate to Camp Lemonier, Djibouti, to provide contract and fiscal law support to the Combined Joint Task Force – Horn of Africa.

In 2008, five judge advocates and two paralegals were embedded as part of Army civil affairs battalions at three separate locations in Iraq. Legal personnel conducting civil affairs worked closely with a provincial reconstruction team to assist Iraq's provincial governments with developing a transparent and sustained capability to govern, promoting increased security and the rule of law, promoting political and economic development, and providing provincial administration necessary to meet the basic needs of the population. Specific duty responsibilities for legal personnel include such matters as conducting rule of law assessments; monitoring contract performance; coordinating with Department of State, U.S. Agency for International Development, and nongovernmental organizations; and advising on excess property and fiscal law issues.

During 2008, the type of JAG Corps deployment requirements that experienced the greatest growth was to support rule of law programs. In 2008, the JAG Corps deployed 12 judge advocates and eight paralegals for 179-day tours to support the Law and Order Task Force in Iraq. This Department of Justice-led organization was established to help the Iraqi government improve its capacity to process domestic criminal prosecutions.

In late 2007, the JAG Corps received emerging requirements for three judge advocates to mentor Afghan judge advocates with the implementation of the Afghan

Spotlight on . . . a Deployed Contract Attorney

In August 2007, Lieutenant Colonel John Douglas deployed to Afghanistan in support of Operation ENDURING FREEDOM, where he served as the chief of contracts and fiscal law for the Combined Security Transition Command – Afghanistan, whose mission is to train and equip the Afghan National Army and Afghan National Police. Responsible for guiding the expenditure of U.S. operations and maintenance funds, construction dollars, and more than $10 billion from the Afghan Security Forces Fund (ASFF), Lt Col Douglas said he confronted the most complex legal issues of his 13 years service as an Air Force judge advocate—to include previous deployments to Iraq and Cuba.

With extensive contract law experience, including an LL.M. with a focus in procurement and fiscal law and systems acquisitions experience at Wright-Patterson Air Force Base, Ohio, Lt Col Douglas believed he was as well prepared as any JAG could be for the mission in Afghanistan. However, he noted, "I discovered a surprising level of challenges, which included learning the manner in which the Army funds deployments, the intricate details of the ASFF, the foreign military sales process, and working in a combined and joint command. The funding issues I addressed required day-to-day coordination with Polish, Albanian, and British personnel, and the issues impacted coalition members as well as other agencies, like the U.S. State Department."

From a fiscal perspective, there were issues which were "black and white," but there were also issues that were "gray." In those matters, Lt Col Douglas said maintaining personal and professional integrity was crucial. "Once an honest assessment of what Congress intended the Afghan Security Forces Funds to be expended for was made and that advice presented to the command, it was crucial to stand by the decision," he said. "Commanders have difficult jobs, and they may push back when told they can not spend the money. It would be easy to tell them what they want to hear, but in some cases, you simply can't."

His deployment originally was projected for six months, but Lt Col Douglas began to appreciate how complex the issues were as time passed, and he saw that his specific skills and experience were important to the command. Therefore, with the full support of his home office, he offered to extend. "This wasn't an easy decision since my family had spent a great deal of time apart with my deployment to Iraq in 2005 and my wife's deployment to Iraq in 2006. But as Air Force members, we were committed to placing the needs of our country above our own."

LT COL JOHN D. DOUGLAS
AFLOA/JACQ
WASHINGTON, DC

Reflecting on his decision and his deployment, Lt Col Douglas noted, "Practicing our core values has allowed me to contribute more to the mission and has opened doors for me to serve. I'm proud to have been a part of getting needed equipment and supplies into the hands of the war fighters, and contributing to the future security of Afghanistan."

Uniform Code of Military Justice and the provision of full-spectrum legal services to Afghan military commanders. In 2008, under the authority of the Combined Security Transition Command – Afghanistan, these judge advocates served on 365-day tours embedded with their Afghan counterparts. Two judge advocates served with Afghan National Army (ANA) commands in Gardez and Mazar-i-Sharif, while the third served with the ANA Air Corps' Combined Air Power Transition Force in Kabul. Each ANA Corps has approximately 9000 Afghan personnel, and the Afghan legal staffs for each Corps includes about 30 personnel, to include their own investigative units.

Throughout 2008, these legal mentors worked to train Afghan military police and prosecutors on investigative and questioning techniques, evidence handling, and case development. Other areas of training included rules of engagement, the Geneva Conventions, prisoner handling, medical protocol, and trial advocacy. Afghan military prosecutors are motivated, yet inexperienced—Air Force judge advocates continue to lay the foundation for a military justice system that will serve the ANA for decades.

2008 also saw the addition of an Air Force judge advocate position with the Combined Joint Task Force – Phoenix legal office in Kabul, Afghanistan. Working with members of the 27th Army National Guard, JAG Corps attorneys now regularly serve as senior trial counsel in Army courts-martial and advise commanders on sister-service nonjudicial punishment actions.

THE JAG CORPS TOTAL FORCE TEAM

Supporting operations across the globe is a Total Force effort for the JAG Corps. During 2008, Air Force Reserve and Air National Guard (ANG) attorneys and paralegals volunteered to fill approximately 20 percent of all JAG Corps deployment taskings. This teamwork is essential for the continued success of the JAG Corps' deployed operations—each judge advocate or paralegal deployment requirement filled by an Air Reserve Component member means one less active duty legal office required to deploy a JAG Corps member for a minimum of six months.

Deployment requirements will likely remain robust as the Global War on Terror continues. JAG Corps members—active duty, Reserve, and ANG—remain dedicated to providing the full-spectrum of legal services needed to support the warfighter around the world.

Spotlight on . . . a Deployed Paralegal

From the moment she reported for her six-month duty in Baghdad, Iraq in January 2008, TSgt Peggy "M-12" Milashouskas, 45th Space Wing, Patrick Air Force Base, Florida, hit the ground running as the lead board paralegal for the Combined Review and Release Board, Multi-National Force – Iraq. She ran the docketing system for processing more than 400 security detainee cases per week and was charged with reviewing and sanitizing thousands of files in preparation for the board hearings. Within three months, she became the noncommissioned officer in charge for her office of 19 personnel, where she directly supervised, mentored, and trained six joint-service paralegals and file managers.

TSgt Milashouskas also served on personal security details (PSDs) during her deployment. As part of her PSD duties, she escorted high ranking representatives of Iraqi Ministries to and from high risk areas to ensure their safety as they risked their lives to perform as board members. When her unit came under massive enemy rocket attacks in March and April 2008, TSgt Milashouskas ensured full accountability of all members of the unit—without any telecommunications equipment. She also volunteered to physically tend to service members and linguists after each attack.

TSgt Milashouskas was moved by the numerous impoverished children she encountered during her travels around Iraq. She took it upon herself to personally purchase items for 100 gift bags, filling them with coloring books, crayons, puzzles, and candy, and then she distributed these items to children in nearby villages.

TSgt Milashouskas' enthusiasm and dedication to the Air Force shined throughout her deployment, and she earned the service member of the month award for her office in June 2008. Upon completing her deployment, TSgt Milashouskas was awarded the Defense Meritorious Service Medal for her exceptional service.

Those who know and work with TSgt Milashouskas back home in Florida were not surprised to hear the details of her successful deployment, because she had demonstrated equal enthusiasm in her deployment preparation. Weeks before she went to Iraq, while on leave, TSgt Milashouskas volunteered 50 hours with the U.S. Marshals Service and Multnomah County Sheriff's Office in order to participate in tactical pistol and rifle training sessions, earning her certification in M-16 and M-9 tactics.

TSgt Peggy L. Milashouskas
45 SW/JA
Patrick AFB, FL


JETER

KEYSTONE 2008

During the first week of November, more than 700 members of the JAG Corps family gathered in Washington, D.C., for the Judge Advocate General's Corps' fourth annual leadership summit—KEYSTONE 2008. The theme for this year's KEYSTONE was "New Horizons," allowing attendees to focus on the many changes that are shaping the future of our Air Force JAG Corps. The Judge Advocate General, Lieutenant General Jack L. Rives, gave opening remarks that highlighted how changes in leadership, our JAG Corps family, the organization of the JAG Corps, and technological innovations are all giving rise to new opportunities for JAG Corps members. Additionally, many of the week's speakers highlighted the new ways that JAG Corps members are contributing directly to the security of our nation and to the Air Force mission, both at home and abroad.

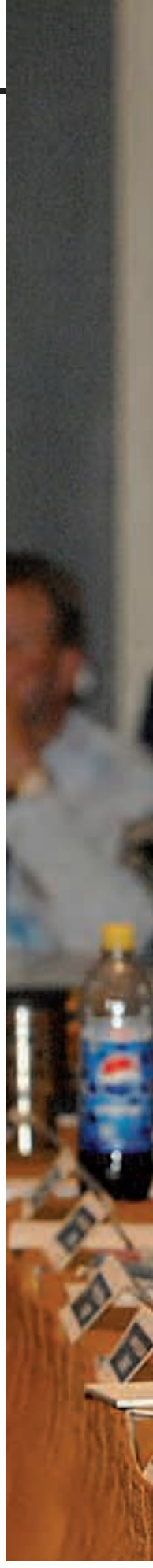
Among the speakers at KEYSTONE 2008 were the Secretary of the Air Force, The Honorable Michael B. Donley; the Chief of Staff of the Air Force, General Norton A. Schwartz; the Chief Master Sergeant of the Air Force, Rodney J. McKinley; the Iraqi Ambassador to the United States, His Excellency Samir Mahumb Al-Sumaida'ie; the U.S. Army's Vice Chief of Staff, General Peter W. Chiarelli; the U.S. Navy's Chief of Legislative Affairs, Rear Admiral Michael H. Miller; Rabbi Arnold E. Resnicoff, a consultant on interfaith values and interreligious affairs; the President of the American Bar Association, Mr. H. Thomas Wells; and General Barry R. McCaffrey, U.S. Army, Retired.

We were very fortunate to also host several academic leaders, including Dr. Edgar Puryear, the author of *American Generalship*; Professor Victor Hansen of the New England School of Law; Professor Fredric Lederer of the William and Mary School of Law; Dr. Gary Weaver of American University; and Professor Steven Schooner of the George Washington University School of Law. In addition, the Deputy Judge Advocate General, Major General Charles J. Dunlap, Jr., moderated a panel of senior military attorneys from our sister services, as well as a panel of senior military attorneys from Canada, Chile, Israel, and the United Kingdom. Chief Master Sergeant Maureen Lowe also moderated a panel of Air Force command chief master sergeants.

In addition to the many dynamic speakers during KEYSTONE's plenary sessions, this year's agenda also offered scores of electives that encompassed more than 40 different topics. These elective sessions included many topics of interest to military legal professionals, focusing on military justice, personnel issues, joint basing, and explanations of how events around the world affect our professional practice. KEYSTONE 2008 also included a half-day seminar for all attendees on leadership in times of crisis.

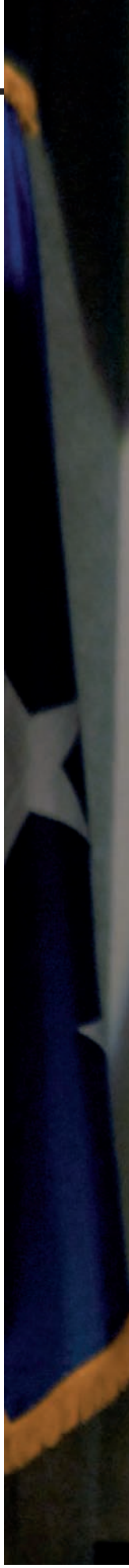
As with previous years, KEYSTONE 2008 proved to be a perfect occasion for a variety of other JAG Corps events, including the Senior Paralegal Summit and a Military Justice Conference for senior members of the JAG Corps. There were also professional development breakouts, working lunches for JAG Corps senior leaders, optional continuing legal education luncheons, major command conferences, and the annual TJAG Awards Banquet. Throughout KEYSTONE, the JA Spouse Connection offered spouses a host of special presentations and engaging activities—including tours of Washington, D.C., attractions.

KEYSTONE is and will continue to be a world-class summit that provides our JAG Corps with the tools it needs to further its mission of providing professional, candid, and independent counsel to command and the warfighter. We look forward to continuing the KEYSTONE tradition next year—and we look forward to seeing you there!




BOMES

Strategic Leadership in an Era of Persistent Conflict



I want to give you some ideas and thoughts on how we conceptually think about warfare today, skill sets that I believe are important as we develop emerging strategic leaders, and my thoughts on the legal profession and the criticality of operational law as it pertains to modern conflict.

CURRENT ENVIRONMENT AND TRENDS

It's important to understand that the brutality and raw nature of conflict is very real, and it is happening every day. We cannot let where we sit color the reality of where our Soldiers and Airmen fight. The comfort of the headquarters, where a state of civility reigns, cannot skew the ground view, where the thin veneer of civility can be wiped away in an instant. As we sit comfortably a world away, there are young men and women who are "eating the elephant" every single day.

The world is changing. Not surprising to us, there are certain trends that have manifested themselves that significantly impact our perception of war and the environment. A few major trends encapsulate what we have been predicting for almost 20 years, but they are revealing themselves today in insidious and ominous ways. None of these are new—they have been predicted for a decade or more. Yet it is truly amazing how these trends are revealing themselves and how they are impacting every facet of our lives.

The first trend is population growth. You can see the effects of growth every day all around us. The rate of population growth is multiplying at alarming rates, with world population projected to cross the seven billion mark in less than four years and ten billion by 2050. The downstream effects of this growth touch us all: global climate change, scarcity of critical resources, and increased urbanization. In fact, some people predict that by the end of 2008, over fifty percent of the world's population will live in urban areas.

When I was a young tanker, we were taught that tank and Bradley formations should always bypass large urban areas. Yet, as a Division commander, I was told to occupy a city of 7.5 million people across 276 square miles—a little bit like Chicago today. I occupied that city with the largest armored formation in the United States Army—probably at that time in the world. Absolutely amazing.

The second trend is technology, both in terms of the level of connectivity and rapid growth. You may call it the virtual terrain, which is redefining global context, accelerating the rate of change, and equally accelerating the rate of decision making needed to keep pace. We are creating new ideas and new technologies faster than ever before, turning existing technology into irrelevant technology, seemingly overnight. The virtual terrain has become a new operating domain that is impacting all of us.

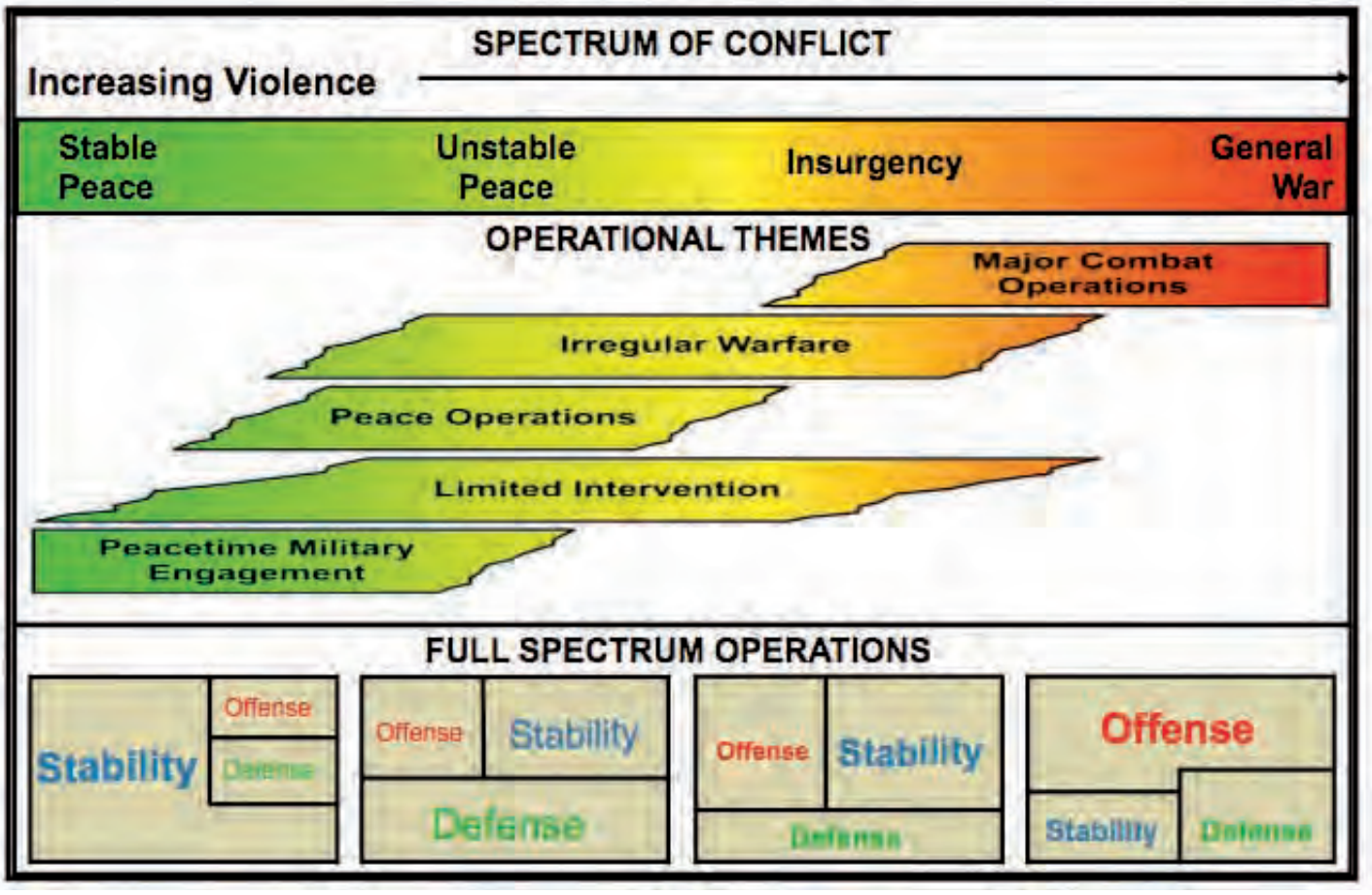
The reality is that every Soldier we employ and every savvy terrorist we encounter has a cell phone capable of taking a picture or a video and sending it around the world in a matter of seconds. You know what I am talking about if you have ever clicked on I-Report on CNN or surfed YouTube.

The final trend is the rise of extremism—state-sponsored and non-state transnational actors. These groups have figured out how to manipulate the growth of disenfranchised populations, something I'm intimately familiar with after working at a place called Sadr City, an area 6 kilometers by 8 kilometers that houses over 2.5 million people. They have figured out how to ride the backbone of the virtual domain, using it to their advantage. To see an example of a well-executed information operations campaign, study Georgia, which offers a fascinating look at how the virtual domain is changing the very nature of warfare.

Again, none of these identified trends are revelations. In fact, in his book, *The Clash of Civilizations*, Samuel Huntington stated back in the early '90s that "[t]he fault lines between civilizations will be the battle lines of the future." In *The Lexus and the Olive Tree*, Thomas Friedman said, "The prosperity of secular capitalism is running headlong into fundamentalist ideology." We have known these were emerging realities, and today they have shown themselves in seemingly chaotic ways.

Add to the pot a global economic meltdown of historical

General
Peter W. Chiarelli
Vice Chief of Staff,
United States Army



proportions, in many ways tied to the flagging of the world's economies aided by information technologies, and chaos churning through the markets, where confidence is at an all-time low.

This is the world we live in. This is the reality of our generation and the generations that will follow.

PREPARING FOR THE EMERGING NATURE OF WAR

What does this do to our thoughts on war? How does this change the paradigm we are comfortable operating under, where our concept of the operational art may have solidified us into a model that is no longer relevant, no longer acceptable, and must be reexamined if we are to prepare for the emerging nature of war?

The "Tennessee Chart" conveniently captures the idea of the types of conflict into a spectrum. As the chart shows, there are varying degrees of violence as you move from relatively benign operations to state-on-state confrontations. This is a model that is easy to grasp and has huge implications how we, the Army and Air Force, see our training, our resourcing, and ultimately where we put our dollars as we prepare our forces for war.

In some ways, we have convinced ourselves into a false comfort zone. This very chart concerns me. It is driving our thoughts on war into simple, mentally acceptable models that create easily digestible buckets of understanding that, in some cases, are flawed. If you step back and look at what is happening in the world around us, I believe it is much more complicated. Instead, I see modern conflict through a different lens, one that recognizes there are extremes of conflict—that you can have relatively benign operations that can achieve strategic ends or a state-on-state confrontation that redefines boundaries.

But today's reality resides some place in between. The probability of conflict includes elements of the extremes. At any one time, you must balance the ultimate objective of destroying the enemy with the opportunity to create lasting, non-kinetic effects. This is where our Soldiers and Airmen live today.

If you have read General Charles Krulak's analogy in his book, *The Strategic Corporal: Leadership in the Three Block War,* where you are "confronted by the entire spectrum of tactical challenges in the span of a few hours and within the space of three continuous city blocks," you have a feel for what full-spectrum operations are all about.

Full-spectrum resides somewhere between the extremes of kinetic and non-kinetic and, in reality, it includes elements of both—all the time shifting constantly, sometimes without warning. It is not regular warfare or a major confrontation; it is the realistic probability of conflict that involves elements of many forms of contact—kinetic to non-kinetic, offense, defense, and stability.

Today's complex environment requires smarter, more agile, more adaptive leaders and Soldiers and Airmen than we have ever envisioned.

Over the past two years, General Dave Petraeus has had to juggle probabilities across Iraq. His brigade commanders dance

between offense, defense, and stability as fast as the changing political winds in an effort to create opportunities and then seize on those opportunities.

As the Secretary of Defense stated so eloquently in a recent address at National Defense University, "As we think about the range of threats, it is common to define and divide the so-called high end threats from low end threats and the conventional from the irregular—armored divisions on one side, guerillas toting AK-47s on the other. In reality, the categories of warfare are blurring and do not fit into neat, tidy boxes. Warfare has changed."

Ultimately, we have to recognize this change, and the skills needed to be proficient in this complex environment require smarter, more agile, more adaptive leaders and Soldiers and Airmen than we have ever envisioned. Which brings me to my next point—leadership.

STRATEGIC LEADERSHIP

What does it mean to be a strategic leader in today's environment? What does it ultimately mean to the profession of arms where we are inherently in a people business—a business not designed to keep parity, but to create overwhelming advantage against adversaries unencumbered by the idea of the state, or even the idea of bureaucracy.

These are a few ideas that I have shared with some of the Army's emerging leaders, as I believe they are relevant to us all. As I stated to them, my ultimate goal was to change the way they thought. For the majority of their careers, they have been models of tactical and operational leadership, providing a purpose, direction, and motivation to steadily move and mold the organization into a manner that reflects their values and their ideas. It is an internal campaign plan, existing among multiple lines of operations from the structure of their organizations to the culture to the people. They define what right looks like, and everyone else follows suit.

Yet, as you move into increasing levels of responsibility, things get more fuzzy. You are the generalist—agendas count, and they can change. As a result, your approach to the human dimension at the strategic level must adapt accordingly. The simple reality is you are no longer the smartest person in the room. You have to balance that idea with the skills of observation, understanding, and empathy to maintain that "fingertip feel" of organizational dynamics. It is a developed sense, cultivated through years of service, study, and observation, which will allow you as a strategic leader to wade through agendas and to find solutions that may not be so apparent, relying on the practical experience of time against the current reality of the present.

As strategic leaders, you are influencers and creators of policy. Your years of experience and study are now being exercised on behalf of your organization and the nation. There is little in the way of standard operating procedures here. The shifts and capabilities blow with the winds of relationships. The ultimate strength is the political capital gained through your reputation and your relationships. Each build and feed off of one another, and they can change as fast as the decisions you make or the shifting of the political landscape.

Yet as influencers of national policy, you also emerge into a position where there is little or no guidance in the direction you need to go. I always thought I would get to a level where clear-cut decisions would be presented to me, along with crystal-clear guidance that would allow me to act. As I have worked my way up, however, I have found this less true than I thought.

Do not get me wrong—there will be a huge number of people who will have opinions. But maintaining the moral and ethical high ground will be the number one challenge as you start to operate in a dimension where there are few roadmaps and bridges other than the one you are building as you walk across it.

One of the things that bothers me the most is the "no decision too small" mentality that many strategic leaders seem to relish. In reality, they are slowing down the entire organization's potential capacity. It is amazing that the enemy has found a way to pass information at the speed of light, yet we have bureaucratic obstacles in place that stop critical information from being passed to decision makers. Information can take months to get to a decision maker, and it becomes worthless.

General Fred Franks, Jr. commanded the VII Corps during Operation Desert Storm and wrote in a book with Tom Clancy called *Into the Storm*, which captures the essence of decision making as you go higher in a complex organization. General Franks found that as a Corps commander, he could probably make two or three decisions over the course of the conflict. The higher you were in the organization, the less decisions you could make. When he laid out the complexity of interpretation, staffing actions, lower unit commanders' intent and the physical movements associated with changing the direction of a U.S. Corps in combat, he found he had to project out about 72 hours what he thought the battlefield would look like

One of the things that bothers me the most is the "no decision too small" mentality that many strategic leaders seem to relish.

and then shift the organization to meet the projected sense of reality.

The same principle applies today. Your decisions will carry immense weight. They will provide the direction and distance for your Air Force, and you must understand the impact of those decisions downstream.

One of the things I've wrestled with is getting staffers to brief me on the impacts of important decisions. When something comes across my desk, I want to know the cost, the impact, and the derivative effects of the options being proposed. You would be surprised how hard it can be to get these things into my office. The overwhelming human dimension at play creates an atmosphere where briefers tell you what you want to hear, rather than what they think you need to hear. Yet that brings up another level of complexity that is important for senior leaders to grasp—decision authorities and responsibilities.

In this age of information technology and rapid rates of change, there is a natural tendency to pull decision authority into the building. Why? The flip side of transparency is that everyone knows your business, sometimes better than you do. This drives information needs straight into the building, sometimes in very nasty ways, which unfortunately trumps field headquarters from engaging in decisions that are traditionally made at their level. Is this because we are a nation at war? Yes. Is it because of the crushing effects of information technology? Yes. Then what is the solution? How do you ultimately reposition decision authorities to maximize efficiency and effectiveness in the organization?

We wrestle with this every day. We are working to adapt the institutional side of our Army to the changing strategic environment.

Probably the best way to capture the idea of leadership at the strategic level in modern times was stated by George Marshall more than 50 years ago: "It became clear to me that at the age of 58 I would have to learn new tricks that were not taught in the military manuals or on the battlefield. In this position I am a political soldier and will have to put my training in rapping-out orders and making snap decisions on the back burner, and have to learn the arts of persuasion and guile. I must become an expert in a whole new set of skills."

This simple quote, which is plastered on the wall of every classroom at the Army War College, captures it all.

THE LAWYER'S ROLE IN MODERN WAR

Now, we get to the fun part—what about the legalities of modern war and your role as the commander's legal representative? I learned a few things from two tours that I think could collectively help us all.

First, law of armed conflict allegations or suspicions must be taken seriously no matter how minute the report. You know of Abu Ghraib and Haditha. Each has had an incredible implication on our policy and stature in the region and the world. Choosing to ignore the problem will not guarantee the problem will go away. It is a simple fact of life that we must live on the moral and ethical high ground. As such, we can never let our lens be crowded. It sends the wrong message to the troops on the ground, the nation we are assisting, and the world.

I happen to think differently about the role of the media. If we did not have the media, we would have never figured out what was happening in Abu Ghraib or Haditha, and they would have never been brought to our attention. We would have never figured out what was happening at Walter Reed and the level of care being given to our wounded warriors once they got out of Walter Reed. In many respects, Dana Priest should be given a hero's medal. If she had not revealed the conditions at Walter Reed, how much longer would our wounded have been seemingly neglected? The media is our watchdog, and rightfully so.

Second, as judge advocates, remain objective and keep the logical reasoning taught to you in law school oriented on everything you see. You have an obligation to question the premise behind the reports. You have an obligation to ask the hard questions when they are not being asked. You have to fight the group-think mentality and keep an independent, grounded eye towards the protection of the victim, the command, the mission, and most importantly, the Soldiers and Airmen we serve.

Third, one of the hardest things I had to do was to get my legal experts and my commanders to understand the utility of the 15-6 investigation, which is an administrative fact-finding inquiry conducted by a commander. During my first year in Iraq I directed that 15-6 investigations be conducted whenever an

innocent Iraqi had been injured or killed. My intent in doing so was the protection of the individual Soldier, Sailor, Airman, or Marine, and I provided this direction to my lawyers.

I subsequently found out that I had two kinds of lawyers. I had lawyers who understood that my intent in requiring 15-6 investigations was to take care of personnel by creating a record of what occurred on the battlefield. The 15-6 investigation would provide a body of evidence that, if someone's actions were ever called into question, could show that we had investigated thoroughly and come to a determination that they were working within the bounds of the law. My thought process was that you would not necessarily read everyone their rights as you took those initial statements.

I understand what it is like to have your rights read to you. I found that it had an extremely chilling effect as a two-star general to have a lawyer say, "Sir, I'm now going to read you your rights."

But I found out I had other lawyers who were instructing investigating officers to begin every 15-6 investigation by reading rights to everyone. They were absolutely intent on maintaining the investigation in a way that would ensure it would be a good investigation should it have to go up and beyond the 15-6. This had a chilling effect throughout those units where we did so. My sergeant major brought this to my attention, and I had to make an immediate correction to get it fixed.

In the complex, confusing environment of the three-block war, it was critical that we use tools like the 15-6 to protect and to learn from events. When a suggestion or allegation of law of armed conflict violation becomes apparent, then the tone shifts in the investigation. Then it is, in my opinion, the right thing to indicate that an investigating officer begin taking sworn statements.

Next, we as commanders have to get smarter about integrating our judge advocates into operational planning. It is absolutely critical, and it cannot be an after-the-fact approach. The simple reality is that in places like Iraq and Afghanistan, the policies, regulations, and emerging legal constructs must be taken into account as you fight across the multiple lines of operations using both soft and hard power approaches. The legal opinion counts.

Finally, I expect—and every commander, I hope, expects—my judge advocate to give it to me straight. You have to overcome the natural human tendency to please and instead interpret the ideal position through the objective legal lens. This can be hard, because we exist in a world of strong personalities. Yet it is the way to both protect the command and protect the mission, Soldier, and Airman.

Each of you will be in a position to influence strategic leaders. Your opinion counts.

The old story is that if you do not agree with your lawyer's opinion, find another one, and he will give you a different opinion. You must be willing to stand up to any commander and use the objective lens of your legal training to help him understand what he can and cannot do in this new environment. This is absolutely essential.

Never forget that there are young Airmen and Soldiers who are fatigued from years of conflict. The thin veneer that we refer to as being civilized can be lost in an instant. The values we bring to this fight as a nation become the line of defense in maintaining the moral and ethical high ground. As the legal profession, I ask you to push and prod yourselves and adapt in an era of persistent engagement, where we will have a presence somewhere around the world.

Remember that each of you, if not in a position of strategic leadership, will be in a position to influence strategic leaders. Your opinion counts. Clear, unvarnished interpretations are what our leaders need today to achieve the right objectives. These young Airmen and Soldiers fighting every day deserve only the best. As they wrestle among three blocks of uncertainty, what you bring to those three blocks protects them, protects the populace, and ultimately protects our country and her ideas.

Thank you again. Army strong.

QUESTION FROM AUDIENCE: What grade would you give to Air Force leadership on how Airmen are doing in Army missions?

ANSWER: A+. I really mean that. If you look at what Airmen are doing on the ground every day, it is absolutely amazing. There are Airmen down on the ground doing the toughest missions that we have every day, working with Iraqi and Afghan police forces, going into police stations every single day, fighting right alongside the Army's Soldiers.

Now, I think we need to get smarter at turning some of the lessons learned from this conflict into lessons that are truly learned and not just observed. All of the services are attempting to get a feel for how we fight this kind of fight. I know there is not agreement about my idea of the future of conflict. I think there will be limited periods of tremendous high-intensity kinetic fighting, and then we will quickly move into something other than that, such as stability operations. I believe that this will be the new kind of fight that we will find ourselves in for the next 10 to 20 years, and I think we have to get smart about how to do that. So I might not give all of the services an "A+" in how they brought lessons learned on board, but I would give the Department of Defense an "A+" when I compare us to the rest of the government, which I think has not done what it needs to do to reinvent itself to fight this new kind of fight.

The previous remarks, which have been edited for this publication, were made by General Peter W. Chiarelli at the Keystone Leadership Summit on 3 November 2008.

General Peter W. Chiarelli *became the 32nd Vice Chief of Staff of the U.S. Army on 4 August 2008. In his previous assignment, he was the Senior Military Assistant to the Secretary of Defense. Gen Chiarelli hails from Seattle, Washington, and is a Distinguished Military Graduate of Seattle University where he earned a Bachelor of Science Degree in Political Science. He was commissioned as a second lieutenant of Armor in September 1972 and has served in Army units in the U.S., Germany, and Belgium, commanding at every level from platoon to corps. His various assignments include command of the 1st Cavalry Division as well as the Multi-National Corps – Iraq. Gen Chiarelli earned a Master of Public Administration Degree from the University of Washington, and he is a National War College graduate.*

A Look Back. . .
AT 21st CENTURY LEADERSHIP

I have been asked to talk about leadership today and the implications of a rapidly changing and uncertain future on our ability to meet our mission. As I share my perspective, I note that I see many parallels between the Air Force and Navy in our approaches to leadership.

First, we have a global view, which allows us to deal with challenges in a macro sense. Second, we enjoy a great deal of technical sophistication in the application of our systems and processes, which mandates a focus on the retention of some very high end personnel to ensure our future readiness. Third, our services are populated by those who share as much in common with the explorers of the 15th Century as they do with our modern military heroes.

It is this common view of the future that I would like to discuss with you, because you are most assuredly the leaders of tomorrow. In my opinion, there are six things that separate a mediocre or even good leader from a great one: vision, courage, patience, compassion, honesty, and optimism. I am sorry this does not translate into a snappy acronym, and it may not necessarily match what others on the speaking circuit are talking about these days, but allow me to explain this from my point of view.

VISION

I am most impressed with your JAG Corps Values and Visions document. I have found it essential to start with the end in mind, and this product contains just such a roadmap for success. Vision is frequently associated with intuitive leadership—that ability to see around corners or over obstacles. While instincts may be very important to guiding our forces, it is my experience that organizations that succeed best, start with the ultimate goal of the mind. As the saying goes, "If you don't know where you are going, any road will get you there."

Vision demands much of the leader, because it is easy to focus on the next hill or battle - or just manage the inbox - to the detriment of the final outcome. Of course, visionaries have been condemned since the first tiger pit was dug. Personally I have found it to be a real challenge to provide a thoughtful response to thoughtless, or even unreasonable criticism of any vision that involves change. There are times when no response is the best response to this criticism.

Instead, allow your vision to be absorbed and then socialized amongst those who should lead. Encourage dialogue as the vision is being socialized, and do not be so wed to your vision that you ignore opportunities to improve how you achieve the ultimate goal. As a counterpoint, silence is certainly golden, but set the record straight - and sooner rather than later - if it is truly important to clarify a particular issue.

COURAGE

Courage is almost always assumed in great leaders. There are many different forms of courage, but the discerning leader knows that sometimes the most courageous actions are taken far from the battlefield. This also means doing the right thing even if it means doing more work. Some would have you believe that success can be measured by how much work can be passed on to someone else. In many cases, an action passed is an opportunity lost.

Not uncommonly, courage is accompanied by unceasing waves of questioning and self-assessment. Am I doing the right thing? Am I doing it for the right reason and will it achieve the ultimate desired end state? Even with this self-doubt, a courageous leader with vision seems to possess an innate ability to exude self-confidence and display the courage of his or her convictions. Not everything can be planned, and leaders know there will be some pain associated with every big decision that involves change.

Theodore Roosevelt wrote one of my favorite quotations in this regard. He said, "It is not the critic who counts. Not the man who points out how the strong man stumbled or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood: who strives valiantly; who errs and comes (up) short again and again; who knows the great enthusiasms, the great

RADM Michael H. Miller, USN
Chief of Legislative Affairs,
United States Navy

devotions; who spends himself in a worthy cause. Who, at the best, knows in the end the triumph of high achievement, and who, at the worst, at least fails while daring greatly, so that his place shall never be with those timid souls who know neither victory nor defeat."

For me, the man in the ring epitomizes leadership by example. One of my mentors used a particular phrase when he felt that someone wasn't walking the talk. He would say, "Your actions speak so loudly I cannot hear a word you are saying." Visionary, courageous leaders learn how to "talk the talk," but most importantly they "walk the walk."

Courage is contagious. The more that you can muster, the more others will feed on that strength. A few years back I met the beachmaster for Easy Red, one of the most dangerous sectors of Omaha Beach on that fateful day of 4 June 1944. He told the story of his initial approach to Normandy Beach early that morning with a load of infantry. After landing, he quickly found himself behind a berm, pinned down by hostile fire seemingly from all directions, with GIs all around him. An Army colonel ran up to him and asked that this Lieutenant Commander use his powered megaphone to pass the word that the men were to "move forward." As he described it, upon passing the order, an Army sergeant pushed a "Bangalore" torpedo through the barbed wire at the top of the dune, exploded it, and opened a gap in the mass of barbed wire. Then he turned to his men and said simply, "follow me." He did not order his men forward, but led them, which was the sign of a leader. The men rushed through the gap onto the flat plateau behind the dune line to the base of the bluff, a distance of some 50 yards or so through heavily mined areas. Many lost their lives or were seriously wounded. Sometimes, showing courage can be as easy—and as hard—as saying, "follow me."

Courage is contagious. The more that you can muster, the more others will feed on that strength.

PATIENCE

Great leaders also have patience. They know when the time is right to make a decision. Former Speaker of the House Sam Rayburn once said that the three wisest words ever spoken were "wait a minute." This runs counter to our ethos, our urgency in executing our vision, and our desire to make progress and change. The impatient leader would prefer Teddy Roosevelt's approach when he said, "In any moment of decision, the best thing that you can do is the right thing. The worst thing you can do is nothing."

To be sure, there are circumstances when time is of the essence. My point is that you usually have more time than you realize and that there is a sense of time compression as you approach a monumental decision. As everything around you starts to accelerate, a leader with vision must show the courage and patience to not rush into an environment ill-prepared. Sometimes, it is the second mouse that gets the cheese.

It is my observation that you always have a choice . . . it just may not be obvious. Likewise, there are frequently ways to buy more time to make that choice . . . not a lot of time, perhaps, but enough to allow you a deep breath and a few moments of critical analysis. Your nation and your senior leaders are counting on you to provide "thought-full" advice . . . as opposed to a "thought-less" decision.

One might say that I am arguing the case for procrastination, but nothing could be further from the truth. Doing nothing is frequently seen as decision: mute testimony to acceptable outcomes and behavior, which was President Roosevelt's point. But there is still much wisdom in Sam Rayburn's, "wait a minute."

COMPASSION

All visionary leaders with courage and patience also share a certain amount of compassion for mankind. You see it in the captain who won't eat until all of his troops are fed, the commander who finds time to contribute effort and money to charity, or

the judge who thoughtfully goes the extra mile before passing judgment. Compassion is a commitment to doing more for others than the leaders would do for themselves. The compassionate leader has developed a refined sense of empathy for those less fortunate.

I recognize that this may sound hopelessly "un-leader-like," particularly to a group that must sit in judgment, if not outright prosecution. Yet it is my belief that hope, faith, and charity are essential to a great leader as the ultimate expressions of our humanity. Look no further than Abraham Lincoln for an example. His second inaugural address closes with, "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace, among ourselves and with all nations." Timeless, compassionate words that are equally applicable today.

A simple model with which to visualize our own focus and compassion is through what I call a balanced triangle. One side of the triangle is your personal life, centered on your family and friends. The second part of the triangle is your professional life, which encompasses your job and your dedicated support to the Air Force and the JAG Corps. The base of the triangle is the spiritual side—not necessarily a religious foundation, but rather that underpinning of compassion and sense that there is a larger meaning to our service. The goal in this simplistic model would be to keep the triangle in balance, or equilateral. In my personal experience, it becomes easy to let the professional side of the triangle get far too long, and the triangle falls over on its side.

To take this metaphor one step further, you will recall that a triangle always contains 180 degrees of angle, regardless of balance. This reminds me that I must look in the mirror as I judge my own balance. First and foremost, you must be able to respect the person you see each morning in the mirror. I believe this means living your life in balance.

It has been said that people will not care how much you know until they know how much you care. A compassionate leader with vision, courage, and patience understands that people, the foundation of any organization, will have many different perspectives. Not all will match up with our own experience or field of view. Compassion will drive the leader to seek out those unique perspectives.

HONESTY

As a core element, the great leader has a commitment to honesty. Central to this concept is the attribute of trust. To quote from *The Speed of Trust,* a book by Stephen Covey, "Trust is the highest form of human motivation. It brings out the very best in people. But it takes time and patience, and it doesn't preclude the necessity to train and develop people so that their competency can rise to the level of that trust."

The foundation of trust is honesty. Truth telling must be second nature to the leader. A great leader recognizes the damage to the confidence others have in his ability to lead that occurs when the truth has been massaged. To succeed, to accomplish the mission, to simply respect the person you see in the mirror—these are all founded on the basis of honesty.

Perhaps the immortal Bard said it best when he wrote, "To thine ownself be true." A habitual truth-teller finds it much easier to deal with the unpredictability of life. "Stuff" is not always going to go right, but a commitment to the truth, even when it is hard to bear, even when it may be personally embarrassing, will ultimately only enhance the esteem in which others hold you.

In my experience, the bigger the decision, the greater the likelihood of resistance to that decision, and the more the leader is relied upon to speak truthfully to critics. Perhaps the truest measure of a great leader is not when everything goes right, but rather how that leader responds when everything goes wrong. Honest, sometimes critical, self-assessment is crucial to getting that organization on the move again and—to use a Navy metaphor—stop the ship from sinking.

Some years back I met a World War II survivor from the Battle of Midway. Airman Howard Dickerson flew as a radioman on a PBY "flying boat" during that critical battle in the Pacific. The PBY Catalina was common to both of our services—a long-range aircraft made of aluminum used for chasing subs, bombing, and, in this case, rescuing downed fliers that had just attacked the main body of the Japanese fleet.

Late on 4 June 1942, Airman Dickerson found himself at the bottom of his PBY after making their third water landing to rescue yet another stranded aviator. His pilot, in this case the leader of the crew, had said truthfully that he was not sure that they would be able to take off again in the rough seas with three additional people on board. But they could not abandon this man to the sea. The standard procedure was for the pilot of the PBY to set up to land into the wind, thus allowing the slowest possible landing speed. But on this windy day, that also meant landing into some pretty formidable waves. As the aircraft touched down, the power of the sea mercilessly pounded the light underbelly of the aircraft, causing the rivets in the skin of the airplane to pop out. Immediately, the airplane began

to flood.

Howard, a young midwesterner, was on the verge of panic when the flight engineer started sharpening a box of pencils—and then pounding them into the holes created by the recently departed rivets. Howard looked at the flight engineer and asked, "What should I do?" The engineer answered, as only a master of the obvious could, "Start sharpening more pencils." Howard immediately commenced, with a rapidity that could only be described as a "total investment" in the "speed of trust" concept. Three days later, the PBY was able to safely navigate her way to the nearest island, still afloat with all souls safe on board.

This story gives new meaning to the term "the pen is mightier than the sword," I think. It also points out that leadership is not a realm reserved exclusively for kings and generals. Sometimes, by providing an honest assessment of the facts and then placing our trust in the ability of our most junior personnel, we can learn lessons in leadership that we would otherwise never recognize.

Our 24-hour, seven-day-a-week news cycle can lead us into sort of a shell shock, probably closely akin to what our parents or grandparents felt during the early years of World War II.

OPTIMISM

The sixth attribute that differentiates a great leader from a simply good leader is optimism. In our busy lives, it is easy for us to keep a constant focus on all that has gone wrong, is about to go wrong, or could possibly go wrong. Some of that stress is justified, and it is important for our own survival. But it must be constantly monitored, measured, and, at times, disregarded so that we can find the opportunities hidden in the challenges that beset the modern leader.

Not that anyone would blame us for being stressed. Think about how much bad news bombards us every day as compared to previous generations. Our 24-hour, seven-day-a-week news cycle can lead us into sort of a shell shock, probably closely akin to what our parents or grandparents felt during the early years of World War II. When will it end? Why is this happening? What are we to do? All fair questions to which the optimist responds, "I don't know, but I know that I can find a way to turn this into something beneficial."

I am not advocating that we take on the Pollyannish view of "don't worry, be happy," although there is probably more truth in that song than most of us realize. But I believe strongly that visionary honest leaders with compassion and courage will only succeed if they believe they can. Returning to that balanced triangle, there must be some larger meaning to our call to service, and we must be able to answer the call, no matter how distant, with hope and faith that we can make a difference.

Our 40th president, Ronald Reagan, became known as the great communicator. This was in part due to his ability to explain elemental, core concepts of the American psyche across the many contrasts of these United States. Essentially, he could verbalize the sense of the country to those very same citizens who could feel it, but could not express it. Reagan said, "How can we not believe in the greatness of America? How can we not do what is right and needed to preserve this last, best hope of man on earth? After all our struggles to restore America, to revive confidence in our country, hope for our future, after all our hard-won victories earned through the patience and courage of every citizen, we cannot, must not, and will not turn back. We will finish our job. How could we do less? . . . We're Americans." I can find no finer description of an optimist than the man who uttered those words.

As a postscript, let me talk to you about winning. When Vince Lombardi said, "winning isn't everything, it's the only thing," he was making a point about attitude on the field. To be sure, there are times on the battlefield when winning at all costs is not only appropriate, but essential. Without a doubt, we are a nation of winners. We worship winners, and we condescend, disrespect, and outright hate losers. No one likes to lose, most especially not an American. We have all heard it said before: "Show me a good loser, and I will show you a loser."

But I have learned far more from my losses than from my wins. Every great winner has suffered bitter defeat, and so has every great leader. Winning on the field of battle, in sports, or in a courtroom does not, and should not, equate to a way of living. Winning at all costs is fine for football, but that philosophy in life is too easily twisted into an excuse for all sorts of amoral and unethical behavior. If we sacrifice everything on the altar of victory, it is all too frequent that our selfish interests are the last to face the ax—and the concept that we cannot lose without becoming a "loser" too easily leads to sacrificing our integrity, honesty, and courage in order to avoid that moniker.

According to the late James Michener's *Sports in America*, Lombardi claimed to have been misquoted. His intent was to say, "Winning isn't everything, the will to win is the only thing." I would subscribe to that modification.

One could argue that this philosophy of winning at any cost has led us into the current financial crisis, degraded American society's moral and ethical standards, and eroded our faith in our elected leadership. My advice to you is to beware of the arrogance of winning. It is at best a transitory state—unless these pillars of leadership that we have discussed underpin the outcome.

While I have quoted from many of my favorite leaders in the history of this great nation, I, like many of you, have been privileged to be a witness to history from some very unique vantage points. I have spoken very little of them in this presentation, but I have learned from some of the finest mentors anyone could ask for. In the coming days, months, and years, you will have the very same opportunity to witness history as it is being made. This is a great gift, but more importantly, being able to seize the opportunity to make a difference and actually make history is a privilege that only a very few are afforded.

During this discussion, I have also borrowed heavily from our nation's past. I do not believe America invented the concept of leadership, but I do believe that our unique perspective on the subject is a synthesis of countless leaders who lived here and in far distant lands. Our brand of leadership is distinctive in the way that we as Americans respond. If you are looking for a path to travel in leading the United States and its Air Force successfully into the 21st century, looking back may be just as important as looking forward.

I close with a quote from President Reagan that has more meaning for me every day. Reagan once said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the

bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men (and women) were free."

Thank you for your service in these most challenging times. I am proud to stand beside you as we tackle the leadership challenges of tomorrow.

QUESTION FROM AUDIENCE: Looking back over your career, what single aspect of leadership do you wish you would have been taught but were not?

ANSWER: The piece that is most difficult for me is patience. We are goal-oriented, and we tend to respond quickly to the guidance we have. As I mentioned, sometimes that is essential on the battlefield. But all too frequently, we make assumptions and move forward. It is hard to teach patience, and I must confess that I am extremely impatient for just about everything. But if I had spent more time being more patient, I probably would have absorbed more wisdom along the way.

QUESTION FROM AUDIENCE: Of all the leaders you have studied, can you identify one that you most admire and tell us why?

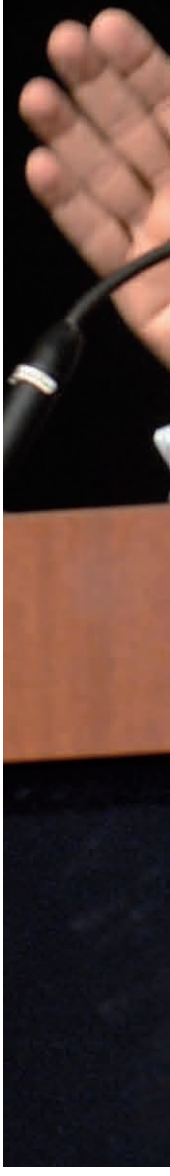
ANSWER: There is one—Abraham Lincoln. When Lincoln was elected President in 1860, he brought Salmon Chase into his cabinet, who was the governor of Ohio and one of Lincoln's closest competitors. Lincoln kept Chase on his cabinet when he knew that Chase coveted his job. Chief Justice Taney passed away in the last year of Lincoln's presidency, and Lincoln had a long list of individuals who were very accomplished in jurisprudence who all wanted to be Chief Justice of the Supreme Court. Yet Lincoln put aside the fact that Salmon Chase had been less than loyal to him and had even tried to unseat the President behind his back to appoint him to be the Chief Justice of the Supreme Court.

Lincoln picked Chase because he felt he was the right man, the person who would provide balance on the court. There was every reason for him not to select Chase, and yet he showed the courage and compassion to understand why Salmon Chase could best lead the Supreme Court. From that point forward, Chase helped establish and codify what Lincoln was all about in the Civil War. Those protections were essential coming behind such a strong Chief Justice.

The previous remarks, which have been edited for this publication, were made by Rear Admiral Michael H. Miller at the Keystone Leadership Summit on 3 November 2008.

Rear Admiral Michael H. Miller, *a native of Minot, North Dakota, was commissioned at the United States Naval Academy in 1974, and earned his "Wings of Gold" at Pensacola in January 1976. Flying the S-3A/B Viking, RADM Miller participated in combat operations against Libya, during the Achille Lauro terrorist incident, and in the Persian Gulf during Operations DESERT SHIELD and DESERT STORM. In addition to numerous shore-based and sea tours, RADM Miller served as the Deputy Director of the White House Military Office in November 2000 and was commissioned as a Deputy Assistant to the President and the first-ever active duty Director of the White House Military Office in November 2002. In April 2005, he assumed command of the USS Ronald Reagan Strike Group and led its maiden deployment to the Persian Gulf and Western Pacific in 2006. RADM Miller currently serves as the Chief of Legislative Affairs for the Navy.*

Perspective of the Iraqi Ambassador to the United States



It is a great honor to address you today and talk about Iraq. Your force and the rest of the American military have been our savior. We are grateful for what you have done and what you are doing. Iraq, for a very long time, labored under the most ruthless and inhumane dictatorship, one of the most ruthless in the world. Without American intervention, we would have been struggling and suffering under that dictatorship with no prospect of salvation. So, I first want to say thank you, to express our gratitude, and to say that now that you have started on this path, we will end it together as friends and long-term allies.

Let me go into some background. We live in a fast changing world, but the change across the world has been so profound that the nature of challenges that confront different societies and different countries has changed over the years. The major challenge in the 50s, 60s and 70s was the Cold War and East-West confrontation. Now, the threat has changed; it is much more dispersed and diffused. The nature and dynamics of dealing with the threat have also changed. Iraq has occupied an important position; it is an important country with a very long history. Indeed, Iraq is where civilization as we know it actually started, in what was called Mesopotamia. For that reason, Iraq has always occupied an important position in the geopolitical life of this planet. But it was hijacked by a regime which dealt in violence, intimidation, and terrorism against its own population. It engaged its neighbors, Iran and Kuwait, in two wars and was a major source of instability in the area.

The waters were shark infested, and now we are just about to emerge from the water line.

As for the history of the decision to intervene in Iraq, I am not going to address it other than to say the decision was made. I was one of the people in the opposition movement, opposition to Saddam's regime who lobbied for intervention in Iraq. I came to Washington, D. C., I was in London, and I went to many other capitals and to the United Nations with many of my comrades to lobby for intervention. It took place and many things then unfolded. Unfortunately, some mistakes were made; the period immediately after the removal of Saddam Hussein was not managed in an ideal way. It was a mistake to administer Iraq as an occupied country rather than as a liberated country, and that created a severe problem for us. It cast Iraqi patriots in the role of collaborators and it cast terrorists in the role of freedom fighters. It was a mistake we had to struggle through. Iraq was invaded by hordes of terrorists and suicide bombers; a country the size of California suffered well over 1200 suicide attacks. You can imagine how devastating that was, yet we have moved forward. We are building a new house, starting with the foundation. The waters were shark infested, and now we are just about to emerge from the water line. We believe we have a very promising future.

We have managed to create a Constitution built on principles totally different from anything else in the Middle East. Principles of freedom for the individual, participatory politics, guaranteed security for citizens, guarantees for minorities, guarantees for a woman's rights, and many other internationally accepted norms not previously established. We have a federal structure which suits us very well. We have our Kurdish compatriots who have been managing their affairs for many years before the intervention. We decided it was right and proper they should continue to manage their affairs within a federal system similar to the one you have in this country, although, on a smaller scale.

I understand most of the audience has a legal background. We have made considerable progress beyond the Constitution in

His Excellency Samir Mahumb Sumaida'ie
Iraqi Ambassador to the United States

promulgating laws which clarify constitutional rules. During Saddam Hussein's time it was very simple: anything Saddam decided was law. If he changed it overnight, it was new law. The legal system was built around the wishes and determinations of the ruling party, headed by the dictator. This is no longer the case. We have a parliament that, like all parliaments, produces law after considerable debate and sometimes very sharp arguments. But this reflects the balance of opinions and the balance of interests in the country, and, when laws are promulgated, they carry the consensus of the people's representatives. In this new era, laws are not just dreamt up in one person's mind. They are the product of a very complex process with which you are familiar. However, changing the political system is one thing, changing the culture and mentality of the people is a more difficult and subtle process. We need more education, because, without encouragement, people generally do not automatically make use of the benefits of freedom. They find it hard to disassociate the person from the institution, the person from the law, because the ruler is supposed to rule. This mental leap is something new and challenging.

We are trying very hard to educate in schools, in universities, and through the media, which is very active in Iraq. Now instead of having one channel with no choice, we have many television and radio stations, and much print media that is also lively and active. So, democracy is a process; it cannot be built overnight, but it is natural for people to exercise their right of expression, right of thought, right of association, and right of movement. Iraqis are beginning to do that. As they throw off the challenges of terrorism and fear, they are beginning to flex their muscles and look into the future. It is amazing that even during the darkest times, late 2006 and early 2007, most opinion polls in Iraq showed an inexplicable optimism. Most people thought the future would be better than the present. Iraqis never lost that optimism, and now they have reason to be optimistic. There are many areas in Iraq where the level of violence has gone down, the level of economic activity is going up, and they are looking to the future with great joy. But, many challenges still remain.

Our judicial system is moving forward, and, despite the complexities, the future looks promising.

Our judicial system is under considerable strain. We have, as you might imagine, an accumulation of cases that are complex, some in the civil area, some in the criminal area, and they can hardly cope. Security is still a challenge. It is not totally satisfactory now, but it has improved considerably. Now we are training judges and more lawyers. The system is moving forward, and, despite the complexities, the future looks promising.

Iraq sits in a difficult area. I often say that if Iraq were an island in the Pacific, we would have solved most of our problems by now. But we are subject to a lot of interference from some of our neighbors, and that creates many difficulties. Most of the suicide bombers I referred to were not Iraqis. They came to Iraq mostly across the Syrian border. We have arms and unsavory individuals flowing into Iraq across our eastern border. Trained in violence and terrorism, they are sent in large numbers to disrupt our peace. We have to deal with that as we go along, but the institution of the government and the institutions of democracy are taking form and getting stronger by the day. Our security forces have now reached a level where they are responsible for 13 of the 18 provinces in Iraq. There was a huge change in Al Anbar, where communities up and down the Euphrates River had enough of al Qaeda domination and intimidation. They turned on al Qaeda operatives and drove them out, and Al Anbar is now one of the most stable provinces in the country.

Although these changes are taking place, we still are not there. We still need support, and that is why we are engaged with United States in negotiations at two levels, one at the strategic level and the other to create legal framework for the presence of American forces in Iraq. Although the negotiations have not been concluded, I believe, as do many in Iraq, that it is in the interest of Iraq to conclude them and build a long-term relationship with United States. Irrespective of the military relationship, we believe it is in our interest to forge a long-term alliance with your great country.

Once the Iraqi government can take care of its internal and external security, then comes the building of the country. We need huge

investments. Our oil industry, despite having one of the largest oil reserves in the world, is dilapidated and decrepit. We need to rebuild it almost completely. Production of oil is less than two million barrels a day, which we can increase easily to maybe five or six million barrels a day. Production will also help to stabilize, and keep reasonably low, the price of oil internationally. That is very much an element of stability in international economy. We recently signed a contract with Boeing to start building a fleet of airliners. These are just a few examples of areas where we need large, important American companies to step in. We need American technology and American know-how in all aspects of our economy. As I said, we are just beginning to emerge from under the water and everything needs to be rebuilt: water, electricity, roads, bridges, communications, universities, schools, health institutions, think-tanks, laboratories, and scientific establishments.

When the world's first city-states emerged in Iraq, Iraq boasted the first-ever organized schools, libraries, and written laws. Indeed, Iraqis invented writing as a reservoir of knowledge; we were ahead of everybody at that time. Now, we are lagging behind. We believe we can catch up, and the creativity of Iraqi people, their ingenuity and resilience, will pay off. We can re-create. It is in our genes—that is why Iraqis are successful when they go to other countries. Wherever they go they succeed and prove their abilities, despite the difficulty that comes with being suppressed for so long. I believe opportunity is now ripe. The Iraqi people will go forth with the help of the United States, their new and great ally, and the future I see for my country is one in which Iraq is a shining beacon in the Middle East.

Even within my own lifetime, in the 1950s, I remember when Iraq was a leading country. In cultural terms, we were pioneers in architecture, art, literature, poetry, theater, schools, medical schools, scientific achievement, and in the freedom that our women enjoyed. Our first woman graduate from a law school graduated in 1935. That was at a time when our neighbors did not send their daughters to any school at all. So, we were not only pioneers at the dawn of civilization, we were pioneers in our region in the last century. We will surely come back to reassert our potential in the 21st century, and we are proud to have you as friends and allies. Thank you very much for this opportunity to address you.

QUESTION FROM AUDIENCE: How do you see the United States partnering with Iraq to build a more stable Middle East? To build improvements on civil society, especially with the challenges you described from Iraq's neighbors?

ANSWER: As we gradually put aside the security challenges, we turn towards internal construction. Not only physical construction of infrastructure and buildings, but reconstruction of our society, our legal system, and our institutions on new principles. The new principles are based on human rights, freedom for individual citizens, and participatory politics. This is profound and important, because democracy is the most efficient system of government. It allows enterprise. We have adopted and embraced a free-market approach, which, together with democracy, brings out the creativity and potential of a nation. I think that will create a very different environment in Iraq. You can see it in Kurdistan now, where they did not have the challenges of terrorism to the extent of the rest. This is a sample that will be experienced across the whole country. As time goes on and the emphasis shifts from military to other aspects, cultural exchanges for example, the environment will change. Iraq will become the engine for economic growth and for cultural and political transformation, helping to stabilize the region and defuse tension.

QUESTION FROM AUDIENCE: Germany has a long history of the presence of foreign troops, American troops in particular. Do you think Germany serves as a model for Iraq in its relationship with foreign troops in the country?

ANSWER: Yes, I do, but with some differences. The history and the society are different, but Germany is an excellent model in principle. After it was destroyed in the Second World War, the United States was wise enough to play an active role in its reconstruction. The investment paid handsome dividends in the years that followed. I think the same philosophy and the same approach, if adopted in Iraq, will be very beneficial, not only for Iraqis, but also for the United States. Germany now is a steadfast ally and a valuable partner on the world stage for the United States. We believe Iraq can play the same role in our region.

QUESTION FROM AUDIENCE: To what extent does Iraq's Shi'a majority sympathize with Iran, and can Iraq develop free from Iranian influence?

ANSWER: There is a misconception, a kind of simplification, that Shi'as in Iraq are loyal to Iran and Sunnis are loyal to the Sunni countries, such as Saudi Arabia. This is not true. Most of the army in the war with Iran was Shi'a. They fought very hard not to give an inch to the Iranian side. Let me just give you a bit of background. Shi'aism started in Iraq in Najaf, Karbala, and Kufa, an area just south of Baghdad, before there was a Baghdad. Therefore, we have more than 1300 years of Shi'aism in Iraq. In Iran, however, Shi'aism in Iran was introduced during the Safavid period, about 300 years ago. It is a fairly new phenomenon. Secondly, the Vatican of Shi'aism, the highest authority of Shi'aism, is in Najaf. The equivalent holy city in Iran, Qom, is definitely second. The theology of the Shi'a in Iraq is different from that in Iran, because the traditional Shi'a school of thought is based on the separation of religion from the state, in a sense. The clergy do not govern, whereas, as you know, Khomeini came with a different message, and now you have a theocracy in Iran. So, there are many differences, and many tensions, between Iraqi Shi'as and Iranian Shi'as. Iraqi Shi'as are Arabs, and they are very proud Arabs and proud Iraqis. I have always believed, and will continue to believe, that Iraqis, Sunni, Shi'a, or Kurd, will continue to act as Iraqis. There will, of course, be some whose loyalties will be purchased or influenced, but these will not represent a substantial number or percentage in Iraq. That is why I see Iraq as an independent country that will resist the direct influence of Iran.

QUESTION FROM AUDIENCE: Can you update us on Iraq's recent efforts to reclaim historical artifacts and antiquities, and do you think tourism will ever be viable in Iraq?

ANSWER: I will deal with last part of the question with a resounding yes. It will not only be viable, we believe it will be as valuable as our oil reserves. Iraq is a large museum, we have more than 70,000 archaeological sites either excavated or waiting to be excavated. Iraq is a museum of religions. Most of the Jewish shrines are not in Israel, they are in Iraq. Nineteen of the Jewish saints are in Iraq, and

the same applies to all branches of the Muslim religion. We have churches that go back to the second and third century. We have villages that speak the language of Jesus Christ. Iraq is an absolute treasure of antiquity. We had two million religious tourists from Iran last year. If we open the flood doors there will be five or six million, because Iraq is a place of pilgrimage for them. So, tourism, in particular religious tourism, will be a great source of revenue, and that is why it is so important to safeguard and preserve our archaeological sites.

I support women not for sentimental reasons, but because a society that immobilizes half its members cannot move forward.

Recently, there was a new collaboration announced between the State Department and the Ministry of Culture for Iraq to preserve archaeological sites and train new archaeologists and others in preservation. We recently retrieved more than 1000 Iraqi archaeological artifacts that were smuggled into this country, and I believe there are more on the way. Iraq's museum, unfortunately, was looted, and we lost about 15,000 artifacts—all of them priceless and extremely valuable. We have managed to retrieve roughly half of these, and we are after the rest. It is an ongoing effort, and it is very important and vital for our future. I believe these treasures belong not only to Iraq, but to all humanity, because they are so profound.

QUESTION FROM AUDIENCE: Given that media channels and availability are expanding in Iraq, is the coverage of U.S. efforts in Iraq generally positive?

ANSWER: To be honest, it is mixed. But on the whole, you do not need to tell an Iraqi who suffered for decades under Saddam's rule that he is now in a better situation. We have had a couple of years with a very high level of violence. There were many people who were hurt and many people who lost family members. There was suffering, and there was a portion of people who were worse off than they were before. But the majority of Iraqis, despite suffering, have hope for the future. The media reflects this reality.

I believe the media in this country includes some very good reports. Of course, they are going to report on explosions, violence, death, and mayhem—it is the nature of the beast. But there have also been detailed in-depth reports about the progress, the way average families live in Iraq—women, children, health, and services. Not all of it has been flattering, I must admit, but we cannot expect that. Much of the good reporting has been drowned out by the din of explosions and the numbers of casualties. Now that violence is subsiding, you will see more prominence for the others. There is a spectrum from hostile to very supportive and everything in between and a great deal of variety. I know my family, for example, is addicted to switching channels and they are constantly sampling. It is very difficult to keep an Iraqi watching a TV channel for more than five or ten minutes because of the variety and desire to listen to different views. But on the whole, I think media coverage has been representative.

QUESTION FROM AUDIENCE: What is your view of women serving in the Iraqi armed forces?

ANSWER: Women should have the right to serve in any line of work they choose and I believe there is a place for them in both the army and the police. Their role in the police has been very important. There are those in my country, unfortunately, who are not of the same persuasion. However, our Constitution guarantees this right, and sooner or later that right will be exercised to a greater degree. I support women not for sentimental reasons, but because a society that immobilizes half its members cannot move forward, a fact that we all need to recognize. We have always had a secular outlook in Iraq. This has been

swamped recently by Islamists and religious-oriented modes of thinking. I believe this is transient, not permanent. We will go back to our natural, secular instincts, which view women in a different light. I am optimistic.

QUESTION FROM AUDIENCE: What is the biggest challenge you see in dealing with Westerners in the reconstruction of Iraq, and are their Western approaches and concepts you believe will not work in Iraq?

ANSWER: Not really. I will give you some examples. Some people said the Oriental mind cannot take to democracy or the open market, but this has been disproved. Japan, for example, is a very traditional society that has embraced democracy and capitalism. We should certainly not assume all people think exactly the same way, because we are not the same. We have different cultural backgrounds. But there are many similarities—a Westerner may have tonsillitis just as an Iraqi may have tonsillitis. Our bodies, our minds, and our needs are fundamentally the same, and this has been proved in many different cases. The Turkish society is as an example. They are predominately Muslim. They are the inheritors of the Ottoman traditions, very conservative as a society, but they are very similar to us. Basically, Iraqis, Turks, and Iranians share very similar food and social habits. We associate in a very similar way, and even our jokes are similar. Yet in Turkey, because of their recent history, they have adopted secular democracy. Their open-market approach is working very well in terms of reconstruction. I do not see why that cannot be applied in Iraq. Indeed, it is being applied in Kurdistan, where you see Turkish companies working. But we have islands of resistance. Iran, which has become theological since the Shah's time, has regressed into a very closed society. That is not the norm. The norm is openness, and we have opened the system from a closed dictatorial, centrally controlled country to an open system. When the system is opened, as it has been in Iraq, I think that everything is possible.

QUESTION FROM AUDIENCE: Could you please share with us some of your key principles on leadership that have guided you through your career?

ANSWER: Leadership starts by example and by inspiring the people you lead. Leadership, in my experience, is not about giving orders; it is more about explaining, getting people to share your objectives, and getting them to strive for those objectives. You can easily lose people as you make progress if you have only a one-directional relationship with them. It is also about listening, because you can easily fall into problems and lose your way if you do not listen. So, in brief, leadership is setting goals, sharing those goals, explaining the way you see to reach those goals, and listening to avoid problems in implementation. If you achieve these principles, in my experience, you are well on your way.

QUESTION FROM AUDIENCE: Given the current alliance between the United States and Iraq, what concerns do you have about anti-Americanism in the Middle East, and how that might affect Iraq's standing and security in the region?

ANSWER: Let's be perfectly candid and clear on this. Anti-Americanism in the Middle East is a product, or byproduct, of American foreign policy. Most people in the Middle East see the United States as a superpower, certainly, but in the context of the struggle between Israel and the Palestinians, not evenhanded, fair, or neutral. They see the United States giving unqualified support to Israel even when Israel commits mistakes or transgressions. The continued suffering of the Palestinian people, who are seen to be our kin, has created an environment in which America is not seen as a friend. That was, to some extent, addressed in interventions, such as when the United States went into Kosovo to save a Muslim population and when the U.S. helped in Indonesia after the tsunami. Americans have shown their capacity to help Muslim countries on a number of occasions, but that does not eclipse the cloud which hangs over Arab-American relationships.

Iraq is a special case, because Iraqis who themselves suffered under Saddam saw the intervention as a liberation and a salvation. Other Arabs who did not suffer directly under Saddam saw this as an aggression, and parts of our task now is to transform this perception among our Arab neighbors. Americans did not help themselves by declaring this an occupation. Had they followed our advice, it would have been easier for us to explain to our neighbors that this was an act of salvation rather than an occupation. In the wider context of the Middle East, this problem can be addressed by the United States, without necessarily abandoning the security of Israel or giving in to terrorism, if the U.S. acts more evenhanded and brings the situation to a fair, equitable and reasonable closure. That will remove poison from this environment.

QUESTION FROM AUDIENCE: What do you see as a reasonable timetable for the withdrawal of American troops from Iraq, and what do you see as the likely consequence of withdrawal?

ANSWER: Let us make a distinction here between combat troops and other kinds of troops. As a security comes under control, I see that the number of combat troops will come down to almost zero within the next two or three years. But we will still need military help in rebuilding our army and air force, training, transferring technology, and so on. As you know an air force cannot be built in two or three years. If you order fighter aircraft today, they are delivered in five years. Therefore, we have a plan to complete these tasks that extends to 2018 to 2020, and during that period, we believe that we need help from the United States.

The previous remarks, which have been edited for this publication, were made by Ambassador Samir Mahumb Sumaida'ie at the Keystone Leadership Summit on 3 November 2008.

His Excellency Samir Mahumb Sumaida'ie *was appointed Iraq's Ambassador to the United States in April 2006 after serving as Iraq's Permanent Representative to the United Nations from July 2004 to April 2006. Prior to these positions, Ambassador Sumaida'ie served as the Minister of Interior in Baghdad, managing a domestic security force of over 120,000. Before the removal of the Ba'athist regime, Ambassador Sumaida'ie was actively involved in opposition efforts in the United Kingdom. As founding member of the Association of Iraqi Democrats and the Democratic Party of Iraq, he is widely renowned as an expert on the political climate in Iraq. Ambassador Sumaida'ie graduated from Durham University in the United Kingdom with a degree in electrical engineering in 1965.*

Senior Military Lawyers Leadership Panel

MAJ GEN DUNLAP *(moderator):* Gentlemen, what do you see as your role as the leader of your military legal community?

VADM MACDONALD: First, senior leaders ought to spend at least one third of their time on their people. I take that very seriously. A huge part of my job is to ensure that we are mentoring our people at all levels and opening doors of opportunity for our people to achieve great things. A large part of this is focusing on those mid level leaders who you believe are the future senior leadership of your community. Pay attention to their education, to their mentoring, and to their assignments so that you are able to create a cadre of people who can step into your shoes at any moment.

The second is what I would call honesty. People know when you are telling the truth and when you are not. They know when you are not telling them everything they need to know about a particular issue. It is vitally important that we share the good and the bad with our community. Every time we have done this, the feedback from our community has been uniformly positive. They understand there are going to be good times and bad times, but they want absolute honesty from you as a leader.

The last thing I try to do is to encourage intelligent risk taking. In many instances, we have become a risk-adverse organization. As senior leaders in the Navy JAG Corps, we try to create a spirit among our people that assures them that it is okay to take risks as long as you do your research, you understand what the pros and cons are, and you balance those risks, whatever decision you make. It is incumbent upon us to encourage intelligent risk taking by our people.

MG WRIGHT: Number one, we have to be an example. All senior leaders have a responsibility to be good examples across the Army and across our military force. That means being a Soldier and also being a good person, one who is esteemed in values and believes in making the right choices. One of our major roles is to be the conscience of the Army—we provide unvarnished legal advice. Others may identify more with the political ramifications of this advice, and although we consider the political ramifications, we ought never to shy away from telling people what may be unpopular. This is necessary to ensure that our service, our command, or our organization complies with the law.

Second, we are judge advocates, and we must be an advocate both inside and outside our service, whether we are talking to the Rotary or advocating during an organizational meeting, for the military, the Army, the JAG Corps, or for the legal profession. Advocating comes naturally for us because of our background and training, but we must advocate; it is part of our role.

RADM BAUMGARTNER: One of the main things I see for my role, and I see this for all my staff judge advocates as well, is to help set the right tone and environment for the proper operational and command decisions. I really like Malcolm Gladwell's *The Tipping Point*, which talks about how decisions are made and how sociological epidemics happen. One major point is setting the right tone and the right environment so people are inclined to make the right decisions

Panel L to R MG Daniel V. Wright, VADM Bruce MacDonald, RADM William D. Baumgartner, BGEN James C. Walker

for the right kinds of reasons. The best way to set the ethical tone for your organization is to set the right environment for people to make the right decisions, be honest, and speak truth to power when they need to.

This is also the best way to make sure our legal programs are responsive as well. I tell our lawyers in the field that the first thing I want them to understand is that the only reason that they have a billet is because somebody is out there delivering Coast Guard mission services. Everything else is simply support for that particular person. I expect this to inform everything each judge advocate does every day. If that is the foremost thing in their mind, they will make the right kinds of decisions. It does not mean they give operators what they want every time, but it gives them the environment to consider things appropriately and to ensure that their advice is heard.

There is another important concept we emphasize in this area, one my boss calls "transparency breeds self-correcting behavior." This is something that can be critically important to setting the right environment, and we play a big role. Normally, lawyers tend to be closed mouthed and secretive, at least that is our reputation. But we can be leaders and be transparent in a way that protects the organization and protects us as we address bigger things. Too often we focus on protecting a small legal battle, and we end up losing the larger war.

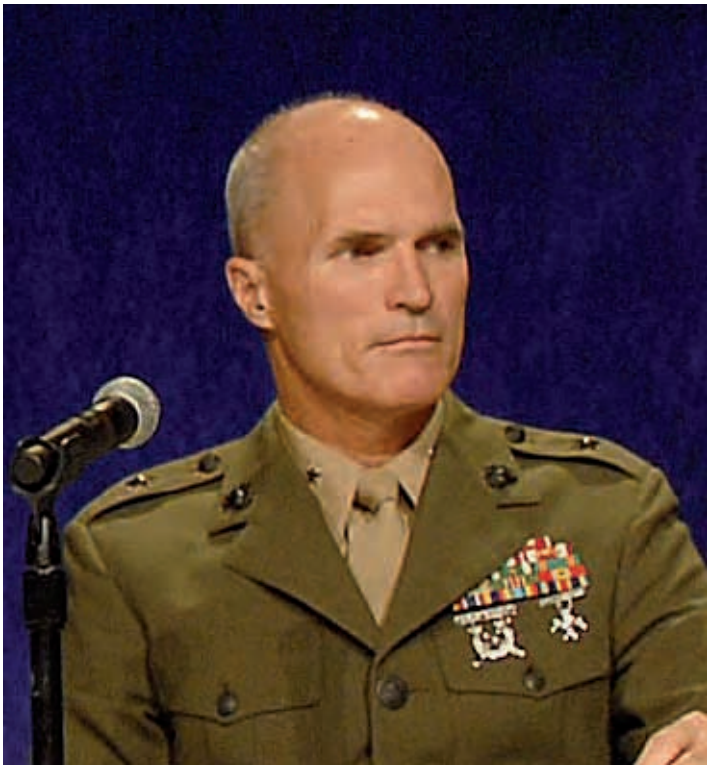
BGEN WALKER: The way I see my role as the senior legal advisor and senior military attorney in the Marine Corps goes back to the basic role we all have under Title 10: to man, organize, train, and equip. Manning is straightforward. We have to recruit, and we have to train. But organizing is a real challenge right now. How do we organize our judge advocates to deliver legal services today and tomorrow? I won't tell you I have the answer, but I know it is not to organize the way we did last year or ten years ago or 30 years ago when I came in. The military system and the current environment are vastly different. Our real challenge is organize so we can better deliver services.

The other real goal I try to work on is how we train and equip. This sounds straightforward. When you think of Marines, you may think of the physical things you carry into battle. But I am talking about how we train and equip our judge advocates with knowledge to lead and make decisions. Our real weapon is our brain, and my role as the senior attorney is to train people to make decisions, not just know the law. You have to know how to make difficult decisions, including ethical and moral decisions. What is legal and what is right are not always the same thing, and we must be able to answer those questions.

MAJ GEN DUNLAP: Brigadier General Walker has addressed one of the quintessential issues we have as JAG leaders. How do you prepare JAGs and paralegals for the complexities of today's operational environment?

VADM MACDONALD: We do a great job in all of the service JAG Corps in training our judge advocates and paralegals for traditional legal missions in support of kinetic operations. But I have increasingly seen in my travels, particularly in Iraq and Afghanistan, that this is changing. Many of our judge advocates and paralegals are now serving in unique rule of law missions overseas. You can trace this to the fall of 2007 when the Army and the Marine Corps overhauled the counterinsurgency manual. The rule of law has a preeminent place in a counterinsurgency, where it is increasingly considered to be part of combat arms. This is an important point to understand when discussing "manpower" in the JAG Corps.

Recently, I discussed a two-year JAG Corps manpower study with the Chief of Naval Personnel. He told me that our "tooth" to "tail" ratio five years ago was about 52 percent to 48 percent; 52 percent "tooth," and 48 percent "tail." Today, he stated, that ratio is reversed—52 percent of our forces are "tail," or the staff corps in the Navy, and 48 percent are "tooth." I challenged his definition of what constitutes part of the "tooth" and "tail" as being outdated and too formalistic. We must challenge those who only think of combat forces as part of the "tooth" and support forces as the "tail."



Judge advocates and paralegals overseas who provide rule of law support to counterinsurgency operations are as much a part of the "tooth" as what we would consider to be traditional combat forces. Based on my recent trips overseas, rule of law support will be an enduring mission for all of our service JAG Corps.

RADM BAUMGARTNER: I agree that more people must recognize that many of these missions are part of the "tooth." They may not look like what was traditionally expected, and you have to look at the overall mission and your overall objective. It reminds me of the old phrase that if somebody has a hammer, every problem looks like a nail.

We have all seen examples where a commander has a certain set of resources, and he looks at a problem and sees mainly kinetic solutions. Frankly, the Coast Guard, working in the interagency arena dealing with maritime security, has different tools in our toolkit. We are fond of saying, "There is a different way to attack this."

We have a model we use to reorient thinking about problems. First, look at what resources you have to bear and determine what is needed to accomplish the mission. Then determine the authority, the competency, the capability, and the partners necessary to solve that problem. Much of the time we find partners or others with the necessary tools, so we do not attempt to solve the problem ourselves. Analyzing the problem this way reorients your thinking in our new operating environment. You are not going to find problems that are necessarily designed for the traditional solution your commanders are used to.

MAJ GEN DUNLAP: Major General Wright, do you have any initiatives to help our paralegals become better prepared for this new environment?

MG WRIGHT: We have short courses at the school where paralegals are led through various operational scenarios. We understand paralegals are going to do legal work, but unsupervised legal work makes folks nervous. The truth in many of our organizations is that you have one or two judge advocates and four or five paralegals in brigade combat teams. Judge advocates cannot be in every battalion, and they will not be able to answer every question on the battlefield or be available through the operations planning process. We have been aggressive about allowing our paralegals to step in.

Historically, we expect Army officers and noncommissioned officers to be innovative and take on any task. From the Army perspective, we evolved through the Cold War into a black-and-white scenario. Our midgrade officers, captains and majors, at our tactical school just wanted the approved solution. They did not want to work in shades of gray. It is fortunate that our profession lends itself to dealing in shades of gray.

Anyone can read the black-letter law, but judge advocates wade into the murky area and discern the intent of the law, how to apply the law, and what should be done based upon the law and the circumstances. We have specialists, privates, corporals, lieutenants, and captains, making decisions that have strategic effects in this operating environment. If we trust those individuals to make decisions, then we must trust our Soldiers to offer assistance throughout the process.

MAJ GEN DUNLAP: What do you see as legal impediments to interoperability of the services, and is there anything we can do to increase interoperability among the JAG Corps?

BGEN WALKER: We have increased interoperability simply by the way we operate now. For most of my career, there was no such thing as a joint environment. Three years ago, the first Navy judge advocate came to work at a Marine Expeditionary Force Headquarters in Iraq. Who would have thought we would let a Navy lawyer in a Marine operational headquarters? But this is now considered normal.

There still is a fundamental difference in the way we operate and make legal decisions. This is basic philosophy where good lawyers can disagree—can you do it unless something prohibits you from doing it, or must you find a regulation, law, or directive that specifically authorizes you to do it? This is a philosophical point that causes difficulty in our interoperability.

VADM MACDONALD: In terms of interoperability, I do not see any remaining legal impediments. Many of the cultural impediments we may have had in the past are starting to break down. Recently, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Commandant of the Coast Guard signed a unified maritime strategy "to bind the sea services more closely than they have ever been before to advance the prosperity and security of our Nation." *A Cooperative Strategy for 21st Century Seapower* is important because it allows Rear Admiral Baumgartner, Brigadier General Walker, and me to partner in ways that we have not before.

It is not just interoperability within our service JAG Corps. In the Department of the Navy, we have taken interoperability one step further. We are different than the Army and the Air Force JAG Corps in this respect. We have a much larger General Counsel's office in the Department of the Navy than the Army or the Air Force do, which caused us to take a hard look at interoperability across all Department of the Navy legal services. Last April, we published the *21st Century Strategic Vision for Legal Support in the U.S. Department of the Navy*. This process explored the gaps and seams between our organizations, and the document provides a roadmap to close those gaps and seams through increased cooperation and collaboration between our respective offices.

It is about respecting each other's differences, which particular lanes of the law we each have, and about working hard to close the gaps and seams that we all have between organizations. For example, fiscal law, contract law, and acquisition law in the Department of the Navy are the exclusive province of the General Counsel. They own the business law side of the Navy. We own the operational law side of the house. But ethics and environmental law are shared practices. How do you manage those gaps and seams? We came together and signed the strategic vision to bind our successors to a shared vision of a future. This was an opportunity to put in writing our values and beliefs and set a path for the future.

RADM BAUMGARTNER: One of the charges I give to my lawyers is to be a fearless integrator. As judge advocates, I expect them to be able to help their commanders reach out to other agencies and other services. As a judge advocate, you have a credential that everyone understands to some extent, and it gets you in the door into places that, often, your commanders cannot.

We have to learn to play in an interservice world. First and foremost, you must understand the cultures of the other organizations. Outside of the military, most organizations function based on relationships. They have organization charts, positions, and titles, but fundamentally, they work on relationships. If you do not understand that, you will find it challenging to deal with other agencies. If you expect they will immediately respect you because of your rank or your title, you will be disappointed.

Show humility with other agencies. Agencies often come with preconceived notions that the Department of Defense will come in and take over. Combat that notion, and recognize that you share a common mission with them or they have missions where you can help them. I remember sitting at an outbrief at a combatant command staff where there was excitement about finding an overlap with another agency in the government. The staff framed it as how the other agency could help them with their mission. What the command did not understand is that that other agency had a primary mission in that area for decades. The staff immediately marginalized the other agency, framing things in terms of their world and their mission.

VADM MACDONALD: I had a chance recently to visit the United Nations Assistance Mission in Afghanistan. They manage coordination in Afghanistan for rule of law efforts. The challenge in a place like Afghanistan is daunting: trying to organize the military components; our coalition partners; interagency members of the U.S. government, including the Department of State and the Department of Justice; non-government agencies, who are all trying to do the right thing, but not serving some sectors or provinces while at the same time providing duplicate or triplicate services to others. This is going to be our challenge in the years ahead. How do you manage something that large and what structure do you put in place to do it?

QUESTION FROM AUDIENCE: What focus are your services putting on cyberspace or cyber warfare?

VADM MACDONALD: Our Chief of Naval Operations, Admiral Gary Roughead, has stated that cyber warfare continues to grow in importance and has encouraged us to start investing in legal support for cyber operations. We have already started to invest and have added it to our new strategic plan.

We are partnering with law schools in Washington, D.C., and other areas of the country to offer a master's degree in cyber law and intelligence law. We have walked away from some of our traditional master's degree programs. We used to offer a healthcare law master's program, but in the expeditionary mindset of our Navy JAG Corps of the future, we are reprogramming our master's degree programs into these new emerging areas of the law. We are partnering with the General Counsel of the National Security Agency and general counsel of other agencies, as well as law schools throughout the United States, to create new master degree programs in these areas. If we make the investment today, we better position ourselves for the future in these areas.

QUESTION FROM AUDIENCE: Looking back on your distinguished careers, are there lessons learned or things you would have done differently?

BGEN WALKER: As I look back, I wish I had focused and concentrated more on the overall strategic mission and roles of the Marine Corps as opposed to the strictly traditional judge advocate functions. We have our core specialties, such as trial, defense, legal assistance, contracts, or environmental, but you cannot apply them without knowing about what your service is doing. You cannot do your specific job as a judge advocate unless you have given equal amount of thought and preparation to being a professional officer in your service.

VADM MACDONALD: As a leader and strategic planner in your organization, it is important to spend time reading strategy documents. Read the National Security Strategy, National Defense Strategy, and the National Military Strategy, and then read and understand your own service strategy documents. Only then can you begin to understand how to best position your legal community to support where your service and your nation are going. We do not do enough reading and studying about what our clients are doing, where our services are needed, and how we fit in.

In terms of what I would have done differently, I would have come to Washington, D.C., much sooner than I did. I listened to many folks, senior folks, when I was a junior officer, who said, "Do not go to Washington, D.C. It's a pressure cooker." I believed them until 9/11, when I received the call to be the Chief of Naval Operations' Special Counsel. It was not ideal to show up in Washington, D.C., for the first time trying to figure your way around the Pentagon, while at the same time being the CNO's lawyer. I wish I had come sooner and learned how Washington, D.C., and the interagency operate.

MG WRIGHT: Get grounded as a judge advocate for several years, and then try to get joint experience. I had a joint assignment as a lieutenant colonel that opened my eyes to the way our services operate and the way we fight. Getting that experience will improve your ability to provide advice to various commanders and allow you to have a more effective career.

RADM BAUMGARTNER: The first thing that comes to my mind is better balance. I can say that now since I am the TJAG of the Coast Guard, but I probably should have had some better balance in my life at different points. That is the one thing I would encourage everyone to do—maintain that kind of a balance.

QUESTION FROM AUDIENCE: What have you done in the last few years to better prepare members of your JAG Corps to operate in the interagency environment, and what do you intend to do in the future?

BGEN WALKER: The way we try to help Marines work in the interagency environment goes back to education, to understanding those strategic roles of what each agency, group, and organization brings to the table, their skills, and areas where they are not as strong as the others. Our missions are too complex to count on being able to provide specific training in each particular skill that will be needed. So what I try to do in the Marine Corps is to go back to generalist training. That is what Marines are. We are not large enough to have specialists. That basic training can help everyone adapt better in the interagency environment.

MAJ GEN DUNLAP: Do you have ideas on how we can improve our advocacy training?

VADM MACDONALD: Like the Marine Corps, we have staked our future on continuing to be generalists. One exception is a new litigation career path that we began a couple of years ago. Trial advocacy skills are perishable. If you do not keep them well-honed, you are likely to lose them over time. So in our generalist paradigm, we have carved out an exception called the Military Justice Litigation Career Path. Three boards met over the last two years to select military justice experts and specialists. Predominantly, these experts and specialists will litigate throughout their careers, serving as trial and defense counsel, military judges, appellate counsel, and on the appellate bench. We convinced the Secretary of the Navy last year to put a flag number towards this specialty so we can offer, as a capstone for the career path, a one-star opportunity to serve as the Chief Judge of the Navy. We are hoping this will encourage people who excel in the courtroom to choose this particular career path. They may never be the TJAG or the Deputy JAG, but they can attain one-star rank.

The previous remarks, which have been edited for this publication, were made as part of a panel discussion at the Keystone Leadership Summit on 3 November 2008.

Vice Admiral Bruce MacDonald *is the Judge Advocate General of the U.S. Navy. Originally from Cincinnati, Ohio, Admiral MacDonald served as a surface warfare officer prior to entering the Navy JAG Department in 1983. Since then, he has served in a wide variety of legal assignments, both at sea and on land, culminating with assumption of duties as the Judge Advocate General of the Navy in July 2006.*

Major General Daniel V. Wright *is the Deputy Judge Advocate General of the U.S. Army. Born in Birmingham, Alabama, General Wright graduated from the U.S. Military Academy in 1973 and was commissioned Infantry before beginning his legal studies. He received his law degree from the University of Miami in 1980. He has held a variety of positions within the JAG Corps to include staff judge advocate; Commander, U.S. Army Legal Services Agency; Chief Judge, U.S. Army Court of Criminal Appeals; and legal advisor for the Joint Special Operations Command at Fort Bragg, where he participated in U.S. operations in Somalia and Haiti. He assumed the duties of Deputy Judge Advocate General in October 2005.*

Rear Admiral William D. Baumgartner *is the Judge Advocate General and Chief Counsel of the U.S. Coast Guard. After graduating from the U.S. Coast Guard Academy, Admiral Baumgartner specialized in surface operations before joining the Coast Guard's legal program. Admiral Baumgartner obtained his Juris Doctor Degree, magna cum laude, from Harvard Law School. He was appointed as the Judge Advocate General and Chief Counsel of the U.S. Coast Guard in April 2006.*

Brigadier General James C. Walker *is Staff Judge Advocate to the Commandant of the Marine Corps. A 1979 graduate of the University of South Carolina School of Law, General Walker has held a variety of positions with the Marine Corps, to include Deputy Staff Judge Advocate to the Commandant and Deputy Director of the Judge Advocate Division. General Walker served as the Military Secretary/Executive Assistant to the Commandant before assuming his current position as Staff Judge Advocate to the Commandant and Director, Judge Advocate Division in August 2006.*

Attributes of Leaders …

A Spotlight on Dr. Edgar F. Puryear

One of the highlights of this year's KEYSTONE conference was Dr. Edgar F. Puryear's presentation "Attributes of Leaders." Dr. Puryear, a lifelong student of the American military, has analyzed the characteristics of leadership for decades and has researched and written numerous books which scrutinize the command qualities of American flag officers.

As a young lieutenant in the Air Force, Dr. Puryear was assigned to the newly established United States Air Force Academy. While at the Academy, Puryear began his study of leadership, first reading extensively on the subject. As a result of that reading, Puryear realized that although the generals of other armies had been extensively interviewed after the Second World War, no one had set out to systematically interview the top American military commanders of that conflict. Wanting to fill this void in the scholarship, Puryear sought and received approval from his superiors at the Academy and set about the task of conducting interviews with these military leaders. His first interview was with General Dwight D. Eisenhower. General Eisenhower was generous with his time, and once Dr. Puryear had concluded his interview, he was suitably equipped to entice General Eisenhower's former subordinates to participate and give their own interviews. Consequently, Dr. Puryear was able to interview most of the general officers who had fought in the European theatre of operations and many those who fought in the Pacific.

Armed with the material from the interviews and other research, Dr. Puryear's initial plan was to do a comparative leadership study of many American general officers from World War II. He soon learned though, that he had too much information. To make the project more manageable, he changed his focus and limited the scope of inquiry. What ultimately resulted was the book *Nineteen Stars: A Study in Military Character & Leadership*, a work that examined the leadership of four officers, Generals Marshal, MacArthur, Eisenhower, and Patton.

During his presentation at KEYSTONE, Dr. Puryear focused on two qualities he thought indicative of success in the American military. "The primary quality for success," he said, "is the quality of character." Perhaps not surprisingly, Puryear identified the importance of quality of character early in his research and sought, with the help of his interview subjects, to define it. In response to his questions, General Leonard T. Gerow (V Corps commander during the Normandy invasion) emphatically told Puryear that "you don't define character, you describe it." For Dr. Puryear, this insight immediately changed his concept of the project and forced him to redefine his objectives. From that point on he sought to describe the quality of character shared among top American military officers.

The other quality Dr. Puryear identified at KEYSTONE was selflessness. In his presentation, he particularly associated this quality with General George C. Marshal and General Eisenhower. Both men were well known for exhibiting selfless behavior and both favored subordinates who shared this attribute. It is in fact one of the reasons General Marshall supported General Eisenhower as the choice for the D-Day commander. Dr. Puryear recounted General Eisenhower saying that one of the keys to success is to give credit for success to the troops and accept personal responsibility for failures. To illustrate the depth of General Eisenhower's commitment to this principle, Dr. Puryear noted an unused draft of an Eisenhower speech. Written for the possibility of the failure of the D-Day landings, the speech read in part, "If any blame or fault attaches to the attempt, it is mine alone."

Nineteen Stars was well received, and it turned out to be the first of many books Dr. Puryear would write on American military leadership. After the publication of *Nineteen Stars,* then-Air Force Chief of Staff General David C. Jones asked Dr. Puryear to do a similar study of Air Force general officers. Stars in Flight: *A Study in Air Force Character and Leadership* was the result. Published in 1981, the book chronicled key senior leaders General Henry H. "Hap" Arnold, the last leader before the separate Air Force, and Generals Carl A. "Tooey" Spaatz, Hoyt S. Vandenberg, Nathan

Dr. Edgar F. Puryear
Historian and Author

F. Twining, Thomas D. White, the first four Air Force Chiefs of Staff. These early leaders were critical to the establishment of the new Service; their leadership helped to shape the institution and is still with us today in many respects.

Stars in Flight is not Dr. Puryear's only book on Air Force leadership. He also went on to write a biography of Air Force General George S. Brown, the 8th Air Force Chief of Staff who later served as Chairman of the Joint Chiefs of Staff. Published in the 1983, *General George S. Brown, U.S. Air Force: Destined for Stars* is the only biography written about this iconic Air Force leader.

Dr. Puryear later chronicled leadership in the Navy, analyzing flag officers as he did those of the Air Force and Army. In *American Admiralship: The Moral Imperatives of Naval Command*, Dr. Puryear examined a much broader cross-section of flag officers than he did in Stars in Flight. Featuring leaders as diverse as Admiral Husband E. Kimmel (Pacific Fleet Commander at the time of the attack on Pearl Harbor), Admiral William Halsey, Admiral Hyman Rickover, and Rear Admiral Jeremiah Denton, the 700-page volume is replete with a variety of examples of anecdotes and essential behaviors of naval leadership. At KEYSTONE, Dr. Puryear indicated that he has a forthcoming edition on leadership in the Marine Corps.

Since he began his work in the 1950s, Dr. Puryear has interviewed more than 150 four-star flag officers, many of whom were crucial leaders during our Nation's most trying conflict, the Second World War. He interviewed countless other flag officers and people who were associated with them in one way or another. He has published five different volumes on the subject of successful military leadership. By any measure, Dr. Puryear's depth of knowledge on the subject of military leadership is both immense and exquisitely nuanced.

Whether it is understanding the importance of professional reading to individual leader development or the ability to comprehend the significant role merit plays in our promotion system, Dr. Puryear's work identifies timeless values shared by successful military leaders. His writings and his presentation at KEYSTONE make clear that selflessness and quality of character are not limited to successful leaders like Generals Marshall, Eisenhower, MacArthur, or Patton. Rather, they are constant in the careers of a broad range of successful American military leaders. Dr. Puryear's research and writing are valuable resources for anyone who has an interest in understand the core qualities of American military leadership.

A video recording of Dr. Puryear's KEYSTONE presentation is available on the CAPSIL webpage.

There is indeed a pattern to successful American military leadership.

Dr. Edgar Puryear *was commissioned in 1952 as a second lieutenant in the United States Air Force. As an instructor at the U.S. Air Force Academy, Dr. Puryear taught subjects as diverse as boxing and judo, navigation and debate, and political science, rising to the position of assistant dean. He has taught undergraduate courses in international relations at the University of Virginia and also served as a civilian attorney advisor to the Army Judge Advocate General's School. Dr. Puryear has held a number of additional academic positions at institutions such as George Mason University School of Law, Georgetown University, and the National Defense University. In addition to his current law practice in Madison, Virginia, Dr. Puryear is an accomplished author, having written such books as Nineteen Stars, American Generalship, and Stars in Flight: A Study in Air Force Character and Leadership.*

Prof. Victor M. Hansen
New England Law | Boston

Understanding the Role of the Military Lawyer in the War on Terror

How is it that military lawyers serve their clients effectively, without violating the principle of civilian control of the military? As we all understand, lawyers are not the decisionmakers; we advise those who make decisions. We serve the body politic through our elected officials. But certainly, within the course of that relationship, there is tension that can exist between the role of the military lawyer in providing legal advice and abiding by the principles of civil-military relations. There has actually been a lot written over the last several years regarding this relationship.

The books that have come out in discussing various aspects of the Bush administration's policy regarding detainee treatment and torture, and other issues, have permeated much of our discussion and, interestingly, have made specific mention of the role of judge advocates in providing legal advice or not being allowed to provide legal advice on many of these issues. That is somewhat unprecedented. One of the articles that came out within the last year is a piece by Professor John Yoo and Commander Glenn Sulmasy, published in the *UCLA Law Review* a year ago, Challenges to Civilian Control of the Military, A Rational Choice Approach to the War on Terror. Now, just a little bit of a background. Commander Sulmasy is a Coast Guard Commander and currently serves as an associate professor of law at the Coast Guard Academy. Professor John Yoo, who currently teaches at Boalt Hall, may be better known as the author of a number of Bush administration war on terror legal policies. Probably the most well-known piece Professor Yoo authored, while at the Office of Legal Counsel, is what has been referred to as the "torture memo." This memo caused a great deal of furor and controversy when it was first made public and has remained an issue of debate in the legal community and in the JAG community.

I first want to address the contentions Professor Yoo and Professor Sulmasy made regarding civil-military relations in their article. They start with the premise that the norm of civilian control of the military is violated, or at least at risk, anytime the military is successful in achieving its policy preferences against the policy preferences of the civilian leadership. It would certainly violate our constitutional structure if the military was controlling the civilian leadership rather than civilians making the decisions and controlling military decisions and actions.

To support their thesis, Professors Yoo and Sulmasy focused specifically on the conduct of JAGs during the war on terror and the development of many policies that existed or were developed during the war. They focused attention on three instances as examples where judge advocate involvement and advice ran counter to the policy preferences of the civilian leadership, therefore raising concern about civilian control of the military.

They first point to use of secret evidence in the military commissions process. As many of you may recall, the first rendition of the military commissions procedures established a legal system which permitted secret evidence, evidence the defendant and his civilian defense attorney could be precluded from having access to or knowing about. As you may also know, when the Military Commissions Act was debated after the *Hamdan* Supreme Court case, the leadership of the JAG Corps all testified before Congress and they all said that using secret evidence in this manner violated Common Article Three of the

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Geneva Conventions. Now, Professor Yoo and Sulmasy asserted JAG opposition to the use of secret evidence in this context was one example of a risk of an imbalance in the relationship between civilians and the military.

Another example Sulmasy and Yoo use to suggest a developing crisis in civilian control over the military was in the actions by a number of military defense attorneys, who were representing individual clients at Guantanamo. As you may recall, a number of these defense counsel, in pursuing the interests of their clients approached members of Congress at various points and suggested they pursue legislation that would give their clients more access to evidence and more rights in the military commissions process. In addition, many of these attorneys also, as we now know from the number of cases that have reached the Supreme Court, also pursued their client's interests in federal court. Sulmasy and Yoo suggest that hese efforts violated the principle of civilian control of the military.

And the third example the authors suggest, was JAG reference to customary international law and recognizing that customary international law may have prevented or precluded the administration from pursuing its prefered policies. JAG reference to international law to support their positions, according to Sulmasy and Yoo, also violates the principle of civilian control of the military.

At the conclusion of these examples, Sulmasy and Yoo launched what I consider to be a very, very stinging indictment of the various JAG Corps. They suggested in this new Global War on Terror, the continued growth and influence of the JAGs could have a detrimental effect on the nation's ability to win wars. I think that is quite an indictment and I frankly can't think of a more stinging indictment of a Corps or what we do as a Corps.

From this perspective then, the authors make three different proposals, which they contend would better align the actions and advice of military lawyers with the objectives of the civilian leadership and better align our conduct with the principle of civilian control of the military.

The first thing they recommend is that individual military defense counsel who are representing detainees at Guantanamo, be ordered to limit the representation they provide only to the military commissions context and that they be ordered and precluded from pursuing their client's interests in federal court or in other venues outside of the military commission structure.

Secondly, they suggest there should be clarification of the supervisory role over judge advocates in general, and that judge advocates should be more closely supervised by those who are appointed by the executive, both at the political level and at the DoD level, and their actions brought in line with the desires of the executive.

Third, they suggest that in situations where JAGs are providing advice counter to what the civilian leadership in the executive would have us pursue, judge advocates should be demoted or removed from office if they continue to persist in their opposition to the policies of the executive.

Well, as you can only imagine, an article such as this creates quite a stir within the JAG community. For many reasons, I think when we read something like this, it seems to strike at the very heart of what we think we have been doing right for the last many, many years, and it certainly causes us some concern as to whether we have, in fact, violated principles of civilian control or is something else going on here?

There have been a number of responses to Professor Yoo and Professor Sulmasy's article. The first I'll point out briefly is an essay published just this year in the *UCLA Law Review* by Professor Schmitt and Lieutenant Colonel Kramer. Focused on the value the judge advocates provide to the operators in the field, their essay addressed some of Sulmasy and Yoo's contentions regarding civilian control of the military. They examined the role JAGs have served over the years and the value they bring operational commanders in a plethora of issues, issues that become even more complex in a deployed environment. The authors note in their response to Sulmasy and Yoo that these are functions that civilian lawyers could not accomplish for a number of reasons. First, judge advocates, over the course of a career, have developed a special expertise in many of these issues. It's an expertise that doesn't come quickly. And there's also the obvious recognition that judge advocate need to be where their clients are, and they need to be there to provide advice and have a seat at the table as the decisions are being made. It's simply impossible for civilians to be able to replicate the level of responsiveness required, particularly in a deployed environment. So the authors focus on the practical aspects of why such a proposal, as Sulmasy and Yoo, is really counter to what we know has been effective JAG legal advice over many years.

Another response came from Major General Dunlap, in his article published in the *Yale Journal of International Affairs*, entitled *Lawfare*. In his article, he takes issue with some of the contentions that Sulmasy and Yoo make. Specifically, he disputes the notion that certain actions are mere policy choices, for example, decisions to use secret evidence, to use aggressive interrogation techniques, to perhaps, torture individuals. Major General

Dunlap rightly recognizes there is something well beyond a policy choice and when judge advocates have expressed or articulated concern for these policies, it was based on an understanding of some basic values of human decency and fairness that underpin our legal system and that certainly underpin the rule of law.

I have also taken the opportunity to respond to Yoo and Sulmasy's article and in an article that will be published in the *South Texas Journal*, as part of a symposium entitled, *Law, Ethics and the War on Terror*. I have also tried to address some of what I think are the fallacies of the Yoo-Sulmasy piece of this perceived crisis in military/civilian relations. At the core of the argument, I think, one of the most glaring problems with their view of a crisis is the narrowness of their approach, and the view that they believe the only civilian that matters is the executive. We certainly know that is not the case; there are more civilians to whom we owe legal advice than just those in the executive branch of the government.

Focusing specifically on Congress, the Constitution gives Congress some very significant responsibilities in the context of civil-military relations. To name a few, the Constitution expressly provides Congress the power to provide for the common defense, to define and punish practices and felonies on the high seas, and offenses against the Law of Nations, to declare war, to make rules concerning the capture on land and water, to raise and support armies, to provide and maintain a Navy, and to make rules for the government and regulation of the land and naval forces.

I think we see from the structural approach, the Constitution and the framers anticipated, certain risks beyond just a military coup. We, for example, as military officers and judge advocates, when asked to provide legal advice, owe a duty of candor and professionalism, not only to the executive, but also to Congress. Because the Constitution gives Congress such plenary authority over creating the rules for the government of the armed forces, and because, as we know that if we have members of the military who are conducting what has been referred to in some context as torture and in other context as aggressive interrogation techniques, those members of the military could run afoul of violating the Uniform Code of Military Justice. Congress has a role to play.

So by providing advice to Congress, I would suggest that judge advocates were not violating the principle of civil-military control, but were rather reinforcing that concept by providing the same advice and the same guidance to all interested parties in the matter. If the judge advocates had failed to do this, if they had failed to give their best advice to both the administration and to Congress, and simply toed the line of an executive, that would have been a crisis in civil-military relations. I suggest we do not have a crisis. Far from it, we have an example of civilian control of the military and a healthy relationship between the civilians and the military.

Sulmasy and Yoo also contend one of the reasons the role of the judge advocates is perhaps now less effective and more likely to cause us to lose wars in the future, is the changed nature of warfare. The Global War on Terror, they argue, has created a completely new paradigm, that since 9/11 everything is different. Well, maybe that is true, but I am not so sure. One of the things that certainly is true post-9/11, which was also true pre-9/11, is the need to have a legal structure in which to conduct our actions. And to suggest that simply because new methods of warfare may be required means that our entire legal structure needs to be re-analyzed or thrown out the window for some different paradigm,

I think, is a significant leap of logic. It does not follow, for example, that the need for actionable intelligence to protect our citizens and interests is more acute in the war on terror than it was in past conflicts. Nor does it mean, I believe, the use of secret evidence, indefinite detentions, coercive interrogations and torture is somehow, suddenly after 9/11, an effective means to fight this new threat. There is much value to be gained by relying on the legal structures we as JAGs are familiar with and that have proved so successful over the last 50 years. First and foremost is the value of military personnel who have been inculcated with certain principles and clear standards and are more likely to rely on those values and standards in times of stress. For instance, all the DOD investigations looking into the Abu Ghraib abuses found that one of the underlying causes of the abuse was confusion among the Soldiers as to the proper standards detainee treatment.

In addition to being able to rely on a clear standard that our Soldiers, Airmen and Sailors can fall back on in times of stress, there is the additional value that when we adhere to the best principles of humane treatment, we send a strong message to the world, to our adversaries and allies alike, that we as the United States, will not condone or support that kind of conduct. We should all appreciate the notion that somehow the Global War on Terror ushers in some new legal paradigm, where the gloves are coming off and where things are okay to do that weren't okay before, that such a notion can spread like a cancer throughout any unit. And the results can be a breakdown in discipline and abusive conduct by our forces and ultimately a loss of the moral justification we find in fighting a war.

There is tension that can exist between the role of the military lawyer in providing legal advice and abiding by the principles of civil-military relations.

I really question whether, as Sulmasy and Yoo argue, that 9/11 has changed everything. We should remember and appreciate the fact that the values that got us to where we are today as a JAG Corps and as a service have been time-tested. They have stood the course of history and ought not be abandoned at the first threat of a new type of war.

Now, another interesting point that I think bears some comment on, and this is where I'd like to acknowledge both the assistance of Brigadier General Rodriguez and Colonel Lisa Turner, is in this notion that Sulmasy and Yoo suggest that we should somehow minimize or limit the role judge advocates have in providing legal advice and limit their responsibilities in the Global War on Terror. General Rodriguez's involvement with what we now have seen as some very significant legislative initiatives over the course of the last couple of years, ended with the promotion of the service TJAGs to a third star. This development didn't come without, obviously, a lot of struggle and a lot of effort on many people's parts, but it also did not came not in a vacuum. There was a reason for this change in the law. And just as a brief reminder, one of the things that has changed which was

If judge advocates had failed to give their best advice, and simply toed the line of an executive, that would have been a crisis in civil-military relations.

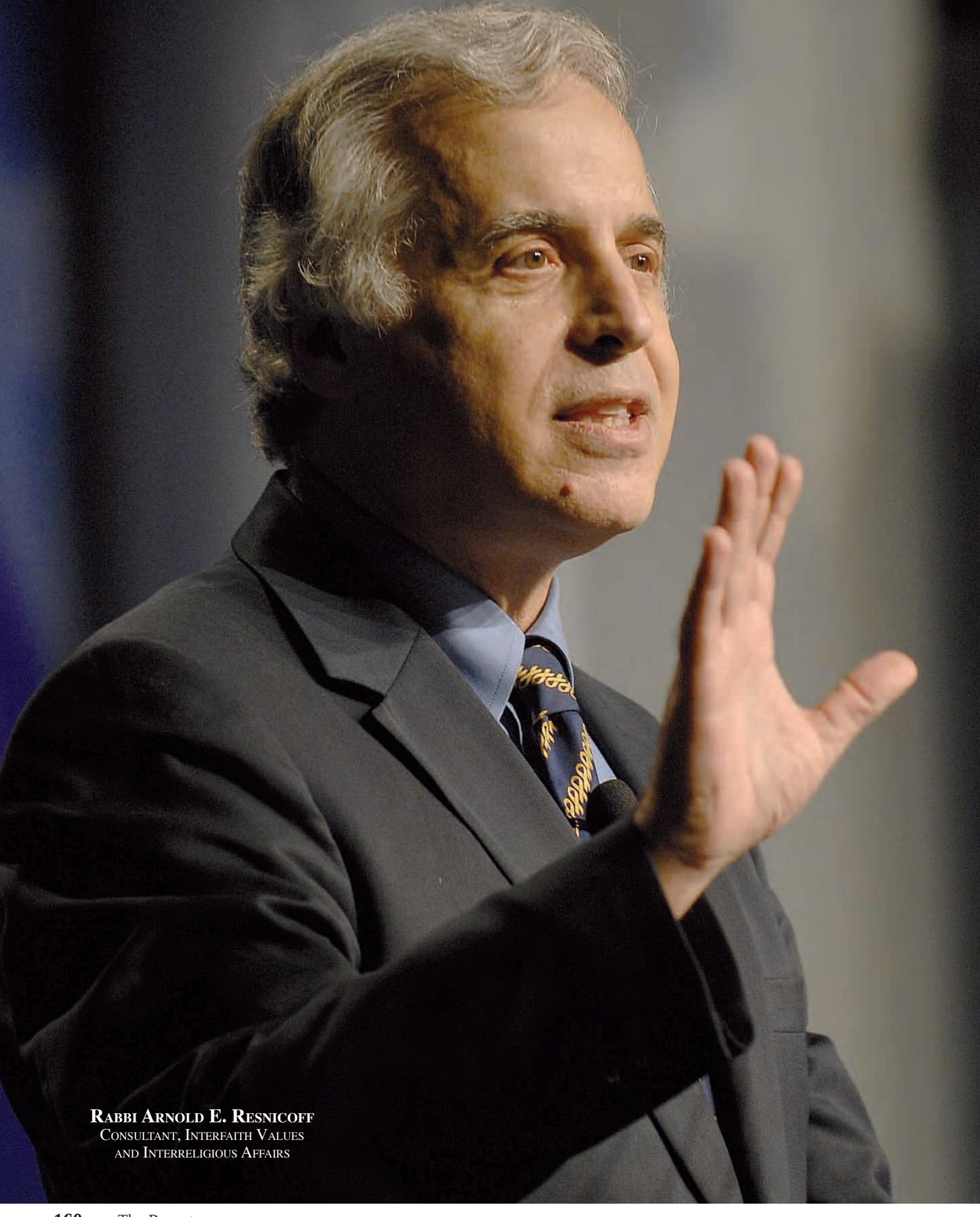
incorporated into the law in 2005, was a codification of the need and the importance of independent legal advice that JAGs provide to their clients, that is now part of law. If we were to follow Sulmasy and Yoo and limit the role of the judge advocates and limit their advice, I think it would certainly run afoul of this statute and it would be counter to the express interest of Congress, which has certainly valued and appreciated judge advocates' advice and independent guidance.

This is more than some bureaucratic infighting or turf battles between judge advocates, civilians, Congress and the President. Certainly much more is at stake. And the cost has been, in my opinion, that over the course of the last several years, we saw the attempt to marginalize judge advocates. Unfortunately, what came from that marginalization was policy that has certainly impacted on our ability to successfully fight and win. We have suffered both internationally and domestically because JAGs were left out of the process. I think a lot of credit goes to the efforts of men like General Rodriguez, who have seen the necessity of having judge advocates closely involved. The happy news is we now have a reinvigorated and stronger JAG and a recognition of what can happen if advice is ignored or marginalized.

What can we take away from this experience that we could all go back and apply in our own responsibilities as judge advocates and as paralegals? The most important lesson is incorporated in Rules of Professional Responsibility 2.1, which is JAGs, as legal advisers, owe our clients candid, competent, independent judgment and there is no substitute for that level of judgment. So while some may see that advice and candid, competent, independent judgment provided by judge advocates consistently during the Global War and Terror, as an example of a crisis in civil-military relations, I see the opposite. I see this as exactly what our constitutional structure envisions. I see this as really the finest moment of a JAG Corps, of all services, to be willing to stand up to provide that independent legal advice to everyone involved. Not only to the executive, not only to the Congress, but to all involved in these decisions. This is the kind of advice that I think we owe our clients at all levels. It's not always easy or popular, but I think the test of time has shown us there is no substitute for competent, independent, candid legal advice and our best legal judgment. In so doing, I think that is the core value that we can take back to our bases and our home stations and employ in everything we do.

The previous remarks, which have been edited for this publication, were made by Professor Victor M. Hansen at the Keystone Leadership Summit on 4 November 2008.

Professor Victor Hansen *teaches criminal law, criminal procedure, evidence, and prosecutorial ethics at New England Law | Boston. Before joining the New England faculty in 2005, he served a 20-year career in the Army, serving most of that time as a JAG Corps officer. In his last military assignment, he served as a regional defense counsel for the U.S. Army Trial Defense Service, and he also served as defense attorney to Lieutenant General Ricardo Sanchez for much of the investigation that followed the Abu Ghraib revelations. He is the author of several articles and editorials on criminal and military law, evidence, and national security issues, including an article published in the Gonzaga Law Review titled Lessons From Abu Ghraib: Time for the U.S. to Adopt a Standard of Command Responsibility Towards its Own. Professor Hansen also recently co-authored the treatise, Military Crimes and Defenses.*



Rabbi Arnold E. Resnicoff
Consultant, Interfaith Values
and Interreligious Affairs

The Three Pillars of Leadership

Realtors sometimes say the three most important factors in real estate are: location, location, and location. Today, I want to address the three most important factors in leadership and service: vision, vision, and vision. Bill Brien, a past CEO of Hanover Trust, once said a "visionary leader" is not someone who gives speeches about vision; instead, he or she is someone who makes day-to-day decisions with a vision in mind. And so, our vision—in three parts:

THE VISION OF OUR NATION

There is a story about a man at an airport, and one of the specialties of the snack bar is sugar cookies. He bought a bag of three sugar cookies and a newspaper. He threw his cookies, newspaper, and jacket down, and he went to get a drink of water. When he came back, he saw his jacket and the newspaper on one chair, and on the next chair, there was a young, disheveled guy holding the bag of the cookies in his hand, and he was eating one of the cookies. The man did not want to get too mad, so he sat down and started reading his newspaper. All of a sudden, the other guy reaches over and offered him a cookie. This just made the man madder. Then the young, disheveled guy finally finished the cookies and walked away. The man was just fuming. As the time for his flight approached, the man got up, took the rest of his newspaper and his coat, and underneath he saw his bag of cookies! All of a sudden, he realized the younger guy had his own bag of cookies. He had to rewind the whole "film" in his mind . . . and every action of the other person must be understood differently.

One of the challenges we face is to understand that there are too many people around us who believe it is "their cookie," and therefore it is a "zero-sum game." Letting anyone else have a taste or have something to eat causes us to lose something. Instead of understanding that there are more cookies than we think to go around. We all bring some cookies—different cookies—to the table.

Martin Marty, a sociologist, uses the word "story" to talk about the foundation of a culture, of a people, or of a religion. What is the basic story we have that defines this people or that one?

Marty asks, "What is the story of America?" Is the story of America the story of a country that goes back to the Pilgrims and the Mayflower? Or is that just one small part of a larger story? Does America's story also include the story of slave ships that brought men and women in chains? Does it include slave laborers on the railroads and virtual slave labor in the coal mines? Does it include the belief that this country was founded on the proposition that property owners had more rights than others, and slaves were only worth three-fifths of a human being? Or does in include the story of those who, despite such treatment, worked, slaved, and dreamed to make our country great? Does it include someone like Martin Luther King, Jr., fighting for the rights of blacks? Or is America's story one where Martin Luther King, Jr. fought for a better America and fought to make us all better people?

Corporations today, and the military as well, use expressions like vision statement and mission statement. I think we need to ask ourselves, "What is our vision statement or mission statement as a nation?" In many ways, the Constitution is our mission statement: the plan about how we were to build a government, defining the way we want the relationship to be between the government and the people. But the Declaration of Independence is our vision statement, and I define vision statement as the vision we achieve if we are successful at our mission. This vision statement lays out the core values for us as a nation: life, liberty, and the pursuit of happiness, and we need to do more to understand what those core values mean.

Life in America is precious, but not ultimate. Every life counts. We would never use an expression for life like "cannon fodder," such as other countries have used. But life is not ultimate, because we believe that some things are worth dying for.

Liberty is inalienable according to the Declaration. It is not just a gift or a social contract. It is somehow inherent in our rights as human beings. And yet it is not free. Rights come with responsibility. When we take the oath in the military, we do not give up our rights, but we tilt more toward responsibility.

The pursuit of happiness is the belief that things can get better. In a world where many people think the clock is winding down and things are getting worse, or that things will never change—an expression that sends shivers up my spine because our vision is based on the dream that things can get better—for the next generation and generations to come. This is the value that helps us understand that we are not perfect, even as a nation, but we can, and must, build a "more perfect union." This is the value we sing about in the hymn "America" when we sing, "God mend thine every flaw." This is the value that gives foundation to our vision Martin Luther King, Jr., addressed when he said, "I have a dream."

Today, we seem to argue more in our country about differences than about the values and vision we share. We argue about religious differences. Thankfully, we argue, rather than battle, like in so many other countries in the world. But we still need to expand our vision in terms of the religious foundation of our country. Is the story of America the story of a "Christian nation," formed by Christian patriots and forefathers? Or is it a story of people who may or may not have had that Christian belief but went to great effort to make sure that neither the word "God" nor the word "Jesus" was included in the Constitution, and the word "creator," a word that embraced a more all-encompassing belief that left room for the future, was included in the Declaration of Independence?

THE VISION OF OUR MILITARY

In our military, our diversity gives us strength. We invite people to join the military, and they come in thinking they will be shoulder to shoulder with all others. But the question is whether we take them in that way, or do we treat them as second-class citizens?

One of my goals, which I started when I was working with the Air Force staff, is to get us away from the word "tolerance." Many of us grew up thinking that tolerance was a goal, and in some programs in the Air Force we still use the word. But in 1790, George Washington wrote, "[i]t is now no more that toleration should be spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights." People don't have rights because those in power and the majority tolerate them and give them rights. We have rights because they are inalienable.

When I taught at the Naval War College, there were many officers from foreign countries who were part of the aristocracy or royal families of their countries. I was reminded how different we are that any man or woman in America who is willing to take the military oath and serve in uniform has the right to rise to whatever level he or she might be able to.

Many of you know I was in Beirut—not just the day of the suicide truck bomb explosion, but many other days, as well. I remember being in a foxhole as mortars came in. I looked around at the people in that foxhole with me—mostly Marines, but also some Airmen, Sailors, and Soldiers, as well—and I made a simple comment. "Here in Beirut," I said, "I bet we Americans have the only interfaith foxholes in all of the Middle East." There were Muslim foxholes, there were Christian Phalangist foxholes and, in Israel, there were Jewish foxholes. I said, "If the world had more interfaith foxholes, maybe we wouldn't need so many foxholes."

That is the image we need to have in our military: an interfaith foxhole, an interfaith cockpit, an interfaith silo, an interfaith conference, and an interfaith military. We need to understand that our choice is to take pride in diversity. The more people who can serve with us the better—people of different faiths serving alongside those who claim no religious faith—because the choice is to serve together in that interfaith foxhole or to be like many other parts of the world, where each group pitted against others, foxhole against foxhole.

THE VISION OF OURSELVES

What is the vision we have as leaders? We need a vision; not just laws, but a vision based on core values that we share. Should we just tell people to do "the right thing," and trust that individuals will know what to do? I have heard leaders say that, and I think they are wrong. I think it is dangerous. First, very few people purposely do what they consider to be the wrong thing. I have counseled many people in my career as a chaplain, and the few that start by saying, "I know I did something wrong," always add, "but." That "but" is an explanation of why it was not wrong. We can never rely on the fact that it is easy to know what the "right" thing to do is—especially in the complicated and dangerous world of the military. We must work hard to establish a shared vision—a value-based vision—of what is right for those of us in the military.

Let me tell you about one of the greatest failures of my life. When I went from college to the rivers of Vietnam, I served on a ship with ten officers and about 90 sailors. This was a different world. My commanding officer was drunk all the time, and on a Navy ship you were not allowed to have alcohol. He got us into danger. Once we became beached in enemy territory, and thank God the morning tide freed us, but we never reported it. Once the commander brought a prostitute on board

and shot the guns to show off. I remember being scared, I remember being young, and I remember crying myself to sleep, although I did not admit that for many years.

Every one of the other nine officers came up to me and told me the code was to "protect the old man." He had been in Vietnam for ten months, and they said he had two months to go, so we needed to protect him. When I look back, I am ashamed, because I did not have the wisdom and the courage to understand that we were not protecting him or, ultimately, ourselves. It was just by the grace of God that we survived. The officers had a code, but it was the wrong code. It was the wrong code for a military that deals with life and death decisions.

We must look at values and ask what values make sense for us—values linked to the military oath we take, our responsibilities, and the trust and power that have been invested in us. I am impressed at how the JAG Corps is looking at its own values: wisdom, valor, and justice. But everyone in the military must think about these issues, not just the JAG Corps. The military as a whole must clarify and educate about bedrock military values that are often misunderstood.

Take, for instance, the value of loyalty. How many people think loyalty is keeping their mouth shut? We must remember that loyalty is a fluid, complex concept. I should be loyal to my shipmate or my friend until it becomes disloyalty to my unit. I need to be loyal to my unit until it becomes disloyalty to my service. We must understand and change the vision of what loyalty is. Loyalty is not keeping your mouth shut, it is "friends don't let friends drive drunk." Loyalty is understanding that you take away the keys if you are really loyal. You tell someone, "Either you turn yourself in, or I will have to say something."

What is our vision of diversity? It is a vision that understands our human instinct is to want those around us, and those with whom we serve, to be "like us." But we do not value diversity until our teammate comes up with an innovative idea and we say, "Thank goodness, my teammates are not all like me."

What about our vision of honor? We use the word, but for many people, it is the same thing as honesty. But that is wrong. Honor is a special word for the military. You can be honest and not care whether others know you are honest, so long as you know yourself. But those of us in the military must realize that honor is understanding that the way people think about me affects the way they think of you, the way they think of others, and the way they think of us all.

When I was stationed in Pensacola, I stopped at a gas station in Mobile, Alabama. I was in uniform, and a car had broken down. I could see steam coming out of it, and the car's owner came up to me and said, "I hate to bother you, but my wife and daughter need to go to the airport. My daughter is flying away to college. I would never ask a stranger, but you're in uniform. Could you take my wife and daughter to the airport?" I thought to myself, "My grandfather and my father escaped from countries in eastern Europe where someone in uniform would have been the last person on earth others would have respected and trusted. They would have feared that uniform."

I will end with one final story from Vietnam. When my drunk commanding officer was relieved, I learned what one leader can do to change the atmosphere on a whole ship or in a whole unit. The next commander was ethical in a way that I will never forget.

We were part of Operation GAME WARDEN, keeping the Viet Cong out of the rivers. We were in danger, but the people who really were in danger were those in the small boats that would go out in the river. These small boats were ambushed, and they would engage in fire fights. The wounded were evacuated, and we never knew if they lived or died. Once, as a boat was coming back, we saw something in the water behind the boat. As the boat approached, we saw it was pulling a corpse of a Viet Cong who was killed. There was a rope tied around the neck of the corpse, and the other end was tied to the back of the boat. As the boat got closer to our ship, it sounded its siren and did what seemed like a war dance, as if the body were a war trophy. I remember asking myself whether this was an atrocity or not.

We waited to see what our commander would say. He grabbed the men off the boat, stood them on the ship next to the wall, and said, "I want you to listen carefully. Every time we put on a uniform, every time we are involved in a war, we face two enemies, not one." He said, "There is always the external enemy, and here it is the Viet Cong. We are going to fight them hard, fight them strong, and fight them smart. But there is an internal enemy, as well—the animal within you that likes what it's doing, that wants to kill more, and that wants to take control." He said, "As long as you work for me, you are going to fight both enemies, because if you don't, then you will remember how to fight, but you will forget what it was that we ever thought was worth fighting for. You are going to fight both enemies, or we are going to get to the point where you can't tell the players without a scorecard."

Sometimes we make rules and decisions not for the sake of the enemy, but for our sake. My commanding officer in Vietnam had a vision of our nation and its military, and he also had a vision of leadership and humanity. He was a leader who touched, and in some ways, changed, my life.

You are the leaders who will have the opportunity to touch and change the lives of others with your words, your deeds, and perhaps most importantly, your vision. I thank you, I salute you, and I wish you luck.

The previous remarks, which have been edited for this publication, were made by Rabbi Arnold E. Resnicoff at the Keystone Leadership Summit on 4 November 2008.

Rabbi Arnold E. Resnicoff *is a consultant on interfaith values and interreligious affairs, and he has a long and distinguished career that includes extensive military service. He is a retired Navy chaplain who earned the Defense Superior Service Medal for his work with military and civilian leaders throughout Europe, Africa, and the Middle East while serving as Command Chaplain for the U.S. European Command. His military career began as a line officer in the rivers of the Mekong Delta before he left active duty to attend Rabbinical School. He was one of a key group of Vietnam Veterans who fought to establish the U.S. Vietnam Veterans Memorial, and he delivered the closing prayer at its November 1982 dedication. Rabbi Resnicoff was also present in Beirut, Lebanon during the 1983 truck-bomb attack that claimed the lives of 241 U.S. Marines. From June 2005 to June 2006, he served as Special Assistant for Values and Vision to the Secretary and Chief of Staff of the Air Force. In June 2006, the Secretary of the Air Force presented him with the U.S. Air Force Decoration for Exceptional Civilian Service—the highest award the Air Force can present to a civilian.*

International Senior Military Lawyer Panel

MAJ GEN DUNLAP *(moderator)*: What do you see as the role of the military lawyer in the development of international law?

BG WATKIN: We see the role of the military lawyer as being essential. In fact, we have taken strategic steps to try to ensure we can get a place at the table at international conferences and developments of various treaties and conventions. We engage in things like the Harvard-sponsored Air and Missile Warfare Project, the International Committee of the Red Cross (ICRC)-sponsored Direct Participation in Hostilities Project. We provide officers who sit as part of the Canadian delegation, whether it is for the cluster munitions treaty or ICRC-sponsored work on private security contractors.

Another field that sometimes gets lost, perhaps because of our self absorption with military justice, is the larger international question about the role of military justice systems and the question of whether there should be separate military and civil justice systems. We have tried to engage in some of these international forums to ensure that lawyers in uniform and the importance of a disciplined armed force are not lost in discussions of appropriate justice systems.

GEN NUÑO: Military lawyers are best prepared to participate in international conferences and handle discussions regarding the development of international law, specifically the fields of international humanitarian law and the law of armed conflict. In my country, we are also making important revisions to our military justice system. It has been regarded by some as not meeting international standards of the rule of law, so, we are working hard in order to prepare and present to the congress an important draft of a brand new code of military justice. I think we will succeed in that purpose.

BRIG GEN MANDELBLIT: I think military lawyers are well equipped to take part in the development of international law for two reasons. First, they maintain expertise concerning the law and its practical application (for example, in the context of the principles of distinction and proportionality). On the other end, they are intimately familiar with the needs of the military. All of my officers know how to uphold the needs of the Army wherever necessary. There are hundreds of petitions to the Israeli Supreme Court every year concerning activities of the Army. These sharpen the need for us to provide the Army with legally sound tools to win the war on terror. This war is quite different. It is getting more and more complicated. In September 2000, I think Israel was the first to say that war against terrorism is an armed conflict, not merely policing activity. Our military lawyers were the first to understand this, and then they tried to find ways to help the Army develop doctrine and win the war in accordance with the applicable legal standards. One delicate example, of course, is the issue of targeted killing, which our Supreme Court ruled on. I think we play a very important role in this process.

AVM CHARLES: I think the role of the military lawyer should be central to the evolution of international laws, to ensure we do things properly and in accordance with the rule of law but that we are not unduly constrained where we do not have to be. In the United Kingdom, I do not think we have quite got it right yet in the context of positive influence we can have in engaging with non-governmental organizations, particularly academics, to give a military view and provide balance. But I think we have been successful in the area of military justice. There have been significant issues over the last ten years with the European Convention on Human Rights and our justice system, and we have had a very powerful voice in emphasizing that discipline is an

Panel L to R AVM Richard. A. Charles, Brig Gen Avihai Mandelblit, General Renato Nuño Luco, BG Kenneth Watkin

enabler of operational effectiveness, and therefore central to our beliefs and requirements.

MAJ GEN DUNLAP: What challenges, if any, do you see in recruiting, training, and retaining young judge advocates and paralegals in your militaries?

AVM CHARLES: The central challenge I think is getting the right people. It is not a calling that is for everybody. We spend a lot of time and invest in a lot of effort in selecting the right people, because I like to think that all of those who put on a uniform do so in the knowledge of what it means—that there is a potential for sacrifice, and that we have a duty to our commanders to inform them fearlessly of what the law is rather than perhaps what they would like the laws to be in particular circumstances. We ask a lot, particularly in such a small organization, to try to cover the range of activity that we do. I have been around for a long time, and I have certainly been taken out of my comfort zone in recent years with the quality, intelligence, and intellect of the people we have managed to recruit and send into dark, dusty, and dangerous places very regularly. It is not a challenge—it is an opportunity to make sure we get the best, and I think that we are managing that to a great degree.

BRIG GEN MANDELBLIT: We have mandatory military service in Israel at the age of 18, and we have a special program called the "academic reserves," which allows those selected for the program to defer their service and go to university before reporting for service. We go to high schools to find not just the intelligent ones, but the ones we know we can trust. We try to find suitable people who are courageous and have wisdom, because it is not easy to be a JAG officer, especially serving in the lower ranks. These officers have complete independence, and they must stand for the principles they are charged with defending. That is what we try to find in young people, and once we have located them, we train them. We are lucky to be able to choose the right type of personnel at a young age.

GEN NUÑO: Fortunately, there has been a strong recent interest in Chilean university students to learn about the legal advisory system to the Chilean Armed Forces. The most important issue we have is to give them the best preparation possible. We have the capabilities to prepare them at home, but it has also been a very important goal of the Chilean Air Force to develop close relationships with our sister and international services and courses. I appreciate all the support we have from your countries. One of my goals is to send one of my officers to the JAG School at Maxwell Air Force Base. We are also working with the Spanish, not only because we share the same legal system, but also because sometimes we speak a very similar language.

BRIG GEN WATKIN: We have neither a recruitment nor a reten-

tion problem, with one caveat on the retention issue. The retention problem comes from having 90 majors and only one, maybe two, promotions to lieutenant colonel this year. So that is a challenge for us in terms of retaining and motivating some exceptional people to stay in the organization. We have been able to do that with work diversity, postgraduate training, our postings, and focusing on work-life balance issues. One area of concern in particular is that 25 percent of my branch is female. It is not lost on me where many of the challenges come from in terms of work-life balance, and we are doing a major work-life study within our organization. Retaining women within the legal profession is a challenge in Canada, and it is a new challenge for us. It is a very positive challenge, and it is one that I sincerely hope we can step up to.

MAJ GEN DUNLAP: What ideas might you have that would help us as judge advocates and paralegals operate better in the coalition environment?

AVM CHARLES: From my perspective, it is important that we all understand each other's international legal responsibilities. We should understand what our coalition partners' limits are, and we must respect those limits, or at least respect the fact that those limits exist. We do not always agree on things, but in those disagreements there are opportunities to understand better. With coalition partners, we must understand where the lines are, respect those lines, and work together to discharge the mission as effectively as we can.

BRIG GEN WATKIN: I think the answer to the challenge is on both our parts. We live in an environment where we have a relatively good understanding of the U.S., and we have tremendous opportunities for exchanges with the U.S. military. We get opportunities in terms of interoperability to understand your forces, and we have similar programs with the United Kingdom. I would encourage you to take advantage of opportunities that we offer to come to some of our courses to see our different approach and our different culture. One of the things you might find interesting is that we operate in a joint environment. Our operational law course covers all three services plus special operations forces. I am more than willing to open up whatever courses I have that you might be interested in taking part in to learn more about one of your coalition partners.

AVM CHARLES: The very fact that we have this privilege to sit and talk to you is part of that communication. Exchange programs are important, and this kind of dialogue is important. The more we talk to each other the better we will understand.

GEN NUÑO: It is always good to come back to this country; it is always good to learn from you. I have made throughout the years an effort to understand your mentality and your way of life. The United States is such a big country and such an important country for the world that you have a tendency to think that you live in an isolated world. Try to understand others and be open-minded regarding other attitudes in the world, and I think that will work strongly for your benefit. The free world has much to owe you. Try to jumpstart this position by being a little bit more open-minded, and try to understand the rest of the world a little bit more.

BRIG GEN MANDELBLIT: I know that it is popular to criticize, but I just want you to stay the way you are. Even in the winds and clouds of change, you should stick to the truth. You are still the leader of the free world. You are still the greatest nation and the most important democracy. You have unequaled influence on the entire world—it should be this way. You are the good guys, and I really believe it.

The previous remarks, which have been edited for this publication, were made as part of a panel discussion at the Keystone Leadership Summit on 4 November 2008.

Air Vice Marshal Richard A. Charles *is the Director of Legal Services, Headquarters Air Command, Royal Air Forces, United Kingdom. He was educated at the Perse School, Cambridge, and read law at Nottingham University. After studying at the College of Law, Guildford, he qualified as a solicitor of the Supreme Court, joining the Directorate of Legal Services as a legal officer in 1978. His assignments include tours at Headquarters RAF, Germany and London and Headquarters British Forces, Hong Kong. He deployed to Saudi Arabia in 1990 to 1991 with Headquarters British Forces, Middle East. In 1992, he was a member of the U.K. delegation dealing with the renegotiation of the NATO Status of Forces Agreement/Supplementary Agreement.*

Brigadier General Avihai Mandelblit *is the Military Advocate General, Israeli Defense Forces. General Mandelblit has served in the Military Advocate General's Corps since 1985, and he has previously filled a range of senior positions including that of Chief Military Defender and Deputy Chief Military Prosecutor. General Mandelblit has also held two judicial positions, serving as a Justice of the Military Court in the Gaza Strip and as Deputy Chief Justice of the Court-Martial of the Southern Command and Ground Forces Command. General Mandelblit was promoted in 2004 to serve as the Military Advocate General of the Israel Defense Forces. General Mandelblit received his Bachelor's Degree in Law from Tel-Aviv University, and holds a Master's Degree in Law from the Bar Ilan University Law School.*

General de Brigada Aérea (J) Renato Nuño Luco *is the Auditor General of the Chilean Air Force. General Nuño is responsible for the professional oversight of legal services for the Chilean Air Force, and he is also a judge at the Court of Appeals for the Chilean Army and Air Force. General Nuño completed his legal education at the University of Chile School of Law in Santiago in 1978 and his postgraduate studies in public international law at the University of Nottingham in the United Kingdom. General Nuño has served as a brigade and command staff judge advocate as well as Legal Counsel to the Air Force Undersecretary, Ministry of Defense.*

Brigadier-General Kenneth Watkin *is the Judge Advocate General of the Canadian Forces. General Watkin was born in Kingston, Ontario, and has served as a Canadian Forces legal officer since 1982. He was the Deputy Judge Advocate General/Operations on 11 September 2001. In 1993, General Watkin was the legal advisor to a Canadian military and civilian board of inquiry investigating the activities of the Canadian Airborne Regiment Battle Group in Somalia. From 1995 until 2005, he was counsel for various investigations and inquiries arising from the 1994 genocide in Rwanda. His operational law experience includes service as a legal adviser to the Canadian Navy and advising Canadian commanders in Bosnia.*

Capt Afsana Ahmed
Chief of Recruiting, Professional Development Division

Foundations of America

I am honored to have the opportunity to offer my observations about a truly historic election. For me, it all comes down to three powerful principles of freedom: choice, unity, and justice.

In the recent election, millions of Americans, the most ever, exercised the right to choose. Freedom of choice is one of the things that brought my family to this country. Our motivation was not jobs or higher salaries; it was the ideals and opportunities of America. I will never take these opportunities for granted, because I have experienced what it is like to live in countries that do not enjoy such freedoms.

I was born in Bangladesh and grew up in Africa. In Bangladesh, I remember things like whole families with little kids sheltering themselves from the rain under pieces of tin roof. We knew we had to search for a place with greater opportunity. My father found work in Uganda, but Idi Amin took power and we knew that we would not be welcome there for long. My childhood nightmares were about men bursting into our home with machetes and dragging my family to the bathroom. I would force myself to wake up so I wouldn't have to think about what would happen next.

We moved again, this time to Nigeria, where my father died. From there, my mother, my sister, my brother, and I moved to America, which had been a dream for my mom since we were born. She wanted a better world for her children, and she knew she would find it here in America. Every day I think about how different my life would have been had I not come to America, and I am so grateful for the opportunities that I have as an American.

Our sense of unity means that while we will always have our differences, we also have a unique ability to come together as a people and as a nation. Imagine the hope this concept gives to people in countries that do not share our freedoms. In many countries, a hotly contested election might splinter a country for decades. But here in America, the smooth transition of power from one chief executive to the next is a hallmark of our electoral system.

In 2000, recent immigrants to this country removed their money from banks and stored supplies after the presidential election. They feared that the long dispute between Al Gore and George Bush could only end in extended turmoil and violence. Imagine their surprise and happiness when the election ended in the courts and not in the streets.

In his concession speech following the 2000 election, former Vice-President Al Gore stated, "Just as we fight hard when the stakes are high, we close ranks and come together when the contest is done." He added, " ... while there will be time enough for us to debate our continuing differences, now is the time to recognize that that which unites us is greater than that which divides us."

It is inspiring to be part of an organization like the JAG Corps, where we enter into passionate debates every day in our courtrooms, and yet we have the ability to put those passions aside once the trial is over. We debate because we recognize its important role in achieving another bedrock principle of our country and our JAG Corps: justice.

Justice is one of the JAG Corps' guiding principles, and as legal professionals, we strive for justice in everything we do. Whether it is applying the rule of law here at home or in deployed locations throughout the world, it is this dedication to justice that makes me proud to be a JAG. This is what makes it so easy for me to recruit others to join us.

Freedom of choice, unity, and an overriding sense of justice. Regardless of whom we voted for, those three elements endure, and they represent what it means to be an American.

The previous remarks, which have been edited for this publication, were made by Capt Afsana Ahmed at the KEYSTONE Leadership Summit on 5 November 2008.

Common Core Values of the Legal Profession

It is a real honor for me to be here at KEYSTONE for two reasons. The "Tommy Wells" reason is that I am an Air Force veteran. I went through undergraduate school on an Air Force ROTC scholarship and then took an educational delay to go to law school. My first assignment was in the Air Force General Counsel's Office, where I served in the Pentagon for my only Air Force tour.

The ABA reason is that our association has had a long and productive association with the JAG Corps and I am honored to do my part to help foster it. Our relationship is based on mutual respect and trust. It is also rooted in our mutual desire to promote freedom, justice, and the rule of law. All levels of the ABA have benefited from the involvement of military lawyers—active duty, reserve, and retired. Military lawyers serve as chairs and members of our sections, committees, commissions, task forces, governance, and our House of Delegates.

Members of the JAG Corps have moved the ABA's advocacy forward in many areas, including national security law, armed forces law, legal assistance for service members, death penalty representation, public education and the law, and assistance for lawyers with substance abuse problems. Next year, Lieutenant Colonel James Durant will chair one of ABA's largest entities, the General Practice Solo and Small Firm Division. Jim, we wish you all the best as you prepare to take on this crucial leadership position in the American Bar Association.

I trust that those of you who are ABA members value the practice-related information and networking resources that membership in the ABA provides and I thank you for your support and involvement. We need the support of every member of our profession to fulfill our mission as the national voice of the legal profession on the core values that unite us.

With our range of activities, we bring together lawyers from across the country and around the world to share best practices, to network, and to strengthen our national voice for the profession.

One principle guides me this year as I have the privilege of leading the ABA. As much as our diverse viewpoints in the bar give us strength and credibility, we need to stay focused on concerns that all lawyers share. I refer to these as our common core values. By definition, core values are timeless commitments we make regardless of the circumstances. In the legal profession, we hold to our core values no matter what practice area we work in. We hold to our core values no matter what political party we belong to or whether we identify ourselves as liberals or conservatives.

Lawyers share the same values whether we practice in Alabama or Alaska, New York or New Mexico, or Birmingham or Baghdad. The legal profession's core values are consistent whether we are litigators or transactional lawyers, whether we prosecute crimes or defend people accused of crimes, whether our clients are corporations or individuals, or whether our clients are of wealth or of limited means. Importantly, we hold to our core values regardless of whether we are at war or at peace, in prosperous times or impoverished times, or in periods of crisis or periods of calm.

Our common core values unite us as a profession. They inspire us to work together, and they enable us to make a difference as a profession. So what are these core values? Obviously, no one can answer that question definitively, and I do not attempt to say that I have answered it. But, having narrowed things down, I will focus on to what I refer to as our four common core values: (1) access to justice; (2) independence, both of the bar and of the judiciary; (3) diversity; and (4) the rule of law, which one could argue really encompasses the first three.

Promoting the rule of law has been especially important this year as we experienced a watershed election and are preparing for a change in administrations. I am spending a lot of time with the ABA's Governmental Affairs Office here in Washington, making inroads with the new administration and the new Congress so that we can advocate on our common core values. Aside from

Mr. H. Thomas Wells, Jr.
President, American
Bar Association

the issues, the bar plays a more fundamental role, ensuring that our elections are free, fair, accessible, and accurate. After all, one defining aspect of our rule of law is that we are blessed to live in a society in which we handle election disputes through judges and lawyers in courts of law and not in the streets.

Our role in the elections is just one way that our profession makes a difference. Lawyers, particularly in private practice, can be pretty good at making a dollar, but all lawyers are at our best when we are making a difference.

We are also looking forward to another significant event—the bicentennial of the birth of a model lawyer who became one of our greatest presidents. The ABA, especially with Law Day, will celebrate Abraham Lincoln in 2009 and emphasize his contributions as a lawyer. I think about Lincoln's honesty and ethical behavior when I consider something I have long cherished about being a lawyer. The profession we share with Lincoln is much more than a job or a trade.

In the South we have a saying: "When you become a lawyer, you are called to the bar." I believe that phrase is both profound and appropriate. If clergymen and women minister in the realm of the sprit, lawyers minister in the realm of justice. Our profession is indeed a calling, and aside from the clergy, we are the only profession that is referred to as a calling. Engineers are not called to engineering, accountants are not called to accounting, and dentists are not called to dentistry. But we are called to the bar. We minister justice, and our mission is public service. I believe this call to the bar unites us in our common core values, which enable us to make a difference as a profession.

ACCESS TO JUSTICE

The bar is making a huge difference in access to justice. Still, we have a lot of work to do. As most of you know, surveys have indicated that as many as 80 percent of the civil legal needs of the poor in America go unmet. Half of all people making phone calls to legal services field offices cannot be helped because there is not enough staff to handle the workload.

When we talk about access to justice, we are talking about kids who are denied schooling because they are homeless and have no address. We are talking about people who are kicked out of their homes even though they are current on their rent, because the landlord got behind on the mortgage. We are talking about servicemen and women fighting to get their jobs back after serving overseas. This is why the bar fosters pro bono service as a top priority, encourages financial contributions to local legal services program, and constantly lobbies Congress for adequate funding of the Legal Services Corporation.

Our core value of access to justice is why the ABA, as the national voice of the legal profession, has been urging Congress

to increase funding for the Social Security Administration to ease the unprecedented backlog of disability claims. It is why when disaster strikes, the ABA's Young Lawyers Division is always on hand to staff legal assistance hotlines in conjunction with state bars and the Federal Emergency Management Agency.

Our commitment to access to justice is why the ABA recently launched the Military Pro Bono Project, in cooperation with the JAG Corps of all of our military branches. This unique collaborative work, sponsored by our Standing Committee on Legal Assistance for Military Personnel and our Section of Litigation, promotes cooperation and referral between military lawyers and lawyers in private practice who are willing to represent active duty military members in state and local civil cases after screening by military legal assistance attorneys. The Military Pro Bono Project has gotten off to a great start, and we look forward to continuing the effort in ways that benefit the military community.

Aside from the clergy, we are the only profession that is referred to as a calling. This call to the bar unites us in our common core values.

INDEPENDENCE

Access to justice is one core value of the legal profession. Another core value is independence—independence of the bar and independence of the judiciary. If we adhere to the basis tenets of an independent profession, we will remain, in Alexis de Tocqueville's words, "the most powerful existing security against the excesses of democracy."

Through our ethics codes and disciplinary enforcement, we are a self-regulating profession, independent of any governmental regulatory body. Self-regulation is a common core value of lawyers that we must always work hard to maintain. In fact, our profession has been doing it now for 100 years. We recently celebrated the centennial of the ABA's first model ethics code.

When I have the opportunity, I also point out that the ABA's ethics code itself was modeled after the first state code of ethics for lawyers—that of my home state of Alabama, which was adopted in 1887.

Of course, an ounce of prevention is always better than a pound of cure, and there is good reason for us to celebrate the centennial of our ethics code and to stay vigilant. We do not have to look far back in history to reflect on the consequences of being lax. Consider Enron and what happened to the accounting profession after Enron. For all intents and purposes, the auditing side of accounting became, in part, a federally regulated trade.

The same could happen with the legal profession if we are not attentive. Every now and then, some state legislature proposes that attorney discipline be removed from the bar or from the state's supreme court. We at the ABA believe this would be a disaster for the public and for the rule of law. Our system counts on lawyers to exercise sound judgment, independent from government interference, which we all know can become politicized under state regulation.

That said, to preserve our independence, we lawyers owe something to the public. We must demonstrate that we set and adhere to the strictest standards of ethics and professionalism. Our ethics code is crucial. But aside from our written standards, adhering to the strictest ethics and professionalism often boils down to our own individual choices on how we conduct ourselves.

Let me give you an example that I think everyone here can relate to. As I mentioned, when I came out of law school as a captain, I was assigned to the Air Force General Counsel's Office in the Pentagon. At that time, I think there were 28 lawyers in the Air Force General Counsel's Office. Six of us were Air Force captains. The Air Force General Counsel, obviously a civilian, encouraged us not to wear our uniforms for the primary reason that we would frequently have to give advice to officers who far outranked us. He knew this had nothing to do with our informality or our comfort. This symbolic gesture was intended to ensure we had the independence to give accurate advice. He wanted to give us the ability to say no, unfettered by obvious differences in military rank. In essence, he was promoting something that's priceless: our professional independence as lawyers.

Independence is a hallmark of any profession, but especially of lawyers. Therefore, we must always be faithful to our integrity as people and our ethics as professionals. We must never view the ethical rules as a hindrance or limitation. Instead, we must view them as a commitment that we have chosen to make. We need to serve our clients not by being a mere technician who only does our client's bidding, but by being an independent advocate and an advisor who can say no when no should be said.

This is the crux of an independent bar and let me tell you, I believe our JAG Corps in all branches of our services have done a remarkable job in that over the past several years.

Consider the flip side, because it is equally important for lawyers to uphold the independence of the judiciary. As you know, politicians sometimes castigate judges for opinions that are legally sound but politically unpopular. When they do so, it is not just a personal attack on those judges. It weakens our profession's foundation—the rule of law.

There is also the growing stubborn partisanship in many state judicial elections and in the nomination and confirmation process for our federal judges. As lawyers, we must continue to trumpet the notion that politics has no place in our courts. Our judges should be, and should be perceived to be, beholden not to any particular constituency, but to one thing only, the rule of law.

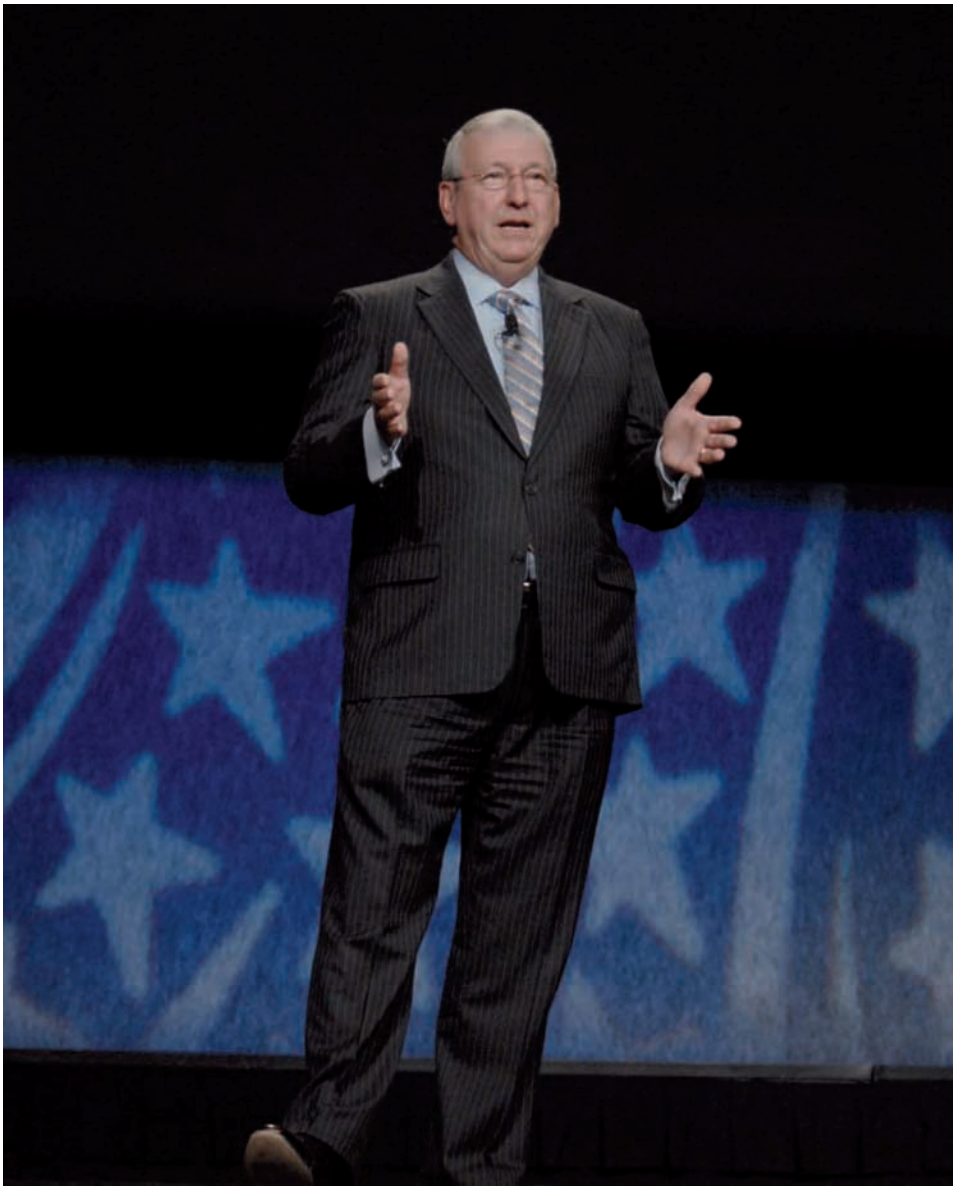
DIVERSITY

Diversity is the third core value of our profession for a simple reason. When gifted women and men of diverse backgrounds face systemic barriers to entering law school and climbing the ranks of our profession, it is not just a lack of opportunity for those individuals. It is a lost opportunity for the legal profession as we are called upon to serve an increasingly diverse society.

As a profession, we must be vigilant in ensuring our laws and courts are accessible and fair to everyone, especially to those from groups that have historically been mistreated or neglected. So diversity, access to justice, and independence factor centrally in the final core value of our profession: the rule of law.

RULE OF LAW

Since soon after the fall of the Berlin Wall, the ABA has provided technical legal assistance to newly emerging democracies in the former Soviet Block, Latin America, Africa, Asia, and the Middle East. Our Rule of Law Initiative is operating such programs today in more than 40 countries. These activities provide wonderful opportunities for volunteer lawyers in



America to share their expertise with lawyers overseas who look to our system as a model.

Our rule of law activities have other benefits too. They obviously strengthen our profession's international ties as our world becomes more global, and they remind us here at home that we must promote and cherish the rule of law at every opportunity.

This point was made clear at one of our recent Board of Governors meetings in Colorado Springs. Admiral Tim Keating, who is now the Commander of the Pacific Command, was invited to address the Board of Governors. Admiral Keating was asked what one thing he would want to have more of, and he did not hesitate in his response. He said "rule of law." His reasoning was simple. The bar's rule of law training overseas, as those of you in the military know first-hand, is much preferable to armed conflict.

I would add that the rule of law is not just an overseas issue. We have rule of law dilemmas here at home, questions about ensuring national security in these extraordinary times while preserving the liberties that form our society's bedrock.

Our rule of law is also threatened by inadequate resources for public defenders and counsel in capital cases, lack of access to civil justice, the vestiges of racial discrimination, and injustices that continue to plague us. On these and other difficult matters, we must continue to advocate for the rule of law's central place in our society. We focus on our common core values because the ABA's motto is "defending liberty, pursuing justice."

We must never view the ethical rules as a hindrance or limitation.

I believe we should look to an ancient principle to help us become even better defenders of liberty and pursuers of justice. In fact, we can look all the way back to 400 B.C. and the constitutional principles of ancient Athens. As many of you know, many of our most cherished values come from the ancient Athenians: principles like freedom of speech, freedom of association, and participation in government by the governed. But there is one ancient principle from Athens that is sometimes overlooked. The Athenians believed that every citizen had not only the right, but also the duty, to stand up and speak out when they saw injustice or when there were attacks on liberty. The Athenians called this principle parrhesia. We could do well to inject a little more parrhesia into our profession today. Parrhesia rises above rhetoric or politics. Conservatives and liberals, Republicans and Democrats, business lawyers and judge advocate lawyers alike can find common ground on the core values that shape the rule of law and the legal profession's role in it.

Whenever I am asked if the ABA is conservative or liberal, I respond that there is only one "L" word that describes us. That word is "lawyer." As lawyers, we must answer our shared calling: to stand up, speak out, and work together on our common core values, not to make a dollar but to make a difference. We can make a difference by committing ourselves to ethics and integrity. We can make a difference by always being independent and willing to tell our clients no when no is the correct answer. We can make a difference by promoting the independence of the judiciary and explaining the concept to the pundits, the politicians, and the public. Remember that judges face hard decisions and cannot always defend themselves.

We can make a difference by working to diversify our profession. We can make a difference by treating our call to the bar as a ministry, a ministry for the rule of law and a ministry that includes pro bono work for those whose access to the courts is limited.

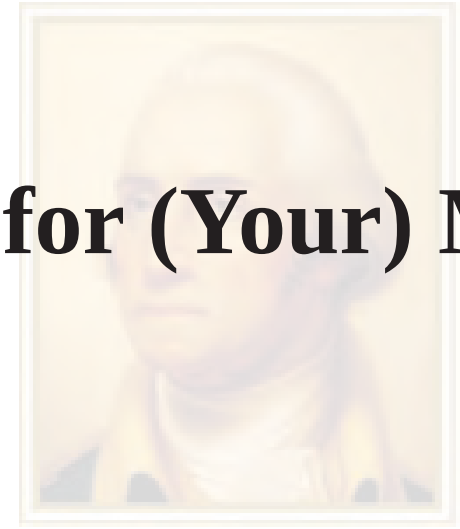
And finally, we can make a difference by remembering to have fun when we are

doing all this. Some of the most fun I have had as a lawyer has been getting to know and work with my colleagues in the ABA and other bar associations. Those of you who have been active in the bar I am sure know what I am talking about. Involvement in the bar broadens your experiences, your network, your understanding of your practice area, and perhaps most importantly, your understanding of people. Bar involvement supports our profession's ability to advocate for independence and the rule of law and the other common core values that define us and enable us to make a difference.

The previous remarks, which have been edited for this publication, were made by Mr. H. Thomas Wells, Jr. at the Keystone Leadership Summit on 6 November 2008.

Mr. H. Thomas Wells, Jr., *a partner and founding member at Maynard, Cooper & Gale, P.C., in Birmingham, Alabama, is president of the American Bar Association. Mr. Wells began his one-year term as president upon adjournment of the 2008 Annual Meeting in New York. He has served on numerous committees and in leadership roles in the Alabama State Bar, the Birmingham Bar Association and the American Bar Association, to include serving in the ABA's policy-making House of Delegates since 1991, where he served as chair of the ABA House of Delegates. Mr. Wells earned his bachelor's degree with honors from the University of Alabama. He also earned his law degree, Order of the Coif, from the University of Alabama, where he was a member of the Alabama Law Review and Hugo Black Scholar.*

Value for (Your) Money



First, let us talk about the elephant in the room. For the better part of a decade, there have been discussions about either leasing or purchasing the next generation of in-flight refueling and there have been representations made that this is the single most important priority in the acquisition community for the Air Force. Today, we are basically on hold, and we are taking this problem and giving it to the next administration to start from scratch at that point.

Tanker procurement is burdened by bad history. One of the most notorious figures in the Air Force and one that permeates the story is Darlene Druyan, who stood at the center of the tanker lease debacle. Her story involved conflicts of interest, violation of post employment restrictions, nepotism, and the sale of a home to someone who was involved in the negotiation of a contract. But not only did Druyan end up in the federal penitentiary, her involvement with this program also ultimately took down two CEOs of Boeing. At the end of the day, the program resulted in the single largest settlement, $650 million, involving fraud in the history of defense procurement. Unfortunately, any time we talk about moving forward with the tanker program, this is still first and foremost in the minds of many people.

After the Druyan debacle, the Defense Science Board created a task force to look at the agencies involved and how this was able to happen. The most interesting thing learned from that process was a very simple leadership point. Employees, members of teams, and members of the community look up and around for cues on how to behave. When the leadership of an institution disrespects a process or sends signals that power is more important than principles, then employees understand that this is the way they, too, should behave.

As bizarre as all of the stories are about Darlene Druyan's involvement, to me the most shocking thing is that, while Boeing was illegally negotiating with Darlene Druyan for a job while she was still negotiating a multi-billion dollar contract, the chief financial officer of Boeing met with Druyan in an Air Force lounge, negotiated the terms of her contract, returned to the corporate headquarters, and sent an e-mail to the entire executive suite describing the non-meeting he just had with Druyan. He put the word "non-meeting" in quotes, because he knew it was against the law for him to have the meeting or to negotiate the things that he described in the e-mail. The most fascinating part of the story is that the e-mail went to the entire executive suite, and nobody reacted.

What does it mean in terms of an organizational culture when leadership sends communication that affirmatively flaunts the law and nobody reacts? That is called setting the tone.

But the Air Force is not alone. Federal procurement, which was once seen around the world as the model for how procurement was done, is not having a very good time in this decade. Ten years ago, the most popular procurement model on the planet was the United States. Today, more and more developing countries look to the European Union, because they believe our system is broken. Objectively it is not, but if you open the newspapers or watch television, you only get bad news stories. Let me give you a couple of examples of the same kind of problems in other agencies.

One of my all-time favorites happened in 2001, when the Chief of Staff of the Army decided that all Army Soldiers should wear black berets. He made the decision that they should all have the new beret by the Army's birthday, and he announced this before anyone did market research to figure out how long it would take to get a beret for everybody. Unfortunately, there was not enough domestic capacity within the procurement rules to get the black berets fast enough, and we ended up buying them in staggering quantities from China and Sri Lanka. Frankly, we ended up with some rather uncomfortable international incidents and congressional hearings as a result.

Somehow, nobody at the highest levels of the Army General Counsel or the Defense Logistics Agency was willing to tell the Chief of Staff of the Army that the Army's birthday might not be that important of a deadline worth embarrassing yourself or the United States Army. At the end of the day, these are the kind of tough decisions you have to make every day. You have to be able to give good advice to your clients, or, frankly, you are not doing your job.

Professor Steven L. Schooner
Senior Associate Dean, The George Washington University School of Law

The V-22 is now deployed in Iraq. We are actually using them, and the Marines like them, but think about how long it takes to deploy a weapons system. The program dates back to 1981, and full-scale development began in 1986. The aircraft first flew in 1989, and it finally deployed in 2007. I was at a hearing recently at the Senate, and the same questions come up every time: How can it take so long and how can our budget estimates be so bad every time we buy a major system? This has a lot to do with unrealistic expectations and unrealistic requirements imposed by Congress, but none of it helps with public relations.

So let us ask some basic questions. What is the decision-making process we go through in terms of spending taxpayer money? Objectively, when you strip away all of the garbage you read in the media, our procurement system is terrific. We buy staggering quantities of goods, construction, and services every day, and, frankly, we do it better than anybody around the world. But it is a concern that we keep making what seem to be avoidable mistakes, particularly when we know everybody's watching. Are the examples I just gave and the other procurement stories you read about in the newspaper, whether you call them scandals or disappointments, isolated or unavoidable examples? Or are they systemic trends? If they are systematic trends, are they the result of bad luck, bad policy, or something else?

THE MILITARY PROCUREMENT SYSTEM

The starting point for our procurement system is that it is all about competition. Adam Smith taught us to believe in the invisible hand, and we believe in the power of the markets. At the end of the day, this is a nation founded as much on capitalism as it is on democracy. We believe that businesses and people succeed most when they are motivated by their own self interest. You do your best if you have the opportunity to make profit and maximize opportunity for yourself.

Our system is also based on integrity. We are spending the public's money, and historically our acquisition system prided itself in not having bribes, unfair influence, or political influence. For most nations in the world, the number one measure of a procurement system is not how well they spend their money, but how effectively they minimize corruption. The European Union or the World Bank, for example, are much more interested in keeping the system clean than being efficient, effective, or generating high levels of customer satisfaction.

In this country, efficiency and value for money are important.

In this country, efficiency and value for money are important. We want the public to know that their money was well spent. At the end of the day, no matter how well we control corruption, it does not make a difference if we do not buy anything. So part of what we have to focus on is getting the work done, and there is a lot of work to be done. But as important as competition, accountability, and getting a good price are, we buy things for a reason, and customer satisfaction is tremendously important.

Our acquisition system is constantly in flux. In the United States, the cycle runs 15 to 22 years. Today, we are where we were in the late 1980s. Historically, we have procurement scandals, which are followed by investigations. Then we move to command and control with more rules, more controls, more auditors, and more penalties. Within a couple of years, we find that our troops are not getting the things they need, the procurement system takes too long, the things we are buying are too expensive, and everybody is unhappy with the process. We start to loosen the process up, and we tend to act more like the marketplace. We give our purchasers more discretion so that they can negotiate. That works well, and customer satisfaction goes up. Then the problems start coming again, and we start with more investigations, and the cycle repeats itself.

If you do not believe me, think about what is coming with the new administration. The incoming president of the United States and the candidates that he ran against did

not speak very much about the acquisition process during the campaign. But there are clues that he gave us as to what is important to him. One of his pervasive themes throughout the campaign was the restoration of effective oversight of the government contracting process. Frankly, this is your client's Achilles heel.

Perhaps the most interesting report that came out last year was the Ginsler Commission Report, which was done by the Army. The Army was the first major procuring agency in the U.S. government to put in writing the extent of our acquisition problem. The report said that contract management is essential. It is the function that ensures you get what you paid for. It is the only way you can control fraud, waste, and abuse. So who manages the relationship between the contractor and the government after the contract is awarded? The report found there are not enough administrative contracting officers to go around. They are too busy, so contract management is not being done.

Let me just offer you two kinds of conceptual examples as to what this means every day for the government. Assume you hire a nanny to care for your young child at home. How many of you would hire a nanny to take care of your child and then leave the country for a year or two without checking in on how he or she is doing? Or, how many of you would hire a contractor to renovate a room in your home and then leave the country and assume it was done when you got back? We are managing contracts like that every day simply because we do not have enough people to do the work. That is not the way you get value for money.

CURRENT TRENDS IN MILITARY PROCUREMENT

The question is why do we do that? The answer is a simple congruence of two trends. First, procurement spending has gone through the roof since 9/11. Our burn rate is spectacular. At the same time that we are spending money faster than we can print it, we are understaffed, unqualified, and unprepared to manage the work that relates to the contracts that we are entering into every day.

How much money are we talking about? Last year, federal procurement accounted for $435 billion. Defense spending tends to make up about two-thirds of that. If you think about it in terms of the world we live in, procurement amounts to almost 50 cents on the dollar of all discretionary spending that the government will engage in next year.


Report Finds Iraq Water Treatment Project to Be Late, Faulty and Over Budget

Associated Press

A wastewater treatment project in Falluja, Iraq, has tripled in cost to $100 million and is about three years behind schedule

The other strange thing about this is that, in one generation, we have gone from a government that used to buy hardware, a fair amount of construction, and only a little bit of services, to being primarily a services consumer. Services are very different, and they are much more difficult to manage.

Since 2000, federal procurement has been going up reasonably dramatically. We were spending right about $200 billion a year in 2000, and we may spend $400 billion this year. Comparing the increase in spending to the rate of inflation, cumulative inflation in this decade has increased between 18 and 20 percent, while procurement spending has gone up somewhere between 89 and 100 percent. So the amount of stuff we are buying and the amount of money we are spending is dramatically increasing, and it far outpaces inflation.

Historically, the Air Force has been one of the government's big spenders. However, if you consider the trend lines in this decade, Air Force spending has not gone up that much. Army spending has gone up dramatically as we consume and use hardware in Iraq and Afghanistan. But at the end of the day, the Air Force still spends something in the neighborhood of $60 billion dollars every year, which is between 10 and 15 percent of the total annual federal procurement budget.

From 1989 until 2000, Congress hacked away at the acquisition work force, which includes the people who work on requirements and write, negotiate, and manage contracts. In this decade, the acquisition work force leveled off and has not increased very much. As I mentioned earlier, defense spending, which had basically leveled off coming into 2000, has gone through the roof. This means the remaining people in the acquisition work force are doing more work and spending more money with fewer people.

Most of the senior people we have in the procurement community today were hired in the mid-1980s or before. Think about procurement in the 1980s. We bought hardware primarily in an open bidding system where the lowest price won. We used firm, fixed-price contracts, which are easy to manage, and the government wrote incredibly detailed specifications. Even more bizarre, under the old regime we used to award contracts and give them to other organizations to manage, such as the Defense Contract Administration Service, later the Defense Contract Management Command, and then the Defense Contract Management Agency.

But today we buy services and human capital. More than anything else, we are buying somebody to sit in the seat of a Soldier or civil servant who does not work there anymore. We are buying team members in what is objectively a personal services contract. That is actually against the law, but since everybody does it now, we do not talk about it very much. But that is the most common contract that we award today.

We use sophisticated indefinite delivery, indefinite quantity contracts, and we

frequently award our contracts either on a cost-reimbursement basis or a time and materials basis. The most interesting thing about the proliferation of time and materials contracts is that none of your clients were ever trained on how they work, and none of them understand them. And that is the most common contract we use today.

We have much less competition, at least formalistically, than we used to, and once the contracts are awarded, nobody really manages them anymore. And we wonder why we have problems.

OUTSOURCING POLICIES

The world is much more sophisticated about procurement today, and one of the reasons is that the globe is getting much smaller. Markets and firms have become international. At the same time, nations around the world are discussing fundamental agreements about how we should all do public procurement, dropping barriers and operating the same way. One trend that is completely global that we have fully embraced, even though we're a little bit behind the curve, is outsourcing. We are outsourcing at a very aggressive rate.

Here is where it gets interesting. The new President has indicated he will eliminate the ideological bias towards outsourcing. Many people associate the Bush Administration with being pro-contractor and pro-outsourcing. But outsourcing has been going on for at least 16 years, because the Clinton Administration was also a massive proponent of outsourcing.

The world is more sophisticated about procurement today, and one of the reasons is that the globe is getting smaller.

At the end of the day, we have spent 16 years trying affirmatively as a government to replace government personnel with contractor personnel. There are strong signals that the next administration will either slow or attempt to reverse that trend. That's going to be very interesting.

Let us be clear about this: In some situations, outsourcing makes a lot of sense. The beauty of outsourcing is that an agency can focus on what they are supposed to be doing and not get involved in things they are not very good at. For example, lots of corporations outsource human resources. Surge capacity is another example. The government is only so big, but if you need extra capacity, the private sector has unlimited capacity. It is easy to get, and contractors have flexibility to go and get different kinds of people.

But your customers and clients want to outsource because Congress has given them mandates that exceed the manpower they have to get the job done. They have no option to get the work done unless they rely on the private sector. That will not change in your professional lifetime, so outsourcing is a fundamental survival instinct that the government will have no choice but to engage in for the foreseeable future.

Perhaps the best example of the pros and cons of outsourcing is the massive Kellogg Brown and Root (KBR) Logistics Civil Augmentation Program (LOGCAP) contract in Iraq. The public thinks that KBR is the great Satan and that the only reason they have the contract is because of ties to Dick Cheney. Public opinion is that everyone who works for KBR went to Iraq to rip off the United States government.

What they do not appreciate, and what Congress does not want to hear, is that the LOGCAP contract has permitted the United States military to project might with a degree of speed and potency that has never been seen in history. I believe that military history a generation from now may reflect that this contract is the single most significant advance of this era. The ability for us to send staggering numbers of fighters anywhere in the world and have them quickly fed and housed, wearing clean laundry, and drinking clean water is an unprecedented potency in our military.

There are also a lot of people who believe you outsource to save the marginal dollar and because it is a little bit cheaper. But it is not. The private sector outsources because they can get access to better goods and services. They can get quicker delivery times, flexibility, and different personnel. They have unlimited service capacity, and it is not about the marginal dollar. The bottom line is that if you can get better food faster or if you can get superior service, that is worth paying more for. We cannot have a meaningful conversation until Congress realizes that we outsource because it makes sense or is a superior solution.

The incoming President is concerned about the rising number of government contractors, and he is legitimately concerned because they are often unaccountable. Here is the problem: If we have no choice but to outsource, we have to use more contractors. Being opposed to large numbers of contractors is basically an unsustainable policy premise. If you do not like the number of contractors, we can either increase the number of government employees or we can reduce the mandates that the government takes on. I did not hear either presidential candidate articulate a desire to do either, and that is why it will be very interesting to see what happens next.

There are limits on outsourcing, though. There are some things contractors should not do, but the problem is describing that broadly enough so everyone understands. Managing a blended workforce is a nightmare. Having a contractor with different ethics rules, different incentives, and a different boss, sitting at a desk next to someone in uniform or a civil servant is very difficult to manage. None of the military's senior leadership was trained to manage in a blended workforce, and it will take a generation to unpack us.

The incoming President is concerned about contractors doing sensitive and inherently governmental functions. Well, he should be. What is the best example that we all talk about every day? Look at Iraq and Afghanistan, where the level of contractor support is unprecedented—one contractor in the battle area for every troop. We are not sure what roles we have and who is the boss. I love using the acronym "CO." Is the CO the commanding officer or the CO the contracting officer? People in uniform work for the commanding officer, while contractors work for the contracting officer. We still have not sufficiently evolved our policy for figuring out these issues, although we are working on it.

There are huge numbers of issues with regard to the Geneva Conventions, because whether we like it or not, our contractors today are combatants. We can dress it up and write all the policy we want, but the way we use contractors today, they are combatants and we've got to get used to it.

The enforcement regime is also complicated. We have status of forces agreements, and we wrote the Military Extraterritorial Jurisdiction Act to try to cover contractors because the Uniform Code of Military Justice did not apply to them since we never declared war. Then Congress went

back and amended the UCMJ so contractors would be covered by the UCMJ. But how many of your legal offices have a surplus of people sitting around to prosecute and defend contractors in courts-martial?

Private security is an interesting example of the issues with outsourcing. A July 10 memo from Secretary Gates asked why we have come to rely on private contractors to provide combat or combat-related security training for our forces. It asked if we are comfortable with this practice and whether we fully understand the implications in terms of quality responsiveness and sustainability. We have not seen the response memo yet, and I have every reason to believe it is not coming, but these are darn good questions.

About the same time, two senators wrote the Secretary of State. They had heard Blackwater was getting out of the business of private security, and they asked if there was a plan if the private security contractors would not fulfill their contracts. They also asked the Secretary what was permissible to contract by a private security contractor versus what was inherently governmental, and they asked if recent negative incidents in Iraq and Afghanistan informed the Secretary's views.

When we talk about outsourcing, when we talk about 190,000 contractors in the battle area, how does that make you feel? Are you proud of the outcome? Is this a model that we should export to other nations as the way to do business? Does this reflect the kind of decision making that we would like to see in a representative democracy?

Let me see if I can distill this just a little bit more. When you hear the word "Blackwater," how many of you think profiteers? How many of you think cowboys or mercenaries? Now, how many of you hear Blackwater and think of them as the essential element for the United States military and diplomatic presence in Iraq? Does the word "patriot" roll off your tongue? How many of you think public servants? How many of you think they are the best private security money can buy? And how many of you are willing to acknowledge that when you hear Blackwater, we are talking about the future?

It is remarkable to me that the U.S. public to this day still does not know and, to the extent they do know, does not care how many contractors are dying in Iraq. The major media in the United States will not report the statistics. In the last year, no paper larger than the Houston Chronicle has written any articles chronicling the number of deaths of contractors in Iraq and Afghanistan. How many of you knew that one out of every four bodies in 2007 that came home in a bag or box was a contractor? You will not read it in the newspapers.

Congress recently demanded that GAO try to figure out how many contractors have actually died in Iraq. GAO determined that they did not really know. They reported that the only reason we know anything is because the Department of Commerce keeps track to some extent because the families of contractors who die sometimes file claims based on the employment process under the Defense Base Act Insurance Program."

Use common sense. I'm a big fan of the *Washington Post* test.

Over 1350 contractors have died in Iraq. The single most dangerous contractor job in Iraq is driving a truck. Just a generation ago, it could have been you, your friends, or others wearing green. But now we have contractors to take the bullets and the IEDs instead of our people in uniform. There are policy ramifications of the fact that we have 190,000 contractors in the field and 1350 of them have died, and over 28,000 of them have been injured. The public pays attention to the number of troops on the ground and the number of deaths in uniform. Both of those numbers are artificially deflated, because we are relentlessly putting contractors in harm's way instead of people in uniform. First, the public does not know, but the scary thing is that when they find out, they value contractor life less. I hate to say this, but if you look in the mirror later and ask yourself, most of you do, too.

Let me try to close on a positive note. I think a lot about adding value—what are you really supposed to be doing every day? The first thing is easy. You have to know the law, because if you do not, nobody else does. But don't just learn the law. Also, ask the "why" questions. Why is the law what it is, and what is the policy we are trying to effectuate? Be a member of the team. The most dramatic changes in acquisition in the last 20 years is the effort to ensure legal counsel is included in the decision making process so people are thinking legally and making good policy decisions.

Use common sense. I'm a big fan of the Washington Post test. Whenever you are about to make a big decision, ask yourself if your mom would be proud if she opened tomorrow's Washington Post and found an article on the front page about what you did. If the answer is yes, more times than not it is not a bad decision. If the answer is not yes, you have really got to stop and think what the right advice is.

Ask the tough questions. If you do not ask the tough questions about why we are doing what we are doing, whether there is an alternative, or whether in fact we are really in that big a hurry to make this decision, nobody else will. That is what you are getting paid to do every day. At the end of the day, you must remember why you chose to put the uniform on in the first place. Frankly, there is no greater privilege that can be offered to an American, and I respect all of you for doing it.

The previous remarks, which have been edited for this publication, were made by Professor Steven L. Schooner at the KEYSTONE Leadership Summit on 6 November 2008.

Professor Steven L. Schooner *is Associate Professor of Law and Co-Director of the Government Procurement Law Program at The George Washington University Law School. Before joining the faculty, Professor Schooner was the Associate Administrator for Procurement Law and Legislation at the Office of Federal Procurement Policy in the Office of Management and Budget. He previously tried cases and handled appeals in the Commercial Litigation Branch of the Department of Justice. He also practiced with private law firms and, as an active duty Army judge advocate, served as a commissioner at the Armed Services Board of Contract Appeals. As an Army Reserve officer, he served for more than fifteen years as an adjunct professor at the Army JAG School. Professor Schooner received his Bachelor's Degree from Rice University, Juris Doctor from the College of William and Mary, and Master of Laws (with highest honors) from The George Washington University. He has authored or co-authored numerous publications, including The Government Contracts Reference Book: A Comprehensive Guide to the Language of Procurement.*

Cultural Issues in Negotiation

People have trained for years to work and negotiate in other cultures, and I know many of you have had a great deal of experience overseas dealing with people from other cultures. In the past, training consisted of "cookbook" or "do's and don'ts list" training. Before you traveled to Mexico, you would listen to a lecture, read a couple of books, or watch a movie. You would get on the plane, assuming you would adjust more quickly and be more effective having gone through the training. Basically, this was true—the more you know about the culture and the people you will work with, the more effective you will be.

Today, we know this type of training is not very effective for a number of reasons. First of all, it consisted of generalizations and, in many cases, stereotypes. Stereotypes and generalizations are often counterproductive, because inevitably you would encounter conflicts or misunderstandings. If you were negotiating with a Mexican, you would mentally thumb through your training "cookbook" on Mexicans. If the answer was not there, total panic would set in.

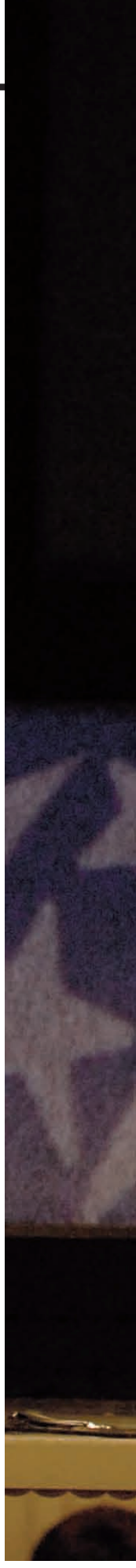
It is much more useful to have a broad framework for analyzing and interpreting situations you are likely to encounter—a framework for analysis rooted in how people from other cultures think. What are their values? What is their world view? If you know this, you can usually explain their behavior and anticipate their responses to what you will say and do. This is much more useful than memorizing stereotypical lists of do's and don'ts.

I have been educating and training in this field for years, and I would like to believe we can train anyone to be effective in cross-cultural negotiation. We can train anybody to live in another country, but I have come across people who, short of a personality transplant, will never make it overseas. We now have research that compares certain personality traits with a person's inability to deal with people who are culturally different. Notice that I said an inability. Frankly, we do not know what traits correlate with success. If we did, the Air Force could give everybody a personality test to assess whether one can deal with people who are culturally different. If a person did not pass the test, he would stay with his own kind.

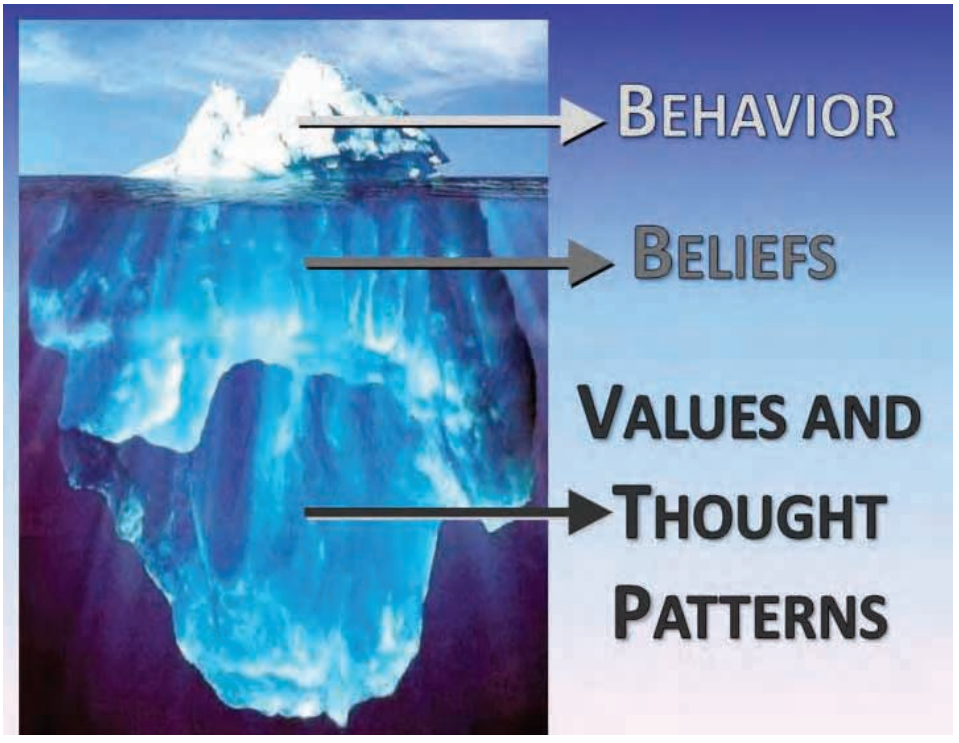
Every effort to predict success, in my opinion, has failed. When the Peace Corps was invented, psychologists interviewed volunteers to predict which volunteers would be successful overseas. They were absolutely wrong. They could not predict success, but we now know that certain personality traits correlate with failure. What are these traits? One trait noted in literature is a high intolerance to ambiguity, or high uncertainty avoidance. If a person is incredibly well organized, keeping calendars up-to-date for the next year, filing things, and not letting things pile up, she will like people who give unambiguous answers to questions. She will like people who say "yes" or "no," but not "maybe." Someone like this dealing with people who are not from Northern European cultures will be very frustrated, because life in these cultures often does not work this way.

Let's say that I am a Mexican-American from Laredo working in Washington, D.C. A friend named Manolo, who I have not seen in 40 years, comes to town. Growing up, Manolo and I were inseparable buddies, and our fathers were like brothers. I might take a three-hour break to go to lunch with Manolo, because time reaffirming a friendship is qualitatively different than time sitting behind the desk. When I get back to the office and my boss asks me where I have been, I would answer that I was with my best friend who I have not seen in 40 years. If my boss is Mexican-American, he would value that I spent time reaffirming a friendship over an extended lunch. But my Anglo-American boss would tell me to get a grip, because time is exactly the same whether you are at lunch or sitting behind a desk.

In some cultures, people give ambiguous answers to questions. If I ask Manolo to join me for dinner tonight and he cannot, it is unlikely he would flatly say no. Why? Because "no" is too direct. It is abrupt, and it disrupts social harmony. He wants to say no, but he wants to say it indirectly, or, as my mother used to say, he wants to say it nicely. How does he say no nicely? He might say "I hope yes, but I think no." What does that mean? It means "no."



Dr. Gary Weaver
Executive Director, American University Intercultural Management Institute



The fact that he did not say yes means no, but it is a nice way to say no.

If I ask a Japanese friend to join me for dinner and he cannot, he would never say no. He would say something like "It is difficult," or he might just suck air through his teeth. Japanese people are inscrutable; they will not give you a direct answer. Well, my Japanese friend actually did give me a direct answer, if I understand his culture.

If I ask a Saudi Bedouin friend to join me for dinner, and he cannot, he would never say "no." He would say something like "God willing." What does this mean? It does not mean yes, and it does not mean no, but I would argue that it leans toward no. In many of these cultures people want you to feel good, and they keep saying yes all the time. If you have a high intolerance to ambiguity, you will have difficulty working with people from these cultures.

Being overly task-oriented is a second trait that also causes great difficulties. Being overly task-oriented means that a person places a great deal of self esteem on being successful in the workplace. He is the type of person who would stay in the office until midnight, night after night, to get reports done on time. From the perspective of local nationals in most non-Western cultures, such a person would be perceived as very self-centered. The person only cares about himself, and he does not care about other people. This is not an admirable trait in these cultures, and I think it would be difficult for such a person to build trust in these cultures. People would wonder when he would violate the relationship just to get ahead, and they would want to keep him at arm's length.

Being overly closed-minded and inflexible is a third trait that causes difficulty when training people to work in other cultures. Everyone is closed-minded to some degree. We each grew up in a certain culture and look at the world through our own experiences, but some people cannot accept the possibility that there is another way to look at situations.

Culture is inside your head. It includes your basic values, your beliefs, and the world view you learned as a child.

In my view, training will not improve effectiveness for people with these three personality traits. The good news is that I doubt many of you have these three traits to such an extent that you could not deal with people from other cultures. You may have some (or all) of the traits to a degree, such as being less tolerant of ambiguity than others. If this is the case for you, I suggest you strive to lighten up a little. If all meetings in the local culture start 45 minutes late, you may not want every meeting to start so late. But what about five minutes late? You can make these adjustments.

I use the word "culture" as Americans use the word. Culture is not art, music, or literature; these are the results of culture. Culture is inside your head. It includes your basic values, your beliefs, and the world view you learned as a child. You learned this part of your culture simply by growing up in a particular family. You learned it unconsciously, and because you learned it early in life, you often are not aware of your own culture. You take it for granted. We can examine the art, music, and literature of a group and infer that they have particular values or world views. But these alone are not what we mean by the word culture.

One way to think of culture is as a gigantic iceberg. Most of an iceberg is under water, and the same thing is true of culture. I would put behavior at the tip of the iceberg. Beliefs would be slightly above and below the water level, which symbolizes awareness. But the largest part of culture is hidden beneath the water level of awareness. This is where I would put values and thought patterns, and I would argue this is the most important part of culture. If you understand the values and ways of thinking of another group of people, you have a system for explaining their behavior.

Think about a small village in southern Greece, where a Greek woman is down on her hands and knees carefully picking up breadcrumbs with her fingertips. As a typical American, what might we assume? We might assume the woman is starving, trying to save each crumb of bread for food. Or we might assume she is a very tidy housewife trying to keep her floors clean. We would be wrong in both cases, because we do not understand the value she places on bread. In her culture, bread is a sacred food, and she has a sacred duty to pick it up with her fingertips. To do otherwise would be sacrilege. In a Greek Orthodox Mass, a priest performing a ritual to convert bread or a wafer into the body of Christ uses an instrument underneath to catch each crumb of bread, because the bread is considered sacred. This same attitude extends into everyday life in Greece, and if you do not understand the value the Greek woman places on bread, you misinterpret her behavior and risk offending her.

We must pay attention to the base of the iceberg. Previous training programs

concentrated on the tip. Previous training programs gave you information about what people do, but they did not give you understanding. To understand why a person behaves a certain way, you must get inside the person's head. You must understand how the person thinks and views the world. The tip of an iceberg changes, and it melts with sunshine and rain. But the base of an iceberg changes very slowly. One common mistake we make when negotiating with someone who is culturally different is to assume that a person who behaves as we do, speaks our language, and shares our customs is one of us. This is one of the biggest mistakes we can make.

If I go to Egypt, I may work with Mohammed. Mohammed studied at the University of Pittsburgh; he speaks fluent English, dresses like an American, and likes hip-hop music. After work, Mohammed may have a couple of beers with me, and I may begin to think Mohammed does not really seem like an Arab, an Egyptian, or a Muslim. But if I get into a conflict with Mohammed, I may perceive him as very Arab, very Egyptian, and very Muslim. Again, we can change on the outside, but I do not think we change our values and thought patterns on the inside.

We generalize when we talk about culture. Generalizations are not a problem, because we must generalize when we talk about culture. We know what we are saying could not apply to everyone in every situation; there are always exceptions. There is a big difference between a generalization and a stereotype. Every tree in the forest is different, but we can still talk about oak trees, pine trees, and maple trees; we can talk about categories of trees and still acknowledge the uniqueness of individual trees.

There are also many types of culture. The culture we were born into is our primary culture, but we join other cultures as we go through life. They give us a sense of belonging and a way to look at the world. No two human beings belong to exactly the same secondary cultures at exactly the same time, so we are all culturally unique.

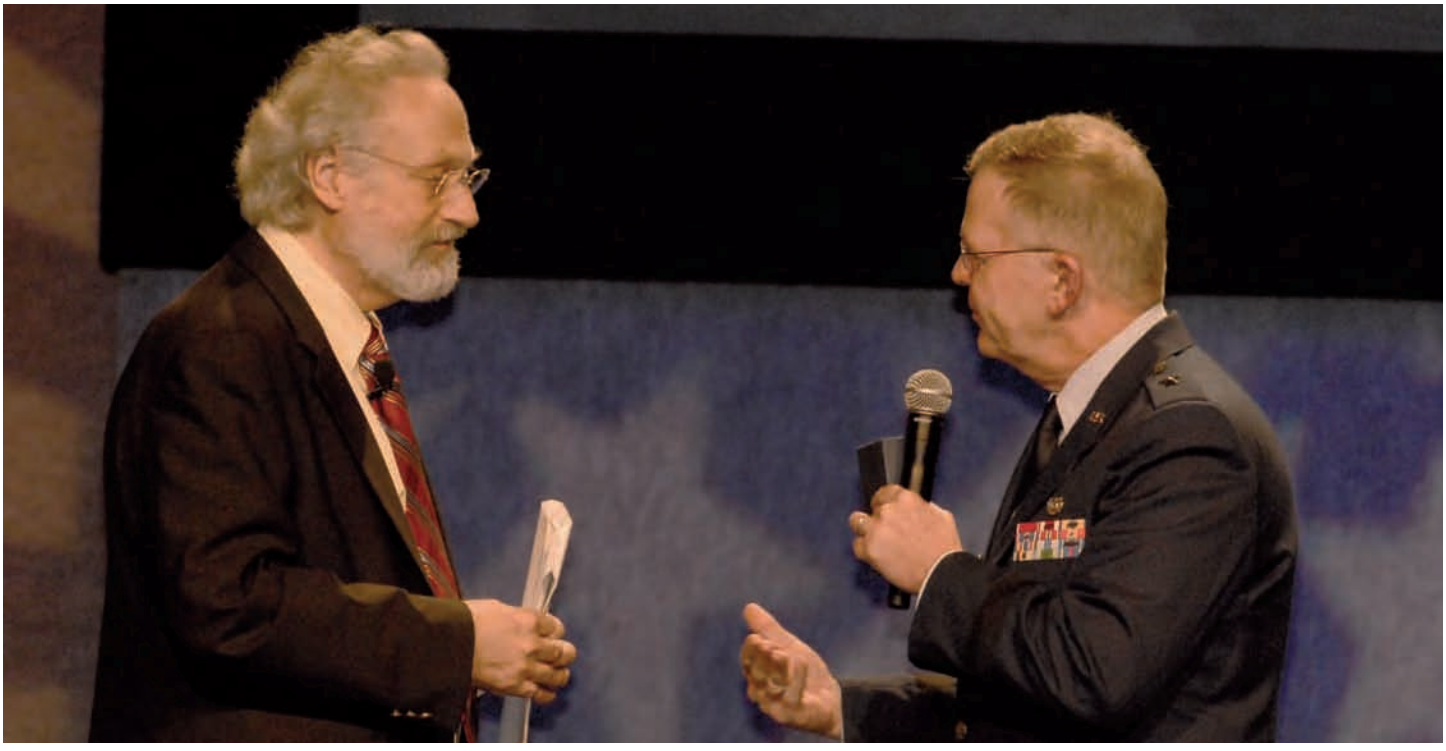
This becomes interesting when considering whether organization culture is more powerful than primary culture. I hear this often in Washington, D.C. Someone might say there is a "World Bank culture." If this means people who come to work at the World Bank leave their culture at the door and then pick it up again when they leave to go home, the assertion is absurd. People carry their personal culture into the World Bank; it impacts the way they think and the way they look at the world. But they have also adapted to the World Bank culture. They are bicultural.

Of course, the United States government has organization cultures. I work with both the Department of State and the Department of Defense. When I give presentations at the State Department, I am often asked to not use PowerPoint. Meetings sometimes start late, and people brief from 3 x 5 cards. When we walk out, we have shared ideas. When I give presentations at the Defense Department, I am not taken seriously if I do not have PowerPoint slides. Meetings start exactly on time, and when we walk out, we must have some kind of action plan. Each organization culture has its own rules and expected behaviors.

The goal of cross-cultural understanding is to develop what I would call a sense of realistic cultural empathy, which means the ability to put yourself in someone else's psychological and cultural shoes. Can you understand the way people think, the way they look at the world, and their values? If you can put yourself in their psychological and cultural shoes, you can do more than explain people's behavior. You can anticipate how they will respond to what you say and do, and this is an essential skill in a cross-cultural negotiation.

The goal of cross-cultural understanding is to put yourself in someone else's psychological and cultural shoes.

Realistic cultural empathy is not sympathy. Sympathy is emotional, while realistic cultural empathy is cognitive or intellectual. Can you understand the way people think and the way they perceive the world? Realistic cultural



empathy does not mean you must agree with someone's political or religious views, but if you want to understand why the person said what they did, you must get inside his head. Realistic cultural empathy does not mean you must identify with, or be like, the other person. Rather, can you understand his culture?

Let me offer an example. I lived for a period in Iran. As you know, the U.S. Embassy in Iran was taken hostage for 444 days. At the time, one American politician told journalists that the way to get our hostages released was to turn Teheran into a parking lot. Would that have freed the hostages? I do not think so. Not if you know Persian culture.

Living in Iran, I discovered that many of my Persian friends were pessimists. Americans are eternal optimists. Iran has been invaded by everybody—the Mongols, the British, and the Germans. They have had bad governments. Things have gone wrong. They have had earthquakes. If I ask an Iranian friend how he is, and he answers sincerely, he would complain.

The primary branch of Islam in Iran is Shi'aism. The difference between a Shi'ite and a Sunni Muslim revolves around the question of who is the proper descendent of the Prophet Mohammed. Shi'ites would say the proper descendants are the cousin and son-in-law of the Prophet, Ali, and his two sons, Hassan and Hussein, who were assassinated. Had they not been killed, the descendancy would have gone in a completely different direction, so this is a very important issue for a Shi'ite Muslim. Once a year, in poor areas of Teheran, men march down the streets in unison pounding their chests symbolically, punishing their bodies and whipping themselves with steel whips, to commemorate the martyrdom of Ali and his two sons. This sense of martyrdom seems embedded in their religious belief system.

If those who took our embassy did so as a religious act, then being threatened with death from the U.S., which they referred to as "the Great Satan," would not necessarily have been bad news. Remember that the worst thing that could happen to a martyr is to live. Bombing Tehran, in my opinion, would have made the situation many times worse. Realistic cultural empathy is not simply knowing what to do; it is also knowing what not to do.

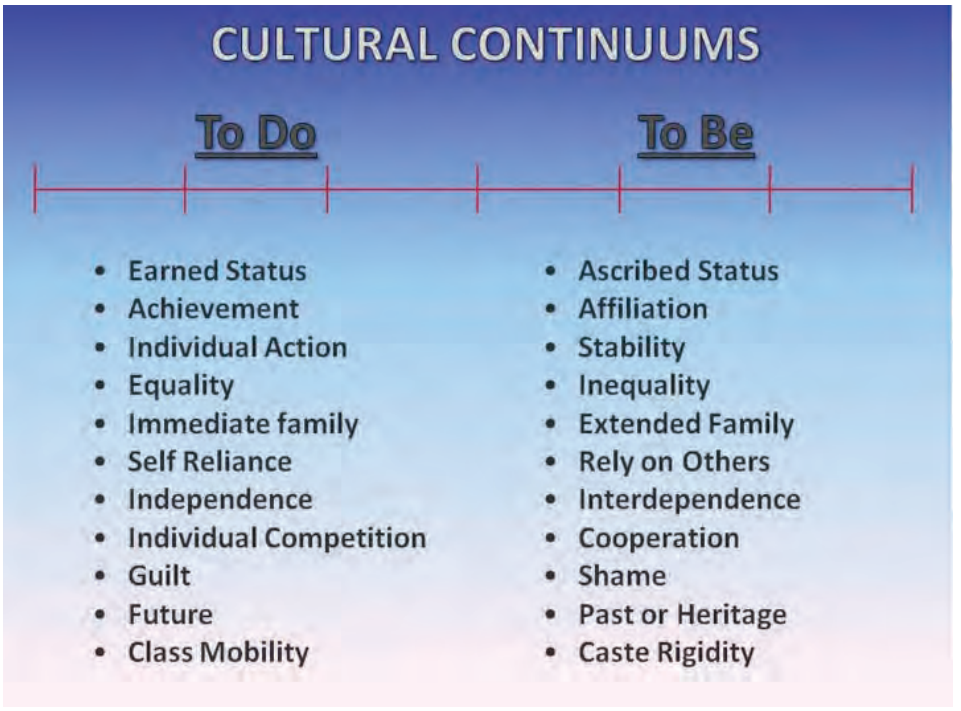
To "do" is the most common verb in American English. This is not an accident; it reflects the importance we place on doing.

What happens when people from different cultures come together? Think of two icebergs floating together out in the ocean. What do we notice first? We notice the tip of the iceberg. People speak a different language and eat different food, and we worry about making mistakes on this level. My advice is to not worry about such things. People expect us to make mistakes at this level. On the other hand, going down the iceberg to the level of beliefs, where we offend people's religious or political beliefs, is much more serious than using the wrong word. Down at the base, at the level of values and thought patterns, is where real problems take place.

When negotiating with people who are culturally different, it dawns on us that they do not think the way we do. They do not share our values, beliefs, and customs. We become frustrated, disoriented, and angry, but now we are learning culture. Why? Because we are focusing at the base of the iceberg, asking why they said and did those things. The only way we can answer these questions is to get inside their heads.

When these icebergs collide, we must to ask why we react the way we do. As long as we stay in our own culture, surrounded by people who think the way we do, we take our culture for granted. But when we must deal with people who are culturally different from us, we become more consciously aware of our own culture. The irony is that the way to find our culture is to leave it, and this is true for everyone.

Become aware of your own culture first before trying to understand other cultures.



This list represents typical American values. In my view, the most important word to describe the dominant culture of the United States is the verb "do." To "do" is the most common verb in American English. This is not an accident; it reflects the importance we place on doing. We earn status by hard work and individual achievement. Many of us grew up with these values, and they emphasize equality, self-reliance, and independence. These values are so important to many of us that they are the basis of our identity. Walking into a party, some people identify themselves by saying something like, "Hello, I am Gary Weaver, a professor at American University. What do you do?" By identifing ourselves in terms of what we do, the implication is that we do not have an identifing if we are not doing anything.

How would people from a contrasting culture identify themselves? Take someone from Gambia, which is in Africa. If you ask a traditional Gambian who he is, he would say something like, "Hello, I am Tamzir Amby, the son of Dodo Amby, from upriver in Basse." He is telling me who he is, not what he does.

To "be" is the most common verb in almost every non-Western language, and this is not a linguistic accent. It reflects the importance someone like Tamzir places on who he is and what comes first in his life. I cannot tell you how many international students whom I have never met have come to my office and asked me about my family before asking anything else. As a typical American, I think, "I don't know you. What do you mean by asking that? Do you want to date my daughter? You don't ask a stranger that."

On the other hand, we will often ask someone with a foreign accent where he is from. In some countries, you would not ask a stranger this question. He would wonder, "What do you mean, where am I from? Do you work for immigration? What is this?" But it is a perfectly innocent question in our culture, because we are all from somewhere.

The red line at the top of the chart reflects that there is no such thing as a pure "To Do" or "To Be" culture. I would put most Americans under the letter "D" on the "To Do" side. I would put most traditional non-Western cultures under the "B" on the "To Be" side. I would put German-speaking Swiss way to the left on the "To Do" side. Most Swiss Germans find Americans overly emotional and undisciplined in our thinking. I would put people from the Deep South over on the "To Be" side.

Many of you grew up on the "To Be" side, but you work on the "To Do" side. To survive you have learned to be bicultural or schizophrenic; you have learned to be both. Some people are in the middle, including people from Mediterranean cultures like Italy, Greece, Lebanon, and Egypt. This is just a model, but clearly this middle area of the model is where culture clashes take place.

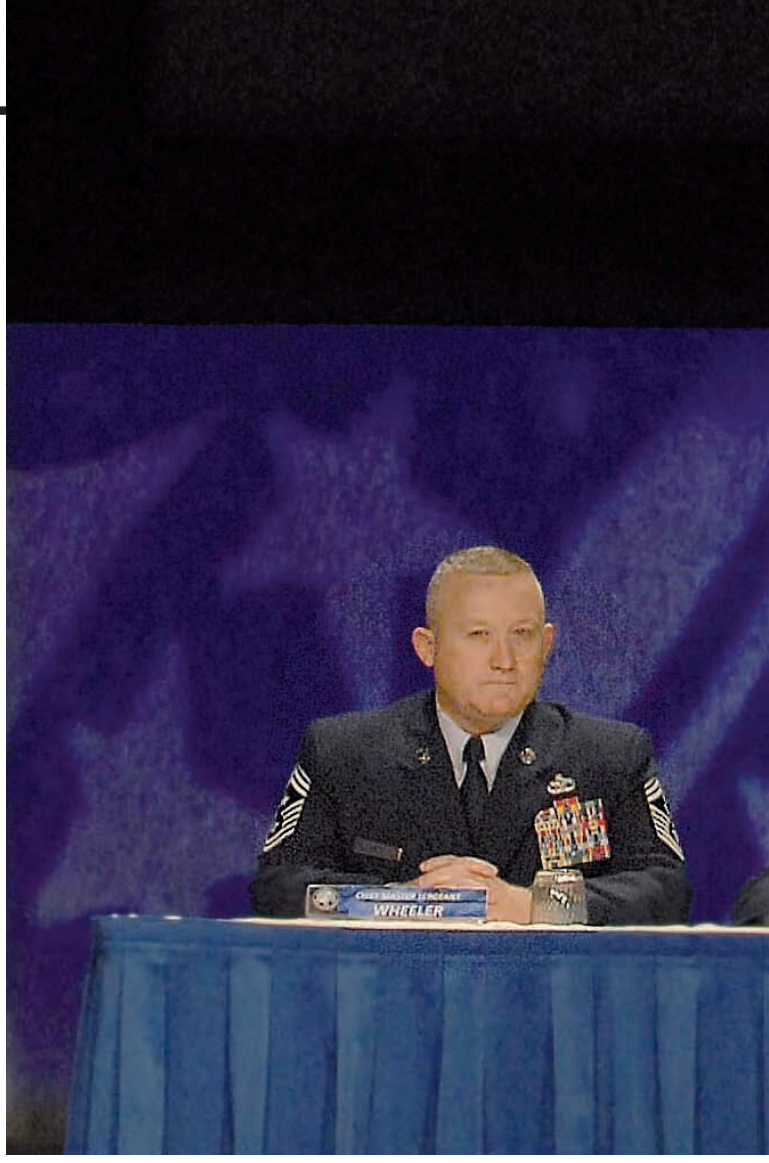
Become aware of your own culture first before trying to understand other cultures.

What is the value of all this? I hope you can see the value for your legal work in negotiation and dispute settlement. But another value in learning about other cultures is that you learn more about yourself. I love to teach, and over the years I have had graduating students tell me they did not know who they were or what was important to them. They said they did not know their values. I have been tempted to tell each of them that three years of psychoanalysis and a few hundred thousand dollars will tell you who you are, what is important to you, and your values. Or you can go overseas for six months or a year, and I promise that when you come back home, you will know your values, you will know what is important to you, and you will know who you are. And it is a lot cheaper and more fun than psychoanalysis.

The previous remarks, which have been edited for this publication, were made by Dr. Gary Weaver at the Keystone Leadership Summit on 6 November 2008.

Dr. Gary Weaver *has been a member of the faculty of the School of International Service at American University for over 34 years. In 1999, he founded and now serves as Executive Director of the Intercultural Management Institute. He has created and directed various academic programs at American, including the Seminar on Managing a Multicultural Workforce, and has also taught courses on multicultural management for the National Training Laboratory American University graduate program. Dr. Weaver received his Ph.D. in International Relations from American University with studies at the National Autonomous University of Mexico and the Psychoanalytic Institute of Mexico and post-doctoral studies at The Washington School of Psychiatry. He has published widely in the field of international and intercultural communication.*

Command Chief Master Sergeant Panel



CMSGT LOWE *(moderator)*: What do you see as the role of the law office superintendent with the wing-, numbered air force-, and major command-level command chiefs?

CMSGT WHEELER: Credibility is what makes the senior noncommissioned officer (NCO) corps so viable In the Air Force. I find that first sergeants respect senior NCOs no matter what career field they are, no matter what they do. So if your law office superintendent is, in fact, a senior NCO, their credibility is what gets them in with the first sergeants. If you treat your law office superintendent office as a static post, you will have problems. You must get out and be involved with the first sergeants in the community. It is about being a senior NCO first and being involved.

CMSGT DOCKERY: They need to be a conduit for information both up and down the chain. What I mean by that is that you are charged with not only making sure that your Airmen are getting proper training and proper treatment and being recognized, but also that they understand the nuances of military law. Experienced first sergeants bring a different nuance because they have had an opportunity to serve under different commanders, so their worldview is more broad. Superintendents within the legal community should exercise that same type of nuance. They must understand how best to attack problems and provide tools to commanders so that they can appropriately affect military justice. I expect superintendents to understand those nuances and make sure the folks at the wing level understand them as well. The only way that you can do that is to be engaged.

I also expect my superintendent to make sure I am focused on the right things—trends, what is happening within our paralegal community, as well as the care and feeding for our officer corps. Just because you wear chevrons does not mean you cannot be concerned about all Airmen. That is really the requirement today of our senior enlisted leaders—be a conduit for information, making sure information is passed up and down the chain and that folks are really, no kidding, paying attention to our Airmen.

CMSGT LOWE: Chief Smith, over the past several years, the active duty force has relied heavily on our Guard and Reserve JAGs and paralegals. Can you speak to your experience on how the Guard works with the active duty to accomplish the mission?

CMSGT SMITH: I remember in my Air National Guard wing when we got our first lawyer. We did not have lawyers previously. Through the years, we have evolved to the point where we now have JAGs and paralegals at all of our wings. And they do a great job. But our paralegals have two functions.

First, they have a function at home to take care of our Airmen as they deploy. Do they have a will? Do they have legal issues that need to be resolved? Since the Global War on Terror started, paralegals and JAGs at Guard units have written thousands and thousands of wills. Seventy percent of our force is on drill status, and many of them do not have the wills or legal paperwork they need when they deploy, so the first responsibility is at home, on drill weekends and in mobility lines, to make sure our folks processing have their house in order before they deploy.

Panel L to R CMSgt Paul W. Wheeler, CMSgt Richard Smith, CMSgt Stephen C. Sullens, CMSgt Carol A.M. Dockery

The second function is serving our Air Force in the expeditionary force. I think we have done a commendable job in sending our paralegals and our JAGs in Air Expeditionary Force rotations with the active duty Air Force. I spoke in Denver last year with our Air National Guard paralegals and our paralegal functional manager, Chief Andy Stadler, about the importance of deploying. We have asked more paralegals to deploy, and they have stepped forward. I know Chief Stadler has a waiting list of those paralegals that have raised their hand and said they would go. And in most cases, other than perhaps being a little grayer and a little older, you cannot tell if a paralegal or JAG is from the Guard or active duty.

CMSGT LOWE: How do you see enlisted professional development developing into the future? Many of us waited five years between Airman Leadership School (ALS) and NCO Academy and then five more years between NCO Academy and Senior NCO Academy. That seems a little bit too long between enlisted development courses.

CMSGT SULLENS: Several things are happening to help with the very real problem you are talking about, which is the frequency and strength of the various PME "booster shots" across an enlisted career. For those who make chief, all of their professional military education (PME) will amount to a grand total of 18 weeks and one day. So how does our Air Force make maximum use of that education across the spectrum of a 30-year career? How do we integrate it with technical training?

The first meaningful step is to adjust PME intervals and target audience. My personal opinion, based on the discussions I have heard, is that ALS will remain mandatory to become a staff sergeant. I think NCO Academy will transition to being mandatory to become a technical sergeant, and I think the Senior NCO Academy will become mandatory to become a master sergeant. That alone will mitigate most of those gaps.

Many functional communities are looking at technical training to decide if those courses come too fast, are too targeted, or too specific vice general in nature. We are also in the infancy stages of our Air Force Enlisted Force Development Panel, which Chief McKinley and General Newton chair. They are doing some incredible work. Although still in its infancy, I think we will start seeing significant dividends in the next two years.

CMSGT WHEELER: Informal enlisted development is also a big concern, because Airmen, NCOs, and senior NCOs today are working long hours and deploying more. It is tough to get time to sit down with Airmen or NCOs to talk to them and to share that mentoring experience. As our Air Force shrinks or we take on new emerging missions, it will spread our enlisted force even thinner. So that is another challenge we have as NCOs and senior NCOs. Every member

of the Air Force has to remember that we owe the people who work for us time to share our experiences.

QUESTION FROM AUDIENCE: In my opinion, today's Airmen have a more occupational mindset versus an institutional mindset. When I was growing up in the Air Force, company grade officers were expected to be part of the company grade officers club (CGOC) and go to the club. Senior NCOs and NCOs were expected to be club members, but today you cannot drag many of them to the club or a Top Three meeting. How do we instill an institutional mindset versus an occupational mindset?

CMSGT SULLENS: There is a great case study in the current status of our great institution. On 6 September, our Chief of Staff said we will wear blues on Mondays. I am not so proud to report that some seven weeks later, in the command I represent, we are still debating blue uniforms. The acronym JDI should stand for "just do it," but instead it sometimes stands for "just debate it." This particular discussion has gone beyond uniforms; it goes to basic discipline in our service. The heart of how we fix this lies in getting up every morning, looking ourselves in the mirror, and asking: are we Airman who happen to be part of a functional specialty or do we consider ourselves part of the "Burger King" Air Force—wanting it our way? This same mindset often negatively impacts participation in our professional organizations. We can each make a difference by stepping up to the demanding, but expected institutional service ethic.

CMSGT SMITH: I do not know that there is a right answer, but the first thing that comes to mind is leadership by example. As officers and senior NCOs, we need to set the pace and set the example. We have become occupation-oriented, especially in the Air National Guard, and we do not think institutionally. I think we all need to be aware that the condition exists, and we need to lead by example.

CMSGT WHEELER: I tell people all the time that the taxpayers pay us to be Airmen, NCOs, senior NCOs, and officers first. That is what we are paid to do, but we become compartmentalized. When I used to be in Strategic Air Command, our supplements were ten times as thick as the basic Air Force regulation and we knew exactly what we needed to do. That is what we need to do throughout the Air Force. The rules need to be very clear, and we all need to follow them across the board.

CMSGT DOCKERY: I think Chief McKinley, as well as the rest of our senior leaders, have made a concerted effort to talk about being an Airman first, but it takes each one of us to pick up that mantra and set the example. Airmen coming to our installations out of basic training are sometimes told, "You don't have to follow the rules." You may not say it verbally, but your actions greatly influence and ultimately speak more loudly. Every day, each of us has an opportunity to lead. Leadership is not defined by the stripes on your sleeve or the position you hold. Leadership is defined by your commitment to being the best Airman you can be. It definitely starts there.

The following remarks, which have been edited for this publication, were made as part of a panel discussion at the KEYSTONE Leadership Summit on 7 November 2008.

Chief Master Sergeant Paul W. Wheeler *is dual-hatted as the Command Chief Master Sergeant of both Air Force District of Washington and the 320th Air Expeditionary Wing, headquartered at Andrews Air Force Base, Maryland. As the AFDW senior enlisted leader, Chief Wheeler is responsible for all matters affecting professional development, wartime operations, sustainment training, career progression, effective utilization, morale, welfare, quality of life, and mission effectiveness affecting more than 40,000 Airmen assigned to Headquarters Air Force and Air Force elements worldwide.*

Chief Master Sergeant Carol A.M. Dockery *is the Command Chief Master Sergeant of Air Force Cyberspace Command (Provisional), Barksdale Air Force Base, Louisiana, which is responsible for establishing a new numbered Air Force under Air Force Space Command to organize, train, and equip combat forces to operate in cyberspace. Chief Dockery is the senior enlisted leader responsible to the AFCYBER commander for professional development, military readiness, and mission effectiveness of the command's 3000 enlisted members.*

Chief Master Sergeant Richard Smith *is the ninth Command Chief Master Sergeant to the Director, Air National Guard, National Guard Bureau, Washington, D.C. He represents the highest level of enlisted leadership for the Air National Guard. Chief Smith is responsible for the interests regarding welfare, readiness, morale, proper utilization, and progress concerning the enlisted personnel of the Air National Guard.*

Chief Master Sergeant Stephen C. Sullens *is the Command Chief Master Sergeant, Air Combat Command, Langley Air Force Base, Virginia. In this position he is the sole enlisted advisor to the ACC commander and staff for the enlisted force stationed at 25 wings, 15 bases and at more than 200 operating locations around the world. He advises the commander on attitudes, concerns, morale, welfare, readiness, and the effective utilization of the more than 84,000 assigned enlisted personnel.*

Leadership in Complex Organizations

UPDATE ON AFGHANISTAN AND IRAQ

First, let me offer a quick snapshot of where we are on some of the major international issues that our Armed Forces are trying to address. Obviously, the two pressing near-term battle issues for us are Iraq and Afghanistan. These are totally different challenges. Afghanistan is the "non-Iraq." It is a much bigger country, 50 percent bigger, and it has more people—31 million. It is a 14th Century entity. It is not a nation to be saved, it is a nation to be built. The levels of violence in Afghanistan are immeasurably higher now than they are in Iraq.

AFGHANISTAN

Troops in contact incidents are way up in Afghanistan compared to Iraq. We are now seeing essentially battalion-sized units of the Taliban with brand new camping gear, commercially encrypted telecommunications equipment, and shiny new sniper rifles. Somebody has been training them, and they are starting to learn how to shoot. They have winter warfare gear, and we expect they will prosecute their campaign all winter.

On the other hand, Afghanistan had arguably been the cruelest, most chaotic, and primitive society on the face of the earth. Tribes, clans, and ethnic groups had been destroyed. People were living in caves and holes in the ground. The capitol had been bombed to the ground. Flash forward to today, and you have roads appearing, clinics, and an army of more than 80,000 soldiers where before there was none. This is the first military in 50 years or more that was not a primary threat to the country's own people.

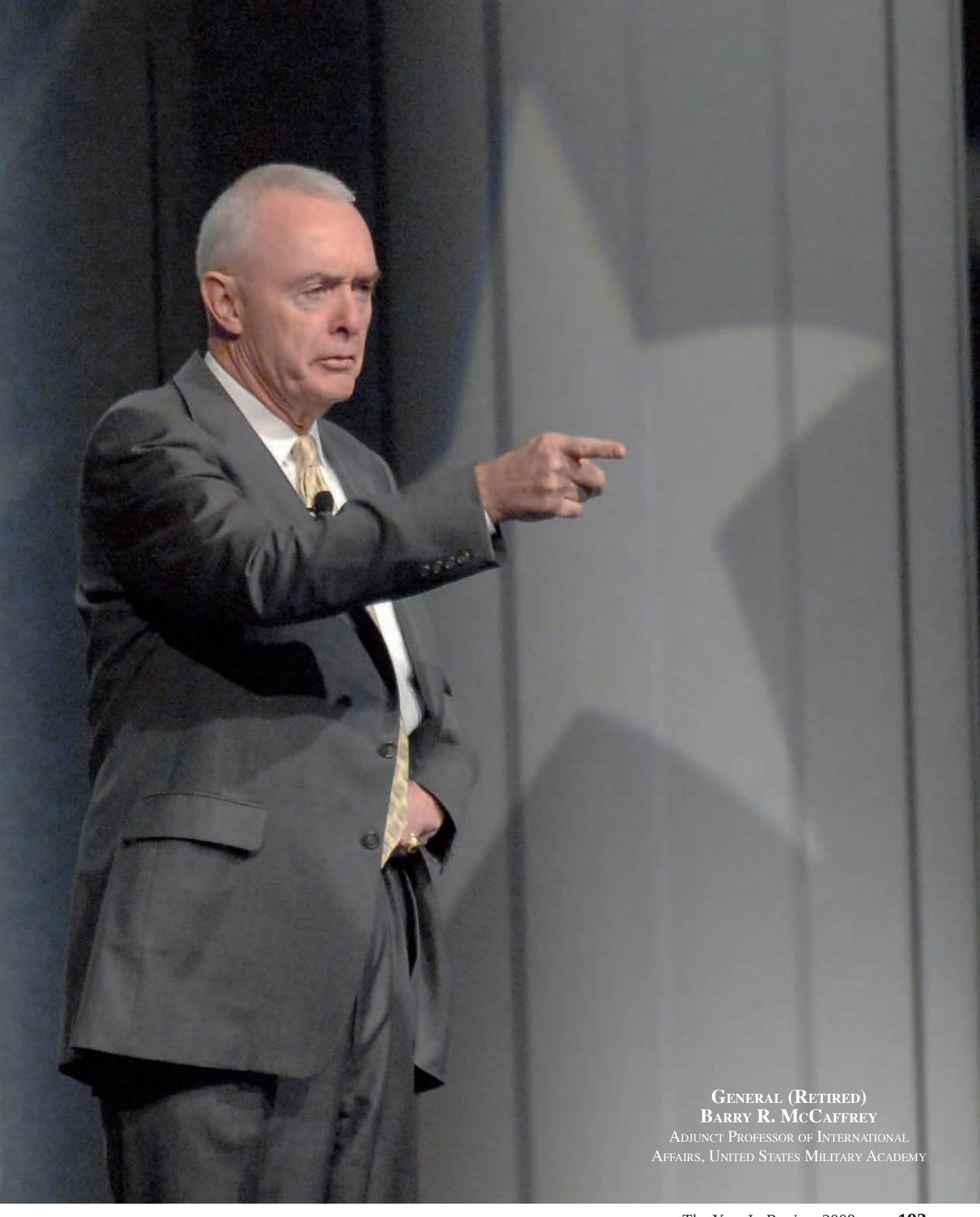
When you listen to our troops talking about the people they see at close range, they like and admire the Afghans. Obviously there is a fight going on with dangerous people, but the Afghans are just a remarkable people. They are great soldiers. They clamor up 10,000 foot mountains with little materiel support, they are enormously courageous, and they are good businessmen. An Army Corps of Engineers district commander told me that when we started over there, he put out a request for Afghan laborers and we would hire a couple thousand people with shovels and pick axes. Now, we put out a request for proposal, and we will have 70 bidders sitting in the audience who have filled the paperwork out correctly, which we can barely do, to navigate the bureaucracy.

Afghans are fixing broken bulldozers and derricks in the central Asian republics and bringing them into the country. There is a building boom going on, from the poor countrymen trying to bake bricks to rebuild a hovel to multi-story structures going up in Mazari Sharif with central air and parking garages.

There is a parliament, there is a constitution, and there is a government with a president who is beautifully educated and a patriot. And yet, the situation in Afghanistan was going rapidly in the wrong direction. Part of the cause was our inability—our policy failures—to understand that if you are producing 4000 metric tons of opium a year and generating $4 billion a year in drug money, you are putting a blow torch of corruption and drug addiction on a society that is barely formed. There are forty principal figures controlling criminal activity in that society, which is a threat to developing a government of laws. It fuels al Qaeda, the Taliban, and corruption at provincial and district level, and we must sort this out.

Afghanistan is not a military campaign. It is a 25-year economic, military, intelligence, and diplomatic effort to build a stable society.

When Secretary Bob Gates entered office, the tone of the national security debate and foreign policy debate in Washington changed in its entirety within 30 days. We also started getting



General (Retired) Barry R. McCaffrey
Adjunct Professor of International Affairs, United States Military Academy

sensible decisions affecting ongoing military operations like Afghanistan. If you want to win in Afghanistan, you must build roads and clinics and create a police force. It is much easier to get a Marine or a Soldier than it is to create a police officer. Give us a 19-year-old man or woman in good physical health out of a good family, and within 30 weeks, we will have a trained Soldier or Marine. Getting a good cop takes five years, and that assumes they are joining an institution with values, such as integrity and respect for the law, and a mechanism for criminal justice, none of which exists in either Afghanistan or Iraq.

The central challenge in Afghanistan, I would suggest, is that we must tell the American people that this is not a military campaign. It is a 25-year economic, military, intelligence, and diplomatic effort to build a stable society. It is worth doing, but it will not be easy, and we must have patience. We must moderate our goals. We are not going to decide the conflict in Afghanistan by deploying three more U.S. Army brigades into counterinsurgency operations. We will not decide it by doing cross-border military operations into Pakistan. This is nuts from the military—never mind political—viewpoint.

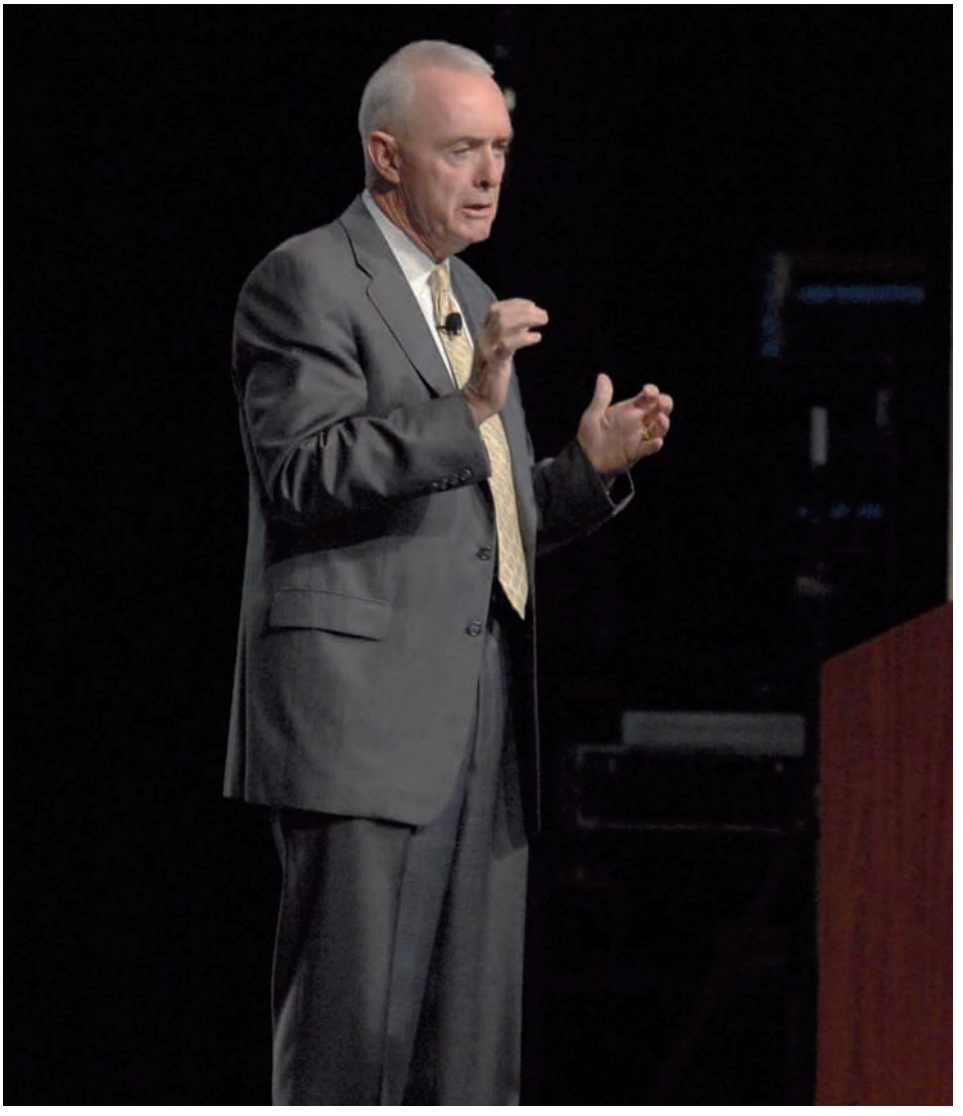
PAKISTAN

We cannot stay in Afghanistan unless the Pakistanis support this operation. Ninety-six percent of supplies for NATO and U.S. military operations come through the port at Karachi or through Pakistani airspace. Many argue that Pakistan is basically a weak federal government trying to unify the actions of four separate nations. Among the load-bearing institutions in Pakistani society is the Pakistani military. Until Pervez Musharraf left office, many of the leaders in Pakistan's ministries, universities, and business were embedded military.

We have a challenge. The new Obama administration must sort out what are we going to do about Afghanistan and Pakistan situation, never mind the corresponding problems in the central Asian republics and Iran. How do we build an international consensus? How do we have a strategy to sort it out?

IRAQ

Let me turn briefly to Iraq. For the last three years, I thought Iraq was going over the edge. We spent $700 billion with 34,000 killed and wounded. But I recently returned from Mosul, which is the scene of the last fighting going on in Iraq. As a general statement, the militias have been brought under control and either incorporated into the military or neutralized. We have actually defeated a foreign terrorist insurgency. Today, from a security viewpoint, Iraq is going pretty well. From a political viewpoint, is probably better than at any time since we went in. I believe things are moving in the right direction.

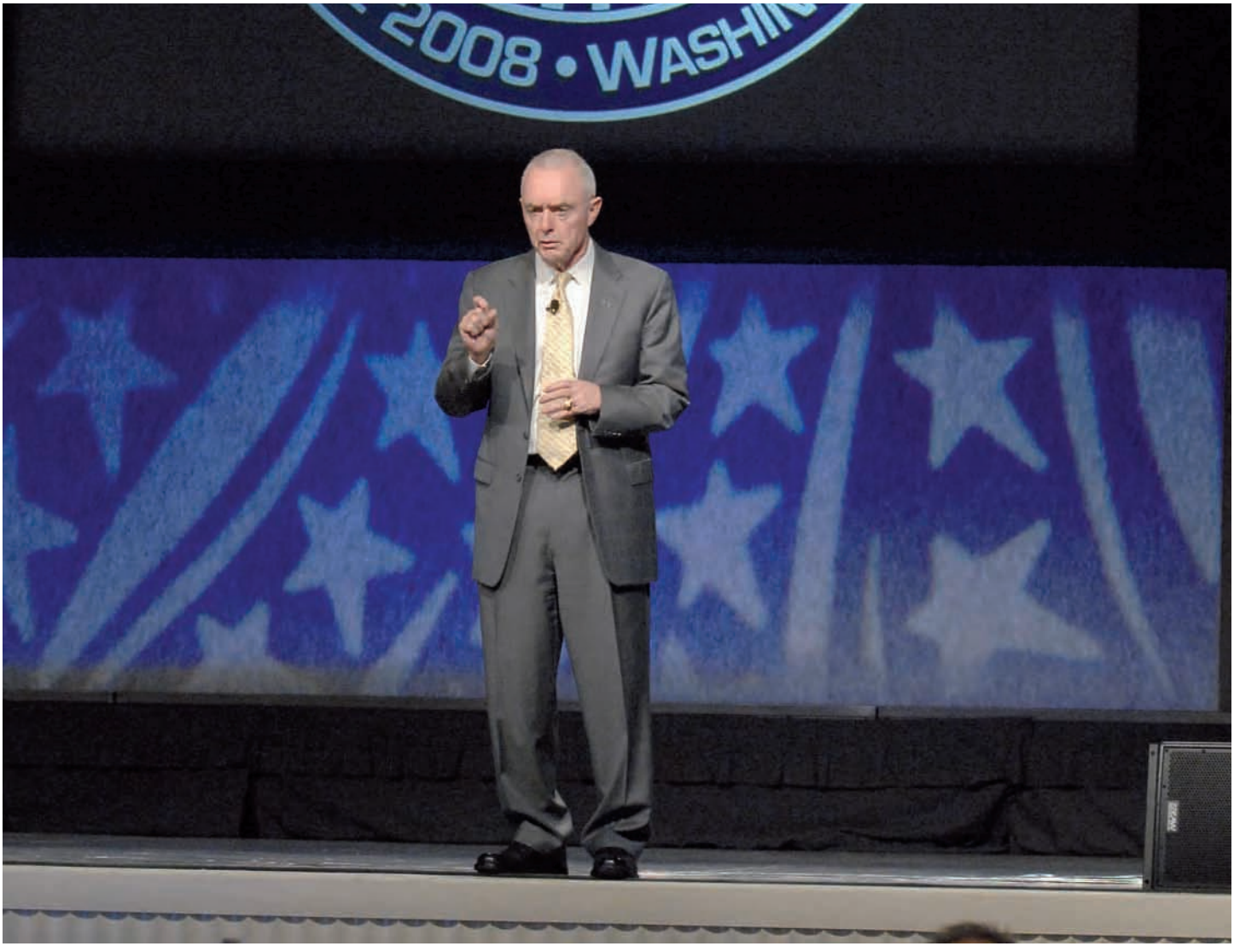


The U.S. Armed Forces takes average men and women and put them in a training mechanism that produces absolutely world class leaders.

LEADERSHIP IN COMPLEX ORGANIZATIONS

I talk about leadership a lot, particularly to business organizations. You are part of the training mechanism of the greatest leadership laboratory on the face of the earth, the U.S. Armed Forces. We take average men and women and put them in a training mechanism that produces absolutely world class leaders. In terms of the great debate about whether leaders are born or made, there is no question in my mind—they are made, they are coached, and they are mentored.

I want to remind us of some of the leadership principles that I know you are aware of. Besides being technical experts in your field, you have leadership responsibilities, starting with your team and the people who work for you. That normally dominates our training and the discussion of leadership. That is not a bad thing.



LEADERSHIP DIMENSIONS

You can learn a lot by reading about leadership and history. Probably more importantly, you can learn a lot from your experience in seeing successful leadership in action and adopting successes to your own style. You also learn by failure avoidance. You see people with terrible leadership techniques and vow not to do the same thing when you are finally, inevitably in that person's position.

Another leadership principle, one we do not talk about enough, is connecting a team horizontally. Every time we look at high-performance combat units, the first thing that jumps out is the unbelievable bonding among peer groups, fellow company commanders and fellow platoon sergeants. There is horizontal leadership—people shoring each other up. They are adding positive feedback when they see things going right, and they are coaching their peer group when things go wrong.

In the military, the least required form of leadership power is authority. It is good it is there, but it is not the tool that actually gets things to happen.

Finally, a leadership principle that we rarely talk about is reinforcing your senior leadership. I have run into a couple of near-perfect people in my life, and none of them are in this room. Most of what you and I encounter when we look at leadership is lots of integrity, lots of energy, and lots of experience. But people also get tired and occasionally forget the common good to focus on their own anxieties. All of us have responsibility in these cases to create a command environment where we accept direct feedback from subordinates: "Ma'am, when you did the following thing, you created a condition that made our work more effective." "Sir, when you said the following things, it made me uneasy and I want you to understand why."

LEADERSHIP POWER

I was a division commander in combat, where I also served as a general court-martial convening authority. I had the ability to direct the actions of the 26,000 man fighting force, and yet I had only 13 people, largely full-colonel commanders, who actually worked for me. My authority power as a division commander in combat was enormous. I could select juries, assemble courts-martial, punish people, give them great awards, or send them home in shame and disgrace.

But how much authority power does a division commander actually need? Zero. It

is a sad commentary on you as a leader if you cannot get a bunch of colonels to do what you want them to do. Yet when it comes to the complex, dangerous, and environmentally demanding situations where captain company troop commanders operate, the challenges are even more enormous. The bottom line in the military, I would suggest, is that the least required form of leadership power is authority. It is good it is there, and it should be tied to the chain of command, but it is not the tool that actually gets things to happen.

We know from studies that expert power is the reason why people follow your orders in emergency situations. When there is a crisis going on, they will do what you say because they think, "She knows what she is doing. It came out okay the last ten times she told us what to do, therefore, I am giving her expert power." You can also earn expert power by having the right credentials. When someone looks at your biography, they see your rank, ribbons, and schooling. Expert power suggests that when you know more about your job, you are not just more technically effective—you enhance your ability to get people to follow your instructions.

Finally, we have not talked enough about referent power. Referent power says simply, "I'll do what you asked me to do because I admire who you are and I would like to be more like you. You are a person of integrity, and in the most difficult situations, when under pressure and strain, you will stand up for your organization." The best place to apply referent power is on the front end of recruiting. You must make sure you are hiring young men and women of character into your organization. If you have your value system there, you can then apply the other skill sets.

No law or regulation ever requires the Armed Forces to do stupid things on behalf of American taxpayers.

FACTORS OF EFFECTIVE LEADERSHIP

When you as a leader take over a group and try to implement change, the environment changes. The challenges are different, resource levels are different, and there is new executive authority with new strategies. When you say something that is at variance with the people in your group, three things can happen: One, people can filter out your message and discount you. Second, they can change their view of you. Or third, if the message is articulated as an approach to solve the group's problems rather than your problems, then people will

grudgingly accept the change. But all change, both good and bad, can be resisted with equal intensity.

As a leaders, you need to get out of your office and go look at the situation on the ground. You flatten your organization when you do. Ask your troops questions: What are you supposed to accomplish? Who told you to do it? How will you know when it is done? What are the metrics by which you will know you have achieved your outcome? If your people cannot answer any of the questions, there is no plan. And we must always have a plan.

Trust the commanders you support. The United States Air Force is an institution of incredible, innate integrity.

Focus on your client's backward plan. Do not do perfect work, because people who try to do perfect work never make decisions. Get things going, and then decentralize the effort. Give resources, authority, and accountability to subordinates. But in every case, determine who is in charge. You must know who is in charge of implementing change or pushing an idea.

Take care of yourself. A lot of you work really long, hard days. When you deploy, you work 18 to 20 hours a day. Remember to take care of yourself. Remember your honor, obey the law, and be able to tell your mother you did the right thing. At the end of the day, the way you will grade your performance in the Air Force is not whether you made E 9. You will be remembered by the people you coached and brought into this Air Force.

PRINCIPLES FOR MILITARY LAWYERS

I learned a great lesson about the presumption of innocence when I was a major working as the XO for a battalion. The battalion commander was very bright and capable guy. I began to sit in on his Article 15 hearings, which were elaborate and very professionally run. Witnesses were brought in one at a time, junior people spoke before senior people, he paid enormous attention to the person who had the charges against them, and he would draw them out in conversation.

I asked him why he made such a big deal for an administrative hearing. He told me about an earlier incident where someone had walked along the roofs of German cars on a snowy January day. When the accused was brought in, the commander gave him the maximum punishment. About a year later, in the process of investigating a different case, Army investigators identified a different person who had actually committed that crime. The commander told me he called in the Soldier he had punished and asked him why he hadn't told him he didn't do it. The soldier told him, "Sir, because I didn't think you would believe me anyway."

We have a challenge. Occasionally, for a variety of reasons, accusations are not true. It is not just defense attorneys who are in charge of understanding the presumption of innocence. It is also the responsibility of the prosecutor and the command authority.

When you move into a new job, find every law or regulation that defines the responsibility of your position or your commander's position. Read them and find out what the commander's responsibilities are. No law or regulation ever requires the Armed Forces to do stupid things on behalf of American taxpayers or our service men and women. That is simply never the case. Print out what the law says. Read it, and hand it to your commander.

I tell people I am never up to no good if I am in command. Put initials and signatures on papers you write, and keep a record of what you did. This provides protection for your organization. Some in government now think we need to minimize our footprint because of things like the Freedom of Information Act, defense attorneys, or depositions. This isn't true if you are doing the right thing. Put it in writing and sign it. Make your superiors sign documents as well.

Trust the commanders you support. Basically, the United States Air Force is an institution of incredible, innate integrity. Occasionally it goes wrong, and we have seen incidents of that in the last couple of years, but you should have a presumption of trust on the part of your commanders. We talk about ethics, and it is important for Airmen to see a sense of ethics in what we do.

FINAL THOUGHTS

Let me end on this note. Your Air Force has taken some serious hits in the last several years—some of them deservedly so, because occasionally we get a little off track. We must re-build the Air Force's ability to manage acquisitions, and we must rebuild a separate agency to handle nuclear weapons. This needs to be a zero defect program.

But do not forget that right now your Air Force will put an aircraft over a target in 13 minutes from the time a rifle platoon leader asks for help. Your Air Force will provide point delivery of supplies to an isolated unit up at 10,000 foot altitude out of a C-130. Twenty-four hours a day, a B-1 bomber will be on target in less than 20 minutes. Our air power is the most sophisticated, complex, technologically advanced organization on the face of the earth, and the people running it, people who are flying and maintaining our aircraft, running the logistics system, and running legal services, are part of an institution of tremendous integrity and dedication. I want to tell all of you, thank God for who you are and what you stand for. God bless.

The previous remarks, which have been edited for this publication, were made by General (Retired) Barry R. McCaffrey at the Keystone Leadership Summit on 7 November 2008.

General (Retired) Barry C. McCaffrey *served in the United States Army for 32 years, retiring as a four-star general. At his retirement, he was the most highly decorated four-star general in the U.S. Army, having twice been awarded the Distinguished Service Cross, the nation's second highest award for valor. He was also awarded two Silver Stars and received three Purple Heart medals for wounds sustained in his four combat tours. For five years after leaving the military, General McCaffrey served as Director of the White House Office of National Drug Control Policy. Upon leaving government service, General McCaffrey served for five years as the Bradley Distinguished Professor of International Security Studies at the U.S. Military Academy at West Point, where he continues to serve as an adjunct professor of international affairs.*

JA Spouse Connection

A private tour of the Central Intelligence Agency (CIA), tea and tour at the National Cathedral, and lunch with the wife of the Chief of Staff of the Air Force were just a few highlights of the 2008 JA Spouse Connection that drew a record number of JAG Corps spouses to the KEYSTONE Leadership Summit this year.

Mrs. Suzie Schwartz, wife of General Norton Schwartz, entertained and informed the spouses during a luncheon in her honor, as she shared stories about her life as a military spouse, base housing, and her passion for the Fisher House and the Military Child Education Coalition. She encouraged spouses to get involved in military-related activities and broaden their experiences, and she discussed how she balanced her career and her involvement as a military spouse.

Spouses got a bonus when they joined service members in a keynote session to hear General Schwartz candidly respond to questions from the audience, and to share his vision for the future. Other high-profile KEYSTONE speakers also drew high praise from spouses who attended the general sessions.

Separate Spouse Connection sessions allowed JA spouses—officer and enlisted; active duty, Guard and Reserve—to get new insight into the assignment and deployment process, discover details on new programs and legislation that benefit military families, and to have a spouse-only Q&A time with Lieutenant General Jack Rives, The Judge Advocate General.

In addition, Shelly Creasy shared protocol tips and Deputy Judge Advocate General, Major General Charlie Dunlap, welcomed spouses and responded to their questions.

The Spouse Connection is not government-funded, but each year more and more spouses attend KEYSTONE and choose to attend sessions and events designed especially for spouses. Monday's kickoff luncheon hit an all-time high with 44 spouses, and the visit to the National Cathedral, organized by Linda Harding, attracted more than double the number of spouses who attended the 2007 excursions. The exclusive tour of the CIA, which is not open to the public, and its museum of the Afghanistan conflict, artifacts, and tools of the trade drew the largest number to ever attend a Spouse Connection excursion.

The Spouse Connection event is more than sightseeing and speakers; spouses also shared tips and insight in interactive exchanges on various topics such as healthcare, deployment support, and services like commissaries and childcare. Prior to the event, they also submitted ideas on how to best handle deployments and to help children with

Mrs. Linda Harding presents a gift to Mrs. Joy Dunlap

PCS moves. Helpful hints for new JAG Corps spouses were also shared.

Since many JA spouses are experts in entertaining and cooking, the creation of a cookbook emerged as a suggestion during the 2007 Spouse Connection. Submissions by numerous spouses and the organizational skills of Kathy Lepper turned that vision into a reality in 2008. Spouse Connection participants received the compiled recipes via e-mail prior to this year's conference.

A diverse group of spouses participated in the Connection, including those with careers and those who volunteer (several of whom serve on officers spouses club boards). Males and females; retired military and currently serving military; and newly-married and long-term spouses, united to share common interests, concerns, and ideas. In order to find out about each other's interests in advance, 53 spouses submitted profiles and contact information that was compiled and sent out via e-mail. Two seated lunches and two casual lunches gave spouses lots of time to get to know each other during the week.

Those who attended the exchanges and events received not only useful information on various programs, associations, scholarships, organizations, and activities, but also mementos and materials from military support organizations, including the Air Force Band, HealthNet, the Military Child Education Coalition, the Military Impacted Schools Association, the Defense Commissary Agency, the National Military Family Association, and the Military Officers Association of America.

Three authors generously donated their books as a thank you to spouses for their service. Elaine Gray Dumler provided I'm Already Home...Again, Michelle Bain provided The Adventures of Thumbs Up Johnnie – Thumbs Up to the Red, White and Blue, and Kathleen Edich and Paula J. Johnson provided We Serve Too! The books by Dumler and Edich and Johnson supported this year's Spouse Connection focus on deployment support.

Although the Spouse Connection was created and is coordinated by Joy Dunlap, an entire team contributed to the success of this year's event. Spouse Connection team members included: Shelly Creasey, Carsey Dyer, Linda Harding, Angie Jarreau, Kathy Lepper, Judy O'Conner, Deb Watson, and Tamie Whiteman.

Air Force Major Candace Hunstiger served as this year's liaison to the Spouse Connection for the Keystone team.

This year marked the fourth year of the Spouse Connection event, which debuted at the first Keystone in 2005. The Spouse Connection continues year-round with monthly e-mail newsletters to more than 500 JA spouses. Spouses who did not attend this year's Spouse Connection can still benefit by signing up to receive the free independent newsletter, which is packed with information about quality of life issues and resources for military families. To get connected, send an e-mail to Joy Dunlap at joyfulmkt@aol.com; mention Spouse Connection in the subject line.

Lt Gen and Mrs. Rives offer a toast at Keystone 2008

The JAG Corps -- Looking Ahead

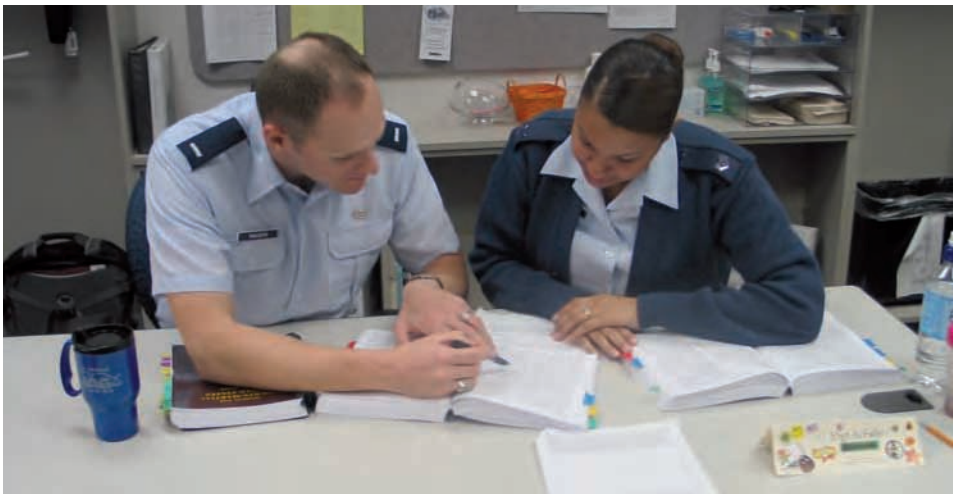
At the close of our last KEYSTONE Leadership Summit in Atlanta, we could not have anticipated or predicted many of the things that occurred over the past year. The Air Force has new leadership, including a new Secretary and a new Chief of Staff. We have addressed problems with our nuclear mission. We are preparing for the creation of the new Global Strike Command.

Within the JAG Corps, we created four new Field Support Centers. We initiated efforts to refocus on military justice. Our people have made remarkable use of our video teleconference capability. These are examples of the big changes that continue to shape our future.

The messages from our speakers during KEYSTONE 2008 addressed many of these changes. General Chiarelli gave a powerful presentation, advising us to broaden our horizons and challenging us as judge advocates and paralegals to ask the hard questions. He encouraged us to use our legal training as we give straight talk to our commanders. General Chiarelli's advice is easy for us to follow, because it's precisely what members of the JAG Corps do every day.

Our speakers also addressed the importance of our fellow Airmen. Rabbi Resnicoff challenged us to touch and change the lives of others. He told the story of the turtle that had been adopted by a family of birds. No matter how much the turtle tried, he could not fly. As we welcome new members of the JAG Corps and of the broader JAG Corps family, we must treat them as our young birds and not as turtles. We must teach them to fly. In fact, our task is to transform them into eagles, who live up to the Guiding Principles of the JAG Corps: Wisdom, Valor, and Justice. We begin inculcating the new members of our Corps at the JAG School, during the Paralegal Apprentice Course and JASOC. When they leave the school, we turn them over to you to continue to their development and teach them to live the Guiding Principles of the JAG Corps.

Secretary Donley spoke about the importance of our organizational changes. He called JAG Corps 21 a "cultural sea change" for how we deliver legal services at a time when our Air Force needs them the most. In response to a question about enterprise-level change, the Secretary said to be bold and not to hold back. He pointed out that this is a



great year of big opportunity, and that we should think big. What a great charge from the Secretary of the Air Force. What a great opportunity we have, to think big and to be bold.

Several speakers at KEYSTONE commented on the importance of technological innovations. Professor Lederer emphasized the technical revolution, and he spoke about cutting edge technologies that today's law students are using right now. That's where we must be in the JAG Corps.

We were privileged to hear from General Schwartz, the Air Force Chief of Staff. He spoke about new opportunities, and he told us of his experiences and how he has learned that legal advice in the Air Force is given with precision and reliability. General Schwartz emphasized the need for us to invest ourselves in the mission. Everything is tied to the mission, and our legal professionals must understand the mission of their organizations and be the leaders in mission accomplishment.

Members of the JAG Corps enable good things to happen for the United States Air Force. General Schwartz emphasized that it is very important to do the right things the right way. Of course, that is what people in the JAG Corps do. It is a part of our mission, which is reflected in our mission statement: doing the right things for the right reasons.

All of this is just a sampling of the insights and perspectives that we discussed at KEYSTONE. Our speakers all spoke of the exciting world in which we live and how changes are shaping our future. We are building on 60 years of our JAG Corps heritage as we plan the evolution of our practice and operations. JAG Corps 21 initiatives provide our vehicle for change, and it will ensure that we as a Corps adapt well to future challenges and opportunities.

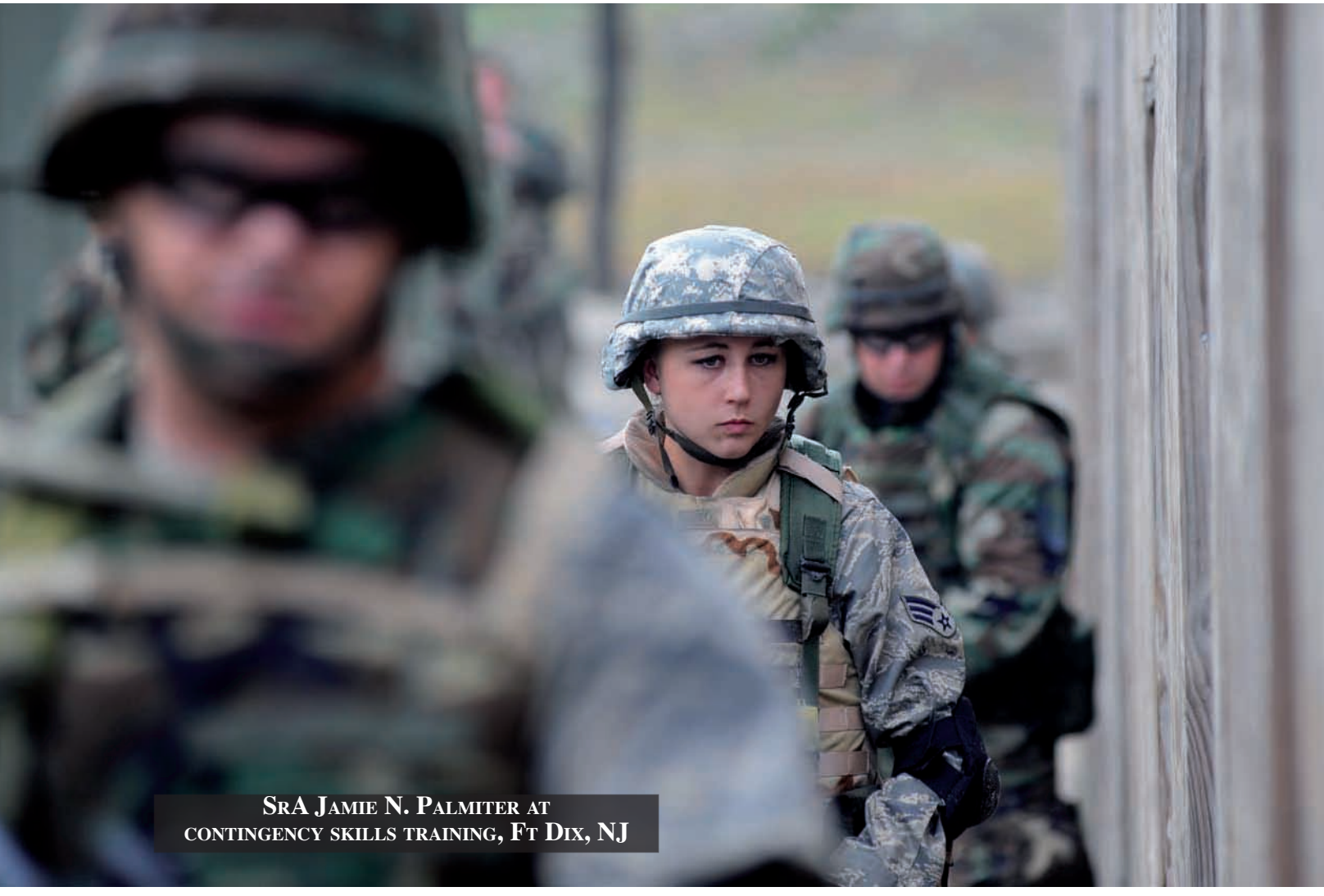
The KEYSTONE Summit lasts a week, but the spirit of KEYSTONE stays with us through the year. Recall the meaning of the KEYSTONE symbol. The keystone is the most important stone. It is at the top; that's where leaders are. It locks the other stones into place; that's what leaders do.

We are reminded of the JAG Corps students of years past who answered the call of our Nation by saying, "Here we are, send us." Now a new generation of Airmen is training as judge advocates and paralegals at our JAG School. They, too, have answered the Nation's call. They come to you trained and excited to work in the world of JAG Corps 21 opportunities. They thrive in a world of change, and they are expecting to implement change. They are ready for you to lead them to the Corps' new horizons. Your leadership and your vision are critical. Be the Keystone of your office, and develop tomorrow's leaders.

Thank you very much for your dedication as we continue to serve the greatest Air Force in the world.

The previous remarks, which have been edited for this publication, were made by Lieutenant General Jack L. Rives at the KEYSTONE Leadership Summit on 7 November 2008.

FALL 2008 STUDENTS AT THE JUDGE ADVOCATE GENERAL'S SCHOOL



SrA Jamie N. Palmiter at contingency skills training, Ft Dix, NJ

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